



CITY PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 21st November, 2013
at 1.30 pm

MEMBERSHIP

Councillors

P Gruen	M Hamilton	R Procter	T Leadley	D Blackburn
N Taggart (Chair)		G Latty		
S Hamilton				
E Nash				
N Walshaw				
M Ingham				
J Cummins				
J Lewis				

**Agenda compiled by:
Angela 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 15.2 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 15.2, 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>	
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>	
4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY 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 13-16 of the Members' Code of Conduct.</p>	

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5			APOLOGIES FOR ABSENCE	
6			MINUTES To approve the minutes of the City Plans Panel meetings held on 17 th October 2013 and 24 th October 2013 (minutes attached)	3 - 32
7	Morley South		APPLICATION 13/00902/OT - LAND AT OWLERS FARM, WIDE LANE MORLEY LS27 To consider a report of the Chief Planning Officer on an outline application for circa 125 dwellings (report attached)	33 - 54
8	City and Hunslet		APPLICATION 13/03647/OT - LAND AT GLOBE ROAD AND WATER LANE HOLBECK LS11 To consider a report of the Chief Planning Officer on an outline application to erect mixed use development with hotel, residential, A2/A3/A4/A5/B1/D1 uses and car parking	55 - 72
9	City and Hunslet		APPLICATION 13/04581/FU - CITY CAMPUS CALVERLEY STREET LS1 Further to minute 48 of the City Plans Panel meeting held on 29 th August, where Panel considered a pre-application presentation on proposals for new student accommodation buildings, to consider the formal application for 465 student bedroom development comprising two blocks of 16 and 12 storeys and retail use (A1/A3 or A5) of 144 sqm (report attached)	73 - 92

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10	Wetherby		<p>APPLICATION 13/03061/OT - THORP ARCH ESTATE WETHERBY LS23 - POSITION STATEMENT</p> <p>Further to minute 75 of the City Plans Panel meeting held on 26th September 2013, where Panel considered a position statement on proposals for a major residential development, with associated parking, landscaping, primary school, village centre, retail development, sports pavilion, play area, amenity space and associated off site highway works, to consider a further report of the Chief Planning Officer on the latest position in respect of these proposals</p> <p>(report attached)</p>	93 - 172
11	Kippax and Methley		<p>APPLICATION 13/02771/OT - LAND OFF GREAT NORTH ROAD MICKLEFIELD LS25</p> <p>To consider a report of the Chief Planning Officer setting out the current position on an outline application for the erection of residential development, landscaping, open space and incorporating associated new access – (layout, appearance, landscaping and scale reserved)</p> <p>(report attached)</p>	173 - 186

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12	Kippax and Methley		<p>PREAPP/13/00924 - LAND OFF GREAT NORTH ROAD MICKLEFIELD LS25 - PRE-APPLICATION PRESENTATION</p> <p>To consider a report of the Chief Planning Officer on pre-application proposals for residential development</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>	187 - 194
13	City and Hunslet		<p>PREAPP/13/00594 - OTTER ISLAND, OFF WELLINGTON ROAD HOLBECK - PRE-APPLICATION PRESENTATION</p> <p>To consider a report of the Chief Planning Officer setting out pre-application proposals for residential development</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>	195 - 202

Item No	Ward	Item Not Open		Page No
14	City and Hunslet		<p>PREAPP/13/00990 - FORMER LUMIERE DEVELOPMENT LAND, WELLINGTON STREET LS1 - PRE-APPLICATION PRESENTATION</p> <p>To consider a report of the Chief Planning Officer on pre-application proposals for part 11 storey, part 7 storey office building with ground floor commercial uses</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>	203 - 210
15			<p>DATE AND TIME OF NEXT MEETINGS</p> <p><u>Tuesday 10th December 2013 at 1.00pm – additional meeting</u></p> <p>Thursday 12th December 2013 at 1.30pm</p>	

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Chief Executive's Department
Governance Services
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To all Members of City Plans Panel

Contact: Angela M Bloor
Tel: 0113 247 4754
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Your reference:
Our reference: site visits
Date 12th November 2013

Dear Councillor

SITE VISITS – CITY PLANS PANEL – THURSDAY 21ST NOVEMBER 2013

Prior to the meeting of City Plans Panel on Thursday 21st November 2013, the following site visits will take place:

9.15am		Depart Civic Hall
9.30am	Kippax and Methley	Great North Road Micklefield LS25 – 13/02771/OT and Preapp-13/00924 – position statement on outline application for residential development and pre-application proposals for residential development – depart 10.00am
10.20am	Morley South	Land at Owlers Farm, Wide Lane Morley LS27 – 13/00902/OT - outline application for circa 125 dwellings - depart 10.50am
11.00am	City and Hunslet	Otter Island, off Wellington Road Holbeck – preapp/13/00594 – proposed residential development – depart 11.30am
11.40am	City and Hunslet	City Campus, Calverley Street – 13/04584/FU – 465 student bedroom development comprising two blocks of 16 and 12 storeys and retail use (A1/A3 or A5) of 144sqm
12 noon approximately		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at **9.15am**. Please notify Daljit Singh (Tel: 247 8010) if you wish to take advantage of this and meet in the Ante Chamber at **9.10am**.

Yours sincerely

Angela M Bloor
Governance Officer



CITY PLANS PANEL

THURSDAY, 17TH OCTOBER, 2013

PRESENT: Councillor N Taggart in the Chair

Councillors D Blackburn, M Hamilton,
S Hamilton, G Latty, T Leadley, M Ingham,
J Cummins, J McKenna, M Harland,
B Anderson and A McKenna

77 Chair's opening remarks

Councillor Taggart welcomed everyone to the meeting and thanked all Members for their good wishes which had been sent to him following a major operation, particularly those Members who had chaired City Plans Panel meetings in his absence. He advised that following the meeting on 24th October, he was scheduled for further treatment which may require him to be absent from some meetings

He referred to the recording of meetings and stated that although no request to do this had been made for this meeting, where a request was made, it was for the Panel to take a view on

78 Late Items

Although there were no formal late items, the Panel was in receipt of the following additional information:

- a supplementary report relating to the extent of the Public Open Space (POS) provision affected by the NGT proposals and the compensatory measures proposed in mitigation

79 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests

80 Apologies for Absence

Apologies for absence were received from Councillors P Gruen; E Nash; J Lewis and R Procter, with Councillors J McKenna; Councillor Harland; Councillor A McKenna and Councillor Anderson substituting for their respective colleagues

The Chair also gave apologies for absence from Councillor Walshaw and stated that as a member of the West Yorkshire Integrated Transport Authority, Councillor Walsh did not consider it appropriate to sit on the Panel

for this meeting and having taken advice, Councillor Walshaw had withdrawn from the meeting

81 Application 13/04318/TWA - Submission of the Transport and Works Act Order application for the New Generation Transport (NGT) scheme - update

Further to minute 15 of the City Plans Panel meeting where Panel considered a report of the Chief Planning Officer on the submissions of the Transport and Works Act Order (TWAO) application for the New Generation Transport (NGT) Scheme, to consider a further report updating Members on the outstanding planning issues arising from that meeting. Appended to the report was a schedule of proposed conditions being sought for deemed planning permission

Plans, photographs, drawings and graphics were displayed at the meeting. To assist Members when considering the route of the NGT, two screens had been provided, one showing the proposal in diagrammatic form and the other showing the site as it currently was, as depicted on Google Earth

The Deputy Area Planning Manager briefly set out the context and purpose of the meeting with Members being reminded that the role of the Local Planning Authority in this case, was of a statutory consultee and that it would be the Secretary of State for Transport and the Secretary of State for Communities and Local Government who would determine the application, with a Public Inquiry likely to be held in Spring 2014

Receipt of a further 11 letters of representation was reported, with Members being informed these raised issues about the impact of the proposals on heritage assets and Conservation Areas; details of the proposals to anchor fixings to specific buildings; the accuracy of plans relating to Buckingham House, with Members being informed that the newly built houses in this location were shown on the plans being used and the principle of the provision of a trolley bus scheme. On this last point it was stated that this concern was not for consideration as the Council had already decided to support the principle of a trolley bus scheme

A detailed letter from Leeds Civic Trust was read out for Members' information which whilst supporting the proposals in principle, recognised that the works needed for this would have an impact and suggested alternative solutions for some aspects and sought clarification on issues relating to finishes to public realm in key locations and the details of the support columns of the overhead line equipment

Representatives of the NGT team outlined the current position in respect of the submission of the TWAO and advised that the closing date for submissions to the Secretary of State was 31st October 2013

In terms of the proposed planning conditions, these now included provision for community use of the playing fields at Bodington; enhanced tree protection with replacement trees being required for any newly planted tree which died within the first five years of planting and a condition relating to employment and training

Draft minutes to be approved at the meeting to be held on 21st November 2013

Regarding overhead line poles, the intention was to have slender poles which would be subject to a detailed planning condition. Concerning Leeds Civic Trust's comments about fixing equipment to Holy Trinity Church on Boar Lane, powers to do this would be included in the TWAO but that negotiations would take place with Officers and representatives of the Church, to consider the exact method to be used for supporting the cables at this location

The Panel then considered the route of the NGT, north to south, on a section by section basis, with representatives of the NGT team providing an update on the changes made since the meeting held on 25th June 2013. The Chair advised that public speaking would take place after the introduction of each section of the route, with a maximum of three minutes being allowed per route section for representations to be made to the Panel on new issues

Holt Park to Otley Road/Otley Old Road junction – Otley Old Road to Bodington

The issues and changes along this section of the route were outlined to Members

Members were provided with the updated information in respect of the siting of recycling bins; the impact on the Wellbeing Centre; parking at Holt Park; traffic calming measures and University of Leeds playing pitches

The Panel heard representations from an objector, Mr Mann, Chair of Holt Park Residents Association, who attended the meeting and raised concerns which included:

- the impact of the scheme in view of major residential developments in the area
- the proposed route
- Holt Farm and the impact of the proposals on older people
- highways and parking issues

The Chief Planning Officer advised that the Holt Park Regeneration Strategy was currently out for consultation and that it was necessary to distinguish between this process and the NGT process, although the two were intended to align, where a series of issues, particularly around car parking would need to be addressed

Members commented on this section of the route and questioned representatives of the NGT team

In summary, the main areas of discussion related to:

- the contingency fund to mitigate against post implementation parking/TRO issue
- the potential conflict with bus routing and the number of bus movements per hour
- a lack of consultation with Ward Members on re-siting of the recycling bins
- the measures which should be taken to avoid the car park being used as an unofficial park and ride site
- the implications of the proposals on on-street parking

- the timescales involved if any mitigation measures were required
 - the proposed new crossings, with pelican crossings being favoured more than zebra crossings
 - the extent of the land take required for the overhead line equipment on a site to be used for housing
 - how the proposals related to the proposed extension to Lawnswood Cemetery
 - the loss of playing pitches, particularly competitive rugby pitches
- In addressing these issues, the following information was provided:
- that a sum of £100,000 was to be set aside for the post implementation contingency fund for residents' car parking schemes to cover the whole NGT route
 - that details of the number of bus movements would be obtained and provided to Members later during the day
 - that work would be carried out with bus operators to ensure the NGT proposals did not conflict with buses
 - that further informal consultation could be undertaken in respect of protecting residents' parking on surrounding streets
 - that further consultation would be carried out on the road safety issues and that the crossings would be subject to detailed design
 - that only a narrow strip of land on Holt Dale Approach would be required for the overhead line equipment and that this was not likely to encroach on the housing land
 - that the current position on proposals for extending Lawnswood Cemetery would be obtained and provided later in the meeting
 - that Sport England and the Rugby Federation had been party to the proposals for the playing pitches and were happy with what was being proposed

The Chief Planning Officer summarised the outstanding issues as being:

- information relating to the potential extension of Lawnswood Cemetery
- bus movements
- pelican crossings and pedestrian safety issues
- how the car park at Holt Park would be managed; whether a residents' parking scheme could be implemented and the amount of money in the contingency fund

The Chief Planning Officer suggested that Ward Members be involved in ongoing discussions on the outstanding issues

The Panel then considered the next section of the route

Lawnswood and West Park – Ancaster Road to Otley Road/Otley Old Road junction, including Lawnwood roundabout

The issues and changes along this section of route were outlined to Members

Members were provided with updated information in respect of pedestrian and cycle routes, including the provision of a new dedicated cycle lane as part of the revised proposals; the impact on Listed Buildings and were shown photomontages of the tree growth of the proposed new planting after 1 year and 15 years

The Panel heard representations from an objector, Mr Kemp, Member of West Park Residents Association, who attended the meeting who raised concerns including:

- highways issues
- the quality of materials proposed for this section
- impact of relocating service bays and bus shelters

Members commented on this section of the route and questioned representatives of the NGT team

In summary, the main areas of discussion related to:

- the surfacing materials proposed in the West Park Area; which should take into account the close proximity of the boundary of the Conservation Area and to ensure high quality materials which reflected the Conservation Area were used in this location
- that the decision on whether buildings would host fixings for cables should rest with the owners of the buildings
- the revised proposals which would now create a continuous cycle lane and that this was welcomed
- the relocation of a bus stop and shelter at West Park

The Chief Planning Officer summarised the outstanding issues as being:

- clarification of the quality of materials at West Park, especially around the shops in the context of adjoining Conservation Area
- the location of bus stops and bus shelters

Representatives of the NGT team advised that they would need to consider the points raised in detail and review the proposals before providing a response to these issues

The Panel then considered the next section of the route

Otley Road – Shaw Lane to Ancaster Road

The issues and changes along this section of the route were outlined to Members

The Panel was informed that enhanced planting in the form of larger trees and some super replacement trees was now proposed. Further changes were the introduction of a new pelican crossing, the relocation of a bus stop and the provision of a turning head which would aid deliveries to nearby premises. Reference was made to the site visit by Members which had taken place during the summer, in line with a request made at the meeting on 25th June 2013

Draft minutes to be approved at the meeting to be held on 21st November 2013

The Panel heard representations from two objectors, Mr Thomas and Mr Damdone, who attended the meeting and who raised concerns which included:

- the increase in traffic and the impact on the village environment
- highways issues
- the impact of the proposals on local businesses

Members commented on this section and questioned representatives of the NGT team

In summary, the main areas of discussion related to:

- the impact of planned and potential new residential developments in Adel on highways
- the traffic priority to be given to NGT with concerns that this would lead to traffic backing up on to Weetwood Lane, given the proposed new junction arrangements
- the impact of the proposals on local bus routes
- the existence of some housing for older people along the new access route and whether representations had been received from these residents
- access arrangements to the nearby car park for Bryan's Fish Restaurant, near to the junction of St Chad's Road and Weetwood Lane
- the possibility of an alternative solution to diverting part of Weetwood Lane and whether this could be accommodated in the TWAO

In addressing these issues the following information was provided:

- that the proposals were to divert the last, short section of Weetwood Lane to a new junction at St Chad's Road and that it would be possible to control the level of traffic using Weetwood Lane
- regarding traffic priority, that capacity could be monitored and could be altered if necessary to allow more traffic through before the lights changed
- that the junction had been modelled and potential growth considered, with the view that the proposals would make movements easier and would not lead to queuing traffic
- that currently the NGT team did not appear to have received any representations from residents at St Chad's Road but that these could still be with the Secretary of State
- in relation to the car park, discussions could take place with the owner about the provision of another access
- that if an alternative solution to the diversion of part of Weetwood Lane could be found, so long as it was within the Order limits, the change could be accommodated

The Chief Planning Officer summarised the outstanding issues as being:

- the location of the bus stop and fine tuning on how this would work

- further dialogue on the proposals to take place with the Weetwood Residents' Association and local businesses

The Panel considered the next section of the route

Headingley – Hyde Park Corner junction to Shaw Lane including Headingley Hill and section behind the Arndale Centre

The issues and changes along this section of the route were outlined to Members

The Panel was informed of the creation of a new area of public open space which would include tree planting; new pathways and a wild flower meadow. In respect of the issue raised at the June meeting about proposed paving on Headingley Hill, an upgrade was now intended, with Yorkstone being provided at this location

In terms of the impact of the proposals on the former Leeds Girls High School, it was stated that no further changes had been made since Panel was last consulted and that some limited demolitions would still be required

The Chair allowed a series of graphics, tabled by one of the objectors, to be circulated to the Panel for their information. The Panel heard representations from two objectors, Mr Wilson and Ms Randall, who attended the meeting and who raised concerns including:

- loss of historic buildings and mature trees
- the impact of the proposals on Headingley and its residents
- the impact of the proposals on St Columba's Church
- the replacement tree planting and the maintenance of this

Members commented on this section and questioned representatives of the NGT team

In summary, the main areas of discussion related to:

- the lighting proposals behind the Arndale Centre; the importance of ensuring this should be at a safe level for local residents and pedestrians and the need to focus on human safety rather than the safety of foraging bats as a priority
- loss of some mature trees; the need to ensure that replacement species were properly maintained to enable them to flourish and for resources to be factored in to achieve this
- the importance of ensuring there were strict conditions to control the replacement tree planting and long-term maintenance

In addressing these issues, the following information was provided:

- that there was a balance to be struck between safeguarding bat habitats and the safety of pedestrians and residents. Whilst detailed discussions were to be had on this matter, that what would be provided would be low level and directional lighting which would provide illumination in line with safety and highways standards

The Chief Planning Officer summarised the outstanding issues as being:

- the proposed condition 7 relating to the landscaping scheme should list the new public open space
- the proposed condition 13 relating to lighting should specify the area behind the Arndale Centre

The Panel then considered the next section of the route

Woodhouse Moor – Hyde Park Corner junction to Clarendon Road

The issues and changes along this section of the route were outlined to Members

Members were informed that the size of the new grassed area had been increased and there would be improvements to the steps and area around the monument

The Panel heard representations from an objector, Mr McKinnon, Member of Friends of Woodhouse Moor, who attended the meeting and who raised concerns which included:

- that replacement land was not being offered
- that a similar scheme in Liverpool had not been granted
- safety issues

Members commented on this section of the route and questioned representatives of the NGT team

In summary, the main areas of discussion related to:

- that the original intention for this section was for the trolley bus to run on the road and why this had been changed
- traffic flow; that traffic volume had not decreased and that the period for peak traffic was extending
- Monument Moor; that the current open area should be retained as grassland rather than a wild flower area as this could be better used by local residents in good weather
- that local residents' groups should be consulted on the landscaping proposals to Monument Moor
- the level of noise from trolley buses

In addressing these issues, the following information was provided:

- that minimising the loss of trees and the opportunity to avoid potential congestion at the right turn onto Clarendon Road had been the reason why the NGT would not run on the road at this point
- that the proposals to include a wildflower section had been in response to a request from a local Ward Member; were limited to only part of the open space and would enhance its quality
- that although trolley buses were quieter than diesel buses they were not silent and were considered not to pose a road safety risk

The Chief Planning Officer summarised the outstanding issues as being the need for further discussions to include local residents' groups as to how the landscaping proposals to Monument Moor could be refined and improved

The Panel then considered the next section of the route

Universities area – Clarendon Road to Cookridge Street

Members were informed that there were no changes to this section, although there would be some encroachment on to land at the College of Art. A further NGT stop had been included which would serve the Metropolitan University, although a final decision on whether this would be provided had not yet been taken. There were also some alterations around Cookridge Street to address traffic movements

The Panel heard representations from an objector, Ms Wonnacott, Principle of the College of Art, who attended the meeting and raised the following concerns:

- that the College of Art had not been informed of the proposals affecting the premises
- the impact of the land take at the College on its setting and on safety grounds for its staff and students

Members commented on this section and questioned representatives of the NGT team

In summary, the main areas of discussion related to:

- the impact of the proposals on the College of Art and why these had not been presented previously and the lack of consultation with the College
- the funding for the reconfiguration of the entry to the Rosebowl car park; parking issues outside the O2 Academy and traffic movements from Cookridge Street out of the city centre and Portland Crescent on to the highway network

A representative of the NGT team apologised to the Principal of the College of Art for the lack of consultation over the requirement for an area of land and stated that the NGT team wished to commence constructive dialogue with the College on this issue

In addressing the points which had been raised by Members the following information was provided:

- that alternatives to requiring land at the College of Art had been investigated but that the necessary highway works to provide a right turn could not be accommodated at Blackman Lane. Regrettably, the NGT team had concluded that some land take would be appropriate and would be happy to investigate this further
- that the access reconfiguration to the underground car park at the Rose Bowl would be funded by NGT and that the new roundabout at the Dry Dock would allow for journeys out of the city centre to be made, but in a different way from the current arrangements

Concerning the requirement for land owned by the College of Art, a site visit was proposed to enable Members to better understand the situation which had now been brought to their attention. It was agreed this would take place as an additional visit to those proposed on 24th October 2013

Draft minutes to be approved at the meeting to be held on 21st November 2013

Members were informed that the additional information they had sought regarding the number of bus movements at Holt Park and the position of expansion proposals to Lawnswood Cemetery had been obtained

In peak traffic, there were currently 17 buses per hour at Holt Park and the NGT proposals would add a further 5 journeys per hour. However, it was stressed that as it was a de-regulated industry, these numbers could change

In respect of Lawnswood Cemetery, the Chief Planning Officer stated that whilst an expansion of this had been considered, it had been concluded that mitigation measures required for the loss of sports facilities would be significant and that alternative sites at Whinmoor and Elmete were being considered to ensure sufficient burial capacity

At this point in the meeting the Panel was informed of two late letters of support received from Muse Developments and Allied London.

Members noted these letters of support.

City Centre – Cookridge Street to New Dock.

The issues and changes along this section of route were outlined to Members.

The Panel heard representations from an objector, Ms Carey Jones, who attended the meeting and who raised concerns which included:

- the encroachment on green spaces and loss of mature trees in the City in constructing the NGT route; and
- the potential negative impact the scheme would have on Millennium Square.

Members questioned the NGT team about the precautions that would be put in place to ensure the safety of pedestrians on Millennium Square.

The NGT team commented that speed restrictions would be in place around the millennium square area. Furthermore it was put to the Committee that the main area of Millennium Square would be unaffected and that the environmental space on Cookridge Street would be enhanced with the planting of more trees. Both Millennium Square and City Square had been designed with the proposed NGT route in mind

New Dock to Stourton

The issues and changes along this section of route were outlined to Members.

The Panel heard representations from two objectors, Mr Liptrot and Mr Heaton, who represented 11 landowners and businesses in the area and who raised concerns which included the potential difficulties in accessing Pym Street and the effects this might have on businesses in the area

The NGT team confirmed that they had canvassed opinion of residents affected by the proposed route in and around Belle Isle Circus to establish views on the scheme and that they would continue to do so. It was also confirmed to the Panel that a new substation would be constructed at the park and ride site which would be hidden from view through careful landscaping.

Members discussed the businesses in Pym Street giving consideration to effects of the proposed trolley bus route on these businesses. Members also noted that the recession could have played a part in the recent struggle of some businesses in the area. Alternative access routes to Pym Street were considered by Members.

The NGT team highlighted proposed access routes for Pym Street.

It was requested by the Chair that further consideration was given to the options for accessing Pym Street and that these be included within the next report to the Panel on November 21st 2013.

RESOLVED –

(a) That the Panel provide its support to the details of the project set out in the submitted report subject to the various changes and revisions and amendments to conditions set out in the above minute and continued dialogue with key affected groups

(b) That with regards to the compulsory purchase of land owned by the Leeds College of Art that a visit take place prior to the next meeting and that a progress report on these proposals be submitted for Members' consideration;

(c) That a progress report be received in relation to the effect of the trolleybus route on the access arrangements to the businesses on Pym Street

(d) That the NGT team continue further dialogue with the groups as requested by the Plans Panel

82 Date and Time of Next Meeting

Thursday 24th October 2013 at 1.00pm in the Civic Hall, Leeds

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CITY PLANS PANEL

THURSDAY, 24TH OCTOBER, 2013

PRESENT: Councillor N Taggart in the Chair

Councillors D Blackburn, M Hamilton,
S Hamilton, G Latty, T Leadley, E Nash,
N Walshaw, M Ingham, J Lewis,
C Macniven, J McKenna and J Procter

83 Chair's opening remarks

Councillor Taggart welcomed everyone to the meeting and announced that following a recent hospital visit, he had been told that the operation he had undergone in the summer had been successful and that further treatment was not necessary. This news was met with a round of applause

The Chair referred to the additional site visit which had been made earlier in the day to view the College of Art site at Blenheim Walk in light of matters raised at the meeting on 17th October 2013 regarding the NGT and stated that one of the first items to be discussed would be issues arising out of the visit

The Chair also informed Members of the need for an additional City Plans Panel meeting in early December to consider the proposals for the East Leeds Extension. Several options were discussed, with the Chair favouring Tuesday 10th December. It was pointed out that there was an East Outer Area Committee on that day at 4.00pm, which involved several Members from the Panel. The Chair noted this and stated that every effort would be made to ensure the additional Plans Panel meeting ended before that time

84 Late Items

Although there were no formal late items, the Panel was in receipt of a late letter of representation on behalf of the applicants of the proposals for an Energy Recovery Waste Facility at Bridgwater Road. A copy of this letter had been circulated to Members in advance of the meeting (minute 94 refers)

A revised site visit letter had also been circulated which had included the additional visit to the College of Art

85 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests, however the following matters were brought to the attention of the Panel:

Councillor J Lewis and Councillor J Procter brought to the Panel's attention their membership of the West Yorkshire Integrated Transport Authority, in view of the discussions which would take place on the NGT proposals in respect of its impact on the College of Art. Both Members

advised that they would take no part in any discussions on this matter (minute 87 refers)

Councillor Ingham brought to the Panel's attention that the position statement on proposals for an Energy Recovery Facility at Bridgewater Road was sited in her ward (minute 94 refers)

Councillor Leadley brought to the Panel's attention that he was the Chair of the Morley Town Council Planning Committee which had objected to the proposals for an extension to the Cottingley Springs site, being considered as a position statement (minute 97 refers). On this same matter, Councillor Leadley also advised that he was the Chair of the Lee Fair Committee which ran the largest and oldest gypsy and traveller horse fair in the country

86 Apologies for Absence

Apologies for absence were received from Councillor J Cummins; Councillor P Gruen and Councillor R Procter. The Chair welcomed Councillor J McKenna; Councillor C Macniven and Councillor J Procter who were substituting for their respective colleagues

87 Site visit to the College of Art - Blenheim Walk

The Chair referred to the visit Members had made earlier in the day to the College of Art to view the site in order to better understand the NGT proposals which required an area of land from the College

Members had considered the proposed changes to the road junction which would affect the premises; had considered the extent of the proposed land take and the impact of the proposals on the side entrance of the College which operated as a fire exit

Members commented on the following matters:

- that the proposal to remove the trees and replace with a wall was not acceptable
- that the trees marked for removal could be retained
- that the loss of the pavement at the front entrance was not acceptable; that emergency access arrangements had to be preserved; that an adequate footpath width was required and that the proposals for the junction should be reconsidered
- that St Mark's Road was wide at the junction and whether this junction could be reconfigured to better accommodate the proposals
- that this issue had not been flagged up to Members in the workshops on the NGT

RESOLVED - To note the comments now made and that a progress report on this matter be submitted to the next City Plans Panel meeting

88 Minutes

RESOLVED - That the minutes of the City Plans Panel meetings held on 19th September 2013; 26th September 2013 at 1.15pm and 26th September 2013 at 1.30pm be approved

89 Application 13/02619/OT - Outline application for 3 office buildings, multi-storey car park and pavilion unit with ground floor food, drink and gym uses and public realm - Whitehall Riverside Whitehall Road LS1

Further to minute 126 of the City Plans Panel meeting held on 9th May 2013, where Panel received a pre-application presentation on proposals for a mixed-use development at Whitehall Riverside, Members considered the formal application

Plans, photographs, graphics and precedent images were displayed at the meeting

Officers presented the report

There was widespread support for the scheme which was considered to relate well with existing and proposed buildings at the site. Officers agreed to consult with Councillor Nash on the proposed tree species at Reserved Matters stage

RESOLVED - To defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions (and any others which he might consider appropriate), and following the completion of a Section 106 Agreement to cover the following matters:

- Public transport contribution to be paid prior to occupation of each office building – maximum total sum £298,208 (index linked)
- Bus stop contribution £20,000 to be provided in second phase of off-site highways works (index linked)
- Car club spaces to be provided in the multi-storey car park from its opening to the public, and car club trial provision to be phased prior to occupation of each office building – maximum total sum £21,000 (index linked)
- Public access around the site to be provided prior to the occupation of each phase in accordance with the phasing plan
- Travel plan implementation and monitoring fee to be phased prior to occupation of each office building – maximum total sum £14,825 (index linked)
- Car park management plan to control short stay parking use of the car park including hours of opening, maximum stay and charging arrangements
- Employment and training opportunities for local people in City and Hunslet or any adjoining ward
- Management fee payable within one month of commencement of development - £2250

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

90 Application 13/04059/RM - Reserved Matters application for two 6 storey buildings with basement car parking and landscaping at Wellington Place (buildings 5 and 6) - corner of Whitehall Road and Northern Street LS1

Draft minutes to be approved at the meeting
to be held on Thursday, 21st November, 2013

Plans, photographs and graphics were displayed at the meeting
Officers presented a report seeking approval for Reserved Matters for two buildings which would form part of the Wellington Place development

Members were informed that although outline consent had been granted for buildings up to 11 storeys, a reduced scale was being proposed at 7 storeys fronting Whitehall Road, sloping down to the north to 5/6 storeys. A smaller scale building was currently being constructed on plot no. 10, and it was felt that the reduction in scale related better to the historic lifting tower on the site

In terms of landscaping, high quality permanent landscape was being provided, with good quality temporary landscaping being provided until a time when that area came forward for development

The Design Team Leader stated that Members had played an important role in securing a series of elegant buildings for the site

Members were pleased with the Reserved Matters proposals, as presented

RESOLVED – To approve the application in principle and to defer and delegate the final decision to the Chief Planning Officer, subject to variation of the existing S106 agreement to bring forward payments and make an additional payment of up to £270,000 by the applicant to assist in the provision of the Whitehall Road/Northern Street junction improvements to provide pedestrian crossing facilities and to commit to submitting new reserved matters applications to reduce the height of the development across the whole site to accord with the current proposals

91 Application 13/03191/FU and 13/03192LI - Linear flood defences along the River Aire; removal of Knothrop Cut, Water Lane to Woodlesford and listed building application for alterations to listed buildings to provide flood defences along the River Aire, Water Lane to Woodlesford

Further to minute 125 of the City Plans Panel held on 9th May 2013, where Panel considered a pre-application presentation on proposals for flood defences along the River Aire, to consider the formal applications

Plans, photographs, drawings and graphics were displayed at the meeting. A Members site visit had taken place on 22nd October 2013, which had included a river trip to enable Panel to better understand the proposals

Officers presented the report and outlined the location of the defences and the different types proposed

Regarding Knothrop Cut, Members were informed that 600m of this would be removed, with the spoil being reused. The Trans Pennine Trail would also require relocating at this point and that discussions on this would continue with all parties

A late representation from the Canal and Rivers Trust was reported but it was stated that this raised no new issues. A late representation from the owners of the site to the north of Hol Beck was also reported seeking further details about the necessary access works to the raised footbridge locations and for this to be agreed with the Highways Authority. The Deputy Area Planning Manager advised that initial design work had shown that disabled access ramps could be accommodated within Water Lane to provide access

to the footbridge connections without preventing two-way traffic movements along Water Lane. Further dialogue would continue with the adjacent land owner and the Highways Authority on this matter. However the footbridge connections and associated highway works would be delivered with the adjacent development proposals and not by the Flood Alleviation Scheme

Members commented on the following matters:

- the need to involve Ward Members in discussions on the relocation of the Transpennine Trail and on any further amendments to the scheme as presented
- whether the proposals would affect the current route of the Transpennine Trail under Aberford Road
- complaints by local residents of noise from the new weirs which have been installed
- whether by removing part of Knostrop Cut, this could affect the navigation of the river
- the durability of the glass panels being proposed in the city centre and the maintenance of them
- whether dredging could take place to increase river capacity
- the usefulness of the boat trip and the need to consult with boat users on any future proposals, in view of their local knowledge and expertise
- the spoil from Knostrop Cut; the possibility of removing this by boat and that it could be used for grass banking at Woodlesford
- the impact of the scheme on flooding further down towards the Kippax and Methley Ward and beyond, to Castleford
- the length of time taken for a scheme to come forward and that the applicants should be congratulated on designing a scheme which minimised the impact of the defences on properties
- the wall adjacent to Hol Beck and whether some of the history and heritage could be reflected in the design of this
- the need for an adequate maintenance regime to ensure that Hol Beck did not become clogged with litter

The following responses were provided

- that Ward Members would be consulted on the relocation of part of the Transpennine Trail as options developed and in the event that further amendments were proposed to the scheme as set out before Panel
- that the FAS would not affect the Transpennine Trail route under Aberford Road
- that the river would remain navigable after the removal of a section of Knostrop Cut
- that the glass panels to be used in the scheme were designed for public open space and were resistant to vandals. In terms of after care, a budget for repair and maintenance was included in the scheme
- that dredging was considered as an options but it had been undertaken in the recent past and was likely to provide more limited benefit than removing part of Knostrop Cut. Without removing Knostrop Cut there would be a need for 2.5m high

walls/barriers at Turlow Court to achieve the same level of flood defence

- that materials, including the stone would be reused where possible, especially on the Transpennine Trail relocation and that the spoil would be removed by boat
- that modelling of the scheme had been undertaken down to Castleford, with a 10cm difference in the before and after river level at Woodlesford, with the difference not being measureable at Allerton Bywater, Methley or Castleford
- that litter was a problem and that the Council and voluntary groups could help with this

In summing up the debate, the Chair echoed previous comments that the scheme as presented was a great improvement on previous proposals and congratulated all those involved

RESOLVED -

Application 13/03191/FU

To approve in principle and to defer and delegate approval to the Chief Planning Officer to allow the expiry of the additional consultation period and to address any issues that may arise during that period and subject to any conditions deemed necessary

Application 13/03192/LI

To approve in principle and to defer and delegate approval to the Chief Planning Officer to allow the expiry of the additional consultation period and to address any issues that may arise during that period, subject to any conditions deemed necessary and to allow the application to be referred to the Secretary of State for the Department of Communities and Local Government

92 Application 13/03499/LA - Full application for use of vacant site as new park and ride facility - Car Park D Elland Road LS11

Plans and photographs were displayed at the meeting

Officers presented the report which sought approval for a park and ride facility on land at D car park, Elland Road, with the Council being the applicant

Members were informed that the site was currently used for match day parking only and that the proposals were for a park and ride site comprising approximately 424 car parking spaces to be formally laid out, which would include some disabled parking spaces. An overspill area would also be made good for over 300 spaces. Bus shelters, ticket machines and portacabins for staff would also be provided

A bus service of 15 minute frequency would operate which would run into the City Centre via Elland Road to Boar Lane and would return via the M621

The park and ride facility would operate Monday – Saturday, although the facility would not operate on Saturdays when there was a home match

Concerns about the impact of the proposals had been received from Ward Members and local residents

Officers considered that the scheme would not increase the amount of traffic and would result in traffic being diverted from the local residential areas.

In terms of air pollution, it was acknowledged there was an existing problem in the area but by removing traffic from hotspots, this could improve the levels of air pollution

The receipt of a representation from Eurocabs Hackney Carriage Association was reported, which included a request for taxi provision in the scheme. Members were informed that whilst this could be accommodated it would not be in the spirit of the proposals but that if it was to be included, further consultation and a fresh planning application would be required

Members discussed the application and commented on the following matters:

- the special buses which operated to take fans from the City Centre to Elland Road and whether these would use the proposed facilities
- the proximity of Elland Road to the City Centre, in view of most park and ride sites being located a significant distance from a town or city centre
- the proposed frequency of the park and ride buses in view of the existing bus services which ran along Elland Road at a frequency of approximately 6 minutes at peak time
- the number of stops en route into the City Centre
- the extent of the survey work which had been undertaken to consider suitable sites
- whether there would be provision for cyclists
- the impact of the proposals on the popular Valentine Fair and the loss of some land to a recently approved application for an Ice Rink
- concerns about the speed in drawing up the proposals to secure the facility and the lack of important detail such as the quality of the landscaping to be provided and how people would be attracted to use the park and ride
- the use of portacabins and that if the site did become a permanent park and ride that portacabins would not be appropriate
- that the proposals would take cars off the M621 and divert them to the Ring Road with concerns that a greater level of congestion would result
- that a substantial landscaping plan was required, rather than a green fringe which was indicated on the plans
- the need for a further report to be presented to Panel on the situation regarding the number of illegal car parks on the fringe of the City Centre

The following responses were provided:

- that the existing bus provision in the area would not change
- that the distance of the site to the City Centre was similar to a park and ride site in York and that although sites further out had been examined, the Elland Road site fit the criteria as it was a brownfield site; was in Council ownership and could be implemented quickly

- that the intention was for the park and ride facility to stand alone, rather than utilise existing bus services which were also located outside the site
- that three stops would be provided into the City Centre so the journey would be fast
- that a large traffic model had been created to ascertain the destinations of drivers on three main routes
- that some cycle storage would be provided
- that the Valentine Fair could still be accommodated and would be sited on Council owned land to the rear of the site

The Chief Planning Officer referred to the smaller site which was confirmed could be a development plot. In view of this, the Chief Planning Officer suggested that as this was a strategic location there should be a distinction drawn in any planning permission between the permanent facility and the temporary element, with a condition to time limit the temporary use to a maximum of 5 years, although this could be varied if no development proposals for that part of the site had come forward

In summing up the debate, the Chair referred to the problems of car parking in the City Centre; that the facility would reduce the number of car journeys; lead to improved levels of air pollution and considered that the proposals would not increase traffic queues at the M621 or the Ring Road

The Panel considered how to proceed

RESOLVED - That the application be approved, subject to the conditions set out in the submitted report and further conditions which distinguished between the permanent and temporary facility and which time limited the temporary element to the use for park and ride facilities for a maximum of 5 years, with the possibility of varying this in the event no development proposals had come forward for the land

93 Position report on Waste Management Proposals in the Aire Valley Leeds

Further to minute 22 of the City Plans Panel meeting held on 4th July 2013, where as part of a pre-application presentation on proposals for an anaerobic digestion plant, Members requested a report providing information on existing, consented and proposed waste management facilities in the Aire Valley Leeds, the Panel considered a report of the Chief Planning Officer

A site plan showing the various energy from waste sites and their status was displayed

The Minerals, Waste and Contaminated Land Manager presented the report and in response to questions from the Panel provided details on the sites; the different types of waste being dealt with and the recycling processes involved

Members commented on the following matters:

- capacity; the amount of waste catered for in the two schemes which were approved earlier in the year and the capacity of waste in Leeds
- opportunities to tie in the energy generated from waste facilities to other uses, including the NGT

- concerns at the number of different facilities and proposed schemes. That the waste industry in Leeds was growing disproportionately when compared to other towns and cities and the possibility of waste from other areas being brought into Leeds to dispose of
- the proximity of waste facilities into an area which was envisaged would contain a level of residential accommodation
- concerns that the consent for an Energy From Waste facility at Skelton Grange had not yet been implemented
- concerns that if there was not sufficient waste to process, that privately owned landfill sites could be mined, with detrimental impacts on local communities
- that existing landfill sites in Leeds would soon be full and that as an option, anaerobic digestion was an effective method of treating organic waste

The Minerals, Waste and Contaminated Land Manager responded to the points raised and provided the following information:

- that the site at Pontefract Lane (Veolia) would take municipal waste and commercial and industrial waste, with a capacity of 214,000 tonnes. The site at Skelton Grange (Biffa) would take commercial and industrial waste, with a capacity of 300,000 tonnes. As neither of these facilities were operational at this time, there was zero capacity at present for alternatives to landfilling waste in the City
- that granting planning permission for the Biffa site at Skelton Grange only, would not have been sufficient to cater for all of the municipal waste together with commercial and industrial waste in Leeds
- that Leeds produced 40% of the waste generated in West Yorkshire
- that when considering the issue of not accepting waste generated beyond Leeds, it had to be recognised that some waste generated in the City was sent away for processing elsewhere as because of the nature of the waste, there were not the appropriate facilities in Leeds to properly dispose of it
- that there was the possibility of former private tips being mined for waste at some point in the future

RESOLVED - To note the report and the information provided

94 Application 13/02190/FU - Position statement on proposals for erection and installation of an Energy Recovery Facility (using autoclave and pyrolysis and an Anaerobic Digestion Facility, integrated education/visitor centre, provision of rail freight handling infrastructure and new industrial link road access to site via Knowsthorpe Gate, parking and landscaping - Land at Bridgewater Road Cross Green

Having noted that Councillor Ingham had commented on the proposals, for clarification, the Panel's Legal Adviser advised that provided Councillor Ingham had not made up her mind on the proposals and was prepared to

consider all the information before the Panel, then her earlier support did not prevent her from taking part in the decision

Councillor Ingham advised that she had not made up her mind in respect of the proposals being considered

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

Members considered a report of the Chief Planning Officer on the current position in relation to an application for an Energy Recovery Facility at Bridgewater Road, Cross Green. A late written representation on behalf of the applicants had been circulated to Panel Members prior to the meeting. Members were advised that no pre-application presentation had been made to Panel on the proposals

Officers outlined the proposals which were for a waste management facility capable of treating up to 195,000 tonnes of waste per annum, together with associated infrastructure, highways, rail freight handling infrastructure, visitor centre, car parking and landscaping. Members were informed that the site was not safeguarded or allocated for waste purposes in the Natural Resources and Waste Local Plan

The waste process was explained to Panel with Members being informed that Officers did not question the benefits of the proposals but that with the exception of the road link, the proposals were not tied to this site with Officers of the view that the scheme could be delivered on two other sites

Members were also informed that Officers considered that the proposals were not sufficiently robust; that the proposals needed to be considered in the context of the wider area and in the context of the aspirations for Aire Valley Leeds. The development of the wider site would also necessitate the relocation of the existing asphalt plant currently located to the north

The Panel's Legal Adviser advised of a legal issue in respect of matters relating to this application and referred to the Minerals and Waste Local Plan, which showed an allocation of the site for rail use. As the minerals policies 13 and 14 in the Local Plan - which dealt with minerals transport – had been successfully challenged in the High Court, these two policies had to be remitted back to the Planning Inspectorate for re-examination and until they were, they must be treated as not forming part of the Adopted Plan

The Chief Planning Officer referred to the emerging plan for Aire Valley Leeds, which sought to amalgamate land at Yarn Street and the former Copperfields College site over the river, for housing use, with concerns being raised about the adequacy of the screening proposed

The promotion of tourism along this area, down to St Aidan's was also a factor and that consideration had to be given to building heights, chimneys and loss of vegetation

Members were referred to the section of the submitted report which set out the adopted policy on waste proposals at other locations

The Panel considered how to proceed

In response to the specific points raised in the report Members provided the following comments:

- that Members agree that the proposed development could be better sited on an allocated waste management site elsewhere in Leeds
- that Members agree that the principle of development is contrary to UDPR policy H3(H3 – A1:A45), and the draft AAP's emerging policies
- that the general approach to access issues was good, particularly the proposal to go under the railway, but that further information would be required
- that further information from the applicants and assurances to confirm that the emissions from the installation would be acceptable, as recommended by Public Health England would be required
- that the loss of vegetation was not acceptable and that there was insufficient detail in the landscaping proposals
- that the current design and layout were not acceptable in the context of the Aire Valley river corridor and in relation to the existing and proposed surrounding land uses
- that the facility would be too close to the proposed new houses
- that additional information on the flood risk issue and the consequences for use of the proposed link road would be required
- to agree with advice that intrusive site investigation would be required to determine coal mining legacy issues and that, if viable, Members would wish to see the removal of surface coal from the site

In summing up the comments made the Chair stated that Panel was not minded to approve the proposals on this site, however the technology proposed was impressive and that such a facility would be encouraged in a designated location. The Chief Planning Officer stated that he would be willing to work with the applicants on this

RESOLVED – To note the report, the Panel's comments on the specific issues raised in the report and the view that Panel was not minded to approve the proposals on the site

95 Application 13/03051/OT - Position statement - Outline application for residential development of up to 400 dwellings, access and associated works including open space and landscaping - Land at Spofforth Hill, Wetherby

Further to minute 109 of the City Plans Panel held on 11th April 2013, where Panel received a pre-application presentation on proposals for a residential development on a Protected Area of Search (PAS) site at Spofforth Hill, Wetherby, the Panel considered a report of the Chief Planning Officer setting out the current position in respect of these proposals

Plans, photographs and graphics were displayed at the meeting

Officers presented the report and made reference to policy N35 of the UDPR, which had not been included in the report

Members were informed that comments on the proposals were awaited from Natural England

Draft minutes to be approved at the meeting
to be held on Thursday, 21st November, 2013

At the meeting in April 2013, Members had discussed the options for the access arrangements, with Members of the view that the best option was for a roundabout to be sited on land which was within the Harrogate boundary. Harrogate Council had been approached but had indicated they would not support a roundabout at the proposed location

Loss of trees had also been a subject of discussion at the April meeting, and arising from this, the number of trees to be removed had now reduced. 16 trees would now need to be removed, although some others could be affected, with discussions continuing on this

A single access point was proposed for the development. Whilst for this number of houses two access points were usual, it would be difficult to accommodate a further access point without removing trees. Highways had indicated that the proposed access could be supported

In relation to the provision of affordable housing, the developer had indicated that 35% affordable housing would be provided, although this was proposed to be split between 15% on-site provision and 20% off-site provision

Members sought further information on:

- the negotiations with Officers in Harrogate Council and North Yorkshire County Council (NYCC) about the siting of a roundabout on land in the Harrogate boundary
- the policy setting out the number of dwellings off a single access

Panel was informed that the issue had been raised with NYCC as part of discussions on proposals at Thorp Arch. NYCC had raised concerns about the proposal. Harrogate Council had also objected. Concerns were expressed about how this had been dealt with, particularly in view of Members' comments at the Plans Panel on 11th April 2013

In terms of the number of dwellings off a single access, the Transport Development Services Manager advised that the Street Design Guide was an adopted SPD and suggested that for 200-300 dwellings then more than 1 access should be considered. Whilst this would be the preferred position and that the proposals would be better with a second access point, in this case it was not practical. The design of the internal road, as a loop, was considered to mitigate against any blockages

Members commented on the following matters:

- that at 400 dwellings, the proposals were double the minimum number of dwellings where a second access point should be considered and that the obvious solution would be to build less houses
- that a reduced number of dwellings should be considered by the applicant
- the high level of vehicle ownership in this area with concerns at the impact of the proposed scale of development on the road network, particularly the level of traffic which could go either through the adjacent housing estate or through Linton
- concerns about safety and accessibility for emergency service vehicles
- concerns about the loss of trees; that some of the existing trees required urgent attention and that the Chief Planning Officer should refer this maintenance issue to Leisure Services to address

- that discussions should take place at the highest level with Officers from Leeds, Harrogate and North Yorkshire Councils, together with the applicant on the issue of a second access
- the wording of the criteria relating to the release of PAS sites
- that the proposals had divided opinion locally; that mini roundabouts were needed to help the traffic flow around Wetherby; that as an allocated site it was recognised that some development was likely but that what was being proposed was not acceptable

The Head of Planning Services stated that this was not the only PAS site under consideration for development and that if a certain number of properties were allowed off a single access point, similar proposals would be brought forward by other developers and that the highways and safety aspects in this case had to be considered carefully

The Chief Planning Officer stated that discussions should take place with Harrogate on the access issue

In response to the specific issues raised in the report, Members provided the following comments:

- that up to 400 houses on this site was too many
- in relation to a 15% affordable housing provision on-site and 20% off-site provision, to note there were mixed views. Concerns were raised that the level of need for affordable housing in Wetherby had not been quantified and that this information was needed. The need for family houses in Leeds was also highlighted. Further discussion on this matter took place with Panel agreeing to the principle of a split between on-site and off-site provision but without any specific percentage being proposed at this stage until information on local need had been provided
- on the principle of whether a 20% off-site contribution (in accordance with the Council's standard formula) sufficiently met criteria vii of the interim PAS policy, that further work needed to be undertaken on this, as stated above, before Members could give a view. Further discussion took place as to the wording of the interim PAS policy and clarification was provided as to the different tests relating to sites up to 10 ha and those over that threshold
- that Members were not supportive of the principle of a new roundabout at Spofforth Hill/Wentworth Gate to provide access to the proposed development; that there were concerns about the safety aspect of this; the impact on trees and that a better solution would be a roundabout further along the road on land within the boundary of Harrogate Council
- that Members were unhappy about the access and tree loss
- that Members were supportive of the principle of a 20m buffer to the open countryside plus additional landscape buffer to the existing residential properties

- that there was not support for the general principle identified on the indicative layout due to the excessive number of houses to be served off one access
- that regarding the proposed Heads of Terms, it was not possible at this stage to take a view on this matter

RESOLVED - To note the report, Members' comments and the requirement for discussions between Leeds, Harrogate and North Yorkshire Council, at the highest level, together with the applicant, to discuss the issue of the location of a roundabout to serve the development and that a further report on the application be submitted in due course

96 Applications 13/03196/FU and 13/03202/OT - Residential development comprising 104 dwellings with associated car parking and garages, formation of new access, public open space, landscaping and parking facilities and outline planning application for residential development and means of access - Land off Grove Road Boston Spa Wetherby - Position Statement

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

Members considered a report of the Chief Planning Officer setting out the current position on two applications, one in outline, one for full planning permission, for a residential development at Grove Road Boston Spa

Officers presented the report and advised that the land was a Protected Area of Search (PAS) site; was located in the Green Belt and was adjacent to a Conservation Area

The proposed outline application sought to establish the principle of development. The detailed application provided a means of access off Grove Road; the proposed dwellings would be generally two storeys in height and comprise mainly detached dwellings. Officers considered that the proposed layout was overly intense. The application included 20 car parking spaces for the adjacent hospice

The proposed materials would be artificial stone, some natural stone and render. Officers had concerns about the extent of the artificial stone to be used on the scheme

The site was 3.9ha in area and Officers were not aware that the land was needed for other uses. However in terms of location, it was considered that Boston Spa was not well related to major urban areas. Members were informed therefore that the application failed on criteria 1 of the Council's interim policy on the release of PAS land for housing development

Members were also informed that other housing land development opportunities were available in Boston Spa; that there were highways issues associated with the proposals; the site was some distance from local facilities and public transport was poor. The development therefore would be heavily reliant on car use. In terms of the transport assessment which had been submitted, Officers had concerns about this and whilst the applicant had submitted recent revisions, concerns remained about the internal road layout and parking facilities

In terms of the layout of the development, some properties were too close to each other; the greenspace was considered not to be located in a

usable or meaningful area and that a central location for this would be preferred. There were also concerns about the impact of the development on existing trees, particularly damage to roots and that increased planting was needed around the site

Regarding the impact of the proposals on living conditions, Officers were satisfied that the proposals would not impact on the amenity of residents in neighbouring properties but there were concerns about the living conditions of future residents of the development

In respect of the S106 Agreement, Members were informed that this had not been taken forward in view of the major concerns which existed with the proposals

Members considered how to proceed. In view of the number of problems associated with the applications, Members were minded to refuse the application, but were asked to consider whether they wished for further negotiations to be undertaken

In response to the specific points raised in the report, Members provided the following comments:

- that the site was not in compliance with the interim PAS Policy
- to note the comments of Highways Officers and Metro, as set out in the submitted report and that the means of access was of insufficient width
- that there were too many properties proposed for the site
- that the use of artificial stone was excessive
- that the extent and location of the public open space was not good enough
- that the proposals would have an adverse impact on existing trees
- that Members had concerns over the impact on adjacent residents, including the children's hospice, as well as the quality of environment for future residents

The Chair stated that a steer should be given that as presented, the application would be refused

The Chief Planning Officer sought further guidance on Panel's view about the suitability of the site at this time, with Members considering that it did not meet the policy test for the release of the site for development

The issue of whether to delegate the refusal to the Chief Planning Officer was discussed, with Members satisfied that this could be dealt with in this way

RESOLVED – Initially, to delegate refusal of the applications to the Chief Planning Officer as the site failed the criteria set out in the interim PAS Policy and that there were also concerns which included layout; materials; highways and impact on living conditions of residents and impact on trees

Having taken advice on this course of action, it was felt that delegating refusal of the application had denied the applicant an opportunity to address the Panel. Having considered this, it was

RESOLVED - That the Chief Planning Officer be asked to submit a further report to the next meeting setting out possible reasons for refusal of the application, based on the concerns raised, for determination by the Panel

During consideration of this matter Councillor J Lewis left the meeting

97 Application 13/03998/FU - Position statement - Laying out of traveller site, comprising 12 pitches, ancillary buildings, parking and landscaping - Land off West Side of Cottingley Springs, Gildersome Morley

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

The Head of Planning Services presented the report which set out the current position on proposals to extend the travellers site at Cottingley Springs, Gildersome

Members were informed that the site was situated in the Green Belt and that 12 pitches were proposed together with an amenity block and play areas

Since the report had been written further objections to the application had been received with the total number currently being 670 standard letters of objection; 40 individual letters and a petition

A recent meeting with the Environment Agency on site had taken place where evidence of flooding had been provided. This evidence was now being assessed and comments from the Environment Agency were awaited

If the site did flood, it could mean that the plots closest to the beck would be affected and that three plots could potentially be lost from the site. An assessment would also need to be undertaken regarding possible compensatory flood storage further down from the site and that this was particularly important in relation to Farnley Wood Beck

An extensive site search to accommodate further pitches had been undertaken and that there was an immediate need for such accommodation in the City, with Executive Board having concluded that a further extension of the Cottingley Springs site should be considered

As a Green Belt site, Members were informed that by definition the proposal was inappropriate development however alongside that, the need for facilities for travellers and the flooding issues which had emerged would need to be considered. A recent appeal case in Warwick which had been dismissed by the Secretary of State had been reported with reference being made to the balance between the development and its impact on the Green Belt

Members commented on the following matters:

- that at the Local Development Framework hearing the Inspector had been unhappy with the policy on traveller sites and had requested revisions to be made
- whether adjacent residents to the site had been offered compensation by the Council. The Chief Planning Officer advised that he was not aware of compensation being offered
- the nature of the evidence of flooding. The Head of Planning Services stated that video evidence had been provided which showed an extent of standing water on the site and the beck with raised water levels
- that wherever sites are located, there would be local concerns; that the proposed extension would not deal with the wider issues

of demand and that smaller sites across the city could be a better way of dealing with this issue

- possible increased flooding with concerns that Farnley Beck flooded easily and caused widespread problems and that housing development should not be allowed on land which flooded
- the possibility of waiting for the Inspector's view on the Council's policy before considering the proposals
- the extent of the changes which would be made to the site and the difficulty of reaching a decision in view of that
- that previous problems had occurred between traveller families on this site which had to be reduced in size to resolve some of the issues
- the need to focus on the planning issues of the case

The Head of Planning Services stated that further information was needed on the application; that it was not clear whether any decision on the proposals would need to be referred to the Secretary of State and that ultimately the decision on the application might not rest with the Local Planning Authority

RESOLVED - To note the report, the information provided and the comments now made

98 Date and Time of Next Meeting

Thursday 21st November 2013 at 1.30pm in the Civic Hall, Leeds

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Originator: Shameem
Hussain
Tel: 0113 2478024

Report of the Chief Planning Officer -

CITY PLANS PANEL

Date: 21st November 2013

Subject: Application 13/00902/OT Outline application for circa 125 dwellings
on land at Owlars Farm Wide Lane Morley LS27 8ST

APPLICANT	DATE VALID	TARGET DATE
Persimmon Homes (West Yorkshire)Ltd and Priestgate Ltd	05.03.2013	04.06.2013

Electoral Wards Affected:

Morley South

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER AND DELEGATE to the Chief Planning Officer for Approval , subject to the specified conditions and following completion of a Section 106 Agreement to cover the following matters :

- 15% provision of affordable housing on site or a financial contribution towards provision of affordable extra care provision off site
- Public Transport Infrastructure £1,226 per dwelling
- Travel Plan Management Fee £2,700
- Residential Metrocard Scheme £572.55 per dwelling
- Metro, bus stop improvements £40,000
- Management Fee £4,000
- Education Contribution £4,763 per dwelling
- Local training and employment initiatives during the construction of development.
- Greenspace contribution –provision of N.2.1 Greenspace on site and commuted sum payment per dwelling for N2.2 and N2.3 to be agreed
- Off Site Highway Works -
Parking restrictions in the general vicinity of the junction

Works for a bus clearway

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

Conditions

1. Time limit on permission 2 years
2. Submission of reserved matters to include details of layout , scale ,appearance and landscaping
3. Plans to be approved
4. Details of materials to be submitted
5. Submission of level details
6. Details of boundary treatment to be submitted
7. Biodiversity Protection and Enhancement Management Plan to be submitted
8. No site clearance of vegetation , trees or shrubs during wild birds breeding season
9. Bat roosting survey to be carried out and submitted
10. Submission of method statement for control of Himalayan Balsam
11. Submission of floodlighting scheme to minimise the impact on nature conservation
12. Submission of Site Investigation Methodology as outlined in submitted report
13. Reporting of unexpected contamination
14. Site Investigation details of contamination to be submitted
15. Submission of highway details specifying visibility splays, vehicle access and vehicle spaces
16. Submission of drainage details and flood management works
17. Details of treatment of watercourse
18. No trees or structures within 9m of embankment of watercourse
19. Details of surface treatment to designated footpaths to be submitted
20. Submission of archaeological programme
21. Statement of construction practice
22. Submission and implementation of landscaping details
23. Landscape Management Plan
24. Details of landscape buffer to the southern and eastern boundary to be submitted
25. Coal Investigation works prior to commencement of development
26. No building works over or within 5m of sewers crossing the site
27. Details of wildlife buffer zone to be submitted

1.0 INTRODUCTION

- 1.1 This is an outline application for new residential development for circa 125 dwellings. The application seeks approval for means of access only, all other matters are reserved. Vehicular access is to be taken from the existing Wide Lane, Bedale Court junction which currently serves the 16 dwellings on Bedale Court, towards the north of the site . This existing vehicular access is a short cul-de –sac at the top end of Bedale Court development. This access is to be extended into the application site to provide the only vehicular access into the development. A pedestrian access is also proposed from Wide Lane adjacent to the proposed Public Open Space.

The site has an area of 3.8 ha and is designated as a Protected Area of Search in the adopted UDP. Such sites are designated under policy N34 of the adopted UDP and are intended to provide for long term development needs if required. The application is recommended for approval and key considerations in reaching this recommendation are matters of housing land supply and sustainability.

In order to identify a sufficient housing supply to meet the requirements and in order to diversify the type of supply being made available the Council accepts that there should be some further greenfield land released for housing development in addition to the releases that were made under UDP Policy H3 (Phase 1, Phase 2 and Phase 3 sites). In advance of consideration through the Site Allocations Plan, an Interim Policy (see para's 1.16 – 1.17 below) provides a policy basis for the release of some Protected Areas of Search (PAS) sites. Sites at Fleet Lane, Oulton and Royds Lane, Rothwell have already been granted planning permission on this basis following consideration by City Plans Panel.

- 1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the need to determine applications in accordance with the development plan unless material considerations indicate otherwise.
- 1.3 The National Planning Policy Framework is a material consideration and Annex 1 sets out that whilst relevant policies adopted since 2004 may be given full weight depending on their degree of consistency with the NPPF, decision takers may also give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.
- 1.4 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. The Examination into the Core Strategy commenced in July 2013 and following the close of hearing sessions in October the Council is awaiting a response from the Inspector on its Main Modifications arising from the hearings. The Inspector has yet to make any recommendations on substantive matters in relation to the overall housing requirement and the distribution of housing growth as set out in the plan.

As the Core Strategy Examination is well advanced its policies can be given some weight, although it should be recognised that the Inspector's findings may well result in changes to these policies.

- 1.5 The Council is currently progressing a Site Allocations Development Plan Document, which has been subject to Issues and Options consultation (3rd June to 29th July 2013) and is in the process of reviewing the representations received. In advance of the Site Allocations Plan it has been considered appropriate to promote an interim policy providing criteria against which certain PAS sites can be released for housing development to help provide for sufficient housing supply whilst facilitating the delivery of brownfield sites.

Five Year Supply Position

- 1.6 The NPPF provides that Local Planning Authorities should identify and update annually a supply of specific deliverable sites to provide five years worth of housing supply against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Deliverable sites should be available now, be in a suitable location; and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence that it will be delivered. Housing applications should be considered in the context of the presumption in favour of sustainable development, as articulated in the NPPF.
- 1.7 In the past, the Council has been unable to identify a 5 year supply of housing land when assessed against post-2008 top down targets in the Yorkshire and Humber

Plan (RSS to 2026) which stepped up requirements significantly at a time of recession. During this time the Council lost ten appeals on greenfield allocated housing sites largely because of an inability to provide a sufficient 5 year supply and demonstrate a sufficiently broad portfolio of land. This was against the context of emerging new national planning policy which required a significant boosting of housing supply.

- 1.8 Nationally the 5 year supply remains a key element of housing appeals and where authorities are unable to demonstrate a 5 year supply of deliverable sites, policies in the NPPF are considered to be key material considerations and the weight to be given to Council's development plan, policies can be substantially reduced.
- 1.9 The context has now changed. The RSS was revoked on 22nd February 2013 and it is clear that when assessed against the Council's Unitary Development Plan (2006) there has been no under delivery of housing up to 2012. The Core Strategy is in the process of being Examined and contains a housing requirement that, in the opinion of the Council, is in line with the NPPF and meets the full needs for objectively assessed housing up to 2028.
- 1.10 Executive Board has approved the Authority Monitoring Report 2012, which states that the Council currently has a 5 year supply. The Council has identified a housing land supply sufficient to provide for 21, 407¹ units against a target of 20,307 units. This is measured against Submission Core Strategy targets and applies a 5% buffer as required by the NPPF in the absence of persistent under delivery.
- 1.11 The Council currently has an identified supply of land for 29,605 units which have planning permission or are on allocated sites but due to deliverability assessments of the SHLAA partnership some of these sites fall outside the current 5 year supply picture. In improving economic conditions these sites could come forward earlier and contribute to the 5 year supply. In addition, some sites in the SHLAA without planning permission or which are unallocated fall into the current 5 year supply picture.
- 1.12 Therefore, in order to demonstrate a deliverable 5 year supply there is a need to include brownfield and greenfield sites that are not allocated and do not have planning permission. The SHLAA lists these as "LDF to determine" simply because they are not allocations or sites with planning permission. This includes some Protected Areas of Search. In reality, many of these sites, including unallocated brownfield and non-green belt or PAS greenfield sites have the potential to come forward for development now judged against the NPPF, the UDP and Draft Submission Core Strategy policies. In the case of PAS sites this is on the basis that they meet the criteria of the Interim Policy or in the later part of the 5 year period because the Site Allocations has advanced sufficiently.
- 1.13 The SHLAA is not a policy document but determines the likely broad phasing of future identified land for housing. Simply because the SHLAA identifies that an element of PAS land has fallen into the current 5 year supply picture does not automatically provide for its suitability when measured against the Development Plan. Executive Board therefore agreed an Interim Policy approach to dealing with the release of PAS sites.
- 1.14 The Housing Delivery Report included an Interim Policy setting out criteria for the release of certain Protected Areas of Search (PAS) sites for development. The

¹ The AMR approved by Executive Board stated a 5 year supply of 21,512 units. Following a S78 appeal at Outwood Lane, Horsforth the Council revised its position to 21,407 as a result of duplicate sites being identified.

application site is located adjacent to the built up area of Morley, in close proximity to a variety of shops and services located within Morley. As such, the development of the site would form an extension to the existing settlement of Morley. The application site satisfies the criteria of the Interim Policy for the release of a selection of PAS sites. Whilst the interim policy is subject to a challenge in the High Court, pending the outcome of the hearing it can be regarded as a material consideration albeit that it is not part of the development plan or a formally adopted Supplementary Planning Document and has not been subject to consultation.

1.15 This application is presented to City Plans Panel for consideration for the following reasons:

- The application site is a PAS site and its release would constitute a departure from the UDP.
- All previous PAS site applications have been presented to City Plan Panel. The applications at Fleet Lane in Oulton and Royds Lane in Rothwell, that are smaller sites, have been approved and decision notices issued.
- In the light of the resolution reached by Executive Board which is summarised below, the site is acceptable when assessed against the Interim Policy setting criteria for release of PAS land
- The Interim Policy has been challenged in the High Court and we are currently awaiting a hearing date for the matter to be heard in the High Court.
- The application site is in line with specific policies of the NPPF
- At the request of Local Ward Members Councillors Elliott and Varley reasoning concerns of an overloaded and inferior infrastructure, lack of school places and generally a blight on current residents health and well being.

EXECUTIVE BOARD DECISION OF 13TH MARCH 2013

1.16 The Housing delivery report was presented to Executive Board on the 13th March 2013. The report outlines an interim policy which will assist Leeds in strengthening its supply of achievable housing land pending the adoption of Leeds Site Allocations Development Plan Document which will identify a comprehensive range of new housing sites. The proposed Interim Policy is:-

In advance of the Site Allocations DPD , development for housing on Protected Area of Search (PAS) land will only be supported if the following criteria are met:-

- (i) Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft;**
- (ii) Sites must not exceed 10ha in size (“sites” in this context meaning the areas of land identified in the Unitary Development Plan) and there should be no sub- division of larger sites to bring them below the 10ha threshold; and**
- (iii) The land is not needed , or potentially needed for alternative uses**

In cases that meet criteria (i) and (iii) above, development for housing on further PAS land may be supported if:

- (iv) It is an area where housing land development opportunity is Demonstrably lacking; and**

- (v) **The development proposed includes or facilitates significant planning benefits such as but not limited to:**
 - a) **A clear and binding linkage to the redevelopment of a significant brownfield site in a regeneration area;**
 - b) **Proposals to address a significant infrastructure deficit in the locality of the site.**

In all cases development proposals should satisfactorily address all other planning policies, including those in the Core Strategy.

- 1.17 Leeds City Council Executive Board resolved (Paragraph 201 of the Minutes 13th March 2013) that the policy criteria for the potential release of PAS sites ,as detailed within paragraph 3.3 of the submitted report be approved subject to the inclusion of criteria which
- (i) Reduces from 5 years to 2 years the period by which any permission granted to develop PAS sites remains valid: and
 - (ii) Enables the Council to refuse permission to develop PAS sites for any other material planning reasons.

2.0 PROPOSAL:

- 2.1 The application is made in outline to consider the principle of the development and means of access only. Vehicular access is to be taken from the existing Wide Lane, Bedale Court junction which currently serves the 16 dwellings on Bedale Court, located towards the north of the site. This existing vehicular access stops as a cul-de-sac at the top end of the Bedale Court development. This access is to be further extended within the development site (and is referred to by the applicant as partial access.) A pedestrian access is also proposed from Wide Lane adjacent to the proposed Public Open Space. Indicative details of the layout and scale, have been provided and refer to a development of approximately 125 dwellings with associated road infrastructure, parking provision, amenity space and landscaping. These details are not for approval at this stage and will be considered under a future application for the approval of Reserved Matters.
- 2.2 The Design and Access Statement indicates dwellings will be a mix of detached, semi detached and terraced houses across the site. The Design and Access statement indicates that the dwellings will range from two to two and half storeys in height.
- 2.3 The application is accompanied by a draft S106 agreement (Heads of terms) which will make provision for greenspace, 15% affordable housing, Education, Travel Plan and any other matters that arise through the course of the application.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site of 3.83 hectares is located on the eastern edge of the town of Morley and is approximately 300m to the west of the A653 Dewsbury Road which links southern Leeds to the M62. Leeds City Centre is 4.5km northeast of the proposed site. The site is bounded to the north by Wide Lane (B6123). Towards the north and west are residential properties along Bedale Court, Topcliffe Crescent,

Mews and Avenue. The southern and eastern boundaries are Green Belt. Topcliffe Beck runs along the southern boundary of the site and the eastern boundary is formed by agricultural farmland. Newlands Farm is located to the east of the site and Topcliffe farm is situated to the southeast. Trees and landscaping are present along and close to the north, east and south boundaries of the site. Housing towards the west and north are predominantly modern two storey dwellings. The site is designated as a Protected Area of Search (PAS) on the Leeds Unitary development Plan and is currently in agricultural use.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 23/429/01 15 three bedroom dwelling houses
Approved 30th January 2003
- H23/160/82 Outline application to lay out access roads and erect residential development to vacant agricultural site
Refused 13th September 1982
- H23/168/80 Change of use of rhubarb sheds to form shop and stores
Approved 28th April 1980

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Council Officers have met with the applicant to discuss the application. The discussions revolved around the principle of development

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Community Engagement

A public event was held by the applicant on 28th January 2013 at Morley newlands Primary school between the hours of 4.30pm and 7.30pm. Members of the public were provided with comment sheets. The public consultation process demonstrated that the local community has specific concerns in relation to:-

- Increased pressure on local services
- Effect upon existing wildlife on site
- The loss of view over existing fields
- To leave Morley alone and build in other areas that have more greenfields.
- Concern from Bedale Court residents in relation to proposed access
- Comments on flooding of site
- Proposed plots should not overlook existing properties
- Request for bungalows to be added to the proposed scheme
- Increased traffic that would be generated from the development
- Concerns in relation to stretched resources such as doctors surgeries.

Ward Members

Persimmon Homes e- mailed three Ward Councillors for the Morley South Ward to advise of forthcoming planning application and the public consultation exercise on the 17th January 2013. A meeting was also offered to the Ward Councillors. One Ward Councillor attended the public exhibition.

6.2 The application was advertised as constituting a departure to adopted UDP by site notice posted on site on the 15th March 2013. Publicity expiry date being 5th April 2013. To date the following representations have been received:-

A total of 207 representations have been received with the following comments in summary:-

- Traffic impact and the problems it brings
- Impact on local infrastructure and traffic volume
- Consistently battling against developers to preserve our greenbelt
- Should be protecting greenfield land should not be developing on it
- Noise and disturbance effecting residential amenities by way of overlooking ,sunlight and privacy
- Damage to local environment
- Local services such as doctors and schools cannot take anymore
- Local schools already oversubscribed
- Destruction of trees and landscapes
- Drainage problems already, situation will worsen
- Effect on local wildlife and destruction of open character.

Morley Town Council

Have raised the following concerns:-

- Additional traffic generated
- This is a greenfield site , 21,000 units on mainly brownfield sites have already been granted permission
- Morley schools cannot accommodate any further children. Not enough funding to generate sums needed for a new school
- Drainage and flooding problems
- Local Infrastructure cannot cope
- Does not comply with National Planning Policy Framework as site is not sustainable.

Local Ward Members

Local Ward Members Councillor Elliott and Councillor Varley have raised the following:-

- Request that the application be presented to Panel
- Already overloaded and inferior infrastructure
- Lack of local school places
- General blight on current residents health and well being.

7.0 CONSULTATION RESPONSES:

Nature Conservation

7.1 Submitted Phase 1 Habitat and Protected species Survey indicates that there may be a habitat present of UK BAP Priority level of importance (Lowland Meadows). Local Authorities have a duty to conserve biodiversity. The survey has been carried out at a sub optimal time of year to identify the botanical importance of the open grassland areas. Recommend that further botanical surveys are carried out to fully understand the nature conservation value of the site. Topcliffe Beck needs to be protected and enhanced. The buffer shown along the eastern side of the site is supported and should be planted with native species creating a strong green corridor. A bat roost and inspection surveys are required to be carried out.

Highways

7.2 On balance, it is considered that a highways objection to the scheme on the grounds of an unacceptable impact on the local highway network would be difficult to justify.

1. Although existing traffic conditions within the local area have been observed to be busy within the peak period, particularly on Dewsbury Road at the roundabout junction with Wide Lane, it is assessed that the traffic generated by the proposed development would only slightly add to the existing traffic flows and that this would not have a material adverse impact on the local network.
2. The proposed development would utilise the existing junction of Bedale Court/Wide Lane to access the external highway network. An examination of the existing geometry of Bedale Court reveals that it complies with the requirements of the Street Design Guide for a Type 2 Local Residential Street in terms of corner radii, junction visibility and road width. The Street Design Guide advises that a Type 2 Street can serve up to 200 dwellings, whereas the combined total of the existing dwellings on Bedale Court (16 units) and the proposed development (125 units) would fall below this threshold.

However, car parking has been observed to take place on Wide Lane opposite the Bedale Court junction close to an existing bus stop and the Traffic Management section have reported that this is a typical occurrence that can lead to problems of bus accessibility. Accordingly, any approval of the planning application should include a requirement for the development to fund a scheme of off site highway works to introduce parking restrictions in the general vicinity of the junction as well as works for a bus clearway.

With regard to the proposed illustrative site layout, the Design Services section has made a number of additional points and these are summarised below, as follows:

- The 3m wide footpath connection to Wide Lane should be lit and constructed to adoptable standards.
- Most of the shared private drives could be replaced with adoptable areas with only marginal changes to the layout.
- Changes to the junction configuration of the shared surface road at the southern end of the site would be required.

It should be noted that the internal roads will need to be built to adoptable standards and offered for adoption under Section 38 of the Highways Act. The speed limit for the proposed development should be 20mph in accordance with the Street Design Guide. For the avoidance of doubt the cost of road markings, signage and appropriate speed limit Orders will be fully funded by the developer (inclusive of staff fees and legal costs).

Public transport Improvements and developer contributions

- 7.3 The proposed use will have a significant travel impact, which will need to be addressed. Using the SPD formula the calculation results in a figure of £1,226 per dwelling which represents the required contribution.

Contaminated Land team

- 7.4 The report submitted in support of the application recommends some site investigation. Given the sensitive nature of the development the applicant should be asked to provide a site investigation methodology in support of application - this is to be addressed by condition.

Neighbourhoods and housing

- 7.5 Requirement for 15% affordable housing split 50/50 social rent/submarket housing in this area. Therefore there is a requirement of 19 affordable units (based on 125 units) 9 for social and 10 for sub market.

7.6 Flood Risk Management

A comprehensive Flood Risk Assessment and Surface Water Management Strategy (Report 3676/FRA1 (Rev A) dated Jan 2013) has been undertaken for this proposed development at Owlars Farm. The Report acknowledged and addressed the flood related issues in accordance with the present regulatory framework, guidance and council policies appropriate for the development of this Greenfield site.

The final surface water drainage design and details should therefore be in accordance with the proposed drainage strategy set out in the Report. The following aspects of the Report must be adhered to unless appropriate revisions are made to the report and these revisions have been submitted to and approved by the council prior to implementation of any changes.

- The extent of the proposed habitable/ developed area of the site should be consistent with that outlined in the “Drainage Strategy – 3767 –FRAO4” as the proposed dwellings shown in the Drainage Strategy are set within acceptable limits of the extent of the areas indicated by the EA’s flood map to be prone to flooding from surface water runoff from the surroundings, notwithstanding the fact that the site has been identified to be in Zone 1.
- Any new outfall to the watercourse should be designed with a maximum discharge rate of 11.4 l/s
- Appropriate overland flood routes must be created through the site to address the potential flood risk from the areas west of the site.

A separate application must be made to the council in accordance with the statute set out in Schedule 2 (Para 32 & 33) of the Flood & Water Management Act 2010, for approval of any outfall structure in the vicinity of the watercourse.

The following conditions should therefore be applied to this development:

1. Development shall not commence until a scheme detailing surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The details must be consistent with that outlined in the approved Flood Risk Management & Surface Water Drainage Strategy (Report 3676/FRA1 (Rev A) dated Jan 2013). The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.

To ensure sustainable drainage and flood prevention in accordance with policies GP5, N39A of the adopted Leeds UDP Review (2006) and PPS25.

2. Before development commences details of the proposed treatment of the watercourse in and alongside the site must be submitted to and approved by the Council.

In compliance with the Leeds Land Drainage By Laws and to ensure that the watercourse is properly dealt with.

3. Without the previous consent of the council, no trees must be planted or structures erected over or within 9 metres of the landward toe of the bank of the watercourse where there is an embankment or wall, nor within 9 m of the top of the batter where there is no embankment or wall.

In compliance with the Leeds City Council Land Drainage Bylaws and to protect the watercourse so that it can effectively drain the site and its surrounds.

Waste management

7.7 Refuse collection arrangements are considered acceptable

Travelwise

7.8 In accordance with the SPD on Travel Plans the Travel Plan should be included in the Section 106 Agreement along with the following

- Leeds City Council Travel Plan Review Fee of £2,700
- Residential Metrocard scheme
- Conditions for cycle parking for houses that have no direct access to garden, cycle parking will need to be designed in at the front of the dwelling
- Provision of electric vehicle charging points within garages

Yorkshire Water

7.9 The principle of development is acceptable in drainage terms.

If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and YW infrastructure:

- Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 5 (five) metres either side of the centre line of the each sewer that crosses the site. (In order to allow sufficient access for maintenance and repair work at all times)
- The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences. (To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading)
- No development shall take place until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the local planning authority. (To ensure that the development can be properly drained) Unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works. (To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal)
- Foul water domestic waste should discharge to the public combined water sewer recorded crossing the site.

Environment Agency

7.10 Recommend conditions to meet the requirements of NPPF.

Metro

7.11 Recommend a Metro Residential card scheme by way of S106. The current Cost to the developer is £71,568.75, which is £572.55 per dwelling . Along with improvements to bus stop numbers 11043 and 11044 at a cost of £10,000 each and “live “bus information displays at each bus stop at the cost of £10,000 each. In total a cost to the developer of £40,000

Coal Authority

7.12 Coal mining information submitted identifies that the application site may have been subject to unrecorded shallow coal mining activity. Further site investigation required - recommended conditions to be attached.

Local Plans and Policy

(i) Policy

7.13 The site is allocated as Protected Area of Search (PAS) land within the UDP review (policy N34). Following recent Executive Board Approval an interim policy currently exists which provides criteria for the release of less significant PAS land in sustainable locations for housing development that accord with the main focus for development set out in the Core Strategy. This policy will assist Leeds in strengthening its supply of deliverable housing land in advance of the adoption of Leeds `Site Allocations Development Plan Document which will identify a comprehensive range of new housing sites. It will also help to stimulate the housing market to meet specific local needs. The interim policy only supports housing development on PAS sites subject to the specified criteria being met. The proposed site is under 10 hectares in size and relates well to the main urban area of Morley. Furthermore it is not envisaged that the site is required for any alternative uses. As such it is considered that the site meets the criteria for release as a new housing site. Consequently the principle of housing development on the site is accepted. One of the conditions of the Interim policy is that the 5 year period of validity for the permission is reduced to 2 years.

(ii) Greenspace

The Planning Application is for outline only, with only the principle being sought. However there are some concerns regarding the indicative layout of the proposed greenspace. The Councils adopted Supplementary Planning Document (SPD) advises that on- site greenspace provision should be a useable and safe space which is distinct from purely visual landscaping required under other policies within the UDP. Greenspaces should be in one block to ensure its function is performed, centrally located and overlooked by dwellings. The greenspace on this application is situated on the periphery of the site in areas where development would be difficult to achieve, the southern section acts as a green belt buffer and for drainage, rather than being open useable space. The northern section in terms of layout is on the periphery of the site. This section includes a steep level change, and would be difficult to maintain. This is a greenfield PAS site with no constraints and the developer should provide the full amount of Public Open Space. The developer would need to provide for a functional open space. There is potential to develop the N5 site or improve nearby greenspace. The provision of N2.1 greenspace on site and a commuted sum payment per dwelling for N2.2 and N2.3 should be agreed with the location of the on- site space agreed at reserved matters stage and the commuted sum included as part of the Section 106 agreement.

7.14 Children Services – Education

Primary

The development is for 125 houses, assuming all are family dwellings, this would generate approximately 31 primary aged pupils. Due to a rising birth rate there is pressure on the existing school estate across the city, and any new housing will add to this pressure. The Morley area in particular has seen an increase in demand for school places, and this is expected to continue. There are currently more children aged 0-5 living in the Morley Planning Area than there are places, and this does not take into account children that would potentially be generated from this and other planned developments in Morley. The nearest schools to the development, Morley Newlands Primary School has been expanded to 3 form entry from September 2013 to accommodate children already living within the area. The second nearest school, Seven Hills Primary is oversubscribed for September 2013, receiving more first preferences than there are places.

Secondary

Should all the houses be family dwellings, the development would generate approximately 12.5 secondary aged pupils. As for Primary there is increasing demand for secondary school places, with particular pressure in the south of the city. Any new housing will exacerbate this. As a whole, the south wedge is predicted to run out of capacity in year 7 in 2014.

Should other housing applications in the area come to fruition, it will add further pressure for places in Morley.

In light of the above, we would request a full education contribution:

Primary: $125 \text{ (dwellings)} \times \text{£}12,257 \text{ (cost multipliers)} \times 0.25 \text{ (yield per pupil)} \times 0.97 \text{ (location cost)} = \text{£}371,540$

Cost per dwelling = £2,972

Secondary: $125 \text{ (dwellings)} \times \text{£}18,469 \text{ (cost multipliers)} \times 0.10 \text{ (yield per pupil)} \times 0.97 \text{ (location cost)} = \text{£} 223,937$

Cost per dwelling = £1,791

Total = £595,477 or £4,763 per dwelling

8.0 PLANNING POLICIES:

Development Plan

- 8.1 The development plan consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and The Natural Resources and Waste Development Plan. These are supplemented by supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. The site is not designated for any particular purpose in the UDPR. Land abutting to the east is designated Green Belt.
- 8.2 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 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination, and the hearings in the Examination have now taken place. As the Council has submitted the Publication draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached maybe limited by outstanding representations which have been made and which are being considered by the Inspector following the Examination. The Draft Core Strategy is planning for 70,000 net new dwellings between 2012 and 2028. The strategy is planning for growth in all geographic areas of Leeds with at least 19,000 dwellings in new urban extensions.
- 8.3 Leeds Unitary Development Plan (UDP) Review:
GP5: General planning considerations.
GP7: Use of planning obligations.
GP11: Sustainable development.
N2/N4: Greenspace provision/contributions.
N10: Protection of existing public rights of way.
N12/N13: Urban design principles.
N23/N25: Landscape design and boundary treatment.
N24: Development proposals abutting the Green Belt.
N29: Archaeology.
N34: Protected Areas of Search
N38 (a and b): Prevention of flooding and Flood Risk Assessments.

N39a: Sustainable drainage.
 BD5: Design considerations for new build.
 T2 (b, c, d): Accessibility issues.
 T5: Consideration of pedestrian and cyclists needs.
 T7/T7A: Cycle routes and parking.
 T24: Parking guidelines.
 H1: Provision for completion of the annual average housing requirement.
 H2: Monitoring of annual completions for dwellings.
 H3: Delivery of housing on allocated sites.
 H11/H12/H13: Affordable housing.
 LD1: Landscape schemes.

8.4 Interim Policy – Release of PAS sites – 13th March 2013 (see 1.16 to 1.17 above)

8.5 Supplementary Planning Guidance / Documents:
 Neighbourhoods for Living – A Guide for Residential Design in Leeds
 Street Design Guide
 SPG4 – Greenspace
 SPG11- Education contributions
 SPD- Street Design Guide
 SPG25 – Greenspace and Residential Developments

National Guidance

- 8.6 Paragraph 47 requires that local planning authorities should identify a supply of specific, deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20%.
- 8.7 Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 8.8 Paragraph 85 sets out those local authorities defining green belt boundaries should:
- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
 - not include land which it is unnecessary to keep permanently open;
 - where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
 - make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
 - satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
 - define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

9.0 MAIN ISSUES

- Principle of Development
- Sustainability
- Impact on Residential Amenity
- Highways
- Flood Risk Management and Drainage
- Green Belt edge
- Public Open Space
- Local representations, Ward Member and Morley Town Council representations received
- Joint Letter of Representation received from Ward Councillors
- Provision of Affordable Extra Care off Site
- Section 106 Package
- All other matters

10.0 APPRAISAL

Principle of Development

- 10.1 The application site is designated as a “Protected Area of Search “(PAS) in the adopted UDP. Such sites are designated under Policy N34 which specifies that PAS sites are to be retained for long term development and any intermediate development should be resisted that would prejudice development for long term needs. The supporting text to Policy N34 states that, “The suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework...” By not waiting for the comprehensive review (currently underway in preparation of Leeds’ Site Allocations Plan), a decision to approve this application must be regarded as a departure from the Development Plan. In order to identify a sufficient housing supply to meet requirements and in order to diversify the type of supply being made available the Council has accepted that there should be some further greenfield land to be released for housing development in addition to the releases that were made under UDP policy H3. The criteria of the interim policy are intended to ensure that PAS sites of relative significance in terms of size and locational impact will only be, identified as housing sites, through the development plan process, namely the Site Allocations Plan. However the interim policy envisages that other PAS sites, notably smaller sites (below 10ha) that are well related to either the Main Urban Area or the Major Settlements defined in the Core Strategy are capable of being developed for housing should go ahead of the Site Allocations Plan process providing that there are no other material considerations indicating otherwise.
- 10.2 The NPPF requires that local planning authorities should identify and update annually a supply of specific deliverable sites to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Deliverable sites should be available now; be in a suitable location; and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence that it will be delivered. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 10.3 Paragraph 49 of the NPPF requires that housing applications be considered in the context of the presumption in favour of sustainable development. Relevant policies

for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.

- 10.4 It is acknowledged that Leeds has a five year land supply and that an element of that supply is expected to come from land which has been identified as to be determined through the Site Allocations DPD. The application site is located on the edge of the urban area, and the site appears to be both accessible and sustainable.
- 10.5 Paragraph 85 of the NPPF provides that “Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan Review which proposes development.
- 10.6 The interim policy supports housing development on PAS sites subject to the following criteria being met.

Criteria (i) *Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft.* The site is an extension to the settlement of Morley and is considered sustainable. As such the development of the site would form an extension to the main urban area. It is considered that the site satisfies criteria (i).

Criteria (ii) *Sites must not exceed 10ha in size and there should be no sub division of larger sites to bring them below the 10ha threshold.* The application site is below this threshold.

Criteria (iii) *Land is not needed, or potentially needed for alternative uses.* The application site is not needed for alternative uses and therefore satisfies this criteria.

The proposed site is less than 10 hectares, relates well to the main urban area of Morley which is a major settlement in the settlement hierarchy and it is not envisaged that the site is required for any alternative use. It is therefore considered that the site meets the criteria of the Interim Policy for release as a new housing site. Consequently the principle of housing development on the site is considered acceptable.

Sustainability

- 10.7 The site is approximately 300m to the west of the A653, Dewsbury Road which links southern Leeds to the M62, Leeds City Centre is 4.5km north east of the proposed site.

The site is located in close proximity to a range of shops, leisure facilities, community facilities and employment uses. A summary is given below:-

- The Gardeners Arms Public House 0.3km
- Morley Newlands Primary School 0.4km
- Albert Drive Convenience Shops 0.6km
- Morley Convenience Store 0.6km
- Levisham Park 1.1km
- Morley train Station 2.2km

- Queenswood School 1.7km
- Joseph Priestley College 1.7km
- White Rose shopping Centre 1.9km
- Bruntcliffe High School 3.0km

Bus stops that are west and eastbound are available on Wide Lane. This provides the site with regular bus services to a range of destinations such as Leeds, Wakefield, White Rose Shopping Centre and Morley Town Centre.

The bus stops on Wide Lane are approximately 130m from the centre of the site. Services using the stops are the 64 Gildersome to Leeds and Aberford service at a 30 minute frequency. Services 220, 221, 222 and 223 from Leeds to Huddersfield, Heckmondwyke and Mirfield combine to provide four buses per hour in each direction. All services stop at the White Rose Centre.

The bus service provision on Wide Lane is better than required to meet accessibility standards in the Draft Core Strategy in both frequency and walk distance from the site.

The site benefits from its location alongside established amenities and public transport, therefore in relative terms it can be argued that the site is in a sustainable location. It is also noted that the applicant has submitted a travel Plan which includes a series of measures that promote walking, cycling, use of public transport and car sharing . Accordingly when looked at in the round it is considered that the proposal is consistent with policies that promote sustainable patterns of development.

Impact on Residential Amenity

- 10.8 A modern residential development of approximately 16 dwellings , at Bedale Court is located towards the north of the site and is served by a vehicular access from Wide Lane. The existing development has a court layout with some of the dwellings facing the road which will be extended to be the main vehicle access into this site. Currently the residents enjoy a low level of vehicular and general activity. The proposed development will therefore give rise to a significant increase in vehicle and pedestrian movements which will impact on the living conditions of existing residents. The western boundary of the site also adjoins existing dwellings and there will be some impact although the layout and design will be considered at reserved matters stage. Set against the impact on existing residents is the fact that the site has been reserved and allocated for long term development in the UDP since it was adopted.

Highways

- 10.9 Compared to other PAS sites it is considered that the site is well located and meets the criteria for the release as a new housing site. As such no objections are raised now to the principle of development for reasons relating to the sustainability of the site.

It is considered that there is no overriding highway safety or capacity concerns. A vehicular access can be achieved with appropriate visibility and a layout can be achieved that allows for appropriate parking provision and safe manoeuvring of

vehicles. The following off site highway works are to be agreed as part of the S106 Agreement:-

- Parking restrictions in the general vicinity of the junction with Wide Lane
- Works for a bus clearway

Flood Risk Management and Drainage

- 10.10 A Comprehensive Flood Risk Assessment and Surface Water Management Strategy (Report 3676/FRA1 (Rev A) dated January 2013) has been undertaken. The report acknowledges and addresses the flood related issues in accordance with the present regulatory framework, guidance and council policies appropriate for the development of this greenfield site. The final surface water drainage design and details should be in accordance with the proposed drainage strategy set out in the Report. Conditions are to be attached for the submission, approval and implementation of flood risk management measures and drainage design details.

Green Belt Edge

- 10.11 Adjacent to the eastern boundary of the site is a landscaped strip in the form of trees and vegetation abutting the green belt beyond. This strip of landscaping is outside of the red line boundary but is in the applicants ownership. In accordance with UDP policy N24 a landscaping scheme can achieve the transition from development to Green Belt. Similarly the southern boundary can assimilate the development to the Green Belt by a landscaping and bio- diversity scheme and is conditioned.

Greenspace

- 10.12 The Planning Application is for outline only, with only the principle being sought. However there are some concerns regarding the indicative layout of the proposed greenspace at this stage but this can be resolved through detailed discussion and the consideration of a reserved matters application. On site greenspace to meet policy N2.1 will need to be achieved with a Section 106 contribution for meeting the requirements of N2.2 and N2.3.

Representation Received

- 10.13 207 representations have been received from individual households, local organisations, and letter of representation from Ward Members. The majority of the points raised have been addressed in the relevant sections of the report and these include matters relating to:
- Highway safety and concerns (Paras: 10.8 to 10.9)
 - The principle of the development (Paras: 10.1 to 10.6)
 - The Local Infrastructure (Para: 10.7)
 - Drainage and flooding concerns (Paras: 10.10)
 - Sustainability (Para: 10.7)

Provision of Affordable Extra Care off Site

- 10.14 Morley North and Morley South are identified as priority areas for extra care housing with the demand analysis showing a current undersupply of 41 units (Morley North) and 38 units (Morley South). It is predicted that by 2020 the undersupply is predicted to increase. Extra care is a much needed but often an expensive model to

deliver. Taking the affordable housing contribution as a commuted sum from this site will enable options to be explored to ensure good quality extra care is delivered in the locality. It could be that this sum of money would enable the Council to negotiate additional affordable units or specialist units (such as dementia care) that the market would not otherwise deliver. There is a pressing need for accommodation in this part of the city which the commuted sum can contribute towards. The applicant has agreed to the principle of this so long as the final commuted sum can be agreed and still subject to further discussion. If a figure cannot be agreed the applicant has the option to revert to the provision of affordable housing on site. Local Ward Members have been notified and have been asked for their preference of either affordable housing on site or the extra care provision.

Section 106 Package

10.15 The Community Infrastructure Levy Regulations 2010 set out legal tests for the imposition of planning obligations. 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.

The Section 106 Package consists of the following:-

- 15% affordable housing provision on site or commuted sum for extra care accommodation (based on Affordable Housing requirement)
- Education Contribution of £4,763 per dwelling
- Public Transport Infrastructure £1,226.00 per dwelling
- Travel Plan Management Fee £2,700
- Management Fee- £4,000
- Residential Metrocard scheme £572.55 per dwelling
- Bus stop improvements - £40,000
- Local training and employment initiatives during the construction of the development.
- Off site highway works consisting of parking restrictions in general vicinity of the junction as well as works for a bus clearway.

The proposed obligations have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly they can be taken into account in any decision to grant planning permission for the proposals.

10.16 The application originally included provision of 15% affordable housing on site and this equates to 19 units. This is compliant with the councils planning policy. The Councils Housing Investment Team have been consulted on the planning application and have set out there is an acknowledged need for the provision of affordable extra care accommodation for older persons. If there is limited potential for specialist housing to be delivered on site a commuted sum towards the delivery off site could be considered. As set out above discussions are currently ongoing to see if this can be delivered within the scope of affordable housing and through clauses within the Section 106 Agreement.

All Other Matters

- 10.17 At this stage no overriding concerns exist in respect of other planning issues including nature conservation, contaminated land, drainage and the delivery of extra care accommodation meeting an important local need.
- 10.18 It is also considered that a development can be achieved that respects the character of the area in relation to the spatial setting of the houses, their scale and appearance and the landscaping of the site. These matters ultimately will be subject to future consideration as part of a submission for the approval of reserved matters.
- 10.19 It is also considered that a development can be achieved that does not cause demonstrable harm to the amenities of neighbouring residents from the positioning of future housing. The current layout is indicative only - it will be possible to design the layout of a development that meets the guidelines set down in Neighbourhoods for Living.
- 10.20 In light of the history of the use of the site as open fields it is not anticipated that there will be a level of contamination that will count against the principle of the development of the site. Accordingly conditions are suggested that require investigation to be undertaken, any remedial works to be undertaken and that it be verified that the appropriate works have been undertaken.
- 10.21 The layout of circa 125 dwellings could be accommodated albeit in a different layout to that so far indicated. This plan is indicative only the matters of design and layout are not being agreed as part of this application. These details will be the subject of a reserved matters application.

11.0 CONCLUSION

- 11.1 Considering the advice given in paragraphs 85 and 49 of the NPPF it is important that the Council demonstrates it has a five year supply of deliverable housing sites. The Council has a 5 year supply of land. Some of this comprises land to be determined through the Site Allocations process but which would otherwise be acceptable when measured against the NPPF and the current Development Plan and in the case of PAS sites that this is on the basis that they meet the criteria of the Interim Policy or in the later part of the 5 year period because the Site Allocations work has advanced sufficiently. Whilst the proposal runs contrary to Policy N34 of the UDP, the statutory plan for Leeds, the recently approved Interim Policy provides criteria for limited release of sustainably located PAS land for housing development to help stimulate the housing market and in recognition of the contribution that PAS land plays to establishing a 5 year supply. This policy will assist Leeds in strengthening its supply of achievable housing land ahead of the adoption of Leeds' Site Allocations Development Document, which will identify a comprehensive range of new housing sites. The proposed site is less than 10 hectares in size, relates well to the main urban area of Morley. Furthermore it is not envisaged that the site is required for any alternative uses. As such, the site meets the criteria for release for housing development. Consequently the principle of housing development on the site is considered acceptable and is entirely consistent with the recent decisions at both Royds Lane (Rothwell) and Fleet Lane (Oulton) . It is recognised that the development of this site for housing will impact on the living conditions of existing residents of Bedale Court but that has to be balanced against the need to bring forward this site for development and provide housing for the city. Overall it is considered that great weight should be given to the release of this site for housing in accordance with the interim policy and that there are no other material

considerations which outweigh this – the application is therefore recommended for approval..

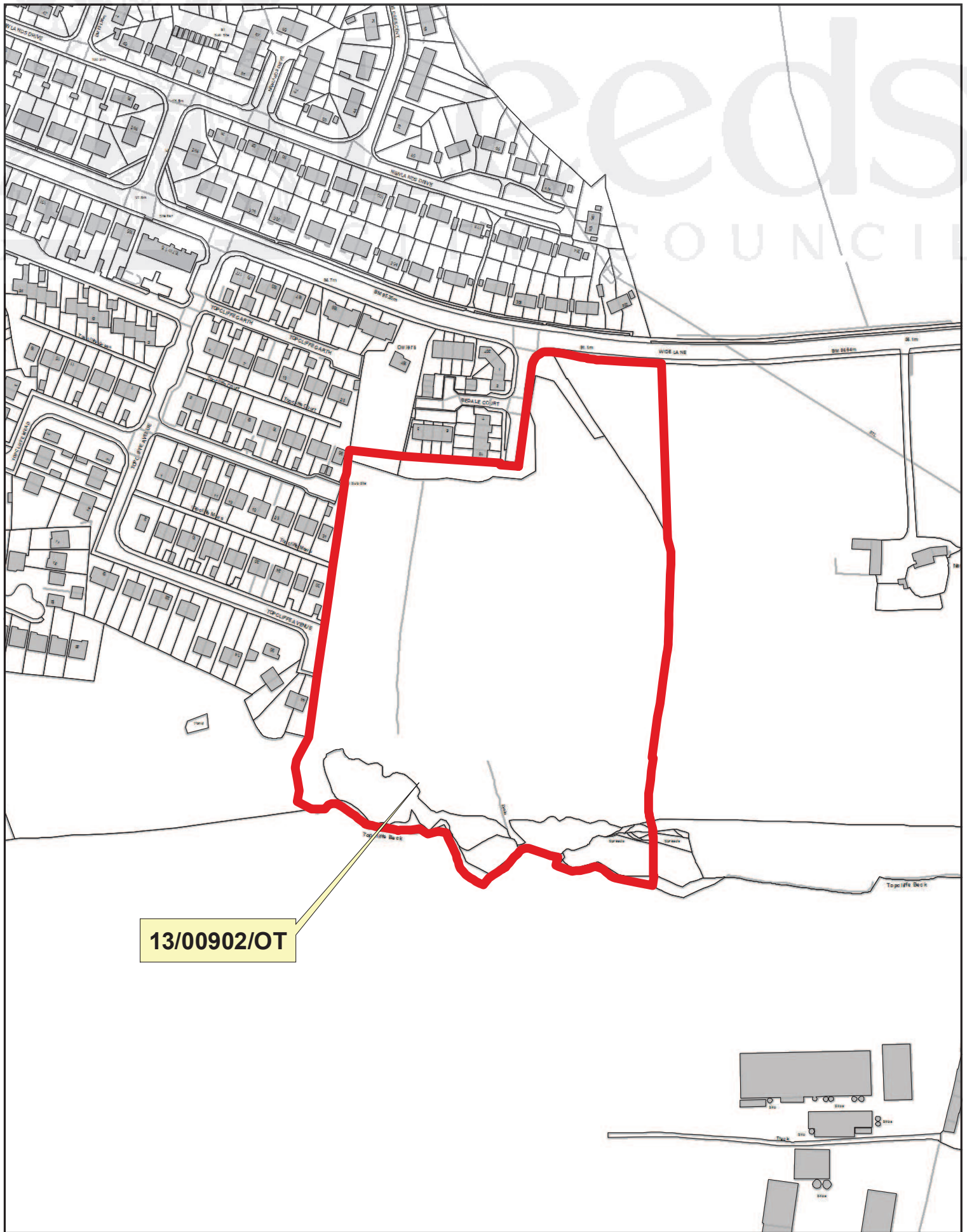
Background Papers:

Certificate of ownership: signed by applicant.

Planning application file.

Annual Monitoring Report (2012)

Executive Board Report



13/00902/OT

CITY PLANS PANEL





Originator: Richard Smith

Tel: 3951569

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 21st November 2013

Subject: APPLICATION 13/03647/OT – OUTLINE APPLICATION TO ERECT MIXED USE DEVELOPMENT WITH HOTEL, RESIDENTIAL, A2/A3/A4/A5/B1/D1 USES AND CAR PARKING AT GLOBE ROAD AND WATER LANE, LEEDS, LS11

APPLICANT	DATE VALID	TARGET DATE
West Register Property Investments Ltd	15/08/13	w/c 25/11/13 (PPA)

Electoral Wards Affected:

City & Hunslet

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions (and any others which he might consider appropriate) and the completion of a Section 106 agreement to cover the following:

- Affordable Housing to be provided at a ratio of 5% split as 60% submarket and 40% social housing or provided in line with relevant policy at the time of construction if not commenced within 2 years
- A developer contribution to be spent on associated public realm works in conjunction with the Holbeck Urban Village Framework – anticipated to be between £1,686,700 to £2,106,700 (dependant on mix / type of uses); this includes deduction of funds to provide surfacing / landscaping improvements to the tow path adjacent to the site at the northern boundary
- Travel Plan measures and monitoring fee of £4,940
- A Public Transport Contribution of £250,169
- Bus stop facility provided along Globe Road or Water Lane at £26,000
- £30,000 contribution to Car Club and provision of two dedicated (Car Club) parking spaces within the development
- Local employment and training clause

- **Public access maintained and improved through the site including the linkage of Water Lane, Globe Road and the southern footpath of Leeds-Liverpool canal**
- **Provision and costs of a Traffic Regulation Order**
- **Reasonable endeavours undertaken to link plot 1 to the high level viaduct walkway should this be developed**
- **Education contribution (if 3-bed+ flats incorporated into design)**

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

Conditions:

1. Submission of reserved matters.
2. Notification of date of commencement.
3. Plans to be approved.
4. All conditions to apply to each phase of development.
5. Reserved matters to be in accordance with the principles contained within the approved design statement and design code.
6. Samples of surfacing materials to be submitted.
7. Sample panel of all external materials to be approved.
8. Boundary treatments to be approved.
9. Details submitted of crossing bridge arrangements over Hol Beck - to include structural integrity details, repair works, future maintenance arrangements, design drawings, level information and compliance relating the watercourse improvements undertaken through the Leeds Flood Alleviation Scheme
10. Full details of hard/soft landscaping to be submitted.
11. Implementation of landscaping.
12. Archaeological evaluation of the site.
13. Details of car parking provision in relation to each phase to comply with adopted standards at the time of implementation including provision of disabled parking provision details and electric charging points.
14. Details of cycle and motor cycle parking facilities and access to them to be provided.
15. Details of off-site highway works (provision of lay-bys, alterations to the footpath, provision of pedestrian crossings with reference made to Flood Alleviation Scheme).
16. Prevention of mud/grit/dust nuisance during construction works
17. Specified delivery hours (7am to 9am and 6pm to 8pm only).
18. Provision of satisfactory visibility splays at the vehicle access points.
19. Details of construction management measures (including the relationship of the development to Network Rail and their infrastructure / safe operation of the railway), contractor's cabins and parking, location of site hoardings to protect passing pedestrians, contractor's vehicle routes to and from the site and location of construction access.
20. Details of contaminated land site investigation work and full remedial measures.
21. Details of external vents, flue pipes etc.
22. All plant to be located within the new buildings.
23. Provision for storage and collection of litter and servicing arrangements. All bin storage to be provided within the new buildings.
24. Noise attenuation measures for future occupiers (including window design) and to prevent disturbance to the area during the construction works.
25. Times of day during which construction can take place (7am to 6pm Mon-Fri, 9am to 1pm Saturday, not on Sundays or Bank Holidays).
26. Provision of external lighting scheme to Hol Beck, public spaces and buildings.
27. Submission of drainage details.
28. Separate system of drainage for foul and surface water.

29. Provision of Flood Risk mitigation measures in accordance with the approved Flood Risk Assessment.
30. No change of use from A2, A3, A4 and A5 uses to A1 by permitted development.
31. Details of safety and security measures for the site including the basement car park and access to buildings to Secured by Design standards.
32. Provision of a Sustainability report for each phase of development seeking 'Excellent' BREEAM rating (non-residential) and design to Codes 4 to 6 in reference to the Code for Sustainable Homes (dependent on commencement dates).
33. Submission of biodiversity / enhancement management plan.

1.0 INTRODUCTION:

- 1.1 This application relates to land in the Holbeck Urban Village which currently benefits from Outline planning permission for mixed use development originally granted consent in 2006 and then extended in 2010 but which is now due to expire in November 2013. This application for a renewal of the existing consent is brought to Plans Panel given the site's continued importance and sensitivity within the wider Holbeck Urban Village.

2.0 PROPOSAL:

- 2.1 Outline consent is sought for a mixed use development split across the two parcels of land north and south of Globe Road. Consent is only sought for access, layout and the scale of the buildings with matters of appearance and landscaping reserved for later submission and agreement.
- 2.2 The proposed buildings (see attached plan titled 'PLAN SHOWING PLOTS') have been identified as Plots 1, 2, 4A and 4B on the submitted drawings. Consent is sought for flexible use for the whole of Plot 1 and the ground floor of the other plots to allow the proposals to adapt to changing market conditions and ensure successful delivery of the project.
- 2.3 The ground floor uses are grouped together as "active" uses and represent class A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food takeaways), D1 (non-residential institutions) and D2 uses (assembly and leisure). These represent 3,846m² of the total floor space.
- 2.4 Additionally 14,000m² of floor space would provide for office use (class B1(a)) but which could also be utilised by research and development (B1(b)), light industrial (B1(c)) or for hotel provision (class C1).
- 2.5 The scheme would further consist of 263 residential units (indicative number) set across a residential footprint of 24,288m².
- 2.6 Plots 1 and 2
These are sited to the north of Globe Road. A public open space would be provided between the 2 plots, running north / south between the canal and Globe Road. This shaped / angled space would measure about 70m long x 25m at its furthest points. It would be oversailed by plot 2 on the Globe Road frontage at a height of 3 storeys (10.3m). Car parking is to be provided within 2 basement levels (approx. 214 spaces) accessed off Globe Road and adjacent to the viaduct / railway line.
- 2.7 Plot 1 would be a maximum 8 storeys in height with indication that this plot would form a hotel use (class C1) or an office use (class B1) with "active" ground floor uses totaling 3422m². In total this plot would provide 14,082m² of floor space.

- 2.8 Plot 2 would be a maximum 7 storeys (22m) in height with 6,384m² of residential floor space (indicatively 69 units) set above 783m² of ground floor “active” uses.
- 2.9 The heights to both plots 1 and 2 drop down from 8 / 7 stories at the viaduct / Globe Road frontage to 7 / 5 stories high respectively adjacent to the canal.

Plots 4A and 4B

- 2.10 The plots are sited to the south of Globe Road and involve the demolition of an existing 2 storey brick building on the western half of the site. An area of public open space is to be provided between the buildings, again on a north/south axis to align with Marshall Street to the south and the proposed open space to the north on plots 1 and 2 giving pedestrian connection between all plots. This would measure 60m long x 12m wide.
- 2.11 At ground level a walkway (‘Beck Walkway’) would be provided to the north side of Hol Beck linking around the east side of plot 4B and on towards the Tower Works site also forming an area of open space (called ‘Giotto Walk’), adjacent to future plot 5. It would measure approximately 30m long x 15m wide at its furthest points.
- 2.12 This pedestrian link also aims to provide framed views of the Italianate towers on the Towers Works site to the north. New bridge links are shown proposed over Hol Beck to/from Water Lane connecting into these public areas; these have been designed with appreciation taken of the Leeds Flood Alleviation Scheme (applications 13/03191/FU and 13/03192/LI). Basement car parking is proposed (around 197 spaces) with access off Globe Road. Communal roof gardens for the use of the residents are proposed above ground floor level for both plots.
- 2.13 Plot 4A would be 8 storeys high with nearly 6,863m² of residential use (indicatively 75 flats) above 1,437m² of “active” ground floor uses.
- 2.14 Plot 4B would be 7 storeys high with 10,920m² of residential use (indicatively 120 flats) above 2,428m² of ground floor “active” uses.

Plot 5 (not proposed as part of this application)

- 2.15 The plans submitted also refer to ‘plot 5’ (also in the applicant’s ownership and which can be seen in the attached drawing ‘PLAN SHOWING PLOTS’) which forms the eastern triangular wedge bounded by Globe Road and Water Lane. For information, this plot of land in part has an unimplemented full planning permission for a 5-storey 78-bed hotel (consent due to expire in November 2013).
- 2.16 The proposals have been supported by the following documents, some of which is unchanged in content and relevance from the 2006 consent:

- Planning Statement;
- Design Statement;
- Design Code;
- Transport Assessment;
- Travel Plans;
- Contaminated Land Desk Top Study;
- Flood Risk Assessment;
- Noise Impact Assessment;
- Wind Study;
- Air Quality Assessment;
- Statement of Community Involvement.

3.0 SITE AND SURROUNDINGS:

- 3.1 This site is split into two parts – accessed from and set to the north and south of Globe Road.
- 3.2 The northern part at 0.4Ha (subject of proposed ‘plots 1 and 2’) consists of open surface car parking and is surrounded by the railway viaduct / line curving around the north-western boundary of the site and buildings at the ‘Tower Works’ site to the eastern side. To the north the site adjoins the Canal and towpath and to the south is Globe Road. The site also includes Hol Beck within its southern boundary which is an approximately 3m deep drainage channel at this point.
- 3.3 Immediately to the north-east of the site is a 4-storey Victorian former iron foundry building which is grade II listed and currently / last used as offices.
- 3.4 The southern part is 0.6Ha in size (subject of proposed ‘plots 4A and 4B’) and is made up of a two storey former industrial premises known as ‘Globe Works’ (circa 20th century) which is used for covered and adjacent open surface car parking.
- 3.5 The surrounding context of the area can be summarised as being former industrial / commercial in character which is emerging as a mixed use area known as ‘Holbeck Urban Village’ (HUV). Part of the site (broadly where plot 2 and plot 4B are proposed) and some of the general area itself is within the Holbeck Conservation Area.
- 3.7 Tower Works to the east of plot 2 has consent for a mixed use development containing both historic buildings and newer elements; it includes the retained three historic towers – Giotto Tower, Verona Tower (both grade II* listed) and Little Tower (grade II listed) as well as no 6 – 8 Globe Road and the Engine House (grade II listed). The site is now presently occupied by mainly office uses within the refurbished and new build premises fronting Globe Road but the phased consented scheme allows for future residential, retail, café, drinking and community facilities within the heart of the site.
- 3.8 To the immediate west of plots 4A and 4B is an additional open surface car park which is also owned by the applicant.
- 3.9 To the north of plots 1 and 2, the Leeds-Liverpool canal offers towpath accessibility which links to Granary Wharf and onto the Dark Arches / City Station, shortly where the Southern Entrance is to be built.
- 3.10 To the east of plot 4B a smaller triangular site (shown marked as plot 5) is also used currently for parking and again is the ownership of the applicants.
- 3.11 To the south of plot 4A lies Marshall’s Court (grade II* listed), Marshall Street and further open surface car parking (the latter again part of the applicant’s ownership and shown marked as ‘plot 7’). Furthermore, to the south of plot 4B lies the Round Foundry (grade II listed) providing a mix of converted historic buildings now used for residential / office / retail uses, function rooms and by a Public House.
- 3.12 The predominant character throughout the area is of brick mill, warehouse and other buildings and a few sites cleared of their former developments and left open surfaced.

3.13 The site is located is located in flood zone 3.

4.0 RELEVANT PLANNING HISTORY:

4.1 20/245/05/OT Outline application to erect mixed use development with hotel residential A2/A3/A4/A5/B1/D1 uses and car parking Approved – 28.12.06

09/05209/EXT Extension of time for outline application to erect mixed use development with hotel residential A2/A3/A4/A5/B1/D1 uses and car parking Approved – 29.11.10

5.0 HISTORY OF NEGOTIATIONS:

5.1 The scheme hereby submitted is based upon the same scheme that received approval in 2006 following presentation to Members at City Plans Panel in March that year. This scheme was not implemented and an extension of time application was made in 2009, which was approved and remains extant until November 2013.

5.2 Prior to submission of this latest application a pre-application enquiry was undertaken in July 2013 which focused on updating supporting documents to reflect changes in planning policy since the previous approval.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised by site notices and newspaper advertisement (Yorkshire Evening Post). The application details were also sent on to Ward Members.

7.0 CONSULTATION RESPONSES:

Statutory

7.1 Canal & Rivers Trust – Recognises that the scheme intends to provide a link to use Canal footpath, although latter not included in the application site; this section of walkway is not considered currently adequate for the increase in pedestrian activity.

7.2 Coal Authority – No objections.

7.3 Environment Agency – No objections (subject to conditions).

7.4 Highways Agency – No objections.

7.5 Network Rail – No objections (subject to conditions).

7.6 Yorkshire Water – No objections subject to conditions (including the protection of sewers recorded to cross / adjacent to the site).

Non-Statutory

Access Officer – Detailed design drawings need to show how development is accessible to all in respect of building entrances, lobbies, doors, rooms and lifetime homes.

Children's Services – Contribution would be sought for primary / secondary provision but only for any 'family dwellings' incorporated into the scheme e.g. 3-bed+ flats or 2-bed+ houses.

Civic Trust – No comments received.

Contaminated Land Team – No objections (subject to conditions).

Environmental Policy (Sustainable Design / Construction) – No comments received.

Flood Risk Management – No objections (subject to conditions).

Highways –

- Site now affected by Flood Alleviation Scheme.
- Off-site highway works would need to include build outs on Water Lane to allow for footbridge landing points. Off-site highway works including crossing points over Globe Road should be cross-referenced to the Section 106 Agreement. Regard to be given to those with mobility issues / disability.
- Funds provided as part of HUV contribution should part fund cycle lane provisions along Water Lane, if such a scheme is still implemented.
- Transport Assessment adequately demonstrates that the development would have no further impact on the highway network.

Licensing - Noise attenuation measures should be considered in the detailed design and incorporated into the build of the development in order to protect occupants of this and nearby developments from noise nuisance. There are existing licensed premises in the locality.

Local Plans – Flood Risk Assessment Sequential Approach accepted in view of regeneration arguments (Urban Village) and Hotel presence relative to City Station. Hotel element of the scheme is supported under UDPR policy LT7. Scheme also accords with policy advice set out in UDPR (policies H03, H3) and HUVRPF and Core Strategy (policy CC2).

METRO – No objections to development of this sustainable site; in order to enhance connections by bus users, a bus stop contribution (£26,000) is required.

NGT / Public Transport – Contribution required as calculated at £250,169

Neighbourhoods & Housing (Air Quality) – No objections raised in regards to Air Quality. Provision of electrical charging points to each residential car parking space and to 10% of commercial parking space recommended.

Neighbourhoods & Housing (Affordable Housing) – Site is liable to 5% affordable housing split at 60/40 submarket/social housing which based upon 263 units will form a requirement for 13 units split as 8 submarket and 5 social rent, the mix of which to be agreed with the Housing Investment Team (through the Section 106 Agreement).

Neighbourhoods & Housing (Noise Protection) – No objections subject to conditions. Potential for noise sensitive developments to be affected by sound from surrounding industrial/commercial premises. Alternative means of ventilation will be required at detailed design stage in line with 2013 Noise Report findings (to ensure windows can remain closed during warm weather where noise is experienced).

Neighbourhoods & Housing (Transport Noise) – No objections subject to glazing specification to be agreed with different thickness in glass specification (preferred means of attenuation).

Sustainability (Conservation Officer) – No objections raised.

Sustainability (Design Officer) – Application should take account of Flood Alleviation Scheme to maximize attractiveness to pedestrians to the links between Globe Road / Water Lane and the canal.

Sustainability (Landscape Officer) – Landscaping should be considered along Globe Road frontage (as per previous temporary car park schemes). Need to avoid over-shading by building and consider wind environment for comfortable use of public spaces. Underground tree design needs to be appropriate for long term growth.

Sustainability (Nature Conservation Officer) – Biodiversity should be designed into the channel enhancements at Hol Beck fronting the site (this could include planting, bat roosting and bird nesting opportunities).

Transport Policy (Travelwise) – Travel Plan to be appended to Section 106 Agreement. Monitoring fee calculated at £4,940. Agreement should refer to 2 car club spaces and £30,000 contribution to this scheme.

West Yorkshire Archaeological Service – No objections subject to recording / investigation condition recommended. Site may contain some important underground archaeological elements surviving from early West Yorkshire integrated textile industry associated with John Marshall works.

West Yorkshire Police Architectural Liaison Officer – Recommendation that at detailed design stage, principles of Crime Prevention through Environmental Design (CPTED) and Secured by Design measures shall be incorporated. Natural Surveillance should be maximised by positioning of facing habitable windows and avoidance of blank featureless facades. Mix of uses throughout the day encouraged to ensure activity across the development.

Wind Consultant – No comments yet received (study being currently assessed), comments to be updated verbally at Panel.

8.0 PLANNING POLICIES:

National Planning Policy Framework (2012)

8.1 This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

Para 14: Presumption in favour of sustainable development.

Para 23: recognise that town (city) centres as providing for a mix of uses which are competitive and promote vitality and viability.

Para 137: LPAs should look for opportunities within new development set in Conservation Areas and within setting of heritage assets to enhance or better reveal their significance.

Development Plan

8.2 The Development Plan consists of the adopted Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste DPD (2012).

8.3 The site is located within Proposal Area Statement no 31A – the Holbeck Urban Village Strategic Housing and Mixed Use Site, where the aims of the policy is to re-

generate the area as a physically, socially and economically sustainable community utilising appropriate new uses amongst existing ones. Under policy H3-1A.44 the land is allocated as a strategic housing and mixed use site.

GP5: Requirement of Development Proposals: seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

N12: Priorities for Urban Design: development proposal should respect the Councils priorities for Urban Design.

N13: Design and New Buildings: the design of new buildings should be of high quality and have regard to local character. Good contemporary design appropriate to its setting will be welcomed.

N17: Listed Buildings Character and Appearance: Detailing and all features which contribute to the character of the listed building should be preserved, repaired or if missing replaced and the original plan form preserved where it contributes to the special character.

N19: Conservation Areas, New Buildings: outlines that new buildings, extensions etc within or adjacent to Conservation Areas should preserve or enhance the character of that area.

N51: Nature Conservation and Enhancement: design of new development / landscaping should wherever possible enhance existing wildlife habitats and provide new areas as opportunities arise.

T2: Transport Provision for Development: seeks to ensure developments are not of a detrimental impact upon highway safety.

T5: Pedestrian and Cycle Provision: Safe and secure access for pedestrians and cyclists will be required within highways schemes/new development.

T6: Provision for the Disabled: Provision for disabled people will be required within highways schemes/new development.

T7A: Cycle Parking Guidelines: sets out guidance to the appropriate levels of cycle parking and storage provision in new developments.

T7B: Motorcycle parking: sets out guidance to the appropriate levels of motor cycle parking and storage provision in new developments.

H3: Housing Land Supply and Phasing: sets out that the delivery of housing land release will be controlled in three phases (Holbeck Urban Village is listed to contain 900 units of accommodation during phase 1 (originally intended release 2003-08)

H11: Affordable Housing: the Council will negotiate to provide for housing developments to provide / maintain appropriate proportions of affordable housing.

CC10: Public Space and Level of Provision: operational development covering of more than 0.5Ha should allocate a minimum 20% of the site area as public space.

CC11: Street and Pedestrian Corridors: the Council will assess streets and seek to enhance existing pedestrianised corridors to upgrade this environment generally, respecting historic character and using traditional materials.

CC12: Public Space and Connectivity: outlines that public space in new development must be related to existing pattern of streets, corridors and spaces including river and canal walkways.

CC13: Public Space and Design Criteria: new public spaces must be imaginatively designed, compliment their location and ensure they are attractive / comfortable / safe / accessible.

BD5: Amenity and New Buildings: new buildings should be designed with consideration given to both their amenity and that of their surroundings with reference drawn to usable space, privacy and daylight / sunlight.

Supplementary Planning Guidance - City Centre Urban Design Strategy (2000) – Seeks to reinforce the positive qualities of character areas, re-establish urban grain, provide enclosure to streets, create visual interest, encourage excellent design, improve pedestrian connections, develop a mixture of land uses, promote active frontages and promotes sustainable development.

Supplementary Planning Guidance - Waterfront Strategy (2002) – seeks to enhance the vibrancy and attractiveness of the canal and improve public access to it.

Supplementary Planning Guidance - Holbeck Urban Village Revised Planning Framework (2006) (HUVRPF) - this document sets out the planning and design framework for the regeneration of this special area. Visions include improving connectivity between City Centre and surrounding communities of Beeston Hill and Holbeck, creating new employment, living and leisure opportunities, establishing a new 'creative' quarter focused on new media / digital enterprise, preserve area's unique character and architecture and creating a mixed use, sustainable community with a sense of place.

Supplementary Planning Document – Sustainable Design and Construction (2011) – details technical advice and guidance to developers in meeting BREEAM and Code for Sustainable Homes standards.

Supplementary Planning Document – Public Transport Improvements and Developer Contributions (2008): Developments that have a significant local travel impact will be subject to a requirement for paying a contribution towards public transport improvements.

Supplementary Planning Document – Travel Plans (2012): sets out the requirements for travel plans and identifies when they are required in support of a planning application.

Local Development Framework – emerging Policy

8.4 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 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination which was held during October 2013.

8.5 As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents

recognising that the weight to be attached may be limited by outstanding representations which have been considered at the examination.

Spatial Policy 1 – Location of Development

Outlines that a spatial development strategy is based on the Leeds settlement hierarchy concentrate which seeks to concentrate the majority of new development within urban areas. The largest amount of development will be located in the Main Urban Area with Major Settlements delivering significant amounts of development.

Settlements within the hierarchy will guide the identification of land for development, with priority given in the following order:

- a. Previously developed land and buildings within the settlement,
- b. Other suitable infill sites within the relevant settlement,
- c. Key locations identified as sustainable extensions to the relevant settlement.

P10 – Design

This highlights that new development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis and good design according with set principles e.g. size, scale, design, layout, character.

T2 – Accessibility Requirements and New Development

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.

9.0 MAIN ISSUES

1. Principle of Uses.
2. Scale and Siting.
3. Impact on character of Conservation Area and the setting of Listed Buildings.
4. Impact on the waterfront.
5. Pedestrian Permeability.
6. Traffic and Access.
7. Technical Matters (Flood Risk, Access)
8. Section 106 Agreement.

10.0 APPRAISAL

10.1 Principle of Uses

The proposal is for a mixture of residential use, hotel or office use and 'active' commercial uses (e.g. these could be cafes, restaurants, drinking establishments) to the street frontages. Sustainable design and operational techniques will be investigated and a detailed report of the measures will be required at reserved matters stage. This is in accordance with the Council's policies and guidance for the Holbeck Urban Village area - such as that contained in the Revised Planning Framework ('HUV RPF') - which seeks to generate a vibrant mixed use area with high sustainable and architectural design standards.

- 10.2 The proposal is also considered to accord with NPPF guidance – it forms a mixed use vibrant and active development bringing life to this area of the City Centre and is sustainable in location and design. The site would tap into the potential now offered from being set near to the new City Station south entrance (due for completion by 2015).

Scale and Siting

- 10.3 The proposed scale of the buildings still generally complies with the design work that has been previously undertaken as part of the Framework. To this particular site, Area Statement 2 (Tower Works) broadly indicates heights 5 - 7 storeys (north side of Globe Road) and 4 – 6 stories (south side) with a general dip in height west to east. The proposal, like in 2005, shows some 8 storey elements to the site's western edges as set against the railway viaduct and reflects the scale of development that has been granted planning consent on the nearby Tower Works site. It is therefore considered that the scale of development would not unduly dominate the area and reflects the general scale and massing approach identified in the Framework.
- 10.4 The siting of the buildings set on the rear edge of the footpaths seek to recreate the sense of enclosure and continuity of frontage provided by the location of historic buildings set close to footpaths and courtyards. The gaps between the plots allow provision for a series of interlinked public spaces and good pedestrian permeability through the site and wider Urban Village.
- 10.5 The buildings would provide gaps of about 20m to existing and consented buildings on adjoining sites. Within the site the gaps between facing elevations are generally 15 to 20m. The details of the internal layouts and elevational treatments will be controlled at Reserved Matters stage. This provides sufficient comfort that the privacy and amenities of future occupiers and neighbouring uses would be adequately protected.
- 10.6 The proposals have been updated in light of the pending application submitted for works to develop the Leeds Flood Alleviation Scheme – some of which is located within the application site along Hol Beck. The new bridges and routes shown across the Beck align with the Public Realm works, namely between plots 4A and 4B, linking south to Marshall Street and between plot 4B and plot 5 via 'Giotto Walk'. These connections respectively link up to the public square between plots 1 and 2 and the Giotto Tower on the Tower Works site to create good permeability and pedestrian routes between the various sites in this part of the Urban Village.

Impact on the character of the conservation area and the setting of Listed buildings

- 10.7 The special character of this area derives largely from its listed buildings and surrounding industrial heritage, especially the Italianate towers on Tower Works.

In addition to recreating the traditional sense of enclosure to the streets as described above the proposed buildings would also preserve important views of the Italianate towers from the south by creating framed views through the proposed 'Giotto Walk' and from the west adjacent to the viaduct. The scale of the proposed buildings would also respect the scale of both built and approved future development on the Tower Works site (ref 08/01544/FU) and on the historic Round Foundry site to the south. It ensures that the 3 listed towers remain dominant when viewed from the east and west along Globe Road.

- 10.8 The scale of plot 2 is stepped down and is set back from the canal towpath which would ensure that the setting and prominence of the Globe Iron Foundry listed building to the north-east corner of the site is preserved - especially when viewed from the north across the railway.
- 10.8 The listed bridge which sits across Hol Beck has been assessed in the current application given the ongoing emerging designs being developed for the Flood Alleviation Scheme. The exact finished technical and detailed engineered design of this existing crossing is being progressed through the FAS drawings. However initial

plan drawings have shown that the listed bridge can be retained in its approximate position (moved east by only 15m to align with Marshall Street) and would be elevated by around 0.5m with ramps provided either side (so to allow accessibility by all).

- 10.9 The existing sites used for both open car parking and parking within a utilitarian building are considered to detract from the character and amenities of the area. The proposals would help repair the urban fabric and introduce life and activity to help regenerate the Holbeck Urban Village area.
- 10.10 The 2005 design code re-submitted with this application supports provision of good contemporary architecture whilst making use of traditional materials (such as red brick or sandstone) to reinforce the historic character of the area – this aligns with the key principles set out in the Framework. The full details will be controlled by planning condition.
- 10.11 It is therefore considered that the proposals would preserve and enhance the special character of the area and the setting of nearby listed buildings.

4. Impact on the Waterfront

- 10.12 Plots 1 and 2 are designed to preserve and enhance the amenities along the canal. The curve of plot 1 and its pointed finish to the canal towpath will help to create visual interest whilst its positioning against the railway viaduct and the setback of plot 2 would ensure that they do not dominate the waterfront.
- 10.13 The design code supports the enhancement of the canal towpath and its connection to the public space within plot 1, subject to agreement with Canals & Rivers Trust. The applicant will be required by the Section 106 legal agreement to contribute to the surfacing and landscaping improvements of the tow path by deduction of funds taken from the Holbeck Urban Village Public Realm developer contributions reflecting the approach taken on the adjacent Tower Works scheme. This is considered important given the design and layout of the public space between plots 1 and 2 and the need to enter the public realm in relation to pedestrian connections from the new South entrance to the City Station.
- 10.14 The proposals would also enhance the appearance of the Hol Beck through the Public Realm works shown around plots 4A and 4B. The detailed works will be controlled by planning condition and this will give opportunity to introduce nature conservation improvements. It is therefore considered that the proposals would comply with the Council's Waterfront Strategy and the Urban Village Framework for Holbeck.

Pedestrian Permeability, Landscaping, Public Spaces

- 10.15 The proposals would considerably enhance pedestrian movements through the site creating attractive and vibrant public spaces within the site – these in turn reflecting the approach to have 'active' uses at ground floor level. The new public routes would connect Globe Road with the canal, continue the route of Marshall Street through the sites and continue the proposed pedestrian route through the Tower Works site across Globe Road and Water Lane. The proposed Beck walkway would improve pedestrian access along Water Lane.
- 10.16 The design code also recognises the opportunity to link plot 1 to the proposed high level viaduct walk to the west. This is an aspiration within the revised Framework for Holbeck and although in 3rd party ownership the applicant is being asked through

the section 106 legal agreement to make reasonable endeavours to achieve this link if works are progressed for the high level walkway.

- 10.17 The space between plots 1 and 2 is shown raised by up to 1.5m above the level of Globe Road to allow provision of undercroft banqueting and conference facilities for the hotel use. It would be linked to the canal towpath and Globe Road by shallow ramps (no steeper than 1:20 gradients). In the event that the leisure functions are not required to support the hotel use then the public space can be provided at grade level. Either option allows for good quality landscaped public space.
- 10.18 The public routes would have high quality surfacing treatment using natural materials and granite to tie in with the surrounding area. They will be enhanced through provision of lighting, soft landscaping and street furniture as appropriate (controlled by condition). It is not considered appropriate to replicate tree planting as which was shown in the separate (temporary) car parking applications given that the public spaces would be provided over basement parking accommodation.
- 10.19 The tow path route from the canal linking within the public space between plots 1 and 2 has been the subject of discussion between the applicant, Canal & Rivers Trust and the LPA. It has been agreed that improvements (surfacing / landscaping) can be included with the section 106 agreement. Whilst this route is not currently adequate to be used for pedestrians it can be upgraded with the cost deducted from the funds of the Holbeck Urban Village Public Realm contribution.
- 10.20 The proposals would deliver the aspirations of the revised Framework for greater pedestrian links north/south through the site, enhancement of connections with the surrounding area and the provision of a high quality public realm / landscaping ensuring an attractive development accessible to all.

6. Traffic and Access

- 10.21 Drafted proposals undertaken by the FAS team have shown how ramped pedestrian access into / out of the site can be achieved without detriment to highway safety along Water Lane. It is not therefore considered that the proposals would have an adverse impact on the highway network. This work has been undertaken further to discussions between the applicant and the FAS team in relation to the proposed location and levels. The indicative ramped access and highway build out into Water Lane would retain a 5.5m wide carriageway width that maintains two way movement on Water Lane. These works would be controlled by condition.
- 10.22 Furthermore, detailed designs in respect of the highway works intended along Globe Road (build outs, crossing points etc) will also be subject of condition, which in turn cross refer to a clause with the Section 106.
- 10.23 The scheme has been designed to minimise car use and to encourage walking and use of public transport. The location of the site close to Leeds City Centre and the Railway Station South entrance is clearly a benefit in this respect. Access for pedestrians and cycles would be facilitated at a number of points to all site frontages including the tow path and routes from west, south and east. All parking would be within an underground car park. The spaces between the buildings would be treated as landscaped areas with pedestrian priority and with segregated / separate servicing areas (which would be conditioned to take place outside of core office hours). The servicing strategy would be subject to more detail and agreement at the reserved matters stage.

- 10.24 Cycle parking for residents and employees would be provided within the basement while short stay spaces will be provided within the public realm. Details of these again would be controlled by planning condition.
- 10.25 The parking provision provided has been set at below maximum UDP standards and is primarily aimed at providing residential car 'storage' and parking for the hotel use. This is aimed at encouraging use of the very good public transport links and reflects the sustainable location of the site. Car club arrangements would be provided to enable residents not to own a car and use a car pool for regular trips for leisure etc. A Green Travel Plan has been submitted and this forms part of the documentation to be approved. Also of note is the inclusion of electrical charging points to residential and commercial car parking spaces as advised through colleagues within the Neighbourhoods & Housing Team. This has been discussed with the agents who are agreeable to the conditioning of these details; exact arrangements are not appropriate at this stage given the Outline nature of the proposal.
- 10.26 A developer contribution to Public Transport / Infrastructure improvements has been calculated at £250,169 and this would form part of the section 106 agreement. A contribution to improvement of bus stop / shelter provision is also to be included within the section 106 agreement. METRO have agreed that a contribution of £26,000 is appropriate to the expected provision of a shelter with real time information either along Globe Road or Water Lane along Whitehall Road (south-east carriageway) should a service be provided or opposite to the new shelter to be provided as part of its adjacent Doncaster Monkbridge development.

7. Technical Matters (e.g. Flood Risk, Access)

- 10.27 A Flood Risk Assessment (FRA) accompanies the application which also contains a sequential assessment / exception test included to outline why this site is considered suitable for the development proposed in this flood zone 3. The Environment Agency and Flood Risk Management colleagues accept the findings of the FRA and this is considered acceptable of the uses on this site.
- 10.28 Following the advice set out at para.102 of the NPPF the sequential assessment and exception test provided are considered to be acceptable and provide sufficient justification of the site location / development. This is given its location in zone 3aii (high probability) of the Leeds Strategic Flood Risk Assessment (which is being used as supporting evidence to the LDF process).
- 10.29 Emphasis here has been placed on the lack of / absence of other sequentially preferable sites in the HUV area such as those within zones 3ai (high probability) or zone 2 (medium probability) in addition to the locational requirements of a Hotel operator to be within close proximity of the station. As part of this evaluation, it is also noted that the residential aspect of the development ('more vulnerable' use as defined through the NPPF) is to be appropriately located at first floor level and above. The proposal is also outlined as having a significant contribution that would be made to the regeneration of the area (Urban Village) and has underlined the long term sustainability of this site / area's wider development in doing so.
- 10.30 Flood Risk Management colleagues have received additional feedback to the further clarification requested around the surface water discharge rates and attenuation storage afforded as calculated by the agents. No objections are raised by this consultee and conditions would be applicable to this.
- 10.31 The Access Officer has raised some points that should be considered in the development to ensure building entrances, lobbies, doors, rooms are designed to

accessible standards where necessary. It is considered that this can be adequately controlled through both condition and the detailed design to be agreed at Reserved Matters stage.

8. Section 106 Agreement

10.32 The applicant has agreed to enter into a legal agreement to cover the following matters:

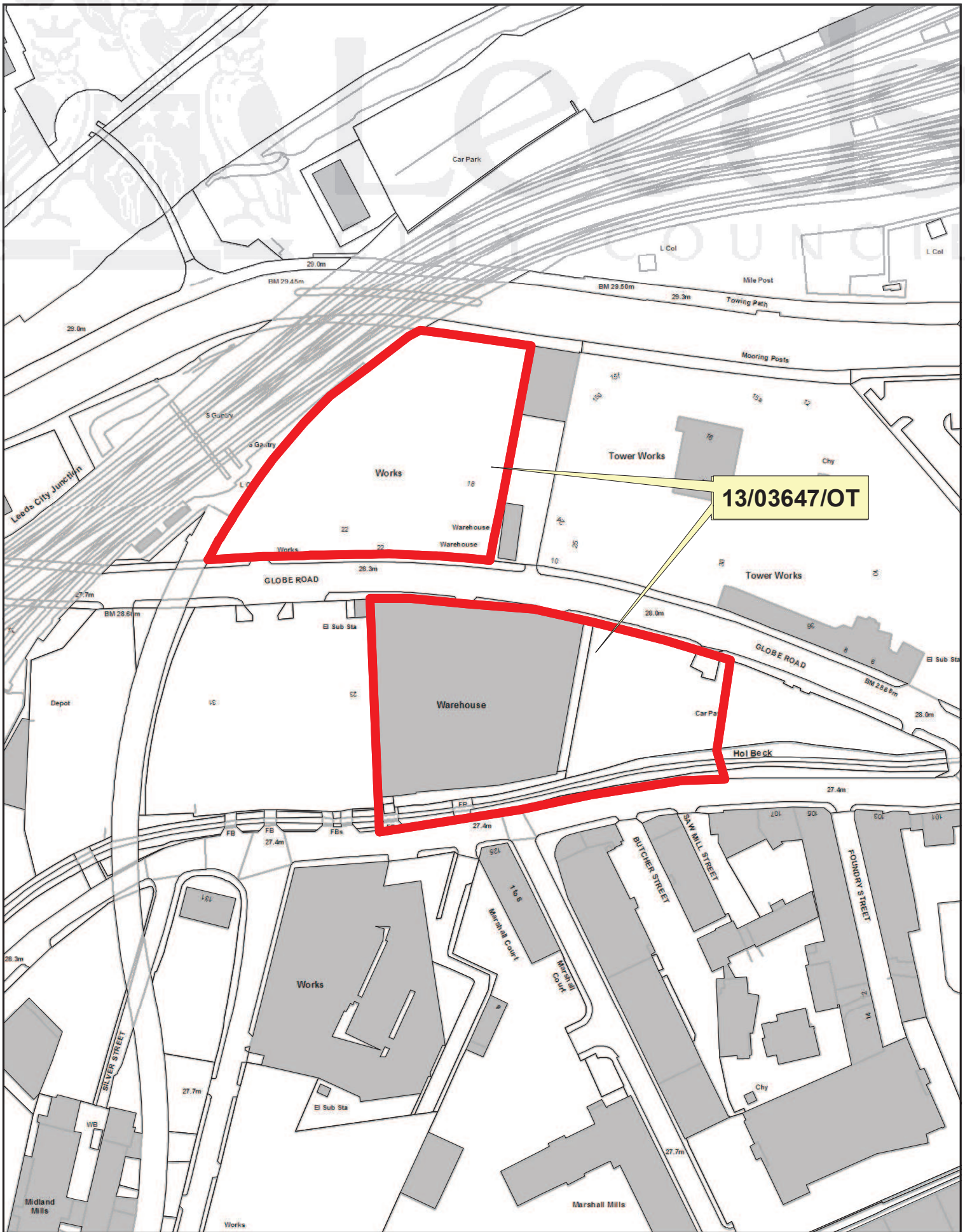
- Provision of **affordable housing** (5%) provided as 60% submarket and 40% social housing (or provided in line with relevant policy at the time of construction if not commenced within 2 years)
- Provision of a **Public Realm contribution** for the Holbeck Urban Village anticipated being between £1,686,700 to £2,106,700 (dependant on mix / type of uses)
- **Travel Plan** measures and monitoring fee of £4,940
- **Public Transport Contribution** of £250,169
- **Bus stop improvement** contribution of £26,000 (enhanced facilities expected at Globe Road or Water Lane)
- **£30,000 contribution to Car Club** and **provision of two dedicated (Car Club) parking spaces** within the development
- **Local employment and training clause**
- **Public access maintained and improved through the site** including the linkage of Water Lane, Globe Road and the southern footpath of Leeds-Liverpool canal
- Using **reasonable endeavours to link plot 1 to the proposed viaduct walkway**
- Provision and costs of a **Traffic Regulation Order** to control highway usage at Globe Road
- **Education contribution** (if 3-bed+ flats are incorporated into the design)

10.33 As part of Central Government's move to streamlining the planning obligation process it has introduced the Community Infrastructure Levy Regulations 2010. This requires that all matters to be resolved by a Section 106 planning obligation have to pass 3 statutory tests. The relevant tests are set out in regulation 122 of the Regulations and are as follows:

- '122(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.'

As listed above (and also in the 'recommendation' box at the beginning of this report), there are matters to be covered by a Section 106 agreement. These matters have been considered against the current tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

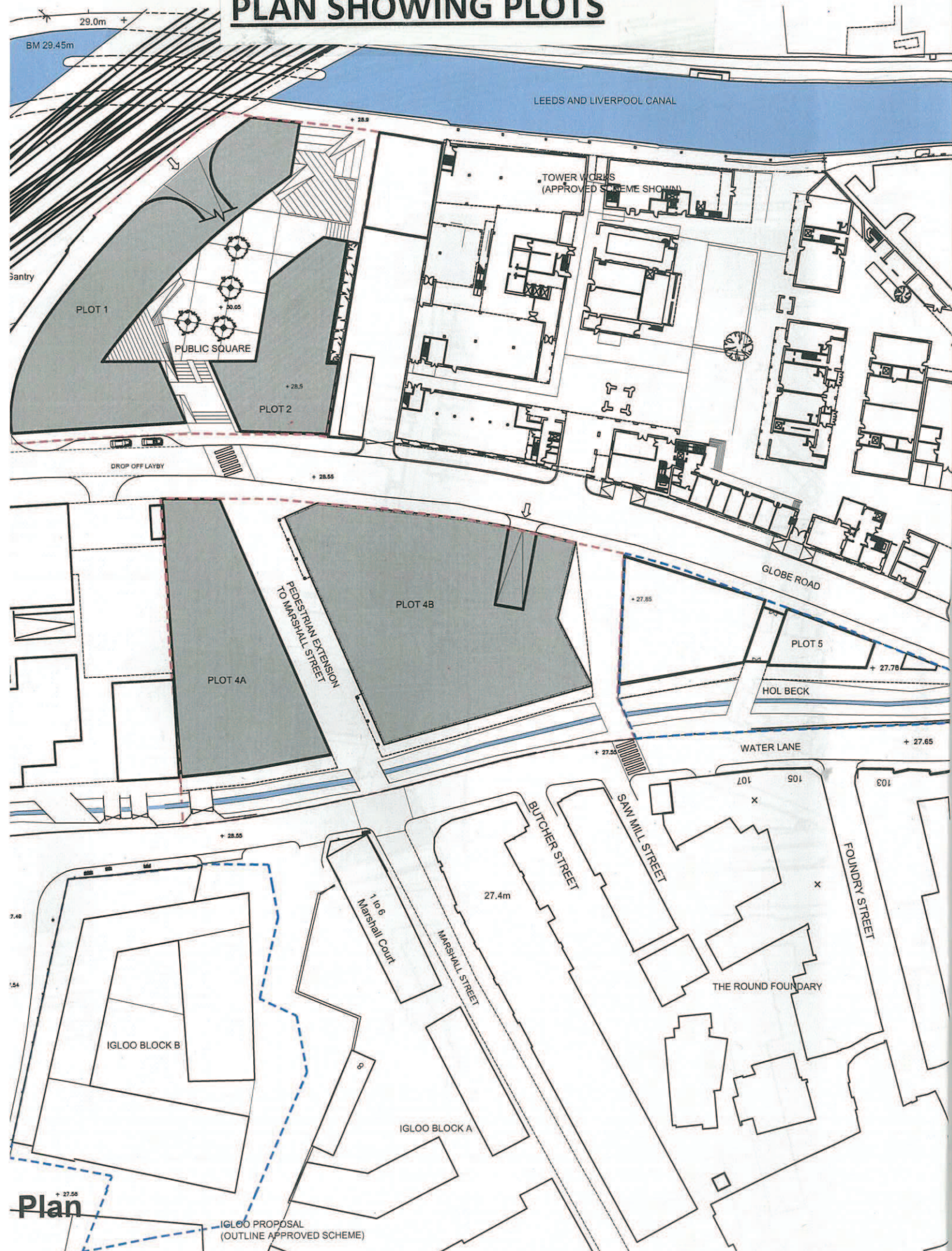
Background Papers: 13/03647/OT



CITY PLANS PANEL



PLAN SHOWING PLOTS



Plan

IGLOO PROPOSAL
(OUTLINE APPROVED SCHEME)



Originator: Tim Hart

Tel: 3952083

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 21st NOVEMBER 2013

PROPOSAL FOR TWO NEW STUDENT ACCOMMODATION BUILDINGS, RETAIL UNIT AND PUBLIC SPACE, CITY CAMPUS, CALVERLEY STREET, LEEDS (13/04584/FU)

APPLICANT

Downing Property Services

DATE VALID

30th September 2013

TARGET DATE

30th December 2013

Electoral Wards Affected:

City and Hunslet

Yes

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION : DEFER and DELEGATE to the Chief Planning Officer for approval subject to the satisfactory resolution of the issues identified in the report and subject to the specified conditions (and any others which he might consider appropriate) and also the completion of a Section 106 agreement to include the following obligations; restriction to student occupation; public transport contribution (£24,380); travel plan and monitoring fee (£500); accessibility to public areas; employment and training initiatives; and Section 106 management fee (£750). In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

Summary Conditions

- 1 3 Year Time Limit
- 2 Development to be in accordance with approved plans.
- 3 Notification of Commencement.
- 4 Notification of unexpected significant land contamination and remedial work if found necessary.

- 5 Soil brought to site to be suitable for use.
- 6 Tree protection before commencement.
- 7 Schedule of tree works to retained trees.
- 8 Hard and soft landscape details.
- 9 Implementation of hard and soft landscaping.
- 10 Landscape management and maintenance.
- 11 Replacement of soft landscaping if it is removed, destroyed or dies.
- 12 Details of contractor's storage and parking.
- 13 Details of methods to control dirt, dust and noise during construction.
- 14 Construction hours.
- 15 1:20 drawings and sections.
- 16 Details and sample panel of all external facing and surfacing materials.
- 17 Implementation and retention of wind mitigation measures.
- 18 Short and long stay cycle facilities to be provided before occupation.
- 19 Details of method, storage and disposal of litter and refuse.
- 20 BREEAM Excellent to be achieved and post construction review of sustainability measures.
- 21 Drainage to be provided before occupation.
- 22 Sound insulation scheme to protect residents from noise to a good standard at night.
- 23 Post completion sound test.
- 24 Provision of pedestrian route between Campus Square and Portland Way before occupation.
- 25 Provision and retention of an active frontage to the commercial unit.
- 26 Consent required for signage to commercial unit.
- 27 Management of fumes/odours if the commercial unit is A3/A5.

1.0 INTRODUCTION

- 1.1 This presentation is intended to inform Members of the current planning application for the construction of two new student accommodation buildings on vacant land at Leeds Metropolitan University's City Campus. The buildings would contain a total of 465 studios and a small retail unit. The buildings would sit in new hard and soft landscaped spaces arranged perpendicular to Calverley Street.
- 1.2 Downing acquired the north and western half of the Leeds Metropolitan University campus in 2010. The area comprised large, redundant university buildings, underused open space, cleared land and had poor permeability. The first phase of regeneration was completed in Summer 2012 and the second phase of student accommodation, comprising a new tower adjacent to the Inner Ring Road, commenced earlier this year and is due to be ready for occupation in September 2014. The current proposal represents the third and final phase of the developer's masterplan. It is intended to commence construction early in 2014 to enable completion in time for student occupation in 2015. The University of Leeds has leased the first and second phases of the development and has agreed draft heads of terms to lease the third phase from the developer.
- 1.3 A pre-application presentation of the scheme was presented to City Plans Panel on 29th August 2013. The minutes of that meeting are attached as Appendix 1. On 4th September 2013, following survey work and recommendations made by the Student Housing Working Group, Executive Board approved an amendment to the draft Core Strategy Policy H6B intended to manage the delivery of new student housing.

- 1.4 This report is brought to City Plans Panel as the development involves major investment and development of a significant, previously developed site within the Education Quarter.

2.0 SITE AND SURROUNDINGS

- 2.1 Leeds Metropolitan University (LMU) city campus is bounded by Calverley Street, Willow Terrace Road, Portland Way, Woodhouse Lane and the Inner Ring Road to the north of the city centre. It is characterised by denser built forms towards the eastern side and a more open setting containing protected trees on the northern and western edges. The southern portion of the site was cleared of redundant LMU buildings during 2007/8. The earliest buildings on the campus were constructed in the late 1960's to the designs of Yorke, Rosenberg and Mardall Architects. Two of these buildings were refurbished as part of the first phase of the development.
- 2.2 The site encompasses land on the western side of the campus between Calverley Street and the University's Portland and Calverley Buildings. The land comprises a grassed area, hardsurfaced parking space and steps, and previously developed land currently being used as a site compound. The site contains several trees, primarily adjacent to Calverley Street. Levels fall by 6 metres from the Calverley Building down to Calverley Street. Levels also fall down Calverley Street towards the south.
- 2.3 The surrounding area is mainly characterised by institutional and civic uses. Leeds General Infirmary is situated across Calverley Street to the west and the Civic Hall and the LMU Rosebowl building are located beyond Portland Way to the south. The University of Leeds campus is located directly to the north of the Inner Ring Road. A seven storey hotel was approved at the junction of Portland Way and Calverley Street in June 2012 but has yet to be commenced.
- 2.4 The campus is located between the University Conservation Area, the City Centre Conservation Area and Queen Square Conservation Area. The Civic Hall is grade II* listed. Trees around the site are protected by Tree Preservation Order (No.22) 2007.

3.0 PROPOSALS

- 3.1 The current proposals seek to continue the development of the architect's 2010 masterplan for the site responding to the surrounding urban grain whilst delivering improved access, permeability and reinforcing key spaces.
- 3.2 The development involves two buildings accommodating 465 students in a combination of studios (77) and cluster bedrooms (388). Both forms of accommodation would be accessed from a corridor running along the spine of the buildings. Each of the studios would have kitchen/dining space and en-suite shower or bathroom facilities. Standard bedrooms would be grouped in clusters of no more than 6 bedrooms served by a shared kitchen and living area. 13 per cent (62) of the bedrooms will be larger adaptable rooms to meet current accessibility requirements.
- 3.3 The two new buildings would be partly linked at lower ground floor level albeit the link containing plant rooms would be located discreetly beneath the rising ground levels. The lowest level of the northern building would contain a double height retail

unit (144sqm) which could potentially be a shop (A1), café (A3) or hot-food take-away (A5). There would also be support space for the student accommodation above, including a bike store. The front, slightly cantilevered, element of the building would have 5 storeys of student rooms above the retail unit. The rear of the building would have 15 storeys of accommodation above the upper ground floor entrance level which primarily comprises a lobby area, management suite and a common room (191sqm).

- 3.4 The proposed southern building contains a large common room (307sqm) and study area at lower ground floor level. In common with the northern building, the front element of this building would contain 5 storeys of student rooms above the common room. The upper ground floor would also be used as the entrance level including lobby and social areas, in addition to student bedrooms. The rear of the southern building would have 11 storeys of accommodation above the entrance floor.
- 3.5 The buildings would have a linear footprint arranged perpendicular to the University's Portland and Calverley buildings and parallel to the proposed hotel building. The gable ends of the buildings would be 7.5 metres from the Portland and Calverley buildings beyond a new landscaped footway. The footway, which is intended to provide the north-south pedestrian route through the campus, will include a slope down towards Portland Way so as to provide level access. The new buildings would be 18.8m apart. The northern building would be 19m from the existing Block B / Tescos and the southern building would be 28m from the proposed hotel creating an ordered pattern of development along Calverley Street.
- 3.6 At lower ground floor level a 7m floor to floor height establishes a clear podium on both buildings with light, glazed elevations fronting onto Calverley Street. The double height deep structural grids are expressed on each flank of the buildings. The current proposal involves a white, pre-cast concrete frame with light grey, exposed aggregate pre-cast concrete infill panels adjacent to the windows. Each room is provided with at least one full height glazed element with the resultant asymmetric window positioning creating a strong rhythm to the facades. The gable ends utilise large pre-cast concrete panels with occasional vertical grooves intended to add a subtle layer of texture to the building.
- 3.7 The new space between the two new buildings would be primarily hardsurfaced including a striking cascade of steps leading up towards the Calverley Building in a similar location to those existing but double their width. The new public space would be formed in high quality concrete pavements with strong geometric forms and street furniture complimenting the building design. The front of the buildings would be set back 6 to 14 metres from Calverley Street. The new level frontage would provide access into the new retail unit and the southern building's common and study areas as an extension to the existing pedestrian footpath. Areas of soft landscaping would be created to the front of buildings to enable retention of as many of the existing roadside trees as possible. A total of 11 trees would be removed as part of the development whereas 25 new trees are currently proposed
- 3.8 Space to the north of the northern building and to the south of the southern building would be laid out as greenspace although changing levels limit its usability. Undulating mounded lawns are proposed in response to the changing levels. New tree and ornamental planting would be arranged in a geometric fashion relating to the wider site layout and architectural treatment. The landscaped mounds would be bordered by feature edges creating distinctive ribbons running down the undulating landscape. Robust materials would be used with copings designed to

deter damage. The spaces, landscape and routes would be enhanced by lighting based on the existing in addition to feature lighting.

- 3.9 Gas fired combined heat and power plant would provide low carbon electricity generation as the preferred Low or Zero Carbon technology. Air source heat pumps are also proposed to generate a small quantity of heating and cooling. High frequency compact fluorescent lighting will be provided to minimise energy consumption. The development will have a Low Water usage strategy. A Site Waste Management Plan will also be adopted to reduce waste through the construction process as well as designing systems to reduce waste once the development is in use. It is likely that the development will achieve a “Very Good” BREEAM rating.
- 3.10 A Travel Plan submitted in support of the application sets out measures to encourage sustainable travel. A total of 58 long stay cycle spaces will be provided within the building, in addition to 13 short stay Sheffield stands. The development would not provide any additional parking spaces. The existing 25 parking spaces accessed from Woodhouse Lane would be available for use at the start and end of terms. One of the parking spaces is dedicated for use by the car club. Waste collection and deliveries would take place from the existing service lay-by on Calverley Street provided as part of the earlier phase of development.

4.0 PLANNING HISTORY AND CONSULTATION

- 4.1 Since construction in the late 1960’s the campus remained largely unchanged until the late 1990’s when the Leslie Silver building was constructed adjacent to Woodhouse Lane. Following demolition of buildings to the north of the junction of Portland Way and Calverley Street pre-application proposals for the wider site were considered by Plans Panel in March 2008. The site was acquired by Downing in 2010.
- 4.2 Plans Panel considered the application for the first phase of Downing’s proposed development across the northern half of the campus site in February 2011. At that time an illustrative masterplan was presented identifying principles of building layout; future pedestrian connections and showing how the development could be integrated with the landscape. The second phase, a 21 storey tower on the northern edge, was approved in April 2012 and is currently under construction. A hotel was approved on the southern fringe of the site at the junction of Portland Way and Calverley Street in June 2012 but has yet to be commenced.
- 4.3 Detailed pre-application discussions regarding the current scheme commenced in June 2013. Plans Panel received a pre-application presentation of the proposals on 29th August 2013.

5.0 PUBLIC/LOCAL RESPONSE

- 5.1 Site notices advertising the application were displayed around the site on 11th October 2013 and the application was advertised in the YEP on 4th October 2013. Letters were also sent to the University of Leeds, Leeds Metropolitan University (LMU) and Unipol notifying those organisations of the application.

5.2 Leeds Civic Trust (LCT) supports the scheme. LCT welcomes the provision of student accommodation in this location and states that it will help to continue the gradual restoration of accommodation for families in the Headingley area. LCT also comments that:

- the scheme will help to enliven Calverley Street, with active frontages and green spaces;
- the modelling and proportions will sit well as a backdrop to the Civic Hall in views from Millennium Square;
- careful consideration will need to be given to design and materials to ensure they weather acceptably.

5.3 LMU has provided a response to the application. They consider that the proposed buildings are far too close to the Portland and Calverley Building. They also raise questions about the following issues:

- access and parking proposals upon completion;
- measures to control noise and dust generation during the construction process;
- how pedestrian and emergency access will be maintained during and after the construction process and what Health and Safety precautions will be established;
- what precautions will be put in place to protect neighbouring buildings from being undermined;
- whether the impact of wind has been considered;
- whether the space will become public open space.

5.4 The University of Leeds has commented that they have a lease on phase I and phase II of the site and are pleased with both the quality of accommodation and its management of phase I which is now in its second year of operation. They have been in discussion with the developer regarding the third phase of development on the basis that the rooms will be larger than standard rooms and be a higher quality. The University state that draft heads of terms have been agreed with the developer which both parties would seek to formalise in the event that planning permission is granted.

6.0 CONSULTATIONS RESPONSES

Statutory:

Transport Development Services:

A Transport Assessment has been submitted in support of the proposals. The site is in a sustainable location. The limited and managed on-site parking will ensure that traffic generated by the development will remain low. No objections to the proposals subject to conditions relating to construction, provision of cycling facilities, and closing of redundant accesses.

English Heritage

The stepped articulation of the two blocks should mean that the proposed buildings will not harm the setting of the Civic Hall whilst the highest sections should not intrude substantially, if at all, in views from Millennium Square. The new buildings should form a successful terminus of views north along Calverley Street but will not be overly dominant upon their historic neighbours.

Non-statutory

Flood Risk Management:

Infiltration drainage would be unsuitable. The proposed on-site attenuation with restricted discharge to the public sewer is acceptable in principle. No objection subject to a standard drainage condition regarding surface water drainage works.

NGT Project Team:

Under the terms of the Public Transport Improvements and Developer Contributions SPD a contribution of £24,380 should be sought towards the cost of providing the strategic enhancements which are needed to accommodate additional trips on the network.

Transport Development Services (Travelwise):

The submitted travel plan needs to be updated to refer to the operation of phase I of the development and the use of the existing car park. A Travel Plan review fee of £500 is required.

Contaminated Land Team:

The site investigation proposals are satisfactory. No objections are raised subject to standard conditions being applied.

Entertainment Licensing:

No issues regarding the residential element. Further details of the retail use will be required if the end use is A3 or A5.

Police Architectural Liaison Officer:

It is recommended that bollards are installed to protect the entrance from vehicle attack. The new square should be lit by good quality lighting. The implementation of Secured By Design guidelines and use of CCTV to all external elevations is welcomed. Questions are raised regarding the management of access control into the buildings.

7.0 PLANNING POLICY

- 7.1 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

7.2 Unitary Development Plan Review

- 7.2.1 The area forms part of the designated Education Quarter in the adopted Unitary Development Plan Review (UDPR). The main objective of the designation is to facilitate the University's main functional requirements on site, enhance its character and reinforce its distinct sense of place, improve linkages with the rest of the city centre, encourage the provision of extra student housing, and resolve vehicular access and circulation. Proposals for other uses in the Quarter will be encouraged which service the Quarter; add variety in land use and contribute to the vitality of the city centre; and support the attractiveness of the area for the principal use (CC27).
- 7.2.2 Policy H15A promotes student housing in areas beyond the Area of Housing Mix such as this. Paragraph 7.5.35 states that "significant potential exists for further student housing in the City Centre and in locations elsewhere. To be successful, such provision will need to be well served by public transport connections to the Universities, have the potential to appeal to students and be capable of being assimilated into the existing neighbourhood without nuisance. The City Council will encourage and support pioneer developments in such locations to help establish a critical mass of student presence and, ultimately, generate alternative popular locations for students to live, other than the wider Headingley area".
- 7.2.3 The existing parking area and footway into the site is allocated as public space. The Calverley Street edge identifies an aspiration for an enhanced pedestrian route. Other relevant UDPR policies include GP5 (detailed planning considerations to be resolved and should seek to avoid loss of amenity); GP11 (development must meet sustainable development principles); N12 (priorities for urban design); N13 (All new buildings should be designed to a high quality and have regard to the surroundings); Policy N19 states that new buildings within or adjacent to conservation areas should preserve or enhance the character of the area; N23 (space around new development should provide a visually attractive setting and existing features which make a positive contribution should be retained); T2 (development should not create or materially add to problems of safety or efficiency on the highway network); and A4 (design of safe and secure environments, including access arrangements, public space, servicing and maintenance, materials and lighting). In the city centre character will be maintained by encouraging good design of buildings and spaces and upgrading the environment (CC3); and development in conservation areas or its immediate setting must preserve or enhance the character of the area (CC5). Policy CC21 states that ancillary shopping development will be acceptable outside the Prime Shopping Quarter provided it contributes to overall planning objectives for the quarter.

7.3 Natural Resources and Waste Local Plan 2013 (NRWLP)

- 7.3.1 The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013. The NRWLP is part of the Local Development Framework.
- 7.3.2 One of the strategic objectives of the NRWLP is the efficient use of previously developed land. General Policy 1 is that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

7.3.3 Policy Energy 3 states that proposals for low carbon energy recovery methods, including Combined Heat and Power applications, and supporting infrastructure will be supported in principle.

7.3.4 Policy Land 1 states that trees should be conserved wherever possible and new planting should be introduced to create high quality environments for development. Where removal of existing trees is agreed in order to facilitate development tree replacement should be provided on a minimum three for one replacement to loss. Such planting will normally be expected to be on site as part of an overall landscape scheme. Where on-site planting cannot be achieved off-site planting will be sought or an agreed financial contribution will be required for tree planting elsewhere.

7.4 National Planning Policy Framework

7.4.1 Planning should proactively drive and support sustainable economic development; and seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Planning should also encourage the use of renewable resources (para. 17). Local Planning Authorities (LPA's) should recognise town centres as the heart of their communities and support their vitality and viability; and recognise that residential development can play an important role in ensuring the vitality of centres (para. 23). Local Planning Authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance (para. 137).

7.5 Draft Core Strategy (DCS)

7.5.1 The draft 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 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State. The Inspector examined the Strategy during October 2013. The weight to be attached is limited where representations have been made.

7.5.2 DCS Policy H6B considers proposals for purpose built student accommodation. Developments should extend the supply to take pressure off the use of private housing; avoid excessive concentrations of student accommodation; and avoid locations which are not easily accessible to the Universities by foot or public transport.

7.5.3 Following approval from Executive Board the Council put forward late changes to Policy H6B in response to new evidence concerning future demand / supply of student accommodation and concern about an increasing surplus of bedspaces forecast in Leeds. The changes were subject to 3 weeks public consultation prior to being considered as late changes at the Core Strategy examination in October. The changes would alter Policy H6B as follows:

B) Development proposals for purpose built student accommodation will be controlled:

~~i) To help extend the supply of student accommodation taking pressure off the need for private housing to be used,~~ accept new provision where a provider demonstrates that there is a need for additional student accommodation or that it has a formal accommodation agreement with a university/higher education institution for the supply of bed-spaces

- ii) To avoid the loss of existing housing suitable for family occupation,
- iii) To avoid excessive concentrations of student accommodation (in a single development or in combination with existing accommodation) which would undermine the balance and wellbeing of communities,
- iv) To avoid locations which are not easily accessible to the Universities by foot or public transport or which would generate excessive footfall through residential areas which may lead to detrimental impacts on residential amenity.
- v) To ensure new accommodation is of an appropriate quality and size in terms of environmental health standards
- vi) To ensure new accommodation can be physically adapted for occupation by average sized households

7.5.4 DCS Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and enhancing existing landscapes and spaces. P12 states that landscapes will be conserved and enhanced. Policy G6 states that open space in the city centre will be protected unless (ii) the space is replaced by an area of at least equal size and quality or (iii) redevelopment proposals demonstrate a clear relationship to improvements to existing greenspace quality in the same locality. Policy CC1e(i) supports small scale retail/catering in such a location. Policy CC3 states that development in appropriate locations is required to help and improve routes connecting the City Centre with adjoining neighbourhoods, and improve connections within the City Centre. Policies EN1 and EN2 identify sustainable development criteria including achieving a BREEAM standard of Excellent from 2013 onwards. DCS Policies T1 and T2 identify transport management and accessibility requirements for new development. Specific accessibility standards are included in DCS Appendix 2.

7.6 Supplementary guidance

- 7.6.1 Public Transport Improvements and Developer Contributions SPD identifies where development will need to make a contribution towards public transport improvements or enhancements.
- 7.6.2 Building for Tomorrow Today – Sustainable Design and Construction SPD identifies sustainable development requirements.
- 7.6.3 Travel Plans SPD (September 2012) identifies the need for sustainable approaches to travel.
- 7.6.4 SPG 14 Leeds City Centre Urban Design Strategy (September 2000). The guide refers to the need to retain and enhance space in the area; encourages appropriate ancillary uses at all times of the day and to provide active uses in holiday periods; to develop a mixture of land uses; to realise opportunities for increased soft landscape; to promote active frontages; to promote sustainable development; to enhance pedestrian movement; and to enhance the existing variety of buildings.

7.7 Other material considerations

7.7.1 Best Council Plan

The Plan identifies 6 objectives in order to achieve the best council outcomes identified between 2013-2017. Two of these have relevance for the development:

(2) Dealing effectively with the city's waste; and (5) Promoting sustainable and inclusive economic growth.

7.7.2 Vision for Leeds 2011-2030

One of the aims is that by 2030 Leeds' economy will be prosperous and sustainable. This includes having a skilled workforce to meet the needs of the local economy. Leeds will be the best city to live in including the provision of high quality buildings, places and green spaces.

7.7.3 City Priority Plan 2011-2015

The Plan states that Leeds will be the best city for business. One of the priorities to achieve this is supporting the sustainable growth of the Leeds' economy. To help make Leeds the best city, growth will be enabled whilst protecting the city's distinctive green character.

8.0 MAIN ISSUES

1. Principle of development
2. Layout, scale and design
3. Wind
4. Sustainability
5. Highways and access
6. Landscape
7. Other issues
8. Section 106

9.0 APPRAISAL OF MAIN ISSUES

Members are asked to comment on the scheme and to consider the following matters:

9.1 Principle of the development

9.1.1 The site is situated within the city centre immediately adjacent to two universities and would involve efficient redevelopment of previously developed university land. The use for student accommodation would be in accordance with the objectives identified for the Education Quarter in the UDPR (policies CC27 and H15A).

9.1.2 More recent policy on purpose built student accommodation is being advanced through Policy H6B of the Core Strategy. In September, following on from the recommendations of the Student Housing Working Group, the Council brought forward changes to Policy H6B in response to evidence concerning the future demand / supply of student accommodation and concern about the potential surplus of bedspaces in the city. The policy (see para 7.5.3 above) was approved for Development Control purposes in September and as such is the Council's policy on student housing. However, the policy was vigorously contested at the Core Strategy Examination and, at this stage in the Core Strategy preparation, can only be given very little weight.

- 9.1.3 The applicant has provided a Student Accommodation Demand Analysis Report (Jones Lang Lasalle - JLL) as part of the supporting documentation for the application. It identifies that there are 53,405 full time students in higher education in the city. 12,307 (23%) of these are accommodated in university managed accommodation. 36,056 (67.5%) students live at home or in Houses in Multiple Occupation. There are an additional 5,042 (9.4%) bedspaces in purpose built accommodation managed by the private sector. A comparison with other UK cities with large student populations shows that Leeds occupies a median position in terms of the level of purpose built student accommodation. There is also planning permission in place for an additional 2,384 bedspaces. If all of these schemes were built the purpose built private sector would account for 13.9% of the stock, assuming other factors such as student numbers, remained constant. In these circumstances Leeds would still remain in a generally median position in the UK.
- 9.1.4 The JLL report concurs with the findings of Working Group that there was a significant reduction in the number of applications to study in Higher Education during 2012. The University of Leeds had 540 unfilled spaces, Leeds Metropolitan University 123 unfilled spaces whilst Leeds Trinity University filled all of its spaces.
- 9.1.5 Whilst there was an overall reduction in students during 2012 applications from international students increased. In the experience of JLL the availability of high quality accommodation is an important factor for international students in determining where they will seek to study such that the provision of purpose built accommodation is essential to the success of international student recruitment for universities.
- 9.1.6 The 2013 Renew report comments that “with the number of applications increasing for 2013/14, this would appear to suggest an increase in demand from new students for accommodation in 2013/14 and a potential continuing increase over future years”. This is backed up by reports from UCAS and Unipol. In July 2013 UCAS reported that demand for higher education is at or near record levels for each country of the UK and historical trends had been resumed. At the end of September 2013 UCAS stated that there had been a 9% increase in UK university’s acceptances compared to the previous year. Recent information suggests that student numbers at LMU increased by 20% this year relative to 2012/13. The increase in numbers in 2013 is also reflected in press releases from Unipol. In October 2013 Unipol reported that Leeds was following the national pattern in 2013/14, with the universities accepting around 1,200 additional students from the 2012/13 low point. Unipol also reported that the University of Leeds was doing particularly well in recruiting postgraduate international students. According to Unipol the larger, purpose built student accommodation were full from late August 2013 leading to students returning to the “off-street” market.
- 9.1.7 The JLL report also refers to the Renew report finding that there is a “clear preference from students for housing options closer to the universities and the city centre, and accordingly this may translate into increasing demand from returning students for purpose built accommodation”. At the same time the JLL report notes that the university managed accommodation will continue to age and deteriorate such that the private sector will have an important role to play in terms of delivering and maintaining the quality of purpose built housing stock in the city. Consequently, JLL consider that it is important that a pipeline of potential schemes is maintained so

as to assist in any future requirements for accommodation from the universities. JLL also comment that the proposed development would assist in rebalancing the over-reliance of students on the HMO market in areas such as Headingley.

9.1.8 Whereas Policy H6B can only be given limited weight the JLL report shows that the proposal accords well with the additional criteria. The JLL report concludes that Leeds still has a need for higher quality student accommodation well located to university teaching facilities. In addition, the University of Leeds has confirmed that they are in a process of agreeing terms for the proposed accommodation, to add to the first two phases of the development which it has already leased.

9.1.9 The proposed student accommodation is ideally located both with regard to the universities and also facilities within the city centre. Consequently, it would not have any direct impact upon either the balance of residential communities or their amenities. The proposed accommodation is of an appropriate size and quality. Further, the applicant has demonstrated a need for the development and draft terms have been agreed with the University of Leeds. Consequently, the proposals accord with the overall aims of the Development Plan and national planning guidance. The principle of development is therefore acceptable.

9.2 Layout, scale and design

9.2.1 The position of the buildings continues the orthogonal order set up by the original development under the original 1960's masterplan. The Leslie Silver Building and the university Union building have subsequently been constructed on the east side of the campus creating extensive floorplates on the eastern edge. Buildings, albeit much lower in height, previously abutted the Calverley and Portland Buildings at right angles until their demolition in 2007/08. Since demolition and the sale of the land the occupiers of the Calverley and Portland Buildings have enjoyed an open outlook towards the southwest.

9.2.2 Leeds Metropolitan University (LMU) has commented that the proposed buildings are far too close to existing buildings. In disposing of the land LMU expected that some form of development would take place at some point in the future. In general terms the proposed buildings are similar in height to original buildings retained on the campus. The identified layout reflects the ordered arrangement originally advocated when the 2010 masterplan for the site was developed, itself a logical response to the 1960's masterplan. The proposed buildings will have an impact upon the outlook and daylighting within the Calverley and Portland Buildings although no overlooking will arise given the blank gable ends proposed. It considered that the juxtaposition is acceptable in this situation by virtue of the city centre context and arrangement of buildings on the campus; the accordance with the masterplan; the extensive spaces retained between the proposed buildings enabling light and visibility between them; and due to the complementary uses involved.

9.2.3 The development involves two new buildings which step up in height from Calverley Street towards the Calverley and Portland Buildings. At the same time the buildings would step down in scale along Calverley Street to the scale of the approved hotel to the south. The front section of the two buildings are cantilevered over double height glazed areas which respond to the height of the existing Tesco retail block to the north. A retail unit in the northern building and a common room in the southern building would help to activate the Calverley Street frontage.

- 9.2.4 As with the existing buildings it is currently intended to utilise concrete and glass as the primary external building materials to deliver simple but elegant structures that respond positively to their context. An expressed grid draws inspiration from neighbouring buildings. The white concrete frame and gable ends bring together the architectural language of the site to produce unashamedly modernist buildings. At the same time the materiality, form, scale and rhythm of the buildings create a calm and appropriate backdrop to views of the Civic Hall from the south.
- 9.2.5 The proposed development would have an impact when viewed from within the Portland and Calverley Buildings. However, the proposed relationship is acceptable and the layout represents an appropriate respond to the site. Similarly, the massing, design and use combine to enhance the appearance of Calverley Street whilst protecting the setting of nearby listed buildings and conservation areas. Consequently, the proposal accords with policies GP5, N12, N13 and N19 of the UDPR and DCS policy P10.
- 9.3 Wind
- 9.3.1 People require safe and comfortable access to buildings around the development. Additionally, recreational and amenity areas where people can walk, stand or sit, need to be sheltered from high wind speeds. The application is supported by a quantitative assessment of the impact of the proposed development upon local wind patterns. The emphasis of the analysis is on the comfort and safety of pedestrians using public areas, including an assessment of gust effects for the prevailing wind direction. Although the buildings are set back from Calverley Street the report also considers the impact on adjacent road traffic.
- 9.3.2 The submitted report identifies that the construction process will cause temporary localised wind acceleration around the base of the buildings. Temporary wind mitigation measures, such as site hoardings, are advised during this period. The completed development would have a range of effects on pedestrian wind speeds and comfort conditions ranging from major beneficial to moderate adverse, although the general impact is identified as minor beneficial to a negligible effect.
- 9.3.3 Without mitigation wind speeds in the area of public realm between the new buildings are predicted to be unacceptable for sitting and standing. Canopies above the building entrances and landscaping provides adequate mitigation in these areas. Wind speeds in other public realm areas are acceptable, and in some cases improve the existing baseline condition. The impact of the development on wind speeds on the two roads close to the site, Calverley Street and Portland Way, is moderate/major beneficial due to the buildings providing significant shelter from prevailing winds.
- 9.3.4 Whilst the proposed window recesses in the buildings will help reduce the downwash effect the report identifies the use of soft and hard landscaping to further reduce the impact of wind. The report concludes that by implementing these measures the wind microclimate in all areas will be appropriate for their proposed use. LMU has questioned whether the changes in wind profile will affect use of their buildings through additional noise from wind.
- 9.3.5 The Council has sought independent analysis and verification of the submitted report. At the time of drafting this report a response had not been received. In the

event that the report is agreed, or if additional modifications are subsequently identified as being necessary by the Council's expert to make the scheme acceptable, the requirements would be subject of a planning condition.

9.4 Sustainability

9.4.1 The site is located in a highly sustainable city centre location and the development would have a sustainable approach to travel. The buildings' position minimises shading of the new public space whilst all bedrooms and dining spaces will be naturally ventilated. A Low and Zero Carbon Technology report submitted in support of the application considers the effectiveness and economics of a range of technologies. It concludes that a gas-fired combined heat and power plant is most suitable to provide the majority of low carbon electrical generation for the development. Energy consumption and water use will be limited, and heat loss would be reduced through the improvement of insulation throughout the building.

9.4.2 Initial analysis shows that at least 10 per cent of energy will be derived from renewable sources and CO2 emissions will be reduced by 21 per cent. The scheme currently achieves a BREEAM score of Very Good whereas current local policy seeks an Excellent standard where feasible. The developer states that whereas they strive for BREEAM Excellent they have never been able to deliver it on a student accommodation scheme as the tenants fail to follow recycling procedures. At the time of drafting this report officers were due to meet the developer to explore whether there were any realistic opportunities for raising the sustainability criteria of the development further.

9.5 Highways and access

9.5.1 The sloping topography currently presents challenges for pedestrian movement around the site. The scheme delivers improvements to pedestrian permeability and connectivity, reinforcing previously created routes and adding new ones. The network of routes provided will be enhanced by the provision of a sloping path from Portland Way along the north-south axis of the campus. This would deliver a new accessible route supplementing the accessible east-west route provided by the first phase of the development. In addition to the new public areas, the Calverley Street footway to the site frontage will be upgraded as part of the development to tie in with proposed improvements that should be realised by the completion of earlier phases of the campus development and the proposed hotel.

9.5.2 A Travel Plan submitted in support of the application sets out measures to encourage sustainable travel including new long stay and short stay cycle spaces. There would also be a public transport contribution of £24,380. The development would not provide any additional parking spaces. The existing spaces accessed from Woodhouse Lane would be available for use at the start and end of terms for dropping off and collecting students. One of the parking spaces is dedicated for use by the car club. Day to day servicing would be from a loading space provided on Calverley Street provided as part of the earlier phase of development.

9.5.3 The development provides an acceptable and appropriate response to issues of connectivity, accessibility and transportation in accordance with UDPR policies T2 and A4, and DCS policy CC3.

9.6 Landscape

- 9.6.1 The existing site comprises three distinct parcels of land. At the northern end there is a sloping lawned area; the area towards the middle is hardsurfaced whilst the southern portion is cleared land. The proposed landscape design is a rectilinear 'architectural' response to the dominant built forms and their layout.
- 9.6.2 Mature trees, primarily along the site frontage, enhance the appearance of the site and the streetscene. An intent is expressed to retain some of the existing boundary trees to Calverley Street. However the growing areas being retained for this purpose are constrained. The applicants will need to demonstrate how they will be able to retain the current ground levels around the trees within the new scheme, without causing disturbance or damage. Given the number of existing trees removed to facilitate earlier phases of development, retention of trees in this highly visible frontage location is all the more important. It may be that long-term management proposals could include for replacement of trees as they reach their full lifespan, and once new tree provision has been allowed to establish as strong features in their own right in the wider landscape.
- 9.6.3 The wave pattern in the soft landscape ground forms is an interesting and positive response to addressing the fall in levels across the site. However its success will depend upon carefully considered design detailing, the use of high quality materials, effective implementation and consistent long-term aftercare.
- 9.6.4 There is considerable use of hard surfacing in the central access route up from Calverley Street. Additional soft landscape elements should be considered for this area although it is recognised that the existence of a below ground level of building development limits what can be achieved. Trees in planters need to have sufficient volumes of soil for effective long-term growth to maturity. Without adequate growing conditions the trees will at best struggle and more likely fail. The additional use of trees for wind mitigation adds to the importance of securing the best growing conditions possible.
- 9.6.5 Services should be located within hard landscape areas to avoid conflict or potential disturbance of established planting. Service easements will impact on tree planting proposals, so both need to be considered in conjunction from the outset. Lighting proposals should work well within the landscape scheme both for safety and for extended use of external spaces. Well integrated lighting will enhance the overall quality of the external environment, creating somewhere to be appreciated and used rather than just spaces to be 'got through' on the way to other destinations.
- 9.6.6 The relationship between this scheme and the potential hotel development to the south-east needs to be considered. In the absence of the hotel development coming forward in the near future a positive boundary treatment needs to be identified as part of the current proposals.
- 9.6.7 As proposed, the landscaping and public realm proposals will enhance the streetscene and accord with UDPR Policies CC3, CC9, CC11, CC13 and CC31. However, detailed design and implementation of proposals are crucial to its initial success, and it needs to be demonstrated that 3 replacement trees for every removed tree (NRWLP policy Land 1) is achieved. Thereafter, there needs to be a positive and proactive management approach to the landscape.

9.7 Other issues

9.7.1 Officers have had a meeting with LMU to discuss other issues raised in their objection letter. Measures to control impacts of the construction process, such as noise and dust, would form the subject of planning conditions whilst other requirements, such as those relating to Health and Safety and Party Walls, would fall under the control of other relevant legislation. Following completion of the development the new pedestrian routes and public realm would be maintained by obligations contained in the section 106 agreement such that access around the site, and alongside the Portland and Calverley Buildings, would not be restricted.

9.8 Section 106

9.8.1 The Section 106 agreement will include the following:

- Public transport contribution £24,380.
- Implementation of Travel Plan and evaluation fee £500.
- Restriction to students in higher education.
- Accessibility to public areas.
- Employment and training initiatives.
- Section 106 management fee.

9.8.2 The Section 106 obligations are compliant with the Community Infrastructure Levy Regulations 2010 Statutory Tests.

9.7 Conclusion

9.7.1 The proposed development represents the final element of the architect's masterplan when the site was acquired in 2010. The building form and design responds well to its context whilst new public spaces and pedestrian routes would integrate with, and reinforce, those provided by earlier phases of the development. Issues relating to wind, landscaping and the sustainable performance of the development remain to be agreed with officers. However, elsewhere, the proposals accord with the Development Plan and other material planning guidance. Accordingly, officers recommend that the application is delegated for approval subject to resolution of outstanding issues, appropriate conditions and the completion of a Section 106 agreement.

Background papers

Application file 13/04584/FU

Certificate of ownership : signed on behalf of Downing Property Services

Appendix 1

Minutes of the meeting of 29th August 2013

48 Preapp/13/00656 - Pre-application presentation of proposal for new student accommodation buildings - City Campus, Woodhouse Lane and Calverley Street LS1

Plans, including a revised location plan circulated prior to the meeting, together with graphics and a model were displayed at the meeting. A Members site visit had taken place earlier in the day.

The Panel considered a report of the Chief Planning Officer on preapplication proposals for two new student accommodation buildings at the former Leeds Metropolitan University's City Campus site; the proposals representing the third and final phase of the developer's masterplan.

Members received a presentation on the scheme on behalf of the developer. Members were informed that the proposals were for blocks, partly linked at ground floor level and providing student accommodation in a mix of studios and cluster flats, study and common room area and a small ancillary retail unit. A total of 410 bedspaces were proposed with 20 of these being DDA accessible. Areas of hard and soft landscaping would be provided which would include undulating lawns to address the changing levels on the site and new tree and shrub planting would enhance this publicly accessible space. The proposed materials were high quality pre-cast concrete and glazing with the use of some lighter colour materials to reflect the Portland Stone of the Civic Hall.

After hearing the presentation and viewing the model, Members commented on the following matters:

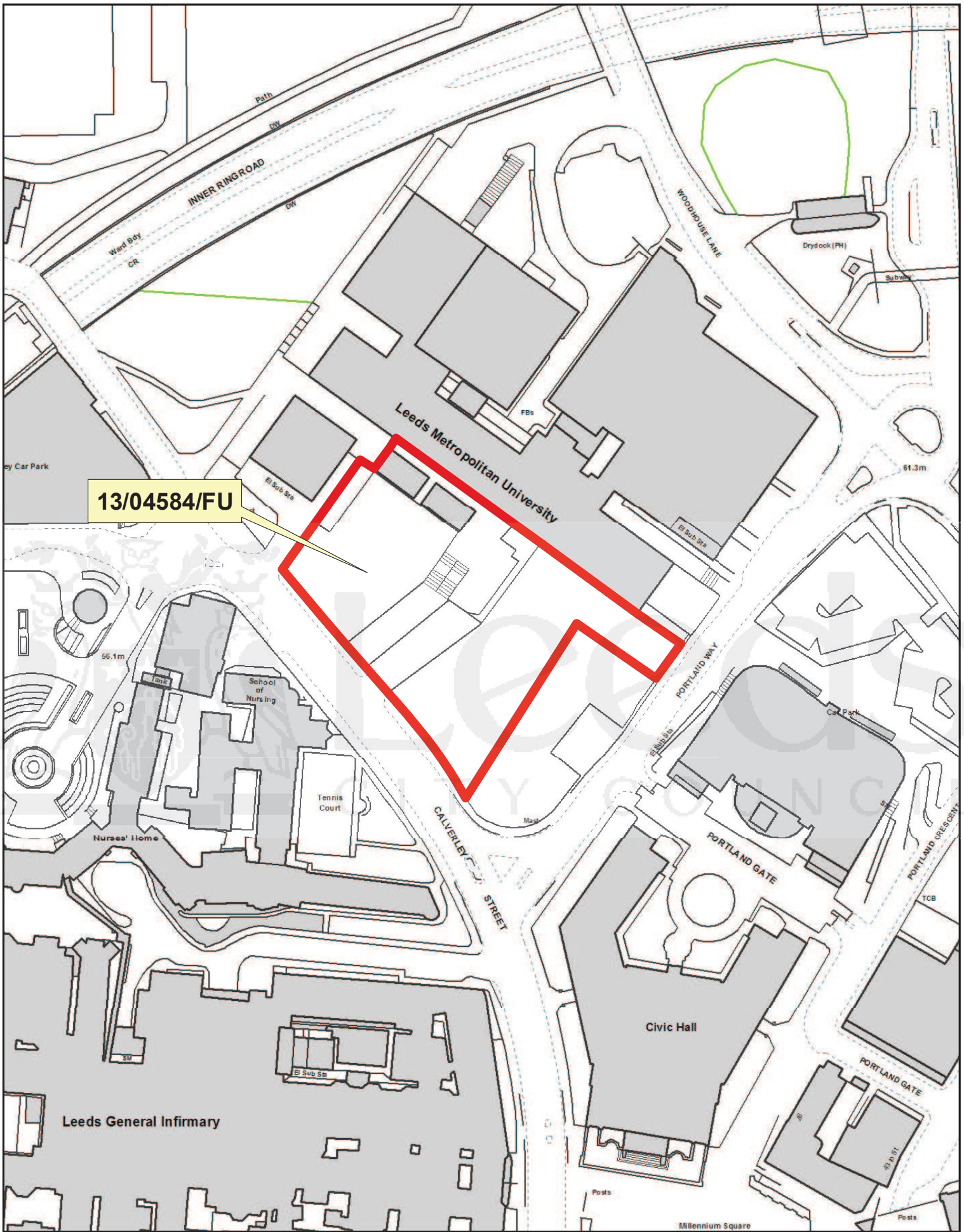
- the need for connectivity between the two buildings and the Rose Bowl and for improved access across Portland Way. Members were informed there was a new crossing approximately halfway along Portland Way, although it was accepted that this did not exactly align with the proposed pedestrian route through the development.
- the design of the proposals, with mixed views on this;
- that the design was sympathetic to the surrounding campus environment and the view that what was proposed was a continuation of the established grid pattern, whereas some slight move away from the existing buildings might be an improvement
- concern about how the public space would work and whether it would receive any sun
- whether there was a need for further student accommodation and that a cross-party Working Group had been established to look into this matter, had taken advice from a range of sources including Unipol and Renew; and was soon to report its recommendations to Executive Board and that the applicant would need to demonstrate to Panel there was a need for this development
- that there was unlikely to be another site more suitable for student accommodation and if approved, this could return some large houses in Headingley currently used for student housing, back into family homes

- the difficulties in assessing need as it could be that if this scheme was approved and developed, then other student schemes either in the pipeline or approved but not yet implemented, might not proceed
- whether some of the student accommodation schemes built 10–12 years ago and which were not full could be converted to residential accommodation and if so, the implications in terms of the loss of S106 contributions which would have been part of a residential scheme but not a student accommodation scheme.

In response to the specific points raised in the report, Members provided the following comments:

- concerning the appropriateness of additional student accommodation in this area, having regard to local and national policies, the supply of other consented schemes and the proximity to the universities, Members questioned the need for further student accommodation and was of the view that the applicant would need to outline the argument for this development and produce evidence in support of it
- regarding the proposed layout and overall massing of the development, the majority view was that this was acceptable
- in respect of the proposed use of materials and the overall architectural approach, this was considered to be acceptable as it fitted in with the design of other buildings on site, but that if approved, a high quality appearance must be delivered
- on landscaping, the general approach to this was considered to be acceptable and that new trees should be planted in suitable ground conditions to ensure that the trees would thrive and be positive additions to the landscape
- that in general terms the Panel considered that the development produced an acceptable and appropriate response to issues of connectivity and accessibility, although concerns remained about access over Portland Way and that there would be a need
- for contributions for public transport

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



13/04584/FU

CITY PLANS PANEL





Leeds
CITY COUNCIL

Originator: David Newbury/Aaron
Casey
Tel: 0113 247 8056

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 21st November 2013

Subject: 13/03061/OT - Outline Planning Application for residential development with associated parking, landscaping, primary school, village centre, retail development, sports pavilion, play area, amenity space and associated off site highway works at Thorp Arch Estate, Wetherby, LS23 7FZ.

Electoral Wards Affected:

Wetherby

Yes

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 identify any outstanding issues that need to be resolved prior to the determination of the application.

1.0 INTRODUCTION:

- 1.1 This report relates to an outline planning application for a development that includes up to 2000 houses, associated community facilities, sports pitches, village centre, primary school, open space, enhanced bus service and relief road. Approval is sought for the principle of development and means of access at this stage. All other matters including layout, appearance, scale and landscaping are reserved for future consideration and approval. Due to the scale of this development and the complexity of the planning issues it is accompanied by an Environmental Statement (ES). The submitted ES helps inform the consideration of the significant planning issues. The application has

been advertised as a departure from the development plan. Members should also note that at present the Highways Agency have issued a Holding Direction and the effect of that is that planning permission cannot be granted until that is lifted by the Agency.

- 1.2 This application has come forward at a time when planning policy is placing a priority on the delivery of housing and economic growth. The site in question is a trading estate that comprises a mixture of industrial/business units, a relatively modest retail park and large tracks of open land. Whilst over the years there has been investment into the trading estate a significant number of the former munitions buildings remain and the site is under utilised. The estate is a source of significant employment with around 1,700 people employed. An opportunity exists to bring forward a brownfield site that could make a significant contribution to housing numbers in north east Leeds whilst also facilitating the consolidation, enhancement and investment into a retained employment area. The bringing forward of this site for housing should help reduce the pressure for the residential development of greenfield sites across the outer north east area. A relief road forms part of the proposal and a large section of this cuts across open countryside. However, the relief road helps facilitate the redevelopment and, subject to careful design, should help mitigate traffic impacts on local communities. However, such development does not come without a cost and there are a number of matters that need careful consideration, including those relating to highways and ecology. The proposal has generated significant local comment with opinion in the wider community divided with particular strong opposition coming from residents of Thorp Arch including to the proposed relief road.
- 1.3 This report seeks to update Members on the progress of the planning application. At this point in time, and subject to the resolution of outstanding issues identified by this report (summarised at 11.1), it is intended to bring a report back for the determination of the application to the Plans Panel of 10th December 2013.
- 1.4 Members will recall that two pre-application presentations have been made to the City Plans Panels on 27th September 2012 and 14th March 2013 and a Position Statement was put before the Plans Panel of 21st September. Summaries of those meetings are attached at **Appendix 1**.
- 1.5 The main outcomes from those Panels are summarized as follows:
 - Members wanted to see a comprehensive and sustainable masterplan for the whole of Thorp Arch Trading Estate
 - That a Community Forum should be set up to discuss the proposals.
 - That a relief road should be provided and that this should be delivered at an early stage.
 - That the proposed indicative layout for the development was of high quality.
 - That the landscaping strategy was appropriate.
 - That further information was required about the traffic impacts.
 - That good public transport links should be provided.

- That regard should be had and further information should be provided in respect of the ecological impact of the development.
- That the principle of offsetting the cost of the provision of some of the affordable housing provision was acceptable so long as the development was not shown to be viable.
- That a proportion of affordable housing should be provided on site and a commuted sum should be secured in respect of off site provision.
- That further information was required in respect of the mix of housing.
- That the Section 106 Agreement should include clause/s that facilitates the enhancement and investment into the retained employment area.
- That consideration is given to amending the alignment of the relief road to protect the residents of Walton Gates.
- Whether the planning application is premature in advance of the adoption of the Core Strategy, Site Allocation DPD and Neighbourhood Plans.
- That each part of the development should be completed so as to provide the appropriate infrastructure and facilities to serve the needs of the residents.
- Clarification over the build out program for the development.

1.6 Subsequent to the consideration of the Position Statement the planning application has been revised. In light of this and the complexity of the proposal and the issues that it raises a summary of the main planning issues and how these proposals addresses them is set out below for ease of reference. Thereafter the report will progress to deal with the detail of the scheme.

2.0 SUMMARY OF PROPOSED DEVELOPMENT AND MAIN ISSUES

Principle

- 2.1 The UDP Inspector considering a proposal for the residential allocation of the site in 2006 reached a number of conclusions including that the site was inherently unsustainable and that it was a brownfield site.
- 2.2 The site is not allocated for residential development in the UDP but part of the site is allocated under Policy Minerals 12 'Safeguarding Minerals Processing Sites' (retention of an existing concrete batching plant) and as employment land.
- 2.3 In more recent times the NPPF has been published and this, amongst other matters, requires local planning authorities to be able to demonstrate a 5 year supply of housing land and sets out a presumption in favour of sustainable development.
- 2.4 The emerging Core Strategy that has been subject to independent examination by an Inspector and whose report has yet to be published identifies a target of 70,000 dwellings to be delivered over the plan period.
- 2.5 The national and local imperative to deliver housing is a significant policy reason in support of the principle of the development of this brownfield site for housing purposes as part of a comprehensive and sustainable strategy for the

whole of the Thorp Arch Estate. Having said this, the Panel will need to be satisfied that this is a sustainable form of development and all other material considerations have been addressed, including the issues concerning a replacement concrete batching plant, employment land supply and securing the future investment into the retained employment land.

Comprehensive and Sustainable Masterplan

2.6 The planning application proposals address the whole of the site and comprise the following:

- Up to 2000 dwellings (with 221 affordable housing units delivered on site including extra care provision and a commuted sum for off site provision)
- A new primary school and financial contribution for secondary provision
- A local centre
- Community facilities, changing rooms and playing pitches
- A 30 minute bus service to Leeds and a 30 minute service to Wetherby/Harrogate (combined frequency of 15 minutes)
- Open space for informal recreation
- Pedestrian and cycle links to neighbouring settlements
- A Relief Road
- A commitment to undertake investment into the refurbishment and enhancement of the retained employment area

Highways

2.7 A key consideration is the impact that traffic generated by the development will have on highway safety and whether local roads have the capacity to cater for such traffic. The local road network is rural in nature and Thorp Arch Bridge is only of single carriageway width. Access to Boston Spa is via a 'T' junction which suffers from poor visibility splays and localised congestion. A further matter relates to the sustainability of the site and whether the measures to improve public transport provision and pedestrian and cycle linkages are sufficient to enhance the accessibility of the site to an appropriate and acceptable degree.

2.8 The applicant's proposals include:

- A Relief Road including diversion of the Sustrans Cycle Route to tie in with enhanced public transport provision as described above.
- Provision of additional bus stops.
- Pedestrian Crossing to Walton
- Enhancement of pedestrian links to Thorp Arch/Boston Spa and provision of cycle paths within site linking to the existing network
- Traffic Calming in Walton Village
- Travel Plans
- Metrocards for the use by each household.
- The widening of the A1/M bridge
- Speed limit reduction to 50mph on Walton Road

- 2.9 In addition to these the relief road has been designed in such a way to prevent vehicles from the new development, turning left off the relief road and onto Church Causeway, although residents can access Thorp Arch and Boston Spa along Wood Lane instead. At the same time access is maintained for existing residents of Thorp Arch and Boston Spa towards the development and for residents of the Walton area to still be able to drive to Thorp Arch and Boston Spa.
- 2.10 At the time of drafting this report there are a significant number of unresolved highways matters which impact on the acceptability of the surrounding highway network to accommodate this scale of development. Discussions are ongoing in respect of these issues and further progress may have been made by the time the application comes to Panel. Issues that at the time of writing remain to be resolved include:
- a) The proposed restricted moves junction at Church Causeway raises highway safety concerns relating to illegal moves and propensity for U-turns. Discussions are ongoing to seek to produce a revised treatment of this junction that resolves this issue. However it may be that an unrestricted moves junction or a bus gate is provided instead.
 - b) Agreeing measures to limit the increase in traffic on Wood Lane and through The Village in Thorp Arch in the interest of highway safety and residential amenity – mitigation measures have been discussed that would make Wood Lane one-way and thereby preventing traffic exiting the relief road and accessing Thorp Arch via Wood Lane.
 - c) Traffic impact at Thorp Arch Bridge and Boston Spa High Street. A sum of money is to be secured via the Sec.106 Agreement for further highway mitigation measures should they be required following the implementation of the development.
 - d) Traffic impact through the centre of Wetherby is significant and has not been assessed in the Transport Assessment.
 - e) Bus access to the secondary schools in Boston Spa and Wetherby has not been provided.
 - f) Off site highway impacts in Harrogate and Selby Districts have not been fully assessed in the Transport Assessment and their objections remain
 - g) UDP Inspector's comments relating to the sustainability of the site in transport terms have not been fully addressed. Pedestrian accessibility improvements between the site and Boston Spa are required. The current bus offer does not meet the Core Strategy Accessibility Standards of a 15 minute frequency service to Leeds, Wakefield or Bradford.
 - h) Suitable adopted highway access through the site to serve the industrial area and linking back out to Wighill Lane needs to be provided to ensure that the Relief Road serves the whole site in a convenient way.

In addition there is the issue of the Highways Agency Holding Direction and their concerns need to be fully addressed before a planning permission can be granted. The Holding Direction does not prohibit the refusal of permission. Their main concern relates to the impact of trip generation associated with the development and its impact on Junction 45 of the M1.

Layout, design and landscaping

- 2.11 This is an outline planning application and the layout of the scheme and appearance of the buildings are reserved for later consideration and approval. Accordingly at this stage only an indicative layout has been submitted and the Design and Access Statement sets out the design principles (in terms of the appearance of the houses) to be followed. These two documents do however, set the parameters for future submissions.
- 2.12 The indicative layout shows:
- A road pattern that follows that set by the historic use of the site
 - A village centre with the primary school and village shops
 - Extensive areas of open space that penetrate into the built up area
 - The retention of a run of the grass bunkers that are a feature of the site
 - Retention of the significant existing trees and new areas of woodland and buffer planting including to boundaries
 - Design principles for the new houses that draw on the character of the neighbouring settlements including the scale of new houses, the design and proportions of windows, roof treatments, the range of materials, architectural features and how the dwellings address the street
 - New woodland planting and bunding is proposed to screen sections of the Relief Road. Some tree removal will result from the relief road due to its alignment and where it crosses the SUSTRANS route. Mitigation planting is proposed.

Ecology

- 2.13 A key issue is whether the application proposals result in significant harm to interests of nature conservation. In considering this matter regard should be had to the following factors:
- In this case it is clear that the some affected land has ecological value through the UDP designations as SEGI and LNA (although there are also additional areas of land to be affected that are of sufficient value to also be designated as SEGI). These are local designations and the ecological value is of local and regional importance. Clearly it is a matter of concern that some land of ecological value will be lost however these nature conservation designations are not statutory and are not of national value.
 - Regard also has to be had to the scale of the loss and the mitigation measures. It is a matter of dispute between the council's nature conservation officer and the applicant about the extent of loss of various forms of grassland habitat.
 - As part of any planning permission granted it is also proposed to secure through planning condition an appropriate management regime for perpetuity of all the ecological areas to be retained and created – to be carried out by a specialist nature conservation contractor or organization.
- 2.15 In general terms the development affects areas of ecological value the most important of which are calcareous grassland and other UK BAP habitats. There is broad agreement between the applicant and officers that there is

approximately 20ha of calcareous grassland on the site of which approximately 10ha will be lost. With regard to UK BAP habitats there is approximately 9.6ha on site of which 7ha will be lost. The area of significant disagreement exists around the degree of compensatory provision that is proposed. It is the applicant's case that around 17ha of new calcareous grassland will be created. The officer viewpoint is of that 17ha some 9ha already exists as a valuable ecological habitat. In other words the applicant proposes to convert one area of ecological value, e.g. dense scrubland, to an area of higher ecological value (calcareous grassland). Therefore, the area of new habitat amounts to something in the region of 8ha.

- 2.16 The adverse impact on interests of nature conservation needs to be balanced against other factors. It is for the decision maker to reach a view whether the benefits of the development outweigh ecological impacts. In light of the policy imperative for the delivery of housing, the other benefits that are derived from this development and the mitigation proposed it is considered that these are of sufficient weight to set aside remaining concerns over impacts on matters of nature conservation.

Affordable Housing

- 2.17 The applicant originally proposed to provide 35% affordable housing on site and this equated to 700 dwellings. At the September 2013 Plans Panel Members set out a preference that a proportion of affordable housing be provided on site and that a commuted sum be paid to secure the provision of affordable housing off site. In light of that the applicant has proposed the following:

- On site provision comprising a 60 unit extra care facility and 160 affordable dwellings (giving a total of 221 dwellings on site).
- An off-site contribution of circa £25.5M (this equating to the cost of constructing 479 dwellings).

- 2.18 The applicant has used a different method to that used by the council to calculate the off-site contribution. At the time of drafting the report the total amount of this contribution was subject to further discussion.

Residential Amenity

- 2.19 Following concerns raised at Panel about the impact that the use of the relief road will have on the residents of Walton Gates the applicant has proposed the following measures:

1. The provision of double glazing,
2. Fencing around their premises
3. Mounding and landscaping
4. To provide private amenity space to what is currently the 'front' of the properties, once the existing road has been removed
5. Any combination of 1, 2, 3 and 4 subject to discussions with the occupiers of the properties.

Project build out time

2.20 Following the September Plans Panel the applicant has set out the following comments:

- The applicant's estimate construction of 135 dwellings pa (14.8 years) and the Vision Statement confirms that Phase 1 (10 years) will deliver 1100 homes.
- "It is important to consider that with the encouragement of Central Government towards the house building industry via various incentives and the possible improvements to the release of bank funding (and thus stimulate house buyers), added to what appears to be an upturn in the economy, there is every possibility that the housing market will see improved buoyancy which will improve upon past build rates. Our ES assumptions about delivery of 135 units pa is, in our opinion, robust."
- "We have taken some further advice from Savills about the housing market in the region and they too believe this is a reasonable assumption to make. They have provided us with evidence of another large housing development within the region at Waverley (Sheffield) which whilst not the same housing market area specifically, is a large site with 3 house builders working concurrently. There the average is 150 units pa. In addition the affordable housing provision is only 10% whilst the requirement here is 35%. Hence, there is a greater certainty that 35% of the 2000 units will be built given the requirement for them and their delivery via the RSL's. Further, this is a market 'hot spot' where we do anticipate a significant interest from the house builders in the provision of new homes."
- In summary, therefore the applicant remains confident in their assumptions as set out above.

Concrete Batching Plant

2.21 The proposal will result in the loss of an existing concrete batching plant and this is a safeguarded site under the terms of the Natural Resources and Waste DPD. The loss of this facility in the absence of securing a replacement is considered to be contrary to policy. The applicant is currently in negotiations with the operators to secure alternative provision but cannot guarantee that this can be achieved. If Members were minded to grant planning permission it would be recommended that a clause be attached to the Sec.106 Agreement, or that a condition be imposed that requires the applicant to use reasonable endeavours to secure the delivery of an appropriate alternative facility. The decision for Members is whether in the balance of issues this potential failure to comply with policy is outweighed by other planning considerations.

3.0 SITE AND SURROUNDINGS:

3.1 The Thorp Arch Estate (TAE), Wetherby covers approximately 159 hectares (391 acres) with 103 hectares (254 acres) of developed land providing a range of employment uses, a retail park, and ancillary leisure and other supporting services. The Estate with its 140 businesses has approximately 1700

employees with a further 1800 people employed on the adjoining British Library, HMP Wealstun and Rudgate sites.

- 3.2 The land surrounding the Estate is rural agricultural land. Immediately to the north of the Estate the large buildings of the British Lending Library dominate the landscape. The northwest boundary is formed by the solid fencing surrounding HMP Wealstun; although partially screened by trees the perimeter fence would benefit from further screen planting.
- 3.3 To the west of the Trading Estate is a section of a Sustrans route that links the Estate to Wetherby. This Sustrans route utilises a former railway line and is in part set within a former railway cutting. Two stone listed field bridges (grade II) cross the Sustrans route. The southern end of the route falls within Thorp Arch Conservation Area and the central section forms part of a Leeds Nature Area. The fields to the south west of the Sustrans route fall within a Special Landscape Area. At the southern end of the Sustrans route is a residential property known as Station House (grade II listed) and to northwest at its junction with Wetherby Road is a pair of semi-detached houses often referred to as Walton Gates.
- 3.4 To the north of the Estate is the village of Walton and to the southwest are the settlements of Thorp Arch and Boston Spa. Access from Thorp Arch to Boston Spa is gained via Thorp Arch Bridge. This is a grade II listed structure and is of single carriageway width. Wetherby is the nearest large town and is some 3 miles to the west and Tadcaster lies 4 miles to the north east. There are other residential neighbourhoods and individual dwellings in the immediate vicinity of the site.
- 3.5 The local road network has a rural character.

4.0 THE THORP ARCH ESTATE CONSULTATIVE FORUM

- 4.1 As Members are aware following the September 2012 Panel a forum was established to discuss development proposals for the site. The Forum comprises representatives of Rockspring (the prospective applicant), Walton, Thorp Arch and Boston Spa Parish Councils, the British Library, Wealstun Prison, Councillors John Procter and Gerald Wilkinson who chairs the Forum. The Forum has also been attended by a planning officer and various other officers as appropriate and necessary.
- 4.2 The Forum has now met on 11 occasions, the most recent being on 21st October 2013, and has discussed a wide range of issues that have centered on the following matters:
 - The principle of and scale of residential development,
 - The masterplanning of the site and the future of industrial estate,
 - The form of development and how to create a sense of place,
 - The range and scale of facilities to be provided on site,
 - The form and nature of community facilities to be provided on site,

- The impact of the development and traffic on local communities,
- Highway issues including the need and provision of a relief road and how this can be delivered. In addition there is a clear desire from the local community representatives to deter/prevent 'new' traffic away from using Thorp Arch Bridge (this bridge is listed, single carriageway and links Thorp Arch to Boston Spa),
- The Plans Panel process,
- How the relief road crosses the Sustrans route,
- The need for measures to mitigate the impact of development on the amenities of residential properties adjacent to the relief road,
- The Sec.106 package including the provision of affordable housing,
- The management of the construction process including the routes for construction traffic.

4.3 Clearly the various members of the Forum have different interests and this largely influences their respective perspectives and approach to the development proposals. Rockspring have set out that they want to follow a strategy that minimises the risk of challenge to the grant of planning permission and to pursue a scheme that they see as being compliant with planning policy. Originally their preferred strategy was to develop a scheme for a large scale residential development (in the order of 800 to 1000 dwellings) that is concentrated on land that was previously developed but now largely unused. In addition, this proposal would largely retain and facilitate the enhancement of the business/industrial park and retail offer and associated jobs. Their assessment was that this could be achieved through the utilisation of the existing local highway network although localised highway works would be required at key junctions. Rockspring's intention was that this development would meet planning policy requirements such as affordable housing, educational needs, public transport provision and greenspace. In their view the element of risk was further reduced by a development that is wholly contained within their own land. Rockspring had calculated that this approach would result in a residential scheme of around 800 to 1000 dwellings and that would allow for the expansion and enhancement of industrial/business development on the site. Nevertheless Rockspring have listened and entered into discussion with other Forum members to consider whether their preferred development can be revised to take account of the views of the representatives of the local communities.

4.4 The local community view expressed through the Forum has been largely influenced by the desire to achieve a development that sits comfortably with the established character of the area (in the form of the housing, the use of materials and a layout which reflects that of a typical Yorkshire village), that provides appropriate community facilities on site and whose impact on neighbouring communities is minimised. At the outset there was some concern about any large-scale development on the site. However, over the passage of time and in light of the discussions that have taken place that view has altered. Although not all members of the Forum now share the same view, Boston Spa and Walton Parish Councils have been largely supportive of a larger scale of residential development on the site (assuming it addresses the points already identified) if an appropriate relief road and that this is

delivered prior to the carrying out of the residential development. In doing so the impact of traffic from the development on existing local residents can be minimised, greater certainty can be provided to local communities in that such a proposal represents a reasonably comprehensive plan for the whole of TAE as opposed to a piecemeal development and that it will help reduce the pressure for the development of greenfield sites in the locality. It should also be noted that the Forum whilst supportive of the community retail element also wanted to see “the big ticket retail” retained as no other similar provision exists in north east Leeds. This was ultimately removed from the scheme by Rockspring due to concerns raised by planning officers that part of the proposal would be contrary to local and national planning policy. The Forum have also been supportive of the principle of a proportion of affordable housing being provided on site, that extra care provision be included within that and that a commuted sum be used to secure some provision off site.

4.5 However, over the passage of time Thorp Arch Parish Council have crystallised its views on the proposals and now object to any residential development on the site. Their particular concerns relate to the increased growth of traffic, the impact of the relief road on the landscape and setting of the village, the disruption to the SUSTRANS route, the impact upon the character of the area through the creation of a new settlement and that the site is not in a sustainable location (it is considered by the Parish Council that the UDP Inspector’s comments that the site is not sustainable remain relevant). Nevertheless, the Forum have discussed ways in which the impact of the development could be mitigated in respect of the visual impact of the relief road, the impact on the amenities of the nearest residents and how to restrict vehicular access from the development to Thorp Arch whilst unduly restricting access to the local area for the residents of existing villages.

4.6 It is important to note that the Forum has considered a number of potential routes for the relief road and a very strong preference has been expressed by the community representatives (now excluding Thorp Arch PC) for a new road that runs largely parallel and to the south west of the existing SUSTRANS route.

5.0 THE APPLICATION PROPOSALS

5.1 Since the start of pre-application discussions the development proposals have evolved significantly. The revised proposals take the form of a masterplan for the whole of TAE and include the Keyland site and comprise in summary:

- Up to 2000 dwellings;
- A 2.5 form entry primary school;
- A village centre comprising a convenience store and other small retail outlets.
- Community facilities including sports pitches
- Proposals for the readjustment of land uses including the consolidation of commercial/industrial development to the south;
- A hub containing retail and community facilities; and

- Off site infrastructure including a relief road.

Application Documents

5.2 The application has been submitted in outline with all matters (layout, design, scale, landscaping) save for access reserved for later approval. Due to the scale of the proposed development and its potential effects the applicant has carried out an environmental impact assessment. The application has also been accompanied by the following documents:

- Planning Statement
- Estate Vision Document
- Design and Access Statement
- Transport Assessment
- Travel Planning Framework
- Housing Market Report
- Overarching Sustainability Statement
- S106 Heads of Terms/ Draft s106
- Employment Land Report
- Utilities Statement

Section 106 Agreement

5.3 The draft heads of terms for the Section 106 Agreement comprises the following matters:

- Affordable Housing: To provide the equivalent of 35% affordable housing. Following and in response to the September 2013 Panel the applicant has revised their proposal to provide 221 units on site (the mix and type for each phase to be submitted for approval), including a 60 unit extra care home, and a commuted sum of circa £25.5M to provide affordable housing off site.
- Relief Road: The delivery of a relief road. The triggers for its delivery are as follows:
 - The construction of the houses shall not commence until a contract has been let for the construction of the relief road.
 - That no houses shall be occupied until the relief road is completed and available for use (to be addressed by a condition).
- Public Transport Provision: Prior to the commencement of development to submit to the council for approval details of a scheme of public transport that provides a 15 minute frequency of service to Leeds and Wetherby/Harrogate.
- Bus Stops: Not to occupy the development until a contribution of £120,000 for the provision of 4 bus stops including real time information display boards has been paid to the Council.
- Pedestrian Crossing to Walton: Not to occupy the development until a contribution of a sum to be determined for the provision the provision of a pedestrian crossing to Walton Village has been paid to the Council.

- Pedestrian and Cycle Links: Not to occupy the development until a contribution of £100,000 for the making of improved pedestrian links and connections from the development to the cycleway network within the local area has been paid to the Council.
- Traffic Calming in Walton Village: Not to occupy the development until a contribution of moneys to be determined for the provision of traffic calming measures in Walton Village has been paid to the Council.
- Travel Plans: For the school and residential development and to pay a travel plan monitoring fee to the Council for the monitoring of the provisions of the approved travel plan.
- Metrocard: Prior to the occupation of the development to enter into an agreement with the West Yorkshire Passenger Transport Executive incorporating for the provision of one “Bus Only” Metrocard for the use by each resident.
- Education: Prior to the commencement of development to submit to the Council for approval details of a primary school to be provided as part of the development designed to accommodate up to 2.5 classes per year group in multiples of 30 pupils and attendant infrastructure. That a financial contribution be towards the enhancement of secondary education provision off site (equating to a payment of £1,846.90 for every house of two or more dwellings being built).
- Greenspace: Not to commence development until a plan showing the extent of the area(s) of greenspace to be provided as part of the development together with the details of soft and hard landscaping, play equipment and seating and proposals for the future maintenance of the greenspace in perpetuity has been submitted to and approved by the Council. Not to occupy or permit the occupation of any phase of the development until the greenspace for that phase has been laid out and completed in accordance with the approved plan. To maintain the greenspace in perpetuity in accordance with the approved plan.
- Sports Facilities: Not to commence development until a scheme for the location, specification for and construction of sports facilities comprising two sports pitches [type to be agreed], two tennis courts, a bowling green and a 5000 sq. ft. sports pavilion together with a timetable for their provision and proposals for their future maintenance in perpetuity has been submitted to and approved by the Council. To construct the sports facilities and make them available for use by the public in accordance with the approved plan. To maintain the sports facilities in perpetuity in accordance with the approved plan.
- SEGI: Not to occupy more than a number of dwellings to be specified until the SEGI has been transferred to the Council or to the Council’s nominee together with a commuted sum for its future management.
- Employment: From the start of the tendering process for the construction of the Development and throughout the period when the Development is under construction to seek to cooperate and work closely with Leeds City Council Jobs and Skills Service with respect to the provision of employment and training opportunities arising from the construction of the Development.

- Enhancement of retained employment Land: Scheme for the enhancement of the retained employment land/premises.

Planning Performance Agreement

- 5.4 The application is subject to a Planning Performance Agreement (PPA) that sets out, amongst other matters, the key dates in the processing and determination of the planning application. The PPA targets this Panel for the presentation of a position statement and the City Plans Panel of 21st November for the determination of the planning application. The dates set out in the PPA can be subject to review depending on the circumstances that prevail at any point in time.

Indicative Layout and Primary School

- 5.5 The indicative layout that has been submitted has evolved following negotiations and discussion with the Consultative Forum, officers and consultees such as English Heritage. At the heart of the scheme is a village centre that includes provision for a small convenience store and a primary school. The primary school will be delivered by the conversion and extension of an existing building known as Queen Mary House. It is so known due to the presence of 3 funnel like structures that give the building the appearance of ocean liner. This is arguably the one building of any architectural interest/merit that exists on the site. Emanating out from the centre is a number of residential neighbourhoods. The layout of the residential part of the scheme reflects and is heavily influenced by the historic street pattern set by the original munitions factory and process that operated at the site. Beyond and interspersed within the residential elements are areas of open space. The open space includes areas for informal recreation, nature conservation and formal sports provision. As part of the open space it is proposed to retain, in some form, a series of the original grass bunkers that enclosed some of the original munitions buildings. In this way a further reference to the historical use of the site is retained. The proposal seeks to retain the most significant and protected trees and undertake new woodland planting (9Ha.) within the site and substantial planting to the boundaries and between the residential part of the site and the retained employment area.

Scale and Appearance of the dwellings

- 5.6 These matters are reserved for later consideration. However, the Design and Access Statement set out principles that are intended to guide future submissions. The statement states “the local character of the built form within the neighbouring villages is an important element in forming the character of the new village, and the merging of local characteristics with the sites historical and green characteristics should combine to form a new community with an individual identity that fits into its locality” (page 81). In essence the aim of the Design and Access statement is that the appearance, scale, proportions and materials of the houses in the new village should reflect that set by neighbouring settlements. The scale of the dwellings is stated to be 2

and 3 storey. The community centre is also proposed to be a two storey building.

The Relief Road

- 5.7 Members will recall that a number of options for routes of a Relief Road have been considered and the one that forms part of this application reflects the preference expressed through the Consultative Forum (but it should be noted that Thorp Arch Parish Council has since withdrawn their support for the scheme). The proposed road is shown largely to run adjacent to an existing Sustrans route, although it will cut across the line of the Sustrans route at a point between Station House and the Leeds United indoor training facility. The road also runs across land that is in third party ownerships and overall the road has a length of around 1.4 miles.
- 5.8 The Relief Road runs from the western edge of the Trading Estate at a point immediately to the south of HMP Wealstun. The Relief Road crosses the route of the existing Walton Road/Church Causeway. This part of Walton Road and Church Causeway would be reconfigured so that it forms a staggered junction with the Relief Road. This staggered junction has been designed so as to try to prevent traffic using the Relief Road turning left towards Thorp Arch but it does continue to allow traffic, and residents, from Walton to use Church Causeway to access Thorp Arch. Once the Relief Road has crossed the existing route of Walton Road and Church Causeway it is shown to progress through open farmland some 50m to the north of the nearest residential property Station House (this property is listed). The Relief Road then cuts across the existing Sustrans route at a point approximately 330m to the north west of Station House and 100m to the south east of the Leeds United indoor training facility. The precise design of how the road crosses the Sustrans route has not been resolved but it is likely to take the form of a bridge. The applicant has provided a model to show how this can be achieved and it is intended this will be available for the Panel to view. The route then continues to the south west of the Sustrans route through open farmland. It is shown to run to the rear of a pair of residential properties known as Walton Gates to form a new junction with and to link into Wetherby Road. When scaled from the submitted application plan the route is shown to run approximately 20-30m to rear of these houses.
- 5.9 In addition to the junctions described above new junctions would be created with the Relief Road and Wood Lane (a road that has the character of a country lane and that currently links Wetherby Road with Thorp Arch village) and that section of Wetherby Road between Walton Gates and Walton village.
- 5.10 It is proposed to create a landscaped mound to the south western edge of the Relief Road to help screen views of it across open farmland from Thorp Arch and surrounding countryside. Material submitted in support of the application indicates that the existing topography will largely screen views of the Relief Road from the village. However, the mound will have the added benefit of forming an acoustic screen. It is proposed to undertake woodland planting to both sides of the Relief Road and to create an area of nature conservation

between a section of the Relief Road and the Sustrans route. The provision of the relief road has been led by the consultative forum and no highway assessment of the relative merits of the relief road has been undertaken by the applicant

Other off-site highway works

- 5.11 In addition to the works already mentioned it is also proposed to undertake the following:
- Provide a bus gate at the northern end of Street 5. This will stop traffic from the Estate accessing or exiting the site from Wighill Lane access adjacent to the British Library. But it will continue to allow traffic associated with the Library to use this access.
 - Provide a pedestrian crossing on Wighill Lane. This will provide a pedestrian link to and from the development to Walton.
 - Traffic calming measures within Walton Village to discourage vehicles from 'rat running' through the village.
 - Bridge widening over the A1(M).
 - Off-site accessibility improvements to make site accessible to Boston Spa are subject to ongoing discussions.
 - As set out above a sum of money is to be secured via the Sec.106 Agreement for further highway mitigation measures should they be required following the implementation of the development.
 - At paragraph 2.10 it is set out that further work is required to assess the off-site mitigation measures needed in Wetherby Town Centre.
- 5.12 Where it is proposed to reconfigure and close sections of existing roads that land will be landscaped. This includes the section of Wetherby Road to the north of Walton Gates. This section of road will become redundant through the introduction of the Relief Road with revised access arrangements being made to these residents and a farm to the north.

6.0 PLANNING HISTORY

- 6.1 There are no planning applications that relate to this site that have direct bearing and relevance to the consideration of this proposal. However, in 2005 the UDP Inspector considered a proposal to allocate part of the Trading Estate for 1,500 houses in 2005, 50% of which would be affordable. It was proposed that employment uses would be consolidated in the southern and eastern parts of the Estate and a new neighbourhood centre would be provided adjacent to the "Buywell Centre". The Inspector noted that the existing road network was poor in that it was rural in nature and poorly maintained. The Inspector concluded that the site was inherently unsustainable "...in terms of location, accessibility, and the ability to sustain sufficient local services and facilities has not been shown to be certain of improvement to the necessary extent".

7.0 PUBLIC/LOCAL RESPONSE

- 7.1 Members are advised that this is a summary of the numerous and detailed representations received to date.
- 7.2 The issues raised have been set out in this section under various subject headings in the interests of clarity. To date a total figure of 138 letters of objection and 8 of support have been received and petition containing 268 signatures objection against the relief road, in response to the neighbour notifications issued on the 17 July 2013, the newspaper advert printed in the Boston Spa and Wetherby News on the 8 August 2013 and the site notices dated 26 July 2013. On the 1 November 2013 a notice of amendments to the scheme was posted as further and amended information was presented by the applicant. The application has been advertised as a major development, as being accompanied by an Environmental Statement, as constituting a departure, affecting a right of way and affecting the setting of listed buildings and a conservation area.
- 7.3 Objections have been received from local residents, a detailed and lengthy objection from a local action group (TAG), Thorp Arch Parish Council (objection prepared on behalf of Thorp Arch PC by a planning consultant along with representation from a highways consultant in respect of highways matters) and Alec Shelbrooke MP. Walton Parish Council have written in support of the scheme subject to certain conditions being met. These are described later in this section of the report.

Set out below are details of objections to the scheme by Thorpe Arch Parish Council ("TAPC"):

- 7.4 TAPC highlight six reasons that Leeds City Council ("LCC") should refuse planning permission:
- Serious risk.
 - Process.
 - Prematurity.
 - No authority exists in the existing statutory planning process for a grant of planning permission.
 - A range of other material considerations, which, *inter alia*, show that other sites having less disadvantages to the Public must be explored before any decisions are made about this application
 - Sustainability linked to viability/deliverability/availability issues.
- 7.5 TAPC have produced a detailed objection to the application and this has been summarised below.
- 7.6 Leeds City Council have used various sources of information in a selective and misleading way to try and promote the prospects of this location for early development whilst ignoring the concerns expressed by the UDP Inspector about the location of the site in that:

- (i) The site is inherently unsustainable in terms of location, accessibility and the ability to sustain services.
 - (ii) Is in the wrong location for a large amount of affordable housing, which should be situated closer to the main urban area.
 - (iii) The developer's ability to subsidize the facility in (ii) above, and financially contribute to the provision of a wide range of services the location lacked, called the viability of the project into question.
 - (iv) The likely impact of the proposals on Boston Spa and Thorp Arch, and the absence of proposals to deal with that situation.
- 7.7 It is "unreasonable and irresponsible" for LCC to even consider this application until LCC have properly examined the Inspector's findings and to demonstrate that the Inspectors findings are wrong if that is the case.
- 7.8 TAPC believe exploring alternative, and arguably more sustainable locations in order to increase its housing supply numbers should be undertaken.
- 7.9 TAPC understood that there are planning permissions for over 1000 units already available in Outer North East Leeds and that a planning application for 400 units is currently being considered by LCC at Spofforth Hill, Wetherby.
- 7.10 There are other locations closer to Wetherby where development could be achieved with more ease, in shorter periods of time, and without seriously affecting existing communities.
- 7.11 The location carries with it a number of very serious sustainability risks and these risks should have been more thoroughly examined and admitted to in the Site Allocation process. These risks include:
- 7.12 That the build-up of new households will be slow. This would be a major dis-incentive to the provision of services and public transport for the new residential location until later stages.
- 7.13 It is understood that the applicant does not intend to produce limited health services for the site.
- 7.14 No evidence to support the claim that new residents will Work at retained employment land.
- 7.15 People are unlikely to walk to services in Boston Spa. These walking claims ignore the realities of the gradients, inclement weather, pushing prams and push chairs, partly disabled people, and distances.
- 7.16 The serious risk that the applicant/developer could not sustain the major financial subsidies needed over a lengthy period of time to overcome the sites inherent unsustainability.

- 7.17 It is unlikely that the developer will deliver what has been applied for as it will not be viable.
- 7.18 The risk to the future of the Thorp Arch Trading Estate as an important employment location. It would be difficult to prevent further changes from employment to residential.
- 7.19 The pursuit of this site by LCC, and the land owners, would be contrary to the Government planning advice in para.173 of the NPPF which states that 'pursuing sustainable development requires careful attention to viability and costs in plan making and decision taking.
- 7.20 The spatial vision of the Core Strategy is that growth will be mainly centred upon existing settlements. This is a major development out in the open countryside, which is contrary to existing national and local policies

The Process

- 7.21 LCC statement that the site is 'a major brownfield site suitable for large scale development in principle is flawed and is contrary to the conclusions of the UDP Inspector. The clear inference that LCC has closed its mind to other, and possibly more sustainable locations.
- 7.22 The views set out in the Site Allocations Document are pre-determination of support for the application.
- 7.23 TAPC also raises the question of what encouragement might have been given to the applicant for it to incur the scale of professional fees involved in preparing an application for such a difficult site
- 7.24 TAPC consider that under the circumstances detailed above, the only safe course would be for LCC to refuse the planning application.

Prematurity

- 7.25 The development is premature in advance of the Local Development Framework.
- 7.26 TAPC believe that the context in which this application is being considered fits the above in that a DPD is being prepared but has not been adopted. If planning permission were granted for this development it would severely prejudice the proper consideration of that plan (i.e. arguably ignoring more sustainable locations to serve the Outer North East area of Leeds, and at the same making the main location for meeting future household need in the Plan Period a major exception to the spatial principles of the DPD).
- 7.27 The TAPC considers that this development would be premature due to a range of issues regarding affordability, viability and deliverability as well as the availability of third party land for highway works have not been adequately studied, and insufficient time has been provided to the objectors in which to do so.

Contradictions

- 7.28 The TAPC questions why the application has been made and/or encouraged at this time as comments made by representatives of LCC show that the authority thought a different timing was more suitable.
- 7.29 The TAPC concludes that, in the terms of the NPPF, LCC does not have an acceptable statutory basis for approving this planning application.

Other Material Considerations

- 7.30 The material planning considerations relevant to this application are considered by the TAPC to be as follows:
- 7.31 Nature of the land - There is a dispute about how much of the site is brownfield because some parts of the Estate have merged into their natural surroundings and large areas have not received any development at all. It would also be bad planning to select a brownfield site with unsatisfactory/unacceptable development characteristics, simply because it was a brownfield site.
- 7.32 The findings of the UDP Inspector for the TATE location should be a material consideration in this planning application and an analysis of the Inspector's findings should have been carried out by LCC before deciding whether or not to encourage development at TATE.
- 7.33 LCC should not determine the application before alternative locations have been properly examined, and to do so under these circumstances, and within the context of an on-going DPD process, would appear to be acting unreasonably. TAPC have indicated the below sites as alternative locations:
- (i) The villages in Outer North East Leeds. LCC has chosen to largely ignore this source, and protect the villages from development, although are willing to sacrifice Thorp Arch in order to promote the TATE application.
 - (ii) Some extension(s) to the eastern side of the Leeds urban area.
 - (iii) Areas around Wetherby (north and east sector) and the racecourse along Racecourse Approach and Sandbeck Approach to Deighton Road and below the Racecourse to Walton Road.
- 7.34 The fears of residents - This has been recognised by the Courts as a material consideration. It has a relationship to why alternative sites should be examined as explained above. In the case of Thorp Arch the residents fear the potential damaging effects on their village.

Sustainability

- 7.35 TAPC consider that the proposed development fail the economic role. They believe that it is likely that it would fail an essential element referred to in the NPPF social role because it is seriously doubtful that it can support/provide accessible local services that support community's needs, and support its health and social wellbeing.

- 7.36 The proposals fail an important part of the NPPF environmental role because it would not be protecting and enhancing the built and historic environments of Thorp Arch, Walton and Boston Spa.
- 7.37 The TAPC considers that this proposed major development would create a major imbalance between urban and rural locations in this part of Leeds. It could be refused on this ground alone because it is seriously detrimental to the rural character of the area, and also because it is contrary to Section 55 of the NPPF, which states that 'to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities'
- 7.38 The proposals in the planning application run contrary to the Government's aim for promoting sustainable transport.
- 7.39 Considering the contents of the Core Strategy, it is very doubtful whether this location would ever have sufficient sustainability merits to justify it being one of the exceptions to the Core Strategy sought by LCC.
- 7.40 If LCC is minded to approve this application, then it should refer the application to the Secretary of State as a departure application.

Summary of all other objections:

- 7.41 The objections from a local action group (TAG) and from individual residents have been summarised below.

Sustainability and policy

- 7.42 The site is not sustainable. The site has previously been rejected as an unsustainable location for residential development at the Leeds UDP Review public inquiry during 2005/6. The proposal at this time for TATE was for 1500 houses where the Inspector considered the submitted evidence which included over 300 letters of opposition. Unless the applicant can provide evidence that either the underlying principles have changed or that the physical environment is significantly different from that prevailing in 2005/6 then the Inspector's findings that the site is unsustainable remain.
- 7.43 The NPPF is absent on how to apply an approach to sustainability; however the Core Strategy interprets this as settlement location, transport connections and accessibility. The principles contained within PPG3 at the time of the 2005/6 Inquiry carry through to the new guidance.
- 7.44 Since the UDP Inquiry the physical environment has had some improvements to the highway system, with a new round-about providing access to TATE on the north-east side and re-surfacing of the C78. However on the negative side the original access directly onto the A1(M) from the C78 at Wetherby have been lost and such access now requires travelling for about 2.7km south and 3.5km north around the LAR with three round-about in either direction prior to reaching the access round-about to the A1(M). Overall the highway links to the site are arguably worse than at the time of the inquiry.

- 7.45 The site is not within the Leeds Settlement Hierarchy.
- 7.46 Has no direct linkage to Leeds centre other than by private vehicle or by a limited bus service that would have journey time of approximately 1hr.
- 7.47 There are no existing facilities within 2km of the proposed housing.
- 7.48 The proposed development would not be linked to any existing settlements and can therefore be classed as a new settlement and therefore has to be self-sufficient to meet sustainability criteria and there is no likelihood of this being achievable.
- 7.49 There is no phasing information to indicate how and when facilities and subsidised transport will be introduced or removed.
- 7.50 Medical provision will be distant at best and local NHS capacity to absorb future residents has not been demonstrated.
- 7.51 The provision of secondary schooling has not been clarified. Likely to be inadequate education provision.
- 7.52 The residents occupying the first houses will have no facilities with no demand for ancillary retail until there is a significant increase in resident numbers once more housing is completed. Therefore future residents will travel to Boston Spa.
- 7.53 Trips to Boston Spa on foot or bike is long and difficult (changes in levels and terrain with sections of the route being in close proximity to passing traffic). This journey by these methods are not practical on a day to day basis.
- 7.54 The Inspector at the 2005/6 Public Inquiry was unconvinced that any bus service would survive a subsidised period.
- 7.55 TATE will become a dormitory settlement for workers in York, Harrogate and Leeds rather than a settlement of self-containment.
- 7.56 TATE is not accessible by walking (poor footpaths, narrow dangerous bridge, steep terrain).
- 7.57 The Sustran route is not a practical route to travel by cycle in the dark (i.e. dangerous) nor is it functional for a commuting option.
- 7.58 There is no mention of secondary school locations or capacity.
- 7.59 The development is in conflict with the emerging Core Strategy *inter alia* of permitting a new settlement in a rural area if such a settlement functionally requires a rural location. Also the Spatial Vision set out in chapter 3 and contrary to policies 4.1.7 and 4.1.14.

- 7.60 The site is politically driven to avoid development around the local villages. Local neighbourhood planning groups have been informed by Councillors that no further housing sites will be brought forward in the outer North-East quadrant as the proposed scheme for up to 2k dwellings will meet the local housing need.
- 7.61 The housing supply figures quoted by the applicant referring to Thorp Arch and Walton has little in relation to Leeds. The Leeds numbers taken as averages are also meaningless since Leeds has a wide distribution of housing neighbourhoods. The Applicant needs to use local housing data.
- 7.62 The site is not wholly Brownfield. Much of the site has never been developed or where demolished has returned to a natural state and the site is considered to be both Brownfield and Greenfield.
- 7.63 The land proposed to be used for the relief road is Greenfield of high agricultural value and in a Conservation Area.
- 7.64 If LCC are considering granting outline planning permission then the application should be referred to the Secretary of State in order that he can review the application given the potential that the application may have effects beyond the local area.
- 7.65 The quantum of the scheme has the potential to effect delivery of housing and regeneration in the Selby district (e.g. Tadcaster).
- 7.66 If the LCC is pursuing this approach because it is desperate to boost its housing supply numbers, this is misplaced because of the likely time lag in getting such a difficult site underway, and more likely than not placing delivery of a large number of homes towards the medium term rather than the short. In contrast, it is understood there are planning permissions for over 1000 units already available in Outer North East Leeds. In addition, a planning application for 400 units is being considered by LCC at Spofforth Hill, Wetherby. In addition, there are other locations closer to Wetherby where development could be achieved with more ease, in shorter periods of time, and without seriously affecting existing communities.
- 7.67 The risk is that the build-up of new households will be slow. This would be a major disincentive to the provision of services and public transport for the new residential location until later stages. LCC are acting irresponsibly by not recognising this risk and admitting how unsatisfactory this could be for new residents, who could be isolated from proper service provision, and particularly for occupiers of affordable housing who might be dependent upon what could be a limited public transport service.
- 7.68 The scheme fails to propose even intend to produce limited health services for the site. This application for residential is one of a number of potential developments within the Boston Spa/Wetherby area which could potentially see large numbers of new residents arriving in the area. This clearly has significant implications for the adequate provision of health services. *(A doctor*

practising from a surgery located in Boston Spa advises that his current building is currently being used to capacity and his discussions with other GPs in the area suggest that they have similar concerns).

- 7.69 Concern that this and a number of other developments will impose a burden on local resources that simply cannot be met without significant additional investment in local infrastructure.
- 7.70 The serious risk that the applicant/developer could not sustain the major financial subsidies needed over a lengthy period of time to overcome the sites inherent unsustainability.
- 7.71 The site is “premature” prior to the adoption of the DPD. Until the quantum of housing development in the Core Strategy have been examined the local housing need has yet to be established.
- 7.72 The development would be too small to be considered as ‘self-contained’. The Inspector of the Public Inquiry (2005/6) stated that the minimum threshold capacity to encourage local self-containment was a figure of 5 – 6000 dwellings or a 15000 population.

Economic

- 7.73 The reality will be that volume house builders will build on the site using their own workforce thus removing the opportunity for local building companies.
- 7.74 The development is being promoted on the hypothesis that there will be significant numbers of people living and working at TATE which is the same hypothesis put to the inspector at the 2005/6 public inquiry. There is no evidence that existing workers want to live on site. The average cost of housing in the surrounding area would be out of reach for most employees on TATE.
- 7.75 There is no foreseeable significant growth of the TATE employment levels; therefore no demand.
- 7.76 The level of employment suggested by the Applicant as part of the constructions period is questioned as the figures quoted are unsubstantiated.
- 7.77 Loss of employment land.
- 7.78 The Housing Market Assessment submitted by the applicant provides no clear definition or methodology of how the market areas have been identified. The assessment seeks to identify housing requirements by referring to percentages of needs rather than the number of houses that are required in the Wetherby area either in total or by reference to house types. Therefore, no indication is provided whether the proposal will contribute, meet or exceed identified needs in the area. The weight to be attached to affordable housing provision is therefore unclear until it is established that the scheme will draw residents away from existing sustainable settlements and centres.

Environmental and ecological

- 7.79 The 3.0m 'scrape' over the site to clear the potential array of contaminants (asbestos, explosive residues, cyanide) will create a large amount of material to remove from the site which is to be transported an unknown distance to unknown locations and its disposal will be environmentally damaging.
- 7.80 The best current practice for sites like this, provided that no contamination is affected surrounding areas or water resources is to leave the contaminated area undisturbed (with the exception of removing exposed asbestos).
- 7.81 The development will create a car based community (per the Inspectors conclusions in the UDP Review inquiry).
- 7.82 No facilities are practically accessible by foot or bike.
- 7.83 The provision on site for any facilities is uncertain. If the number of properties equate to a viable convenience store residents of the houses will do their shopping in Wetherby or Boston Spa and will travel by car.
- 7.84 Applicant aiming to avoid any environmental obligations (CSH standards) by offsetting green standards against the provision of other facilities i.e. a new school.
- 7.85 The waste assessment refers to 900-1150 dwellings and not on the submitted scheme for up to 2k houses.
- 7.86 The roads on the estate are to be lit. This will affect the bat population.
- 7.87 Flood risk.
- 7.88 Loss of wildlife habitat (woodland, scrub and grasslands)
- 7.89 Loss of botanical areas.
- 7.90 Out of character with the surrounding rural villages.
- 7.91 Loss of 40 acres of Conservation landscape.
- 7.92 The relief road will cut across the sustrans route with possible harm to the Listed bridge, the adjacent open land and harm the Conservation Area.
- 7.93 The remains of the ROFF including the Listed buildings/structures in and around the site are of national significance and the large scale residential development would have a damaging effect on the heritage of the remains of the ROFF.
- 7.94 Yorkshire Wildlife Trust (*not a consultee*) object to the current application due to the lack of information regarding the biodiversity value of the site. They are concerned by the Landscape & Ecology Mitigation Plan which shows the loss of a significant area of the SEGI/LWS sites with no buffer around the

areas to be retained and only a limited amount of mitigation. They believe that the current application is therefore contrary to policies SA1, N49, N50, N51 and N52 of the Leeds UDP as well as paragraph 118 of the NPPF.

- 7.95 The development would be in conflict with guidance contained within the NPPF ecology policies. The applicant's calculations of biodiversity offsetting, Showing a 'net environmental gain' seem flawed. Invertebrate studies recommended have not been completed.
- 7.96 Evidence provided by the applicant's ecology survey shows that very extensive areas of the site are of high environmental value. This has been confirmed by West Yorkshire Ecology. This application will involve destruction of large areas of habitat which have been assessed by the applicant's own ecologist as being of County Value, both on the greenfield and brownfield areas on the site, and large areas which would qualify as SEGI land.
- 7.97 Within the site there is land that could potentially support rare and notable Invertebrates and ground nesting birds.
- 7.98 The EA states that an overall net gain for biodiversity. TAG believe that this is an ambitious claim in view of the stated value of the lost habitats.
- 7.99 TAG note that West Yorkshire Ecology have commented that they 'consider that the development will have an unacceptable impact on regionally important species rich grassland communities and that the calcareous grassland component of this site is the largest example of this habitat type within West Yorkshire and is of regional importance and therefore of high environmental value.
- 7.100 The site is far greater value in ecological terms than many wholly 'greenfield' sites, and this deserves serious consideration. To claim that the ecological loss in developing this site can so easily be mitigated seems unrealistic.
- 7.101 TAG accepts that some of the land proposed for development can be Considered as previously developed land. It does not accept that this is not of high ecological value.
- 7.102 The development will have impacts upon the character of the landscapes (i.e. green belts and locally important landscaped areas) outside the boundaries of LCC within the Selby District and Harrogate Borough Council areas. The supporting documents fail to assess harm on the openness of nearby green belts (Selby) (i.e. visual receptors).
- Highways matters
- 7.103 Extra traffic generated by the development going to/through Boston Spa will exacerbate the congestion issues (The Packhorse bridge/bridge road/ T-junction) cutting off Boston Spa for periods of the day.

- 7.104 Limited public transport provision proposed with a 30 minute service

between Leeds and Harrogate (No.770/771) and a shuttle bus with unspecified hours travelling to Wetherby. This will be inadequate to serve up to 2k homes.

- 7.105 It is likely that the traffic increase in Thorp Arch village main street will exceed 25%. If so, according to the design manual for roads and bridges the noise increase will exceed 3%.
- 7.106 Disagreement with the public transport provision for TATE being assessed in-line with developments elsewhere in the area (i.e. Former Clariant Works for 400 dwellings and Church Fields for 153 dwellings).
- 7.107 The existing trip generation does not include all of the proposed land uses which are likely to have an influence on the highway network.
- 7.108 A comparison of journey times between existing routes and the proposed relief road show similar results, questioning the requirement for the relief road.
- 7.109 A greater proportion of traffic will travel through Boston Spa and Thorp Arch to reach the proposed development.
- 7.110 No analysis in the submitted Travel Assessment why the existing highway network cannot be upgraded to accommodate an increase in the absence of a relief road.
- 7.111 The proposed traffic growth covers only the first phase of the proposed scheme up to 2023 (55% of the development).
- 7.112 Existing facilities are outside comfortable walking distances from TATE.(i.e. those in Wetherby). The proposed improvements (Puffin crossing on Wighill Lane to link Walton, footways adjacent to the relief road along Church Causeway and a cycleway along the relief road to connect with the Sustran Route) are not sufficient to promote a sustainable location from a walking perspective and the pedestrian infrastructure will deter residents from walking.
- 7.113 The additional bus service for 10 years is not in line with the construction period of the site and the TA fails to advise when the bus service improvements would be introduced.
- 7.114 Access to rail services are poor by bus resulting in residents travelling between 50 minutes and 1hr to reach Harrogate and Leeds train stations respectively.
- 7.115 Access to rail services are poor via car (Garforth, Harrogate, Wetherby and York)
- 7.116 Accident analysis fails to include the route through Boston Spa.

- 7.117 The proposed mitigation would force additional traffic to use Wood Lane which has substandard width and a poor alignment and would increase traffic through the centre of Thorp Arch.
- 7.118 There has been a lack of scenario testing submitted on implications through Boston Spa and Thorp Arch addressing highway capacity concerns in this area.
- 7.119 The relief road will not work and consideration should be given to the southern exit from the estate following the Rudgate Route to the A64 and A1 which would negate traffic problems from Thorp Arch and Boston Spa.
- 7.120 The revised transport assessment ("TA") contains flaws.
The Councils Highways requested that the walking isochrones be measured from the centre of the site. The applicant has not done this, and the TA still claim that a number of facilities are available within a 2km walk of the proposed development. This is not the case if the isochrones is measured from the centre of the site. The sustainability argument is based on these facilities being inside the isochrones and that argument will fail if the isochrones is changed.
- 7.121 The applicant concedes that there will be a problem at the junction of High Street and Bridge Road in Boston Spa and that their expectation is that once this junction reaches its theoretical capacity traffic will divert to the relief road. TAG's understanding is that it is incumbent on the applicant to ensure that a development does not cause a junction to become more than 85% utilised and if models show that this will happen then they have to propose (and fund) alternative traffic routes that will allow existing traffic to continue to operate as it does now. The proposal seems to be saying that the applicant is expecting the junction to become grid locked and that the new road provides an alternative route if this happens. This is unacceptable as by the time you find out that the junction is grid locked you will be stuck in it. This situation would mean that a 0.5 mile journey to Boston Spa from Thorp Arch would become nearly 5.5 miles via the "relief road".
- 7.122 The maximum queues identified in the TA (observed at the Thorp Arch Bridge on Friday 23rd November 2012) are laughable. It is not uncommon to see queue lengths at peak hours that are into double figures. The results of this are not representative of the queues experienced by local residents and further independent surveys on many different days should be undertaken. The Highways Department have asked that 85th percentile trip rates are used. The Highways Department have stated that "the difference between average and 85th percentile trip rates is vast, and as the development proposals will have a significant impact on the highway network, it is vital that a robust assessment of the impact of the proposals is undertaken. Therefore, the average person trip rates used are not considered to be acceptable." (Highways report 10th Oct 13 page 3). This has not been done, obviously because it would show the development as having a massive negative impact on the existing villages and being totally unsustainable from a traffic perspective.

- 7.123 No trip rates have been calculated for trips to the proposed village centre, community and leisure uses. The TA underestimates the level of vehicle trips that will be associated with the development.
- 7.124 Effect on Thorp Arch bridge –
- The bridge is too narrow to accommodate a two-way vehicle flow.
 - Road signs indicate that there is no priority in either direction, therefore priority is given to oncoming traffic on an informal basis.
 - The TA contains no evidence to support the claim that the bridge operates with only low level queuing i.e. up to six vehicles as stated in the TA.
 - No details of the bridges capacity are noted in the TA.
 - The proposed highway restrictions (no right turns for northbound traffic from Church Causeway to the proposed relief road and no left turns for westbound traffic on the relief road to Church Causeway) will only prohibit vehicles from the development travelling to Boston Spa assuming that they travel via the western relief road access roundabout. Those residents located to the northern part of the development or those seeking to avoid the diversion created by the western relief road could travel via the Avenue C / Wighill Lane access and therefore could avoid the proposed restrictions. As a result the development could add traffic flows to the bridge exacerbating the existing congestion and delays.

Consultation process

- 7.125 The Statement of Community Involvement (“SCI”) submitted by the Applicant is largely fiction rather than fact. The only consultation with the community was an event to present a scheme for 1150 on the 6 June 2012. This scheme had no relief road and minimal community facilities and bears almost no relation to the submitted scheme. An event on the 18 May 2013 presented a scheme for 1700 houses with a relief road and increased community facilities and including some public transport proposals. TAG believe that this was not a consultation as the scheme was virtually finished with increased housing number (x 2000) and the removal of retail provision (replaced by housing).
- 7.126 The consultation process was poor and badly handled. Differing views have not been taken into account and outcomes incorrectly reported with consultation taking place late in the process.
- 7.127 The Consultative Forum meetings were effectively secret and the minutes were withheld.
- 7.128 The timing of the application is questioned with submission being at a time during the holiday period when many residents were absent and the period to provide comments to the Council was the 29 August presented little time to respond.
- 7.129 TAG consider that the process of consultation for the SCI is flawed and in

contravention of The Community Involvement in Planning – The Government Objectives (Feb 2004) as no real connection with communities offering a tangible stake in decision making has occurred.

- 7.130 The Applicant has only sought to engage with leaders of the Parish Councils, have prevented open and transparent discussions on issues when that has been sought and in conjunction with Ward Members and Planning Officers created the Consultative Forum which met without the involvement of the local community electorate to devise the current scheme which only became known to the wider community on the 18 May 2013.
- 7.131 The method of community involvement and the closed nature of the consultative forum meetings goes against the grain of the Localism Act and the Councils code of conduct (i.e. failure to provide minutes outside the Freedom of Information route).
- 7.132 Failure to disclose copies of minutes between the applicant, its advisors, Council Planning Officers, Ward Members, Panel Members, and leaders of the local Parish Councils.
- 7.133 No minutes are available on a meeting that took place between stakeholders in London on the 5 March 2013.
- 7.134 TAG are of the view that the closed meetings is an indication of an approach by the Applicant to achieve a pre-determined decision.
- 7.135 There is not total community support from residents of Thorp Arch as suggested.

Viability/Deliverability

- 7.136 The proposed relief road, off-site highways works and land acquisition issues from local landowners to allow development pose an issue of delivering the works.
- 7.137 Landowners do not support the scheme and Compulsory Purchase Orders can lead to a costly process.
- 7.138 It is unlikely that phase 1 (1100 houses) of the development as proposed will be completed in the 10 years period as proposed.
- 7.139 Costs associated with infrastructure, contamination mitigation, affordable housing and all other costs (e.g. public transport) may render the scheme unviable.
- 7.140 It is accepted that Walton and Thorp Arch should take a reasonable share of housing (a figure of 20-30 houses are suggested for Thorp Arch if an appropriate site can be located).
- 7.141 Risks in the nature of the planning application itself. It is for outline planning permission. The scheme proposed is illustrative only with all matters

reserved. The applicant is not the developer. Some of the measures required to boost the sustainability qualities of the site might not be included at the detailed stage because it would be a developer facing the cost realities not a land owner wanting a planning permission.

- 7.142 In order to evaluate the viability of this application, the requirements for remediation under the 'Special Sites' policies of the Environment Agency (EA) must be taken into account. While accepting that it is the local authority which has to decide which sites to refer to the EA, the criteria are clear. If the site has contaminants, receptors and a pathway, and there is a 'significant possibility of significant harm', then it would need to be classified for action under 'contaminated land' policies. The site has known contaminants, including the probability of explosive materials on site. The site will have known receptors - soil testing technicians, construction workers, and future residents including children and vulnerable adults (elderly, pregnant etc.). There will be contamination pathways from the construction activities, and later residential uses, amongst others. WYG's own geo-environmental desk study, tables 7.6, 7.7, 7.8, and 7.9 all indicated some high-risk pathways. It is TAG's opinion that the site will have to be considered as 'contaminated'. In addition, because it has been used in the ROFF period for explosive manufacture and processing, this would mean it has to be referred to the EA as a 'special site'. This could result in very considerable remediation costs and difficulties. In order to assess the viability of this application, it is therefore essential that the requirements of decontamination under the EA 'Special Sites' policies must be addressed.
- 7.143 In addition to the above Alec Shellbrooke MP has also written to the Council to voice his objection to the proposals. Mr Shellbrooke's objection is summarised below:
- 7.144 Leeds City Council's Strategic Housing Land Availability Assessment highlights the Thorp Arch Trading Estate site as 'green' for future development. The Outer North East quadrant has been allocated a figure of 5,000 units. It is Mr Shellbrooke's opinion that Leeds City Council's housing figures equate to a copy of the Regional Spatial Strategy (RSS) and that this target for house building was abolished shortly after the last election.
- 7.145 One of the biggest problems with the figures derived, including those in the RSS, is that they were based on a predicted population rise in the city, calculated on figures past. Since that time, two fundamental changes have occurred.
- (i) GDP shrank by over 6%, leading to one of the deepest recessions in history and leaving the current Government with a mountain of debt and unprecedented deficit. This consequently led to a fall in demand for new homes with fewer people able to secure mortgages.
 - (ii) Much more significant aspect is the current Government's strategic policies of gaining control of unfettered immigration, something previously promoted by the last Labour Government's open door policy. The 2011 census

confirmed the immigration policies of the last Labour Government allowed over 2.1million immigrants access to Great Britain on a permanent basis. Clearly, this resulted in growing pressure for homes, especially in our city, which has had a disproportionate flow of immigration compared to other cities in the country. In the first half of this current Parliament, net immigration has been cut by a third. This is a deliberate policy of this Government; to return levels of immigration to the tens of thousands, not the hundreds of thousands per year.

7.146 Therefore, these fundamental changes in immigration policy now resulting in lower immigration figures in Leeds surely means the housing target figures set by the Council are out of date.

7.147 Before any building takes place in Leeds as a result of the SHLAA, a revaluation of the figures proposed needs to be undertaken which will, Mr Shellbrooke believes, relieve villages in constituencies such as his, from totally unnecessary expansion on this scale.

7.148 Thorp Arch village will struggle to accommodate the proposed expansion in respect of increased traffic and pressure on local services.

Summary of Letters of Support

7.149 Set out below are the reasons for support set out in letters of representation:

- The relief road and provision of a school is essential.
- There has been good communication with the local community.
- Re-use of Brownfield makes sense.
- The scheme will provide much needed housing.
- Will provide a new lease of life to the estate.
- Improved bus services to Harrogate and Leeds i.e. the shuttle bus service to Wetherby creating more options for employees travelling to the site.
- Provision of housing within the area has the potential for employees to reduce travel to work distances.
- The proposed road between Wetherby and the Estate would improve access to the national road network.
- Re-development of redundant buildings, improved landscaping and additional recreational facilities will improve the attractiveness of the
- Estate to potential new employees and provide enhanced facilities for existing staff.

7.150 In addition to the above points Walton Parish Council and Boston Spa Parish Council have expressed support for the scheme subject to various matters. Set out below is a summary of the Parish Council's comments.

7.151 Walton Parish Council support the development of the site, on the express condition that a relief road was provided to mitigate the traffic impacts on not just Walton but also Boston Spa and Thorp Arch. The development proposal has been debated by the Walton Parish Neighbourhood Plan Steering Group

and the consensus of that Group is that the PC should support the development of this brownfield site before building on Green belt/rural/farm land within the designated area. The Steering Group has also supported the promotion of this site in the LCC Site Allocation Process. This support is subject to the below heads of terms:

Affordable Housing

- 7.152 The Council has received local comments about the nature of the Affordable Housing to be provided on site. In particular, there is a local shortage of property to rent for agricultural workers, many who travel miles currently to get to work. There should be provision of smaller affordable homes and residential care facilities for local elderly residents. There should be the provision of discounted purchase scheme homes to assist future generations of local young people get themselves established on the housing ladder.

Relief Road

- 7.153 For avoidance of doubt, Walton Parish Council's support of this Planning Application is absolutely conditional on the completion of the relief road prior to commencement of any residential development on the site.

Bus Infrastructure

- 7.154 The Council would wish to ensure that the phasing of the changes to the services, including the introduction of new shuttle services, is carefully managed, in full consultation so as not to result in any diminution of service to users along the Walton Road, in particular residents of Walton Chase, Woodlands, Rudgate Park and employees and visitors to HMP Wealstun.

Crossing Contribution

- 7.155 The puffin crossing should be provided at the same time as the other traffic calming measures.

Cycleway Contribution

- 7.156 These funds should be directed to delivering a dedicated cycle track and pedestrian route from the south side of Wighill Lane where the Puffin Crossing joins to provide a continuous route travelling through the centre of the new community and on to link up with Route 66 of the National Cycle Network on the south west of the new development. When linked up to the proposed Walton Cycle track on the western side of Walton, to Route 66 at Walton Gates, it will provide the residents of the new community, Walton and other nearby communities with a valuable safe circular route for cycling, running and walking, improving the inter community connectivity, reducing the reliance on cars and promoting healthy lifestyle habits amongst residents.

Traffic Calming - provision

- 7.157 The definitive list of traffic management/calming measures should be as follows:

- (i) The provision of the Bus Gate on Street 5, south of the entrance to the British Library before the existing Roundabout.

- (ii) The provision of gateway build outs on Smiddy Hill, School Lane and Springs Lane, Walton.
- (iii) The introduction of a 20 mph speed limit on School Lane, Main Street, Smiddy Hill (along which the proposed Walton Cycle track will divert walkers and cyclists) and along Springs Lane to a new speed limit boundary beyond the vehicular entrance to the Walton Cricket Club Grounds.
- (iv) The introduction of a HGV Point Closure on Springs Lane, Walton between Springs Lane Farm and the entrance to the Village Cricket Club.
- (v) The provision of a kerbed footpath, along the eastern side of Springs Lane, from Main Street, Walton to the pedestrian entrance to Walton Cricket Club.

Traffic Calming Measures – Timing

- 7.158 All of the above measures must be completed prior to the opening of the new relief road.

Education

- 7.159 Mindful of the chronic lack of pupil capacity in the local primary school, the Council wishes to ensure that the provision of the nursery and primary school on the development is phased so that it can accommodate the new residents' children from their point of occupation of homes in the new development.

Waste Strategy - Removal of Contaminated materials from site

- 7.160 There remains a local concern about the toxic/dangerous nature of some waste which may be uncovered and subsequently need to be removed from site during the completion of this large development. The Parish Council is satisfied that routing the transport of such materials off site for correct disposal via the new relief road will minimise the potential contact with residential properties. The Planning Authority should apply a planning condition to the permission which ensures that all contaminated material be routed off the site via the Rudgate Roundabout, Wighill Lane, Rudgate and the B1224 to the Motorway network or the new relief route only, and that it is expressly prohibited to carry contaminated waste arising from the site at any time after the granting of Permission on any other local road. These are the two most effective routes to minimise the potential contact with residential properties and therefore minimise local anxieties.

Site Access - Construction Related Traffic

- 7.161 Mindful of the concerns of residents about the significant volume of construction traffic the Parish Council would wish, to see a condition attached to the permission, to ensure that other than along the new Relief Road there should only be one permitted access route to the Site for all Construction Related Traffic; via the B1224, Rudgate, Wighill Lane and the Rudgate Roundabout entrance to the Estate. Such a condition is critical, not just for the

peace of mind of residents of Walton but also residents of Grange Avenue, Rudgate Park, Woodlands and Walton Chase.

- 7.162 Boston Spa Parish Council have unanimously expressed its full support for the concept of the development. However, that support is conditional upon the early provision of the proposed relief road and upon the imposition of adequate traffic mitigation measures to ensure that any adverse impacts from traffic on Thorp Arch bridge and on Bridge Road in Boston Spa are kept to an absolute minimum. In addition the support is conditional upon there being no further restrictions in on-street parking on Bridge Road as the residents do not have any available off street parking.

8.0 CONSULTATION RESPONSES

Waste management

- 8.1 The refuse collection arrangements for the above look to be acceptable but it would be better to comment at a later more detailed stage.

Cycling Officer

- 8.2 The cycle route looks acceptable, although detail will need to be agreed with LCC and with Sustrans, who provided part of the funding for the existing National Cycle Network Route, and who maintain it under agreement. Information on the restrictions for traffic to Thorp Arch would be helpful. These should exempt cyclists.

Contaminated Land Team ("CLT")

- 8.3 The details are still under consideration by colleagues in the Contaminated Land Team. A response was provided by the CLT which raised a number of questions that the applicant was asked to respond to. At present the CLT are assessing the applicant's response and will formulate a formal response once their full assessment has taken place.

Landscaping

- 8.4 The Landscape Officer has raised significant concerns regarding the impact that the relief road would have on the SUSTRAN route and the surrounding landscaping. The objective must be to maintain the connectivity of the SUSTRANS route in terms of the SUSTRANS route itself; keeping the historic connections (the setting of the listed structures and that of the listed buildings) As well as retaining the visual and the ecological continuity.
- 8.5 The proposed road should cross as near to a right angle as possible.
- 8.6 Stone parapets (and these would also screen noise).
- 8.7 Construct the bridge as high as possible.
- 8.8 Careful design and construction to minimise tree loss.
- 8.9 The ecological feature of movement along the cutting rather than being

confined to the bottom is an important characteristic to retain. There will also be opportunities also to create quality permanent bat roosting features within the design of the bridging feature.

- 8.10 Light penetration into the underside of the road to ensure that it is still an attractive and safe route for pedestrians/ cyclists and allow vegetation to grow. This would additionally lift the road out of the main line of sight for pedestrians travelling south from the first bridge. This would allow the dramatic vista down the rail track to be retained. Open sides and an open structural support system are other considerations for light penetration. A central verge light-well could be considered.
 - 8.11 The use of sympathetic materials to retain the railway character by using for instance stone cladding similar to the listed bridge.
 - 8.12 This is known locally as the Railway Path. Keep the sustrans route as it stands including the part that runs alongside the property containing the listed railway sheds building. Although there is no public access, visual observation is possible and it is important that this quality is retained. The current road alignment sits over the path after it crosses the sustrans cutting resulting in this connection being lost and users of the path again suffering a significant impact.
 - 8.13 The proposal needs to be combined with some enhancement to the general historic area (including repair and maintenance to the listed bridge structure and the retaining walls including the removal of vegetation that is overgrowing the central railway line to the southern end) This would help mitigate the loss in this area of trees/ railway path character and the general environment impact of a large road over the sustrans route.
- North Yorkshire County Council (“NYCC”) and Selby District Council (“SDC”)
- 8.14 NYCC have raised an objection on the impact the scheme would have on the highway network outside LCC’s control. This objection will remain until the necessary mitigation has been discussed and agreed with NYCC.
 - 8.15 SDC would not offer detailed responses on issues other than strategic issues that could affect Selby District.
 - 8.16 There is concern over the lack of cross-boundary consideration given in the submitted application in regard to highway impact. It is highly unlikely that there would be no traffic movement between Thorp Arch and Tadcaster. Tadcaster is defined as a Local Service Centre in the Selby District Core Strategy Local Plan (to be adopted later this year, having been found sound by the Inspector in June). Tadcaster plays an important role as the hub for a large number of villages in the area, and Thorp Arch is the home of employment for a number of people in those villages, and Tadcaster itself.
 - 8.17 The application appears to consider that all traffic shall move between the site

and Wetherby/A1(M), however such a notion is contested. The attraction of the local services and facilities in Tadcaster itself (shopping, schools, leisure centre, swimming pool, theatre, community centres, evening economy etc.) cannot be ignored. Indeed, Tadcaster is similar to Wetherby in such terms, and broadly the same distance from the site. The impacts of traffic on Tadcaster cannot be properly considered without any information, and thus the application cannot be supported.

8.18 It is also noted that the proposed development would invariably impact upon the A64 at Tadcaster, with a corresponding impact upon the limited junctions there. The A64 is already subject to detailed cross-boundary scrutiny due to its existing capacity issues. Tadcaster is anticipated to grow with its own development quantum and thus the application fails to recognise the impacts upon the strategic highway network at this location.

8.19 It is considered essential that the highway impact is investigated on; Wighill Lane where it leads to Tadcaster, the main junctions within Tadcaster, the junctions with the A64, and the A659 between Boston Spa and Tadcaster.

Public Rights of Way

8.20 No objections.

Ainsty Drainage Board

8.21 No objection subject to a condition for a scheme for the provision of surface water drainage works.

Natural England

8.22 From the information provided with this application, it does not appear to fall within the scope of the consultations that Natural England would routinely comment on. The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes or species. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process, LPAs should seek the views of their own ecologists when determining the environmental impacts of this development.

West Yorkshire Police

8.23 No objections. The principles of Crime Prevention through Environmental Design (CPTED) should be fully taken on board by the developers.

Environment Agency

8.24 Awaiting comments.

Highways Agency

8.25 The Highways Agency are unable to respond positively until issues relating to

the Transport Assessment have been resolved. The proposed development is greater than that considered at pre-application stage therefore trip generation and distribution need a detailed review. There appears to have been some reduction in trip rates since the pre-application scheme but these have not been explained. Therefore the modelling needs to be reviewed to ensure that the trip generation has been reasonably reflected in the highways impact, particularly those at J45 of the M1.

West Yorkshire Ecology (“WYE”)

- 8.26 Objection on the grounds that the application does not include sufficient, up to date information on the biodiversity of the site and, from an assessment based on information held by West Yorkshire Ecology (the local ecological records centre), WYE consider that the development will have an unacceptable impact on regionally important species rich grassland communities. This includes two areas designated as Sites of Ecological and Geological Importance in the Leeds UDP and additional areas which also meet new Local Wildlife Site selection criteria. Thorp Arch Trading Estate SEGI and Thorp Arch Disused Railway SEGI, are recognised as being of regional importance for their Lowland Calcareous Grassland community a UK Biodiversity Action Plan Priority Habitat.
- 8.27 The site has for many years supported the largest number of pyramidal orchids in West Yorkshire with counts of over 1000 spikes. There is also an impressive range of other quality indicator species for the proposal site. The calcareous grassland component of this site is the largest example of this habitat type within West Yorkshire and is of regional importance and therefore of high environmental value. WYE consider that this proposal is unacceptable for a site with known high biodiversity interest. It is clear from the information WYE hold that the current proposal will result in substantial loss of biodiversity interest of regional importance.
- 8.28 The mitigation for biodiversity loss to the development is currently totally inadequate, particularly in respect of the calcareous grassland. Much of the retained SEGI area appears to have been selected for its trees and landscape value, rather than the principal interest, the species rich grassland. The scrub and secondary woodland does have a value particularly for breeding birds but the effectiveness of any mitigation strategy for biodiversity must be judged primarily against the species rich grassland interest. This application does not meet the requirements of Policies SA1, N49, N50, N51 or N52 of the Leeds UDP, nor does it conform to Policies G7 and G8 in the emerging LDF.

Air Quality

- 8.29 No objections. Given the location of the proposal it is unlikely that any air quality standards will be breached at that site. However, it is likely that such a development will lead to a notable increase in vehicle ownership given the remote location which could have a knock-on effect on the wider road network and levels of road transport emissions. In recognition of this we welcome the measures outlined in the submitted Travel Plan, but feel that measure CU7 is inadequate and needs strengthening. As it stands it is proposed that 'electric car use will be monitored and encouraged. If there is a continued substantial

use of the electric car as a mode of transport to and from the site then the installation of an electric car point(s) will be considered'. In support of Leeds City Council's policies to encourage uptake of low emission vehicles throughout the District and in anticipation of Government measures to incentivise purchase of electric vehicles we would like to see all properties with their own integral parking space having a power point installed to enable 'slow' recharging of EVs to take place in addition to any others that the Applicant has in mind.

Policy

- 8.30 The site is brownfield and is part unallocated and part allocated in the UDP for employment use. The Core Strategy Submission (including the Key Diagram) identifies the site at Thorp Arch Trading Estate as an 'opportunity for regeneration and brownfield land/residential development'. This reflects that the site is unique in Leeds being a large brownfield site with associated employment which is not in the green belt. Although it is not part of the settlement hierarchy as set out in the draft Core Strategy, and therefore is not inherently a sustainable location for new growth, it nevertheless therefore has the opportunity to meet some of the housing requirement if sustainability criteria can be met. Its development would alleviate some of the pressure to release green belt sites in this area of Leeds. A factor to be weighed up in judging relative sustainability principles is whether it would be more sustainable to locate 2,000 dwellings on this brownfield non-green belt site compared to 2,000 dwellings primarily on greenfield/green belt sites elsewhere in the area. However, as a brownfield site and given the policy support in the Core Strategy referred to above, Officers are of the view that prematurity is not a sustainable reason to resist the planning application for residential development of Thorp Arch Trading Estate at this stage. It must also be assessed under UDP policies. UDP Policy H4 requires that development on unallocated sites which lie in the main and smaller urban areas, or in a demonstrably sustainable location, will be permitted provided it is clearly within the capacity of existing and proposed infrastructure. The key issues are therefore whether it is in a sustainable location with an acceptable level of infrastructure.
- 8.31 The site was promoted by the Council in the UDP Review as a strategic housing site for 1,500 dwellings and a neighbourhood centre, but this was rejected by the Inspector in the Inquiry in June 2005. The Inspector's rejection was based primarily on the lack of evidence provided to support that the proposals to improve the site's accessibility and sustainability would be feasible and viable, including that the costs could be met by the development.
- 8.32 A great deal of evidence has now been produced in relation to all the sustainability issues including detailed transport modelling and identified upgrades to roads and the bus and cycle network, provision of community facilities, and assurance that the developers will meet all the costs. The proposals for contributions and mitigation are set out in the draft S106 agreement.
- 8.33 The key sustainability criteria to be demonstrated are accessibility, local

facilities including education, and sustainable construction. With this in mind there is a need to improve public transport and to generally make the site accessible, improve and promote cycling and walking, improve connectivity, and embrace best practice in sustainable construction, energy efficiency, environmental protection and enhancement and sustainable drainage. Other key relevant UDP policies relate to employment and greenspace. Subject to these being adequately addressed the principle of the scheme is supported.

- 8.34 The Natural Resources and Waste Local Plan (NRWLP) identifies Thorp Arch Estate as an industrial estate which is a preferred location for new waste management facilities and therefore such facilities will be supported (site 213, Policy Waste 5). However, this does not preclude its development for other uses, plus this potential function could still be employed in the remaining part of the estate once the housing is built.
- 8.35 The Hope concrete batching plant (formerly Lafarge until January 2013) within the very east of the application site is also identified as a safeguarded asphalt and concrete batching plant (Site 28) where Policy Minerals 12 'Safeguarding Minerals Processing Sites' applies. At present, it is not considered that the application conforms with this element of the NRWLP as the future of The Hope is unclear.
- 8.36 Employment Sites - UDP Policy E7 restricts use of employment sites (including those allocated for employment) for alternative uses unless a number of criteria can be met. It is considered that on the evidence available there is an adequate long term supply of employment land in the Leeds district and that the loss of this site to alternative uses would not pose any harm to the Council's interests in providing opportunities for local employment and therefore the application meets the criteria in E7. The development is also assumed to support the ongoing employment use in the wider Estate by providing local housing, and by rationalising the Estate through further refurbishment and redevelopment.
- 8.37 Transport - The key element of improving the sustainability of the site is in improving public transport links.
- 8.38 Greenspace - UDP Policy N2.1 requires 0.2 ha of local amenity space per 50 dwellings which equates to 8ha for 2,000 dwellings. Policy N2.2 requires a local recreational area of 2.8 ha within 400m, and N2.3 requires 12 ha of neighbourhood parks within 800m. The application proposes 9.90 ha of new public open space which includes 2.65 ha of community playing pitches. The provision of greenspace is considered to meet the requirements on site for Policy N2.1 and N2.2. There is also a playing pitch provided within the new primary school.
- 8.39 Access to the existing woodland would also be created through a new footpath network, which needs to be taken into consideration as additional open space. The site as a whole will provide 15.55 hectares of new woodland, 2.65 of community sports, and 11.78 of new open space, coming to a total of 29.99 ha. In reflecting its location and proximity to the open countryside (which while

not a formal designation does provide a crucial element of greenspace and recreation) it is therefore considered that there is no need to also require a greenspace contribution under Policy N2.3 in this instance.

- 8.40 Retail and community facilities - The Core Strategy Submission Policy P7 relates to the creation of new centres, and it is considered the scheme meets the criteria in P7. UDP Policy S9 contains a number of criteria for new retail floorspace, including the requirement for a sequential test and potentially an impact test. There is a fall-back position that there is an open A1 consent for the existing 2,230 sqm retail park within the site. The Estate also contains other main town centre uses such as restaurant and gym which may move into the new centre and the total increase in floorspace may therefore not be as much as 5,000 sqm. As it is also a requirement for residential development to provide a village centre and top up convenience shopping in order to improve sustainability, then taken together it is considered that it would not be necessary or appropriate to require a sequential test in this instance and the policy meets the criteria in Policy S9.
- 8.41 Education - Provision of a primary school within the site is necessary due to the projected number of new pupils it will give rise to and the lack of capacity or potential capacity at the existing primary school at Thorp Arch. It is considered that provision of the primary school will overcome one of the key arguments that the site is an unsustainable location.
- 8.42 Draft Section 106 Agreement - The provision of 35% affordable housing is confirmed in the S106 Heads of terms in line with the policy requirement. The other policy requirements as discussed in this response are also confirmed, with 'triggers' to be agreed.
- 8.43 Conclusion - The application is supported as a package of sustainable measures which override its inherently unsustainable location. This is, however, subject to detailed comments from other colleagues.
- 8.44 However, the scheme is not supported in terms of Policy Minerals 12 'Safeguarding Minerals Processing Sites' of the Natural resources and Waste Local Plan as it provides no certainty that the concrete batching facility will definitely be retained within the Estate. Further information has been sought from the applicant and the operator in this regard.

TravelWise

- 8.45 In accordance with the SPD on Travel Plans the agreed residential and school Travel Plans should be included in the Section 106 Agreement along with the following:
- a) Leeds City Council Travel Plan Review fee of £17040 (£12,000 for residential, £2540 for food store and £2500 for the school)
 - b) Bus only MetroCard scheme
 - c) Securing the £50,000 travel plan mitigation fund, set out in para 8.17 of the travel plan

Conditions should cover the following:

- cycle and motorcycle parking for development
- shower for staff at retail and school
- electric vehicle charging points in garages for dwellings, and at food retail

Details of the Travel Plan still need to be agreed including the following areas:

- Transport Impact - Trip generation figures need to be agreed.
- Travel to School - The travel plan needs to influence travel to school
- Targets and Time Frames - The targets should cover all trips. The travel plan should set out a timescale for when the mode split targets will be met.
- Monitoring & Review - Monitoring will need to continue until a minimum of 5 years after completion of the development.

School Travel Plan

- 8.46 Section 106 - In accordance with the SPD on Travel Plans a Travel Plan Monitoring and Evaluation fee of £2500 should be secured. Highway infrastructure should be provided to ensure that pupils can safely walk, cycle and catch the bus to school. Facilities within the school grounds should also be provided to promote, walking and cycling.

West Yorkshire Archaeology

- 8.47 There is potential for regionally significant archaeological remains to be affected by development of hitherto undeveloped areas. The Thorp Arch ROFF is of national significance. While the proposed development scheme will preserve some of the character and physical remains of the site additional targeted archaeological evaluation and recording is considered necessary to offset any loss of to these heritage assets prior to and during development. A new roadway from Thorp Arch and new construction in previously undeveloped areas has the potential to uncover and destroy archaeological remains from the late prehistoric, and Roman and medieval periods. WYAAS are generally supportive of the application for conversion and adaptive reuse of the site. However, in order to secure this the WYAAS recommend:

1. Pre-determination archaeological evaluation of the Western Relief Road and areas which were not developed as part of the ROFF. Further archaeological excavation or the preservation of nationally significant remains in situ may be necessary in these areas after evaluation.
2. Post determination:
 - a. Post determination but prior to demolition or redevelopment archaeological and architectural record of the Queen Mary Buildings and a pump house. In addition the WYAAS would recommend:
 - b. A photographic record of the ROFF by means of low level aerial photography prior to demolition or development (E.G. photography from a pole, kite, balloon or remote controlled vehicle) and
 - c. An interpretative earthwork survey of a selected area to illustrate the sequence of construction of roadways, clearways and earthworks.

This record may be secured by placing a suitably worded condition.

Environmental Protection Team

8.48 No objections subject to a number of conditions.

Yorkshire Water

8.49 This development will generate create significant volumes of both foul and surface water. Thorp Arch and some surrounding villages currently drain to Thorp Arch Waste Water Treatment Work, a small rural treatment facility with limited capacity. Thorp Arch WwTW has only very limited capacity and the volume of additional flows loads arising from a development of this size would cause the works to fail agreed standards. Yorkshire Water Services therefore have serious concerns regarding this application because of the risks associated with the foul drainage strategy and consequent effects on the environment and objects to the proposals until further information can be provided.

Public Transport Contributions (NGT)

8.50 The proposed development will generate a large number of trips, a proportion of which will have to be accommodated on the public transport network. The scheme has, therefore, been assessed in accordance with the City Councils adopted Supplementary Planning Document (SPD) "Public Transport Improvements and Developer Contributions".

8.51 As a result of this assessment, it is clear that the proposed use will have a significant travel impact. The SPD sets out that where a site does not meet accessibility criteria the formulaic approach should not be used and instead the developer is required to bring the site up to the appropriate standard. The developer is proposing to subsidise new bus services which would result in a 15 minute frequency service to Wetherby and 30 minute frequency service to Leeds. Assessing the site against the Core Strategy accessibility standards it is clear that some, but not all standards are met.

8.52 Notwithstanding the above; a contribution equivalent to £2,452,425 based on 2000 residential houses is required. This sum needs to be considered against the proposed subsidy of bus services and any benefits deriving from the proposed relief road. Some form of improvements should be available from first occupation.

Mains Drainage

8.53 No objections and Drainage are generally satisfied with the scope and content of the Flood Risk Assessment and have suggested conditions.

Leeds Civic Trust

8.54 The Trust is very keen to see development on brownfield rather than greenfield sites. While Thorp Arch is a long way out from Leeds City Centre, which is likely to be an employment destination for many residents, we acknowledge that there is local demand for lower-cost dwellings to serve nearby employers.

8.55 The key at Thorp Arch will be to make the community as sustainable as possible and the Civic Trust note that the number of dwellings proposed is such as to make the site large enough to attract appropriate community

support services, a school and local-level retailing. A major factor will be whether the bus companies will introduce bus services from the outset, so ensuring that residents do not get into the 'car mode' when they first move in. We are pleased to note that the developer has included proposals for bus services to run through the estate but it is important that financial support is provided for this initially so there is no delay. Bus services must run into the evenings and at weekends to meet the leisure needs of the settlement. The Civic Trust note that cycle and footpath routes will provide access to nearby communities and these too should be provided at an early stage.

- 8.56 The Civic Trust are also pleased that their suggestion that the school and local centre should be linked has been adopted and that some of the blast mounds, though not the buildings they protected, will be retained within the open space. There should be information boards associated with these. The layout of houses on the site of the current retail park does retain the pattern of these original buildings but we would prefer to see at least the north-east building and blast mounding, closest to the local centre, retained and used for community purposes, to give some meaning to the pattern and a complete physical connection with the heritage of the site.
- 8.57 The proposed scale with both daytime and evening demand for heat and power would be an appropriate site for exploring the potential for district heating from a local generating plant and suggest that this be explored.
- 8.58 The development of a site of this scale at Thorp Arch could be an appropriate way in which to meet the housing needs of north east Leeds but only if high quality public and sustainable transport options are provided at an early stage to support the also essential highway infrastructure.

Highways

- 8.59 Highways have requested the following in their interim comments:
1. A sensitivity test in order to understand the impact of alternative trip route scenarios.
 2. An assessment of impact through Thorp Arch, and Thorp Arch Bridge and at High Street/ Bridge Road in both capacity and safety terms.
 3. A Non-Motorised User Audit.
 4. A Road Safety Audit and assessment of the proposed highway works to confirm that it conforms to current design guidance.
 5. Highways safety concerns regarding the proposed restricted movements junction layout.

In addition the following comments from Highways have been provided:

- 8.60 Whilst we welcome the provision of the village centre, it would not be unreasonable to assume that it would not be viable without business from outside of the development site. Consideration is given to the UDP Review Inspector's comments in this regard therefore the combination of retail alongside a potential fast food use, public house, crèche, community and leisure uses, and a 120 space car park will undoubtedly generate traffic in its

own right. As such, the traffic generation for these uses should be calculated and the traffic figures and models should reflect this additional traffic.

- 8.61 In terms of school related traffic clarification is required for the assumptions that have been made, and the assumption that only 15 of the 200 secondary school children will travel by car is considered to be unrealistic (without further interventions). Details of proposed bus access to Boston Spa and Wetherby Secondary Schools is required.
- 8.62 There are concerns about the methodology used for predicting trip routes. It is not accepted that 90% of traffic from the site would access the motorway at J45 using the Relief Road. The sensitivity test is a more realistic assessment of route choice and will be used for the basis of further assessment. An 85%ile trip generation assessment is also required for robustness.
- 8.63 The application site is remote and is not considered to be in a particularly accessible or sustainable location. As such it is considered that the site goes against current objectives to reduce reliance on the private car, and is contrary to NPPF aspirations with regard to sustainable developments.
- 8.64 The Inspectors comments relating to poor accessibility, sustainability walk and cycle distances, public transport, and journey times still need to be fully addressed.
- 8.65 The location of the site is not attractive for public transport users due to the long journey times. It is acknowledged that the 770/771 service would be diverted into the application site. It is also noted that a private shuttle bus service is proposed. It is understood that Metro would prefer to see the shuttle bus offer replaced by an additional public bus service to Boston Spa, Wetherby and Harrogate. Although this would still not meet the LCC Core Strategy Accessibility Standards as Harrogate is not a named centre it would provide a more sustainable bus service for residents on the site effectively providing a 30 minute service to Leeds and a 15 minute service to Wetherby and Harrogate.
- 8.66 Walking distances to existing local services are excessive and the walking environment is poor. A non-motorised user audit (NMU) has been provided which highlights the deficiencies in the local footway network, however no provision has yet been made for footway enhancements (including street lighting) of the route between the site and Boston Spa. Improvements must be made to improve the accessibility credentials of the site and the links with the surrounding settlements.
- 8.67 A Road Safety Audit has been undertaken of the proposed off-site highways works which has highlighted a number of issues of concern. The main issue relates to the safety concerns about the restricted moves access which remain unresolved – as such this restricted moves junction onto Church Causeway cannot be supported by the Highway Authority. Alternative proposals now need to be considered including a full closure, bus gate or no restrictions to traffic at all. Any new option proposed will invariably also

change the assignment of development traffic onto the local road network. In addition concerns were raised about the appropriateness of speed limits, visibility splays and junction formats. These other matters can be resolved at detailed design stage.

- 8.68 A geometrical and technical assessment of the proposed relief road against current design standards should also be provided. Any departures to recommended standards should be fully justified. It should be noted that this requested information is needed in order for us to be able to fully assess the proposed road.
- 8.69 A full justification for the need for the relief road is also requested. It is recommended that the Applicant provides an objective assessment of what the relief road achieves, and how this compares to the alternative of providing improvements on the existing local highway network. This is considered to be an important issue, as currently no information relating to the need for the relief road has been provided.
- 8.70 The proposed junction improvements at the A168 Privas Way/ Walton Road roundabout is acceptable in principle. However, given that the traffic figures and traffic impact assessment have not been fully agreed, these improvements could be subject to change. Furthermore, the bridge widening over the A1(M) is a substantial engineering operation and will involve careful traffic management. It is understood that the Highways Agency are still considering this aspect of the proposals. A fully costed scheme would be required to be agreed with LCC and the HA. This is still outstanding.
- 8.71 The shortest route for development-related traffic would be via Wood Lane, through Thorp Arch Village, across Thorp Arch Bridge and through the High Street/Bridge Road junction. This route is considered to be rural in nature and substandard in terms of carriageway widths, alignment, and presence of on-street parking and lack of footway provision. Furthermore, the bridge does not allow two-way traffic over a significant length and vehicle priority is uncontrolled, which therefore relies on oncoming vehicles giving way to each other. This is further exacerbated by the presence of on-street parking on Bridge Road. The highway safety implications of the impact of additional traffic using this route have not been addressed and still need to be carefully considered within the Transport Assessment. It is considered that a mitigation fund would be needed to address the impacts through Thorp Arch and at Thorp Arch Bridge and the High Street junction in Boston Spa. This is not currently offered.
- 8.72 Although the internal layout of the site is reserved for future consideration the route of the relief road needs to link in well with the re-configured industrial area and the existing roundabout access to the estate from Wighill Lane. Consideration should be given to promoting a HGV ban through Walton Village to ensure that the relief road is the route of choice for the industrial estate traffic.
- 8.73 The proposals cannot be supported as a number of points of significant

concern still need to be satisfactorily addressed.

Ecology

- 8.74 From the submitted botanical survey data that the Thorp Arch Estate is still a very important site for unimproved and semi-improved calcareous grassland. Some of the site has been recognised as being important in the past and has been designated as a Site of Ecological and Geological Importance (“SEGI”) – such sites reflect a value at a countywide/regional context. However, the updated botanical surveys reveal that there are significant additional areas outside of the existing designated SEGI boundaries that are also of sufficient value to be designated as a SEGI (such new sites are now referred to as Local Wildlife Sites). Designated nature conservation sites are afforded protection through saved UDP Policy N50 (and N51 affords an additional buffer to such sites). The permanent removal of areas of designated SEGI (as well as additional areas that meet the Local Wildlife Sites Criteria) is contrary to Policy N50 and the NPPF para.118. Local Authorities (including planning authorities) also have a duty to conserve biodiversity under the Natural Environment and Rural Communities Act 2006.
- 8.75 Section 41 of the NERC Act requires the Secretary of State to produce a list of Habitats of Principal Importance (often referred to as UK Biodiversity Action Plan Priority Habitats). Magnesian Limestone Grassland is listed as a UK BAP Priority Habitat (“Lowland Calcareous Grassland”) and there will be a significant loss across a number of parts of this site (within and outside currently designated SEGI areas) which is contrary to our duty to conserve biodiversity under the NERC Act. There are also a number of other grassland areas that fall within the “Lowland Meadow” definition of another UK BAP Priority Habitat.
- 8.76 Emerging Core Strategy Policy G8 affords protection not just for designated nature conservation sites but also UK BAP Priority Habitats, and this application is therefore contrary to this new LDF policy. The Leeds Biodiversity Action Plan (produced in 2000) has a Habitat Action Plan devoted to Magnesian Limestone Grasslands because it has been recognised that Leeds has a significant proportion of the national resource of this valuable habitat. A Table in the Magnesian Limestone Grassland section lists various places across Leeds that have this habitat type and Thorp Arch Estate has the single largest amount (12 hectares) out of a total of 33 hectares across Leeds and half of this will be permanently lost on-site. A Proposed Action under the Site Safeguard section of this Habitat Action Plan states:

“Ensure the protection of all unimproved and semi-improved magnesian limestone grassland sites through the planning system, including through the close scrutiny of development which might have indirect impacts” with LCC and Natural England listed as Lead Partners. The scale and value of habitats that will be lost by this development will have a serious/significant adverse impact on biodiversity (both under NPPF para. 118, and Saved Policy N50, and emerging Core Strategy Policy G8). The wording of NPPF para.118 is relevant because where there will be “significant harm” the policy text requires that:

- Firstly an alternative site/s should be considered (which should also include avoiding the most ecologically sensitive parts of the existing site – which has not been achieved)
- Secondly mitigation should be applied (protecting and enhancing sensitive features that are to be retained)
- Finally (where avoidance and mitigation has been carried out to the satisfaction of the local planning authority but is not sufficient) agreeing whether compensation is acceptable to be delivered to offset adverse impacts.

8.77 Therefore it is important to ensure every effort has been made to recognise the value of the calcareous grassland and other valuable habitats to ensure they have been integrated into the Masterplan and layout of this application. In this case it seems that compensation has been assumed to be acceptable (through habitat creation) as a starting point rather than a last resort.

8.78 The NPPF para. 56 and 57 refer to “good design” and this is taken to mean recognising that ecology is one of the constraints that need to be considered when agreeing a suitable layout of residential development. The proposed layout has not been changed since the results of the NVC survey have been completed, yet the NVC report highlights the importance of Meadow 7. The latest layout does not appear to have been informed by the recent botanical survey results and this would not therefore constitute “good design”.

8.79 Brownfield sites are seen as a priority for development but this should only be the case where they do not have high environmental value – NPPF para. 111 states:

“Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.”

8.80 Not all of the Thorp Arch Trading Estate is of high environmental value but a significant area of it is. Out of the 111 hectares included in this application 79 hectares is made up of valuable ecological habitats - and 55 hectares of this will be permanently lost. It is recommend that the layout is revised to retain an increase level of calcareous grassland. It is likely that a reduced number of houses would need to be agreed if these valuable ecological areas are to be retained.

8.81 In light of the anticipated significant losses of ecological features that will result from this development it is important to ensure that there is no overall net loss in biodiversity (as per NPPF para.109). A new methodology of assessing biodiversity impacts has been developed by DEFRA and Natural England. Together with West Yorkshire Ecology. The ecology Officer has calculated that there will be an overall Biodiversity Unit Loss of 478.79 Biodiversity Units. The applicant has made an independent calculation of 253.02 Biodiversity

Units – which demonstrates a wide difference in opinion on the potential impacts of this scheme. The applicant seeks to demonstrate that if compensation can be delivered in excess of 253 Biodiversity Units then there will be no net loss of biodiversity. However, the Biodiversity Offsetting ideology is not designed to be used in this way. The “mitigation hierarchy” still applies whereby compensation for residual harm is the last step. Under the NPPF para. 118 there still needs to be priority given to avoidance of habitat loss in the first instance. If the applicant wishes to continue to use the DEFRA Biodiversity Offsetting metrics to assess the levels of impacts and to guide the compensation being put forward then this should only proceed once we have agreed that sufficient areas of ecological value have been retained – which at this time is not acceptable.

- 8.82 Invertebrates surveys carried out were conducted in May and July 2012 – which was a poor year for invertebrates due to the wet weather, and invertebrate surveys should also be carried out over a longer period (such as April, August and September). Therefore it is likely that the invertebrate value of the site has been undervalued. There is insufficient survey information for the value of the site to be accurately valued for invertebrates.
- 8.83 The NVC botanical survey did not include some areas of unimproved calcareous grassland which are considered to be of county-wide value and likely to meet the Local Wildlife Sites Criteria. There has not been an attempt by the applicant to show on a map which parts of the site are likely to meet the Local Wildlife Sites Criteria. There are references in the supporting text of the ES but it would have been useful to agree with ourselves and There is no mention of the consideration of the LWS Criteria for Mosaics of Habitats (MH1 and MH2) yet this criterion is likely to apply to parts of the site where qualifying size areas are relatively small.

Conservation

- 8.84 The general outline and the proposed retention of historic “process” features appears to be acceptable. The proposals appear to be for an embankment crossing the sustrans route. The Conservation Officer is generally happy with this approach as the angle required for the road means that anything of solid construction may have too great an impact on the setting of the listed bridge. One thing that is not on plan though which was with the applicants heritage expert, was the need for a continuous link from the listed station house and the former rail-line/listed railway bridges. The current embankment severs this relationship, so access under the embankment through tunnels etc. would help maintain the legibility and mitigate somewhat the setting of the listed structures.

9.0 PLANNING POLICIES:

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan is the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the

Natural Resources and Waste DPD. These development plan policies are supplemented by supplementary planning guidance and documents.

Leeds Unitary Development Plan (UDP) Review:

- 9.2 GP5: General planning considerations.
GP7: Use of planning obligations.
GP11: Sustainable development.
N2/N4: Greenspace provision/contributions.
N10: Protection of existing public rights of way.
N12/N13: Urban design principles.
N14: Preservation of listed buildings.
N19: Development in conservation areas.
N23/N25: Landscape design and boundary treatment.
N24: Development proposals abutting the Green Belt or other open land.
N29: Archaeology.
N37/37A: Protection of Special Landscape Areas.
N38 (a and b): Prevention of flooding and Flood Risk Assessments.
N39a: Sustainable drainage.
N49, N50, N51: Nature conservation protection and enhancement.
BD5: Design considerations for new build.
T2 (b, c, d): Accessibility issues.
T5: Consideration of pedestrian and cyclists needs.
T7/T7A: Cycle routes and parking.
T18: Strategic highway network.
T24: Parking guidelines.
H1: Housing supply requirements.
H2: Monitoring of annual completions for dwellings.
H4: Housing development on unallocated sites.
H11/H12/H13: Affordable housing.
E7: Loss of employment land to other uses.
LD1: Landscape schemes.
RL1: Rural Land.
- 9.3 Natural Resources and Waste Local Plan (NRWLP). Thorp Arch Estate is identified in the NRWLP as an industrial estate which is a preferred location for new waste management facilities Policy Minerals 12 'Safeguarding Minerals Processing Sites' applies: "The mineral processing sites shown on the Policies Map are safeguarded to protect them against alternative uses unless it can be demonstrated that the site is no longer required to produce a supply of processed minerals." The explanatory text at 3.32 states that mineral-related activities such as facilities for concrete batching, asphalt plants and aggregate recycling facilities encourage recycling, and if they are lost to other uses then it may be very difficult to replace them in other locations.
- Draft Local Development Framework
- 9.4 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. 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. The draft 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 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State. The Inspector examined the Strategy during October 2013. The weight to be attached is limited where representations have been made.

- 9.5 The draft Core Strategy has been published and significant progress has been made on the site allocation issues and options document. Spatial Policy 6 sets out a housing delivery target of 70,000 new dwellings net to be delivered between 2012 and 2028. Guided by the settlement hierarchy the Council will identify land for 66,000 dwellings gross (62,000 net) to achieve the distribution across identified areas of the city using considerations including: sustainable locations, supported by existing or access to new local facilities, preference for the use of brownfield sites, use of design to enhance local distinctiveness, the least negative and most positive impacts on green infrastructure, corridors and nature conservation.
- 9.6 Spatial Policy sets out that the distribution of housing land will be based the inclusion of 5,000 new dwellings in the outer north east Housing Market Characteristic Area.
- 9.7 The draft Core Strategy at 4.6.17 states "...Notwithstanding the distribution set out in Table 2, the Council will consider opportunities outside the settlement hierarchy, where the delivery of sites is consistent with the overall principles of the Core Strategy, including the regeneration of previously developed land, and are in locations which are or can be made sustainable. Land at Thorp Arch has been identified as one such example." A development of this scale could make a significant contribution towards meeting the housing provision target for the outer north-east sector of Leeds. The following Core Strategy policies are considered to be relevant to this application:

Spatial Policy 1 – Location of Development
Spatial Policy 6 – Housing Requirements and Allocation of Housing Land
Policy H2 – Housing on Unallocated Sites
Policy H4 – Housing Mix
Policy H6 – HMOs, Student Housing and Flat Conversions
Policy P10 – Design
Policy P11 – Conservation
Policy P12 – Landscape
Policy T2 – Accessibility and New Development
Policy G4 – New Greenspace
Policy G7 – Protection of important species and habitats
Policy G8 – Protection of Natural Habitats
Policy G9 – Biodiversity Improvements
Policy EN1 – Climate Change
Policy EN2 – Sustainable Design and Construction
Policy ID2 – Planning Obligations

Supplementary Planning Guidance / Documents:

9.8 (i) Neighbourhoods for Living – A Guide for Residential Design in Leeds

(ii) Street Design Guide

(iii) Thorp Arch Conservation Area Appraisal and Management Plan – Part of the proposed Relief Road falls within Character Area 1, “Historic Village and Field Pattern”, and that part nearest Station House within Character Area 3, “Railway Station”. The Appraisal notes that there is evidence of the historic strip field pattern. Station House and the associated engine shed are noted as being positive buildings, which opportunities should be taken to retain the inter-relationships of railway structures, that the setting of the railway station and railway bed should be protected and that opportunities to enhance the historic character and public realm within the vicinity of these buildings should be taken. The Appraisal also identifies key views, including one from the edge of the village towards the north-west end of the proposed Relief Road.

Neighbourhood Plans

9.9 The Trading Estate falls within Thorp Arch Parish Council and Walton Parish Council’s boundaries. The majority of the proposed development falls within Thorp Arch Parish Council’s area. Both Parish Council’s are preparing neighbourhood plans with Walton’s plan being at a more advanced stage. Walton PC has produced a pre-submission draft of their plan. This plan includes the following aspirations:

- To protect distant vistas and village skylines,
- To improve and provide safe cycle and pedestrian links, including to Thorp Arch,
- To minimise HGV movements through residential areas.
- To increase the frequency of bus services through the parish.

9.10 The Walton Plan has been commented upon by the council and by the owners of the Trading Estate. Both parties have commented that the neighbourhood plan should address planning issues concerning the Trading Estate. As the Parish Council’s share a common boundary, and this runs through the Trading Estate, there is a clear benefit in the Parish Council’s working together to ensure that their respective approach to planning issues at the Trading Estate are consistent and complimentary.

National Planning Guidance:

9.11 National Planning Policy Framework:

- Promotion of sustainable (economic, social and environmental) development (paragraphs 6 and 7)
- Encourage the effective use of previously developed land (paragraph 17)
- Secure high quality design (section 7)
- Promote the delivery of housing to meet local needs (5 year supply and affordable housing) (section 6)
- Promote sustainable transport (section 4)
- Promote healthy communities (section 8)

- When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity (section 11)

10.0 MAIN ISSUES

10.1 The following are the main issues that fall to be considered in respect of this planning application:

- Context
- Prematurity
- Principle
- Comprehensive and Sustainable Masterplan
- Highways
- Layout, design and landscaping
- Ecology
- Heritage
- Affordable Housing
- Housing Mix
- Residential Amenity
- Retention of Businesses and Employment issues
- Other Matters

Context

10.1 This application has come forward in advance of the final form and adoption of the Core Strategy, the site allocations DPD and relevant neighbourhood plans. However, this proposal is advanced in the context of national planning policy which encourages the delivery of new housing ((paragraph 17 and section 6 of the NPPF). At a local level emerging policies in the Core Strategy seek to set a housing target of the delivery of circa 70,000 new dwellings (gross) by 2028 across the city and with an indicative target of 5,000 within the outer north east area. Officers are satisfied that this is a brownfield site (previously developed land) which was also the conclusion reached by the UDP Inspector in 2005. This is largely based on the fact that the development is taking place within the historic curtilage of the munitions factory and the curtilage of the Trading Estate. Accordingly it is felt that the application site falls within the definition of previously developed land as set out in the NPPF. As such this development provides an opportunity to deliver a significant contribution to the housing requirement for the outer north east area and in doing so it should reduce development pressure on greenfield sites including those located on the edge of existing settlements in the local area. It should be noted that there are relatively few significant opportunities identified for the delivery of appropriate sites for housing in this area.

10.2 Previously Members have requested a that scheme be developed that is comprehensive and sustainable and these proposals respond to that aspiration.

- 10.3 The scale of the proposed development has increased over time but not since September 2013 when Members last considered this proposal, when the proposed number of houses was up to 2000.
- 10.4 Members will have also noted that following the publicity associated with receipt of the planning application a significant number of local representations have been received. The majority of these raise objections to the scheme, including from Thorp Arch Parish Council and the TATE Action Group (TAG), but there are also a smaller number of letters of support including from Walton and Boston Spa Parish Councils.
- 10.5 Balanced against this the applicant has reached agreement with officers and the Consultative Forum (excluding Thorp Arch Parish Council) over a number of matters including the scale and mix of uses, the design and general layout of the development, the design approach to appearance of the houses and the timing of the delivery of the Relief Road.
- 10.6 The report now progresses to address key issues associated with this proposal and seeks Members guidance and comment on some of these matters.

Prematurity

- 10.7 At September Plans Panel Members asked if this application was premature in light of the size of the proposal and that it has come in advance of the adoption of the Core Strategy, Site Allocations DPD and Neighbourhood Plans.
- 10.8 Government guidance on this issue is set out in “The Planning System: General Principles”. In this document it is set out that a local planning authority can justifiably refuse planning permission on the grounds of prematurity where a Development Plan Document (DPD) is being prepared and it has not yet been adopted. It goes on to describe the circumstances where that might apply and it is set out that where a development is so substantial or where the cumulative effect would be so significant that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development. The document also confirms that where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question.

Emerging guidance on this comes in the form of the draft National Planning Practice guidance and this indicates that such a refusal will only be justified in exceptional circumstances and where both:

(a) the development is individually or cumulatively so substantial that it would undermine the plan making process by making decisions about the scale, location and phasing of new development that are “*central*” to an emerging Local Plan, and,

(b) the emerging plan is at an advanced stage but has not yet been adopted.

- 10.9 As Members are aware the statutory plan for Leeds is the Unitary Development Plan and Natural Waste and Resources DPD. The UDP contains policies in respect of housing development. This is being replaced by the Leeds DPDs and key documents are the Core Strategy and the Site Allocations Plan.
- 10.10 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 26th April 2013 the Council submitted the Publication Draft Core Strategy (PDCS) to the Secretary of State for examination and an Inspector has been appointed. The examination took place in October 2013. To get to this stage the Core Strategy has undergone significant consultation. The PDCS identifies Leeds as having a housing requirement for the plan period of around 70,000 dwellings. The housing target for the outer north east area of Leeds is 5000 dwellings and this is likely to reduce to around 3,900 units when existing UDP allocations and planning permissions are taken into account. As the Council has submitted the Publication Draft Core Strategy to the Secretary of State for examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination. It is anticipated that the Core Strategy will be adopted in 2014.
- 10.11 The Site Allocations Plan is at Issues and Options stage with consultation having closed at the end of July. It is anticipated that this Plan will be adopted late 2015. As part of that document the council has identified this site as one of those that has the greatest potential to be allocated for housing.
- 10.12 The National Planning Policy Framework (NPPF) sets out central government planning policy and it is made clear that housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework also sets out that local planning authorities are required to identify 5 years' worth of housing against their housing requirements with an additional buffer of 5%.
- 10.13 In this case the proposed development is in the order of 2000 dwellings. The site is considered to be previously developed. Whilst a development of this size could potentially make a valuable contribution towards meeting the housing requirement for Leeds, officer do not think that the grant of planning permission at this stage for what is a previously developed site will prejudice decisions about the scale, location or phasing of land for new development in the Core Strategy and / or the Sites DPD. As indicated above, the site is one which is seen as having the greatest potential to be allocated for housing and it can reasonable concluded at this stage that any suite of sites that are ultimately identified as housing sites will include this one. Accordingly, decisions on the scale, location or phasing of land for new development will

not be adversely impacted should planning permission be granted for this development.

- 10.14 The UDP, emerging DPD's and the NPPF provide a policy framework against which the merits of the current proposal can be judged. For these reasons it would be difficult to justify an argument to support the refusal of the planning application on the grounds of prematurity.

Principle

- 10.15 The UDP Inspector considering a proposal for the residential allocation of the site in 2006 reached a number of conclusions including that the site was inherently unsustainable and that it was a brownfield site.
- 10.16 The site is not allocated for residential development in the UDP but part of the site is allocated for employment use. In addition the Hope Concrete Batching Plant is allocated under Policy Minerals 12 'Safeguarding Minerals Processing Sites'. The fact that the site is not allocated for housing development does not count against the principle of the proposal.
- 10.17 With regard to the employment allocation this affects two parcels of land towards the south eastern corner of the application site and a parcel of land towards the north western edge of the site. All 3 parcels of land are currently vacant. UDP Policy E7 restricts use of employment sites (including those allocated for employment) for alternative uses unless a number of criteria can be met. The applicant has submitted an employment report to demonstrate their compliance with Policy E7, based on an agreed methodology and information provided by the council. Based on the assumption of past take up rates, which have been extremely low, the results show that a minimum of 26 years of supply can be shown in this area, which rises significantly with the inclusion of windfall well beyond the current period of the emerging Core Strategy. The results suggest that the loss of this site to alternative uses would not harm to the council's policy aims of providing opportunities for local employment and therefore meets the application meets the criteria in E7. The development is also assumed to support the ongoing employment use in the wider Estate by providing local housing, and by rationalising the Estate through further refurbishment and redevelopment
- 10.18 The proposal will result in the loss of an existing concrete batching plant and this is a safeguarding site under the terms of the Natural Resources and Waste DPD. The loss of this facility in the absence of securing a replacement would be contrary to policy. The applicant is currently in negotiations with the operators, Hope, to secure alternative provision but cannot guarantee that this can be achieved. The discussions centre on the potential for the company's relocation from Unit W40 to land to the south west corner of the Estate between Unit 333 and Unit 372. Hope's current premises at Unit W40 comprises 2,985 sq m plus additional car parking and the proposed new site between Units 333 and 372 comprises 12,306 sq m. As such the proposed new site is more that capable of accommodating the plant and its location would provide easy access to both the new relief road via Avenue E and to

Rudgate. The applicant's planning agent has commented that they can see no in principle reasons why this would not be an acceptable site in planning terms.

- 10.19 However, whilst we are informed that Hope believe the proposed new site will be suitable for the business to take matters forward, there are a number of commercial issues that need to be resolved prior to making any decisions. For their part, Hope would not wish to spend time considering the need to relocate the business until such time as planning permission has been granted and the clear timescale for a potential move off site has been established. This could result in the company deciding that there are better locations for the concrete batching plant or that they no longer require a plant in the vicinity with advances in technology increasing the time between mixing and laying. The applicant has confirmed that they are willing to continue to work with Hope to seek to secure alternative provision and this matter would be subject to a clause in the Sec.106 Agreement requiring the applicant to use all reasonable endeavours to achieve the relocation.
- 10.20 In consideration of this issue Members have to have regard to the consequences of the possible loss of this concrete batching plant in the north east Leeds area without a replacement provision in the vicinity. This would mean that concrete being trucked from other locations such as Harrogate, York or Cross Green and this is arguably contrary to principles of sustainability and the reason why the DPD sought to safeguard these facilities in the first place, as per the NPPF. The decision for Members is whether in the balance of issues this failure to comply policy is outweighed by other planning considerations.
- 10.21 The NPPF, amongst other matters, requires local planning authorities to be able to demonstrate a 5 year supply of housing land and sets out a presumption in favour of sustainable development. The emerging Core Strategy that has been subject to independent examination by an Inspector and whose report has yet to be published identifies a target of 70,000 dwellings to be delivered over the plan period. Although it is not part of the settlement hierarchy as set out in the draft Core Strategy, and therefore is not within the Core Strategy's preferred locations for new growth, it nevertheless provides the opportunity to meet a significant element of the housing requirement if sustainability criteria can be met. Its development would alleviate some of the pressure to develop what are currently greenfield (including green belt) sites in this area of Leeds. Accordingly, a factor to be weighed up in judging relative sustainability principles is whether it would be preferable to locate 2,000 dwellings on this brownfield non-green belt site compared to 2,000 dwellings primarily on greenfield/green belt sites elsewhere in the area.
- 10.22 The proposals must also be assessed under UDP policies. UDP Policy H4 requires that development on unallocated sites which lie in the main and smaller urban areas, or in a demonstrably sustainable location, will be permitted provided it is clearly within the capacity of existing and proposed

infrastructure. The key issues are therefore whether it is in a sustainable location with an acceptable level of infrastructure.

- 10.23 The site was promoted by the Council in the UDP Review as a strategic housing site for 1,500 dwellings and a neighbourhood centre, but this was rejected by the Inspector following the Inquiry in June 2005. The Inspector's rejection was based primarily on the lack of evidence provided to support the case that the proposals to improve the site's accessibility and sustainability would be feasible and viable, including that the costs could be met by the development.
- 10.24 It is therefore clear that in determining the current application the concerns expressed by the Inspector need to be addressed. The key sustainability criteria to be demonstrated are accessibility, local facilities including education, and sustainable construction.
- 10.25 In light of the imperative that central government is placing on the delivery of housing (as evidenced by a number of Secretary of State decisions) It is considered that the principle of development will be acceptable if it can be demonstrated that this is a sustainable form of development.

Comprehensive and sustainable masterplan

- 10.26 The UDP Inspector came to the conclusion that the proposed allocation of the site was inherently unsustainable "*...in terms of location, accessibility, and the ability to sustain sufficient local services and facilities has not been shown to be certain of improvement to the necessary extent*". Having said this the national planning policy context has now changed with an imperative placed on the speedy delivery of housing growth. However, the emphasis in national planning policy is the delivery of sustainable development. The NPPF identifies three dimensions to sustainable development: economic, social and environmental. The NPPF suggests that these factors are mutually dependent and should be sought jointly and simultaneously. The NPPF further notes that decisions need to take account of local circumstances. As the approach in the draft Core Strategy recognises, the issue for development at Thorp Arch is whether it can be made sustainable.
- 10.27 At the present time the site is accessed via roads that are rural in character, is poorly served by public transport and there are a limited range of facilities in the immediate locality to meet the day to day needs of existing residents. Balanced against this the businesses on the Trading Estate and neighbouring uses including the prison and library provide a significant employment base.
- 10.28 The application proposal seeks to address this by:
- The development of a masterplan that addresses the whole of the site including both the residential development and the remaining employment land.

- Providing a range of facilities on site that have regard to and are proportionate to village life. These include a village centre to meet day to day needs, community and sporting facilities, a primary school, areas for informal recreation and improved cycle and pedestrian routes and links to neighbouring settlements.
- Enhanced local bus service/provision.
- The regeneration of a brownfield and, in part contaminated, site.
- Measures to mitigate the ecological impact of the development.
- The development of a strategy to fund the revitalisation and enhancement of the remaining employment area.

10.29 The composition and form of the development has been largely influenced by discussions that have taken place at the Consultative Forum. The purpose behind much of the discussion has been to try and create, as far as possible for a settlement of this size and in this location, a self-sustaining community. Through the range of shopping, leisure (both formal and informal), improved cycle and pedestrian links and public transport the proposed development seeks to meet the day to day needs of its residents and links to enable social interaction. The re-investment into the retained employment area and the proximity to significant employment opportunities also serve to enhance the sustainability credentials of this development. The development also brings forward the development of a brownfield site. There will be an ecological impact and that in combination with the mitigation measures proposed is addressed later in this report. Within this context, and having regard to the wider balancing of all the planning issues, it is considered that this proposal addresses the principles of sustainable development as set out in the NPPF.

Highways

10.30 A key consideration is the impact that traffic generated by the development will have on highway safety and whether local roads have the capacity to cater for such traffic. The local road network is rural in nature. Areas of particular concern are the impact of traffic on the use of Thorp Arch Bridge (which is only of single carriageway width), the junction of Bridge Road with the High Street in Boston Spa and the use of Wood Lane. A further matter relates to the sustainability of the site and whether the measures to improve public transport provision are sufficient to enhance the sustainability of the site to an appropriate and proportionate degree.

10.31 The applicant proposals include:

- Relief Road: The delivery of a relief road prior to the construction of the first house on the site.
- Public Transport Provision: Prior to the commencement of development to submit to the Council for approval details of a bus service which in conjunction with the diversion of the existing bus service number 770 (or any replacement service) and any other existing public services will provide a 15 minute service between Wetherby/Harrogate and the development between the hours of 07.00 and 22.00 seven days a week.

No later than the occupation of the 100th dwelling to commence the bus shuttle service and to continue it thereafter in accordance with the approved details for a period of no less than 10 (ten) years.

- Bus Stops: Not to occupy the development until a contribution of £120,000 for the provision of 4 bus stops including real time information display boards has been paid to the Council.
- Pedestrian Crossing to Walton: Not to occupy the development until a contribution of a sum to be determined for the provision the provision of a pedestrian crossing to Walton Village has been paid to the Council.
- Pedestrian and Cycle Links: Not to occupy the development until a contribution of £100,000 for the making of improved pedestrian links and connections from the development to the cycleway network within the Walton area has been paid to the Council.
- Traffic Calming in Walton Village: Not to occupy the development until a contribution of moneys to be determined for the provision of traffic calming measures in Walton Village has been paid to the Council.
- Travel Plans: For the school and residential development and to pay a travel plan monitoring fee to the Council for the monitoring of the provisions of the approved travel plan.
- Metrocard: Prior to the occupation of the development to enter into an agreement with the West Yorkshire Passenger Transport Executive incorporating for the provision of one “Bus Only” Metrocard for the use by each dwelling.

Relief Road

10.32 One of the key considerations has been to try and understand and mitigate the impact of additional traffic on the local villages. The applicant in response to this and issues raised at the Consultative Forum is proposing a relief road. The applicant has set out their case for the relief road and this is summarised as follows:

- The Relief Road will enable both commercial and domestic traffic to access the A1(M), Leeds, Harrogate and beyond without the need to drive through Walton Village.
- In commercial terms, ease of access to the TAE employment site via this route will, the applicant believes, act as a catalyst to encourage businesses to remain at TAE and for new companies to relocate here.
- In terms of the potential to attract commercial bus operators, the introduction of a Relief Road, will be preferential to them. Hence, the confidence that a bus service will be sustained in the longer term is relevant to the consideration of the value of such a relief road.

10.33 The key issues with the Relief Road relate to whether what is proposed is the appropriate route for it and how the relief road will be funded and the timing of its delivery.

(a) The route

10.34 Members should note that the alignment of the road is set by highway design standards and there is limited scope to modify that alignment (for example the angle at which the road crosses the Sustrans route is set by highway

design requirements). The proposed route is that favoured by the Consultative Forum (save for Thorp Arch Parish Council who now objects to the principle of development). The proposed route runs parallel to it and crosses it at one point. The crossing means that it does impact upon the functioning and character of the existing Sustrans route and it does have a negative impact on ecology. An alternative route that ran to the south of but following the line of the Sustrans route was considered. However, this route took it closer to existing residential properties. Therefore whilst the ecological impact of the alternative would be less its impact on the amenity of existing residents (albeit of 3 houses) would be significantly greater.

10.35 Proposals are currently under discussion about the design of the junctions of the relief road with Church Causeway and Wood Lane with the intention of preventing vehicles using the relief road, and therefore from the new development, turning left off of it down to Thorp Arch village and through to Boston Spa. At the same time the intention is that access is maintained for existing residents of Thorp Arch and Boston Spa towards the development and for residents of the Walton area to still be able to drive to Thorp Arch and Boston Spa.

10.36 Matters relating to the impact of the relief road on residential amenity, landscape, ecology and heritage are addressed later in this report.

(b) Funding & Delivery

10.37 The applicant is seeking to enter a funding arrangement with the council. The applicant is currently exploring whether they can borrow money from the council to fund the construction of the road and agree a mechanism for the paying back of any loan. This raises issues that go beyond the consideration of the planning application and the decision whether the council is agreeable to enter into a loan agreement, and the terms of any such agreement, are matters for Executive Board. At the present time the final cost of constructing the road is not known and the applicant has not agreed a purchase price for the 3rd party land. If these matters are resolved it is likely that a repayment mechanism will either be on the basis of a roof tax or staged repayments.

10.38 With regard to the delivery of the Relief Road the terms of the draft Sec.106 Agreement and suggested conditions are set out above and include the triggers for its delivery as follows:

- The construction of the houses shall not commence until a contract has been let for the construction of the relief road.
- That no houses shall be occupied until the relief road is completed and available for use.

10.39 This arrangement meets the requirements of the Consultative Forum.

Layout, design and landscaping

10.40 This is an outline planning application and the layout of the scheme and appearance of the buildings are reserved for later consideration and approval.

Accordingly at this stage only an indicative layout has been submitted and the Design and Access Statement sets out the design principles (in terms of the appearance of the houses) to be followed. These two documents do however, set the parameters for future reserved matter submissions.

- 10.41 The proposals aim to create a new village that in terms of the general form of buildings draws on the character and identity of neighbouring settlements, the open and green characteristics of the existing Estate and its historic road pattern. The proposal also aims to provide all the facilities that would normally be associated with a settlement of this size including a village centre comprising of shops and a primary school. This added to the proposed community facilities, associated sports pitches and large areas of open space for informal recreation and nature conservation will combine to form a village with a distinct sense of place that sits comfortably with its surrounds. The retention, in some form, of a run of the grass bunkers that are a feature of the site again adds to the sense of place.
- 10.42 The Design and Access Statement sets out design principles for the new houses that draw on the character of the neighbouring settlements. This includes the scale of new houses, the design and proportions of windows, roof treatments, the range of materials for the external finishes, architectural features and how the dwellings address the street.
- 10.43 The submitted masterplan indicates that the most significant and important trees within the Estate are to be retained as part of the proposal. It is also proposed to strengthen and enhance planting to the perimeter of the site to screen views of the prison and the British Library. New woodland planting will help create wildlife corridors. Buffer planting in association with earth bunds are proposed to separate the new residential development from the retained employment park. New woodland planting is also proposed to screen sections of the Relief Road and along its south western edge where it cuts across open fields this will also be supplemented by further earth bunding. This will help screen views of the Relief Road from views across open farmland. The Relief Road as it is currently shown will result in the loss of some trees along its route and where it crosses the Sustrans route. With regard to the latter tree loss is unavoidable but significant woodland planting is proposed that will more than compensate for its loss. However, the design development of the proposed alignment of the relief road is at outline stage only. No detail design or formal impact assessment on trees and hedgerow has been carried out as part of the outline application. Therefore it is reasonable to assume that the horizontal and vertical alignment of the carriageway could change to accommodate necessary micro-siting and with the adoption of good arboricultural practice considered as the scheme progresses through to detail design. As such it may be possible to minimize this and regard will have to be had to the quality of the trees and compensatory planting.
- 10.44 With regard to the sustainability of the houses themselves no specific proposals have been submitted in this regard. However, it is an outline planning application and this is a matter that could be the subject of a condition that would require a scheme of sustainable design to be submitted

and agreed prior to the commencement of each phase of the residential development.

Ecology

10.45 The development affects land designated as SEGI and Leeds Nature Area. These are not statutory designations (i.e. not of national importance) but are designations that exist in the Unitary Development Plan and should be afforded appropriate weight. There are also areas outside of these designations that potentially have ecological value. There is divergence between the applicant and officers whether all of the ecological impacts can be mitigated. The greatest impacts are likely to be through the loss of calcareous grassland and natural habitat for wildlife. This will in the main result from the carrying out of built development on areas of SEGI and other sensitive ecological areas and through the relief road crossing the SUSTRANS route. These impacts need to be balanced against any benefits the development will deliver and the mitigation measures proposed.

The applicant's ecology case

10.46 It is the applicant's case that the design and proposed mitigation of the development has provided an overall net gain in valuable grassland habitat by proposing:

- Retention and future maintenance of as much existing grassland as possible within the scheme
- The inclusion of new areas of grasslands to be created, both within the Thorp Arch Estate and in surrounding arable farmland
- Management improvements in existing poor scrub and grassland habitats which are currently not being managed effectively.

10.47 The applicant has set out that when mitigation of the site is complete, the amount of land suitable for designation as a Local Wildlife Site will have increased significantly. The bridge over the LNA has been designed to leave a corridor open for wildlife to pass through and will remain unlit. The scheme design also provides a net gain in other valuable ecological features that will increase biodiversity at the site in the form of proposed new hedgerows, trees and a pond.

10.48 Ecological surveys were undertaken and as a result the following measures form part of the application:

- Rare or notable plants that were recorded (e.g. the site contains four species of orchid) will be translocated to a suitable receptor area if they are to be lost to the scheme.
- A diverse invertebrate assemblage was recorded within the site. The proposed grassland habitat mitigation will increase the amount of habitat suitable to support the invertebrate population.
- The surveys found that no great crested newts or reptiles were found present within the site but the increase in hedgerows, ponds and

grasslands proposed within the design provide additional suitable habitats for these species.

- Eighteen species of birds were either confirmed or probably breeding within the site. The habitat design and mitigation proposals will increase suitable breeding habitat for these species as the current dense stands of hawthorn scrub are only of limited value at present.
- Bat activity surveys recorded six species of bat using the site for foraging and commuting. The Thorp Arch Disused Railway LNA and Wood Lane were found to be major commuting routes and foraging areas. The intention that the bridge over the LNA will be designed to allow bats to fly underneath, remains unlit and keeps their current commuting route intact. Most of the streets and avenues within the Thorp Arch Industrial Estate in which bat activity was recorded are to be retained.
- Surveys of Thorp Arch Industrial Estate during 2013 found 35 buildings had potential to support roosting bats. The mature trees within the site were also assessed for bat roost potential. Roost surveys of buildings and trees with potential for bat roosts are proposed to be undertaken in phases throughout the development. If any roosts are found and an impact is anticipated, these - along with the one already recorded - will be managed under an appropriate Natural England license and would be mitigated or replaced as required, by the scheme. The development will also be enhanced by the provision of bat boxes and roosting sites within the retained habitats.
- Partially used badger setts were recorded within the site and a currently used sett was observed close to it. Further badger surveys are to be undertaken regularly to monitor their locations during the proposed development works. Appropriate badger licensing and badger tunnels and fencing along the proposed relief road will be carried out if necessary.

10.49 The applicant has concluded that once completed, the scheme design and mitigation will provide an increase in biodiversity, ecological resources and land that is suitable for local designation. The proposed housing development will be located in a green setting with opportunities for the residents to enjoy the flora and fauna in the local environment.

Comment

10.50 Based on its size and the recent botanical survey information, Thorp Arch Estate is probably the most important site for unimproved and semi-improved calcareous grassland in Leeds. Some of the site has been designated as SEGI and such sites reflect a value at a countywide/regional context. However, the updated botanical surveys reveal that there are additional areas outside of the existing designated SEGI boundaries that are also of sufficient value to be designated as a SEGI (such new sites are now referred to as Local Wildlife Sites). Designated nature conservation sites are afforded protection through saved UDP Policy N50 (and N51 affords an additional buffer to such sites), and emerging Core Strategy G8.

10.51 Local Authorities have a duty to conserve biodiversity under the Natural Environment and Rural Communities Act 2006. Section 41 of the NERC Act requires the Secretary of State to produce a list of Habitats of Principal Importance (referred to as UK Biodiversity Action Plan Priority Habitats). These UK BAP Priority Habitats have a degree of national importance and local planning authorities are encouraged to conserve such Priority Habitats under the “Biodiversity Duty” of the NERC Act 2006. Magnesian Limestone Grassland is listed as a UK BAP Priority Habitat (“Lowland Calcareous Grassland”) and there are also a number of other grassland areas that fall within the “Lowland Meadow” definition of another UK BAP Priority Habitat type. In general terms the development affects areas of ecological value the most important of which are calcareous grassland and other UK BAP habitats.

Emerging Core Strategy Policy G8 affords protection not just for designated nature conservation sites but also UK BAP Priority Habitats.

10.52 The Leeds Biodiversity Action Plan (produced in 2000) has a Habitat Action Plan devoted to Magnesian Limestone Grasslands because it has been recognised that Leeds has a significant proportion of the national resource of this valuable habitat. A Table in the Magnesian Limestone Grassland section lists various places across Leeds that have this habitat type and Thorp Arch Estate has the single largest amount (12 hectares) out of a total of 33 hectares across Leeds and half of this will be lost as a result of this development. A Proposed Action under the Site Safeguard section of this Habitat Action Plan states: “Ensure the protection of all unimproved and semi-improved magnesian limestone grassland sites through the planning system, including through the close scrutiny of development which might have indirect impacts” with LCC and Natural England listed as Lead Partners.

There is broad agreement between the applicant and officers that there is approximately 20ha of calcareous grassland on the site of which approximately 10ha will be lost. With regard to UK BAP habitats there is approximately 9.6ha on site of which 7ha will be lost. The area of significant disagreement exists around the degree of compensatory provision that is proposed. It is the applicant’s case that around 17ha of new calcareous grassland will be created. The officer viewpoint is of that 17ha some 9ha’s already exists as a valuable ecological habitat. In other words the applicant proposes to convert one area of ecological value, e.g. dense scrubland, to an area of higher ecological value (calcareous grassland). Therefore, the area of new habitat amounts to something in the region of 8ha.

10.53 The NPPF at paragraph 111 states:

“Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.”

The nature conservation officer considers that parts of the site are of high environmental value – and that parts of this “brownfield land” are far more ecologically valuable than most “greenfield land” that is being considered in

the recent SHLAA assessments. As well as the loss of valuable grassland habitats, the invertebrate surveys carried out (in the wet summer of 2012) have shown a high number of species (bees and wasps) associated with this post-industrial site that leads to the conclusion that the site is at least of countywide importance for invertebrates – the invertebrate surveys did not include surveys early in the Spring or late in the Summer (or in good, dry, conditions such as those available in 2013) which may have revealed an even higher level of importance.

10.54 At paragraph 118 of the NPPF sets out:

“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...”

10.55 Therefore, it is important to ensure every effort has been made to recognise the value of the calcareous grassland and other valuable habitats. In light of these factors strong objections have been raised to the development by the council’s nature conservation officer and West Yorkshire Ecology who both consider the ecological impact to be significant.

Conclusion on ecology

10.56 A key issue is whether the application proposals result in significant harm. It should be noted that the NPPF does not define what constitutes significant and to an extent such judgements may be subjective (this is reflected in the differing views over impact between the various parties). In considering this matter regard should be had to the following factors:

- In this case it is clear that the some affected land has ecological value through the UDP designations as SEGI and LNA (although there are also additional areas of land to be affected that are of sufficient value to also be designated as SEGI). These are local designations and the ecological value is of local and regional importance. Clearly it is a matter of concern that some land of ecological value will be lost however these nature conservation designations are not statutory and are not of national value.
- Regard also has to be had to the scale of the loss and the mitigation measures. Generally speaking there is broad agreement between the applicant and officers over the scale of the loss. The most significant area of dispute relates to the scale of compensatory provision. The application proposes the creation of 17 Ha of calcareous grassland whilst officers argue that only 8ha’s of that is new habitat. Members should be aware whilst the council has accepted the translocation of calcareous grassland in the past the creation of unique habitats (half of which is proposed on arable land with undesirable high nutrient levels) is not a straightforward process and will take many years if successful. In relation to UK BAP

Priority Habitats there are 39 Ha. of such nationally significant habitats present and 29 Ha. of this will be lost.

- If planning permission were to be granted it would be proposed to secure through planning condition/Sec.106 Agreement an appropriate management regime for perpetuity of all the ecological areas to be retained and created – to be carried out by a specialist nature conservation contractor or organisation. This is a matter that has been afforded some weight as it constitutes a significant improvement over the current position.

10.57 The adverse impact on interests of nature conservation needs to be balanced against other factors. It is for the decision maker to reach a view whether the benefits of the development outweigh ecological impacts. This approach is reflected in the NPPF and Policy G7 of the draft Core Strategy. In light of the policy imperative for the delivery of housing, the other benefits that are derived from this development and the mitigation proposed it is considered that, in this instance, these are of significant weight that could set aside the remaining concerns over impacts on matters of nature conservation. If Members retain a concern over this issue then the issue of compensatory ecological provision could be revisited with the applicant.

Heritage

10.58 There are three main impacts on matters of heritage. The first relates to the Estate itself and its historical importance as a former munitions processing site and the second relate to the relief road and the impact on the Thorp Arch Conservation Area and the setting of the listed buildings.

10.59 The Estate itself does not fall within a conservation area and does benefit from any other heritage designation. There is a listed former anti-aircraft gun mounting on the Estate but this falls outside of the land affected by the residential redevelopment and its setting will be unaffected. The proposal has nevertheless been designed to have regard to the site's heritage. The road pattern as shown on the illustrative layout is reflective of the historic road pattern as set by its former use as a munitions factory. The proposed development also seeks to retain the form of a run of grass bunkers that enclosed munitions factory buildings and which characterise the site. The run of bunkers is reflective of the pattern of the processing of munitions that used to take place. The proposal also seeks to reuse Queen Mary House that is one of the few buildings of architectural interest (although this is limited) that remain on the site.

10.60 Beyond this regard also needs to be had on the impact of the route on the setting of the listed Station House and associated engine shed and the listed bridges that cross the SUSTRANS route. A reasonable degree of separation exists between the proposed road and Station House and to a large extent its visual impact will, over the passage of time, be mitigated by new woodland planting. Potentially the greatest impact will result from the crossing of the SUSTRANS route. The detail of the crossing still has to be finalised and agreed. At the present time it is thought that it will take the form of a bridge.

The bridge would take its height from the embankments that run either side of the SUTRANS route. In this form it will be of sufficient height to allow people to continue to walk under the bridge and to have a clear line of sight either side of the bridge. The new bridge will be visible in the context of one of the listed bridges but is unlikely to be contained within the view of (to or from) the listed station house and the northern most bridge. As such it will create a barrier that severs the historical link between the Station House and the railway bridges. Although it will impact on the setting of the bridge if an appropriate form and treatment of the crossing is achieved it is not considered that this should be so harmful to warrant the refusal of planning permission when regard is had to all other relevant planning matters.

10.61 Part of the relief road will fall within the Thorp Arch conservation area. As a result there will be some alteration to existing field patterns. Views from within parts of the conservation area will be affected, although views from the village should be screened by the existing undulation of the surrounding fields. The earth bund and associated landscaping that is proposed along the length of the relief road will serve to screen the road itself and the traffic using it. This will have an impact on the existing character of the landscaping but the benefits secured through the screening of the road are thought to be considerable.

10.62 In light of the factors set out above it is not considered that any harm that will result to matters of heritage are so significant to warrant the withholding of planning permission.

Affordable Housing

10.63 It is the applicant's proposal to provide 35% affordable housing so that the development meets the local planning policy requirement. Policy sets out that the mix of affordable housing should reflect, on a pro-rata basis, the mix of the development.

10.64 The applicant originally proposed to provide 35% affordable housing on site and this equated to 700 dwellings. At the September Plans Panel Members set out a preference that a proportion of affordable housing is provided on site and that a commuted sum is paid to secure the provision of affordable housing off site. Members at that Panel placed significant weight on the importance of providing new affordable housing units in inner city areas where there is a significant need and the considerable associated benefits of urban regeneration. In light of that the applicant has proposed the following:

- On site provision comprising a 60 unit extra care facility and 160 affordable dwellings (giving a total of 221 dwellings on site)
- An off-site contribution of circa £25.5M (this equating to the cost of constructing 479 dwellings)

10.65 The on-site affordable housing provision would consist of the following:

Extra care accommodation provided in a single complex:

- i) 1 bed units – 45
- ii) 2 bed units – 15
- Total No. of units – 60

It is proposed that these units be provided in a single location, in a single or series of blocks, close to the proposed retail services and a bus stop.

10.66 The applicant has proposed that the mix of affordable units should reflect identified local need rather than the mix of open market housing proposed:

- i) 1 bed units – 66
- ii) 2 bed units – 26
- iii) 3 bed units - 64
- iv) 4 bed units – 5
- Total – 161

10.67 The council’s information sources on housing demand in Wetherby includes:

- Social housing demand taken from the Leeds Homes Register (LHR)
- Demand analysis as part of the Older People’s Housing and Care Project

Information on social housing need and demand has been taken from the Leeds Homes Performance Management Summary, which analyses information from the LHR providing a ‘snapshot’ on a quarterly and yearly basis. In considering the information available from the LHR, a mix of 1, 2 and 3 bed accommodation would reflect housing need and housing demand in Wetherby (for social rented units) as well as meet predicted demand across the city as a result of Welfare Reform. A degree of housing for older people (in particular extra care) as part of the affordable housing requirement would assist in meeting a known demand for this type of housing in the Wetherby area.

10.68 The applicant has set out that the build out time for the development is likely to be in the region of 15 years. The applicant’s proposal for on-site provision accords with current identified needs. However, this “need” is likely to change over the passage of the build. Accordingly it is considered that it would be sensible that the location, type and mix of the affordable units to be provided and agreed prior to the commencement of each phase of development. This would be subject to a clause within the Sec.106 Agreement.

10.69 Turning to the issue of the commuted sum the applicant has made an offer based on the terms of the council’s adopted Supplementary Guidance No.3 “Affordable Housing Policy Guidance Note”, February 2003 of £25.5m. This sum is the subject of ongoing discussion and verification.

Housing Mix

10.70 The applicant has submitted a Housing Market Assessment in support of their proposals. The data indicates that a mix of housing is required to be aimed at higher income groups and those households with moderate incomes seeking

to trade up. It also shows a requirement from older people who may well be interested in downsizing to 2 or 3 bedroom properties. It is concluded that a mix of 2, 3, 4 and 5 bed housing will be required to cater for demand within Leeds and from incoming households, families seeking to trade up, and young 'family builders', as highlighted in the Leeds SHMA and draft Core Strategy. As a result the applicant is currently proposing a housing mix for the development as follows:

Proposed Housing Mix Type	Size	Mix
2 bed terrace	650	20%
3 bed semi	900	25%
3 bed detached	950	25%
4 bed detached	1,250	20%
4/5 bed detached	1,600	10%

Residential Amenity

10.71 It is likely that the main impacts on residential amenity will flow from the relief road. This will be on the residents of the houses nearest to relief road and Thorp Arch village.

10.72 The residents of the properties of Station House and Walton Gates are the most likely to be affected. With the degree of separation, mounding and landscaping it should be possible to mitigate the visual and noise impacts on the residents of Station House.

10.73 Following concerns raised at September Panel about the impact that the use of the relief road will have on the residents of Walton Gates the applicant has proposed the following measures:

1. The provision of double glazing
2. Fencing around their premises
3. Mounding and landscaping
4. To provide private amenity space to what is currently the 'front' of the properties, once the existing road has been removed
5. Any combination of 1, 2, 3 and 4 subject to discussions with the occupiers of the properties.

10.74 Members will have noted from earlier in the report that it is proposed to screen the road from views from the south through the use of landscaped mounds which should also serve to mitigate the noise impact. Extensive planting is also proposed where the road runs to the north of the Sustrans route and with the passage of time this will largely serve to screen it from views to the north from the environs of Thorp Arch Village.

10.75 The relief road has also been designed to mitigate potential traffic impacts from the development on existing local communities. Part of the rationale

behind its provision was to take traffic away from Walton Village. The junctions of the relief road have also been designed to facilitate existing access patterns for existing residents but to stop traffic associated with the new development travelling through Thorp Arch village and across into Boston Spa. This has been done to try and protect the amenities of Thorp Arch residents and protect the character of the village.

Retention of Businesses and Employment Issues

10.76 The applicant also proposes to relocate existing businesses affected by the redevelopment proposals, upgrade and refurbish retained buildings and provide new buildings to meet tenant's needs, carry out landscaping works to improve the setting of the retained employment area and develop a Health and Innovation Park. Conditions attached to the planning permission and clauses within the Sec.106 Agreement are proposed to facilitate the relocation of affected businesses and to secure and review investment into the retained employment area. This latter point would include a regular review of infrastructure projects to be undertaken with the applicant. The Sec.106 also includes clauses relating to local employment and training.

Other Issues

Section 106 Agreement

10.77 The terms of the Sec.106 Agreement are described at Section 5 of this report. As part of Central Government's move to streamlining the planning obligation process it has introduced the Community Infrastructure Levy Regulations 2010. This requires that all matters to be resolved by a Section 106 planning obligation have to pass 3 statutory tests. The relevant tests are set out in regulation 122 of the Regulations and are as follows:

'122(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.'

10.78 As listed there are a number of matters to be covered by a Section 106 agreement. These matters have been considered against the current tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

Contaminated Land

10.79 In light of the history of the use of the site there is a strong likelihood of contamination existing across areas of the site. A historic site investigation

undertaken for part of the site identified elevated levels of heavy metals such as mercury and nickel and revealed the existence of some asbestos. As this is primarily a residential development that includes uses such as a primary school clearly the site has to be made safe and suitable for the proposed uses. The applicant has committed to undertaking site investigation works that will in turn lead to a program of remedial works to render the site suitable for use. The precise methodology for the site investigation is a matter that is subject to ongoing discussions. Part of this discussion also relates to how the development of one part of the site can be undertaken without adversely affecting the occupants of parts of the site that have been developed and are occupied (e.g. how can the investigation and remediation activities be undertaken in a controlled way that avoid contaminating adjacent areas of the Estate that have already been developed and occupied as housing or the school).

Agricultural Land

- 10.80 The proposed relief road cuts across grade 2 agricultural land which Agricultural Land Classification of England and Wales categorises as very good quality agricultural land. Policy N35 of the UDP is relevant and that seeks to protect such land from development. However, the vast majority of agricultural land in north east Leeds is of this classification. Accordingly any development, including large scale residential development, which takes place on such land would result in some loss. The land take that results from the road, when considered in the context of the wider area of agricultural land, is relatively small. No evidence has been put forward that the loss of this land will prejudice the operation of the agricultural units affected. The loss of this land also has to be balanced against the benefits that arise from this development and this is most notably includes the delivery of a large scale residential development.

Drainage and Flooding

- 10.81 Yorkshire Water have noted that this development will generate create significant volumes of both foul and surface water and that Thorp Arch Waste Water Treatment Works is a small rural treatment facility with limited capacity. The volume of additional flows loads arising from a development of this size would cause the works to fail to meet agreed standards. Yorkshire Water Services therefore have serious concerns regarding this application because of the risks associated with the foul drainage strategy and consequent effects on the environment. The applicant is in detailed discussion with YW about the scale of development which can be accommodated within the Thorp Arch WWTW and about the possibility of a requisition of a sewer for the remaining houses which would take the foul drainage through to Wetherby. This matter could be resolved through the submission of details further to the imposition of an appropriate condition.
- 10.82 The site is not identified as being at risk of flooding. There are a number of channels, drains and watercourses that run through the site. Ultimately these general drain into the River Wharfe. During the construction phase the

amount of surface water will need to be controlled. The details of the implementation of measures to control this would be subject of a condition attached to a planning permission. A sustainable drainage system based upon Leeds City Council's Minimum Development Control Standards for Flood Risk including oil interceptors where necessary is proposed within the plans for the development. This will provide attenuation and treatment of operational site run-off to reduce the effects to the greenfield run off rate before it reaches the sensitive watercourses. Again this is a matter that would be controlled via a planning condition.

Employment and Training

- 10.83 The applicant has set out that the totality of the development will generate a significant opportunity for new jobs locally. It has been set out that the food store could create 140 full and part time jobs, with other high street uses providing up to 160 full time jobs and the primary school is likely to be staffed by up to 100 teachers and support staff. The equivalent of 8,000 jobs is likely to be created during the 15 year construction period. Employment and training clauses are proposed to be included in the Sec.106 Agreement which will encourage the use of local labour and involvement in apprenticeships.

Environmental Impact Assessment

- 10.84 As set in the introduction this planning application is accompanied by an Environmental Impact Assessment. The scope of that document covers matters relating to: traffic and transport; noise; air quality; landscape and cultural heritage; archaeology; ecology and nature conservation, hydrology and flooding, geology, soils and hydrogeology and socio-economics. The majority of these issues have been examined within this report. Members will note from the report that the proposal incorporates noise mitigation measures to protect existing residents from the impact of the new development and prospective residents of the development from noise associated with the continued operation of the employment land. No technical objections have been raised on noise or air quality grounds. The terms of the Sec.106 Agreement and the conditions suggested to be attached to this planning permission are designed to cater for the needs that arise from this proposal and to mitigate any potentially significant harmful effects that might result.

Health Care Provision

- 10.85 A number of representations have raised the issue of the need for health care provision. It is understood that the health authorities do not see a requirement to provide such facilities as part of this development at this time. However, the proposed local centre could provide suitable accommodation if it was deemed necessary at a later date.

11.0 CONCLUSION

11.1 This is a large scale development that raises significant and complex planning issues. A number of these issues have been discussed at previous Panel meetings and at that time Members were generally comfortable with the principle of development, that the development represented a comprehensive and sustainable form of development, the form and layout of the development, the range of facilities provided and the principle of a the relief road. However, there are a number of issues that remain to be resolved:

1. Agreement on the off-site affordable housing contribution sum.
2. The design and implementation of the highway mitigation measures to protect Thorp Arch and Boston Spa.
3. The agreement of a sum of money for mitigation works should the measures agreed under (2) above fail.
4. The submission of information and its assessment in respect of traffic impact on Wetherby.
5. The Highways Agency holding direction.
6. The extent of the works required to the bridge to the A1 (M).
7. The financial implications that arise from the delivery of the relief road and works to the bridge and whether these impact upon the viability of the scheme and the delivery of the Section 106 package.
8. Bus access to the secondary schools in Boston Spa and Wetherby.
9. Off-site highway impacts in Harrogate and Selby Districts have not been fully assessed.
10. Confirmation and agreement of the public transport provision and pedestrian accessibility improvements between the site and Boston Spa.
11. A suitable adopted highway access through the site to serve the industrial area and linking back out to Wighill Lane.

11.2 As set out above Members will have noted the intention to bring back a report to the Panel of 10th December subject to the satisfactory resolution of outstanding matters.

Background Papers:

Application file 13/03061/OT

Notice served on:

Susanna Albenia Ewart

Chaytor c/o Ringleys Solicitors LLP 19 Cookridge Street Leeds

Wrigley c/o Ringleys Solicitors LLP 19 Cookridge Street Leeds

Ashwin c/o Ringleys Solicitors LLP 19 Cookridge Street Leeds

John Thomas Kilby & Christine Denise Kilby

Mary Genevieve Kilby

Thomas Matthew Kilby

David Wilson & Martin Wilson

Marie Nanette Simpson

Edward James Simpson

Sustrans Ltd

Leeds City Council

Keyland Developments Ltd
DFS Furniture Company Ltd
The British Library Board
Northern Power Grid National Grid National Grid
Highways Agency

APPENDIX 1

1.0 CITY PLANS PANEL 27TH SEPTEMBER 2012

1.1 At the September City Plans Panel Members received a presentation from the prospective applicant concerning an outline for the development proposals described at 1.3 above. Members also heard from a representative of Thorp Arch and Walton Parish Councils.

1.2 The main outcomes from this Panel may be summarised as follows:

- No objections were raised to the principle of a sustainable residential development so long as it was supported with the appropriate infrastructure to serve the needs of its residents and offset the impact of the development on the local communities.
- The nature of the development appeared disjointed and concerns were raised in respect of residential development on the 'Wighill Lane' site, as this was not well related to the rest of the proposed development or Walton village.
- A sustainable and comprehensive masterplan for the whole of the site that sets out the vision for the development of the Trading Estate as a whole is required.
- Further details required around a number of matters including proposed public transport, possible Primary School and Community Centre and investment in the industrial estate.
- It would be premature to comment in any detail at this stage. However, the mix and type of housing was too vague and required local housing needs assessment. Affordable housing should be 35%.
- Concerns were raised that the site was not sustainable and that significant measures should be proposed to make the development so. These included appropriate highway and public transport provision, environmental measures and appropriate facilities for the residents of the proposed development and details of what measures that would be put in place to help integrate this development with existing communities.
- That proper and meaningful public consultation should take place, including a Consultation Committee to be established.

2.0 CITY PLANS PANEL 14TH MARCH 2013

2.1 At the March 2013 Panel Members received a presentation for a scheme described at above. Members also heard from a representative from Walton Parish Council who was speaking on behalf of Walton, Thorp Arch and Boston Spa Parish Councils. The main points discussed may be summarised as follows:

- The western route, with mixed views about the suitability of using the railway cutting to site the relief road. Members were generally concerned about impact on listed structures and ecology and questioned the suitability of this route

- That no detailed transport assessment had taken place and that this should be commenced as soon as possible and should include an assessment for the relief road to the Wetherby Bypass.
- That the provision of a relief road was a crucial factor in the proposals
- The benefit of consultative forums
- That the proposals could make a significant contribution to the Council's Core Strategy and that community benefits could flow from the scheme and that, whilst accepting there were some major issues to be resolved, this could be a scheme which could be supported, particularly in view of the public support it had, dependent upon the delivery of the
- Affordable housing, that in this location the requirement was 35% and that an open-minded approach might be adopted in view of progressing the proposals in terms of the costs associated with the scheme and the wider benefits it would bring to the city
- That subject to the provision of a relief road, the revised scheme represented the comprehensive and sustainable form of development which Members were looking for
- That a relief road was essential and that more work was needed on this, including costing's, with there being mixed views on the suitability of the site of the old railway line; to note the views of the Parish Councils that only route B could be supported locally and the need for the assessment to include from the relief road to the Wetherby Bypass
- That Members were satisfied with the quantum of development but a set of proposals and options were needed and consideration had to be given to the timing of the delivery of the relief road
- That it could be appropriate in this case to apply a 'roof tax' to contribute to the funding of the relief road
- Mixed views on the principle of the use of a proportion of monies that would have otherwise been used to deliver affordable housing to be used to finance a relief road and the need for further information and options to be provided
- That a co-operative approach was supported and that this should include the Yorkshire Water site, with it to be designated for housing development
- Members were of the view that an explanation of how the co-operative scheme for the whole of the estate will be delivered should form part of the planning application
- Members encouraged Officers to address the issues of design, house types, cycle ways etc. at an early stage and the need to link this with the sense of place discussions at the consultative forum, together with issues relating to Keyland Development's extant permission for industrial use on a nearby site

3.0 CITY PLANS PANEL 26th SEPTEMBER 2013

3.1 At this Panel Members received a position statement that updated Members on the progress of the application and sought Members guidance on key aspects of the scheme. Members made the following comments:

- Concerns were raised about the build out rates which could mean a 25 year

- Members sought confidence as to what would be delivered at each phase and thus that residents would not be left with roads unadopted, no adequate bus service, landscaping incomplete etc.
- More detail required about local bus services (routes) and how the proposals can assist the improvement to these
- Need to consider the alignment of the road around Walton Gates and the impact on the amenities of the residents closest to the relief road
- Further work on the options re the bus gate or the modified junction
- Some Members queried the scale and phasing of the infrastructure to be provided
- Some Members questioned if the application is premature in advance of the LDF.
- Members were advised that when Members make their decision, they should be confident about the funding and mechanism to deliver the road.

3.2 In relation to the specific questions posed Members made the following comments:

(1) Does the masterplan represent the comprehensive and sustainable form of development that Members desired?

More work is needed on the master plan

(2) Do Members consider that a high quality indicative layout has been achieved and that the appearance of the housing should reflect the guidelines set out in the Design and Access Statement?

Yes. It was agreed that a high quality indicative layout had been achieved and that the appearance of the housing did reflect the guidelines as set out in the Design and Access Statement

(3) Do Members consider that the applicant's landscaping strategy is appropriate?

Yes

(4) Do Members consider that the proposed route of the Relief Road is acceptable (subject to the amenities of local residents being protected)?

Yes. The proposed route of the Relief Road was acceptable (subject to the amenities of local residents being protected)

(5) Do Members consider that the Relief Road should be delivered prior to the commencement of the construction of the housing development?

Yes. The Relief Road should be delivered prior to the commencement of the construction of the housing development

(6) Do Members have a preference for the use of a bus gate or a suitably designed staggered junction to limit the use of Church Causeway by traffic generated by the development?

On the proposed use of a bus gate or a suitably designed staggered junction to limit the use of Church Causeway by traffic generated by the development. It was agreed that further investigations were required and that a mechanism to review the effectiveness of the highway measures was required to be built

into any Section 106 Agreement so that further traffic mitigation measures could be implemented if a need arose Members sought clarification over the benefits of or staggered junction solution

(7) Do Members consider the approach taken by the applicant to address the ecological impact of the development to be appropriate and proportionate in the context of trying to deliver a sustainable form of housing development on the site?

It was agreed that more information was required.

(8)(a) In the circumstances where the applicant demonstrates that the development is not viable do Members have any concerns about the principle of offsetting the cost of the Relief Road against a proportion of the affordable housing requirement?

(b) Do If Members consider it appropriate to accept a commuted sum in lieu of some affordable housing what proportion should be delivered on site?

(a) In circumstances where the applicant had demonstrated that the development was not viable, Members had no concerns about the principle of offsetting the cost of the Relief Road against a proportion of the affordable housing requirement

(b) It was the opinion of Members that this should be addressed at a later date

(9) Do Members have any comment to make in respect of the mix and size of the units to be delivered as part of the development?

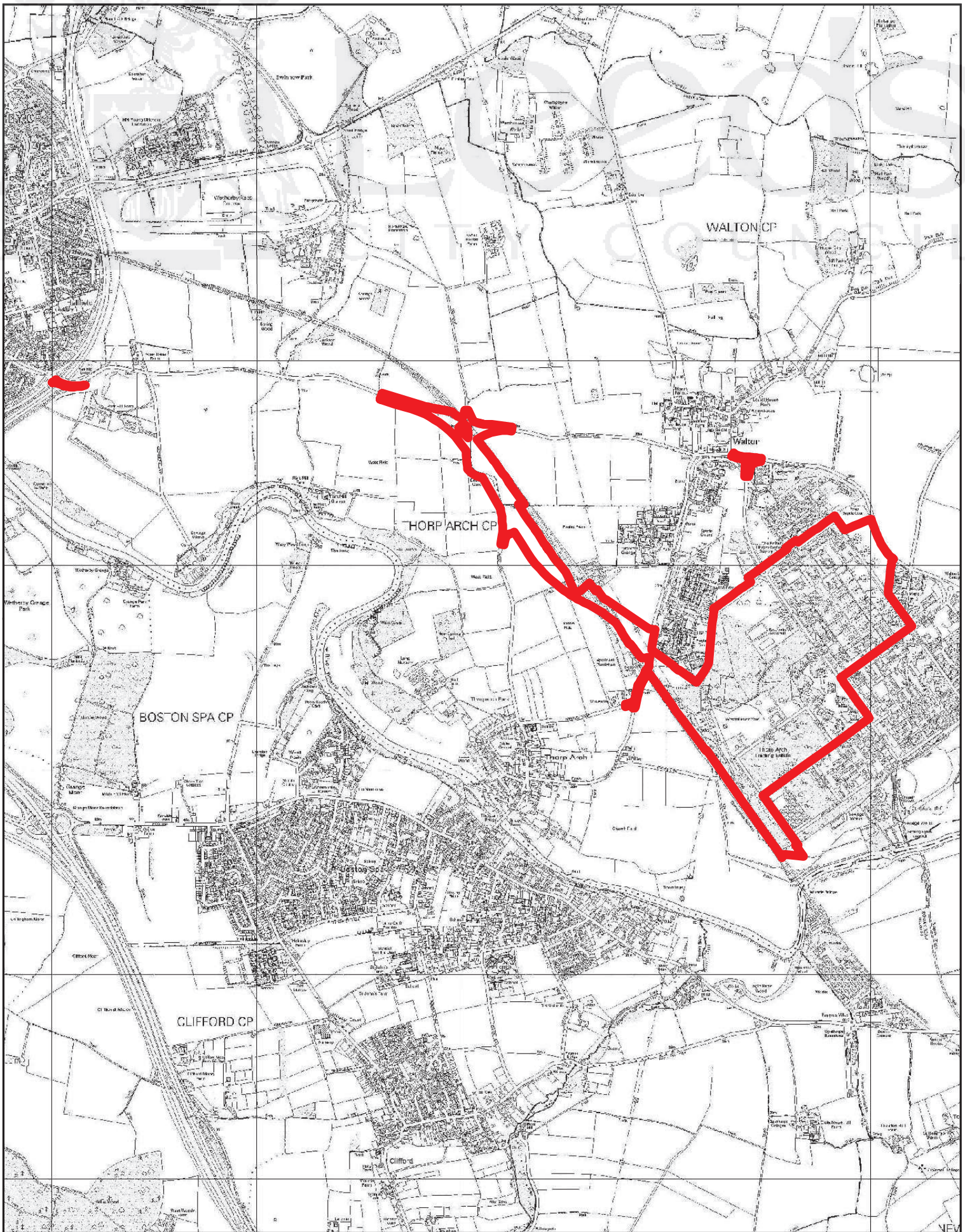
It was the view of Members that further information was required.

(10) Do Members consider it appropriate that clauses should be included in the Section 106 Agreement that facilitate the enhancement and upgrading of the infrastructure on the retained employment area as a result of this development?

It was the view of Members to develop a strategy, through negotiation, to look after existing businesses; British Library and the prison to protect existing employment and future employment opportunities

(11) Do Members consider that the approach adopted by the applicant is moving towards the delivery of a comprehensive and sustainable form of development and are there any other matters that Members consider the applicant should undertake to help deliver such a development?

Members expressed concern about the proposed timescale for the delivery of the development and requested if it would be possible to secure a reduction in the length of time to complete the scheme.



CITY PLANS PANEL





Originator: Andrew Crates

Tel: 0113 222 4409

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 21st November 2013

Subject: Planning Application 13/02771/OT – Outline planning application for the erection of residential development, landscaping, open space and incorporating associated new access (layout, appearance, landscaping and scale reserved) on land off Great North Road, Micklefield, Leeds

APPLICANT	DATE VALID	TARGET DATE
Wheatley Construction	31 st July 2013	30 th October 2013

<p>Electoral Wards Affected:</p> <p>Kippax and Methley</p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION:
POSITION STATEMENT – For Members to note the contents of the report and to provide feedback on the questions posed at section 11.0 of this report.

1.0 INTRODUCTION:

- 1.1 This outline planning application is presented to Plans Panel due to the size and sensitivity of the proposals when considered in conjunction with the other components of the housing allocation, including the pre-application presentation for a housing development of a further 270 houses further south (PREAPP/13/00924), given their overall significance to Micklefield.

- 1.2 The application site is identified within the UDP Review as a Phase 3 allocated housing site under Policy H3-3A.32.

2.0 PROPOSAL:

- 2.1 This outline planning application proposes the erection of a residential development of approximately 70 dwellings, including landscaping, open space and incorporating the associated new access, with all matters reserved except for access.

- 2.2 The application is accompanied by an illustrative masterplan which shows a principal access being taken from Great North Road. This principal access has already been granted approval by virtue of an extant planning permission (12/00845/OT and 12/05140/RM), for 10 dwellings and landscaping (currently under construction).
- 2.3 The principal access would then lead to a spine road running through the site, parallel to Great North Road. The illustrative masterplan submitted with the application shows how the spine road could connect to the remaining parts of the allocation, to the north and south of the site, which in turn could link back into Great North Road. The pre-application enquiry from Barratt Homes (PREAPP/13/00924) also contains an illustrative masterplan showing the link road connection in a similar position.
- 2.4 A number of planning obligations are required and so the development will be subject to a S106 agreement which is expected to provide for the following:
1. Affordable Housing – 15% (50% social rent, 50% sub market)
 2. Improvements to bus stop 24237 at a cost of £10,000.
 3. Public Transport Improvement Contribution at a cost of £1,226 per dwelling (total - £85,835).
 4. Travel Plan (including monitoring fee of £2,500 and £1,000 contribution for cycle/scooter storage at the primary school)
 5. Residential Metrocards (Bus and Rail) at a cost of £572.55 per dwelling (total - £40,078.50)
 6. Education contribution – unknown at the time of writing.
 7. Greenspace commuted sum - £105,784.26.
 8. Local training and employment initiatives (applies to the construction of the development).

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is a greenfield site, allocated in the UDP Review for housing, under Policy H3-3A.32. The main settlement of Micklefield is located to the west of the site and the A1(M) is located further away to the east, beyond which is open countryside within the Green Belt. The site is divided into two parcels by a farm access road that enters the site from Great North Road (currently being re-developed through the planning permission for 10 dwellings). The access then follows the north-eastern boundary of the fields adjacent to the A1(M) before joining a further farm access some way beyond the southern boundary of the site. The access routes are definitive public rights of way and link into an informal pedestrian path that runs along a landscaped bund adjacent to the A1(M).
- 3.2 The site is essentially grazing land and contains a small number of mature trees and some vegetation around the boundaries of the site, mainly located adjacent to the watercourse crossing the site, Sheep Dike. The site falls in a north-easterly direction towards Sheep Dike, as well as in a south-easterly direction, hence the flow of the watercourse. Beyond the site boundary, to the north-east of Sheep Dike, is a further narrow area of grassland, before reaching the landscaped bund and tree belt adjacent to the A1(M).

4.0 RELEVANT PLANNING HISTORY:

- 4.1 PREAPP/13/00924 – Residential development of 270 dwellings on land to the south of the application site, by Barratt Homes.
- 4.2 12/05140/RM - 10 houses with landscaping on land to the west of the site – Approved.

4.3 12/00845/OT - Outline application for residential development on land to the west of the site – Approved.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The applicant undertook pre-application discussion with officers prior to submission of the application. The applicant also contacted approximately 125 properties within the vicinity of the site to provide information on the proposals and inviting feedback. Since submission of the application, Officers have also had a briefing session with Ward Members, which highlighted the importance of considering how the applications fits in with the whole of the allocation, ensuring an equitable approach to planning obligations and any infrastructure requirements.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 4 site notices have been displayed, posted 2nd August 2013. The application has also been advertised in a local newspaper, published 29th August 2013.

6.2 One letter of representation has been received from Micklefield Parish Council, stating objection to the application on the following grounds:

- The application forms part of the larger 'Manor Farm' housing allocation and this site should not be considered in isolation.
- Development of the allocation should be subject to an agreed planning framework and no such framework exists and it is not considered appropriate for a developer to prepare such a document.
- The development of the wider allocation is also subject to the expansion of school facilities. The application is premature in that of itself, the quantum of development may not require any significant investment. However, it is unknown what the requirement would be for the overall allocation.
- The proposed dwellings would be served by one point of access from Great North Road, in advance of the wider allocation making other accesses available, to the north and south. In the absence of the other parts of the allocation being brought forward, all vehicular trips would be concentrated through this one junction.
- Notwithstanding the development currently under construction, this proposal extends the built form of the village into the surrounding countryside. It is considered that the development is more akin to the housing to the south and north of The Cresecent in New Micklefield. It is therefore considered that the new development should be constructed in natural stone with slate or clay pantile roofs.
- It is considered that there is already a more than typical percentage of Affordable Housing in Micklefield and rather than further housing association housing, it is felt that more homes at an affordable purchase price would be more beneficial.
- Concern is expressed that the proposed housing and the housing allocations may be some distance away from the rail station if it is moved to create a new East Leeds Parkway Station 1.25 miles away.
- It is noted that bus services through Micklefield are limited, running once an hour to Leeds, Garforth, Cross Gates and Selby and then only up to 1930 hours, with an additional two hourly service to Garforth, Wakefield and Castleford up to 1830 hours (Mon to Sat) and a much more basic hourly shuttle service to and from Garforth and Cross Gates during the day on Sunday.
- It is noted that the north-western portion of the site contains some earthworks, including some fish ponds (partially filled in), which belonged to the original mediaeval hall, as well as other possible remains. It is considered that a full archaeological evaluation is required. Whilst an investigation might take place after the grant of outline permission, it must be done before any reserved matters are submitted as it could affect the layout.

- The surgery described as being in Micklefield is actually a satellite, open on weekday mornings and two weekday evenings, with the main surgery being located in South Milford, North Yorkshire. There is already difficulty in residents accessing the full range of NHS facilities.
- There are significant issues regarding the existing foul and surface water drainage systems and adequate provision must be made for the new dwellings.
- The air quality assessment will need to be considered by the Council's officers to determine what measures may be needed.
- S106 or CIL contributions need to be carefully considered, though it is noted that these could be hindered by the prematurity of the application.

The Parish Council also note the following positive aspects:

- The housing density of just over 28 dwellings per hectare is in accordance with the general housing density in the vicinity and will maintain the character of the locality.
- The desire to retain all the existing trees on site is welcomed.
- The retention of the green link along the public right of way and the retention of adjacent hedgerows is positive.

- 6.3 1 letter of objection has been received from a local resident stating concern that:
- The UDP Review housing policies make provision for the phased release of housing sites and as a greenfield site at the edge of the village must be very low down in the sequence.
- 6.4 1 letter of objection has been received on behalf of Great North Developments, who have land interests forming part of the larger allocation (H3-3A.32), as well as an interest in the housing allocation to the west of Micklefield (H3-3A.31 – land south of Micklefield). They also have land interests around Church Lane and the A656. Great North Developments make the following comments:
- They are supportive of the principle of bringing land forward for housing, but object to the piecemeal approach. A comprehensive approach is required in the interests of the proper and robust planning of the area. It is suggested that the application should be withdrawn with a view to an application for the whole of the allocation being prepared.
 - Objection is raised on highway grounds as the existing junction of Church Lane / A656 is considered to be deficient, raising road safety concerns as a result of sub-standard visibility, lack of junction capacity, poor alignment and the high volume and speed of traffic on the A656.
 - Highway improvements should allow for the comprehensive development of the area, to ensure that future development is not compromised and that the most appropriate and optimum road layout is provided.
 - A scheme for a new roundabout is suggested some 60m north of the existing junction, in order to resolve the above issues. The land necessary is either adopted highway or within the control of Great North Developments, who are a willing party with a common interest in bringing forward the allocation in a comprehensive manner.

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

Highways: - Additional information is required to fully assess the proposals. Traffic count data was missing from the Transport Assessment, but has since been supplied. Off-site highway works are required to improve the Church Lane / A656 junction.

Environment Agency: - No objections, subject to a condition that the development is carried out in accordance with the measures contained in the Flood Risk Assessment.

7.2 **Non-statutory:**

TravelWise Team: - Advice is provided on improving the Travel Plan. A monitoring fee of £2,500 is required and it is recommended that £1,000 is sought to provide for cycle / scooter storage at the local primary school.

Transport Development Services: - A Public Transport Improvement contribution is required totalling £85,835.

Metro: - Residential Metrocards (bus and train) should be provided to future residents at a cost of £40,078.50.

Public Rights of Way: - A definitive public right of way (No. 11) runs through the site.

Children's Services: - Awaiting a consultation response at the time of writing.

Affordable Housing: - The site falls within the Outer Suburbs Housing Market Zone where there is a requirement for 15% Affordable Housing, split 50% social rent and 50% submarket.

West Yorkshire Archaeology Service: - It is recommended that a decision is deferred until an archaeological evaluation is carried out. A condition is otherwise recommended to secure this work if the Council is minded to approve the application.

Yorkshire Water: - No objections, subject to conditions not to build over existing sewers and to control foul and surface water drainage.

Flood Risk Management Team: - The proposals are acceptable in principle and conditions are recommended to secure the surface water drainage scheme and the implementation of flood mitigation measures.

Environmental Protection Team: - No objections, conditions are recommended to deal with construction hours and a Statement of Construction Practice.

Contaminated Land: - No objections, conditions recommended to ensure the site is suitable for use.

8.0 **PLANNING POLICIES:**

8.1 The development plan comprises the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage.

8.2 Leeds Unitary Development Plan (UDP) Review:

The application site is identified within the UDP as a phase 3 housing site.

Under Policy H3-3A.32, 15.54 ha. of land is allocated for housing and local facilities between Old Micklefield/New Micklefield and the realigned A1, subject to:

- (i) Provision of extensive off-site foul drainage works and improvements to Sherburn-in-Elmet sewage treatment works, following the realignment of the A1 east of Micklefield;
- (ii) Provision of satisfactory access;
- (iii) An agreed planning framework which will determine the location of housing, greenspace, landscaping, local facilities and access points;
- (iv) Provision of an extension to the adjacent primary school, in accordance with policy A2(5) and a contribution towards the provision of additional secondary school facilities;
- (v) Provision of a green wedge between Old Micklefield and New Micklefield;
- (vi) The completion of the A1 realignment;
- (vii) Noise attenuation measures necessary to achieve satisfactory standards of residential amenity.
- (viii) Submission of a satisfactory flood risk assessment incorporating an appropriate drainage strategy.

The supporting text in the UDP Review goes on to say that ‘the development of this and the site South of Old Micklefield will result in the need for additional facilities at Micklefield Primary School [Policy A2(5) – *since deleted*] and for extensions at the existing secondary school. Developers of these sites will be expected to contribute towards these at a level proportionally related to the development opportunities available at each site.’

The text goes on to say that ‘Old and New Micklefield are separated by open countryside which provides a valuable visual feature and permits long distance views over the countryside. This open aspect should be retained in the form of a green wedge between Old and New Micklefield.’ This aspect is of particular importance to the pre-application scheme, PREAPP/13/00924.

Other policies of relevance are:

- GP5: General planning considerations.
- GP7: Use of planning obligations.
- GP11: Sustainable development.
- N2/N4: Greenspace provision/contributions.
- N5: Provision of new greenspace.
- N10: Protection of existing public rights of way.
- N12/N13: Urban design principles.
- N23/N25: Landscape design and boundary treatment.
- N24: Development proposals abutting the Green Belt.
- N29: Archaeology.
- N38 (a and b): Prevention of flooding and Flood Risk Assessments.
- N39a: Sustainable drainage.
- BD5: Design considerations for new build.
- T1: Investment in transport improvements.
- T2 (b, c, d): Accessibility issues.
- T5: Consideration of pedestrian and cyclists needs.

T7/T7A: Cycle routes and parking.

T24: Parking guidelines.

H1: Provision for completion of the annual average housing requirement identified in the RSS.

H2: Monitoring of annual completions for dwellings.

H3: Delivery of housing on allocated sites.

H11/H12/H13: Affordable housing.

R2: Area based initiatives.

8.3 Supplementary Planning Guidance / Documents:

SPG4 Greenspace relating to new housing development (adopted).

Interim Affordable Housing Policy.

SPG10 Sustainable Development Design Guide (adopted).

SPG11 Section 106 Contributions for School Provision (adopted).

SPG13 Neighbourhoods for Living (adopted).

SPG22 Sustainable Urban Drainage (adopted).

SPD Street Design Guide (adopted).

SPD Public Transport Improvements and Developer Contributions (adopted).

SPD Designing for Community Safety (adopted).

SPD Travel Plans (draft).

SPD Sustainable Design and Construction (adopted).

8.4 National Planning Guidance:

National Planning Policy Framework: Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

8.5 Emerging Policy

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. 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 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.

8.6 As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

9.0 **MAIN ISSUES**

1. Principle of development
2. Highway and access issues
3. Urban design and sustainability
4. Affordable Housing
5. Landscape design and visual impact
6. Drainage and flood risk

7. Impact on residential amenity
8. Planning obligations

10.0 APPRAISAL

Principle of development

- 10.1 The Council fought a number of appeals in 2009-11 against proposals to develop on phase 2 and 3 allocated housing sites. However, the Council lost these appeals and subsequently concluded that it should release all its phase 2 and 3 housing allocations to boost the 5 year housing supply. Such an outcome is consistent with the housing supply objectives of the development plan and guidance in the new National Planning Policy Framework (NPPF).
- 10.2 UDPR Policy H3-3A.32 does not preclude applications for separate parcels of the allocation being submitted, approved and implemented in their own right. However, this is subject to any proposals having due regard to the deliverability of the remainder of the allocation. It is important that proposals demonstrate not merely that development does not prejudice delivery, but that it positively contributes to the ultimate solution.
- 10.3 In light of the above, it is considered that the principle of development in this instance is acceptable.

Highway and access issues

- 10.4 The site is proposed to take a principal access from Great North Road, which is already under construction as part of the scheme to build 10 houses. Highway officers consider that the nature and design of that junction is sufficient to provide for the additional development proposed in this application. However, traffic exiting Micklefield is likely to do so from a limited number of junctions, particularly the junction of Church Lane and the A656 Ridge Road. Given the proportion of traffic assigned to the Church Lane/A656 junction and the sensitivity of the network in this location i.e. a high speed road with known recorded fatalities, highway officers initial consideration is that this junction should be upgraded to provide a ghost island right turn facility on the A656 and associated carriageway widening and to secure the appropriate visibility splays for the speed of traffic on Church Lane.
- 10.5 At the time of writing, the applicant considers that they are able to deliver a solution that will improve the nature of the Church Lane / A656 junction, using land all within the adopted highway. Barratt Homes, who have a current pre-application enquiry (PREAPP/13/00924) for 270 homes to the south of this application site, are also of the opinion that a solution can be found using only land within the adopted highway. Crucially, both developers consider that the utilisation of third party land (as per the objection letter from Great North Developments) is unnecessary. At the time of writing, officers are still awaiting drawings from the applicant to demonstrate a satisfactory solution. There are also questions about how the improvement works are paid for and when they need to be implemented, given that there must be an equitable approach for all of the developers with an interest in the allocation.
- 10.6 **Do Members have any views on the off-site highway works?**
- 10.7 Within the development, the road layout comprises a spine road that will ultimately facilitate links to the remaining parts of the allocation, to the north and south. The development shall be built with a 20mph speed limit, with the cost of road markings, signage and appropriate Speed Limit Orders being fully funded by the developer.

- 10.8 From an accessibility perspective, the site does not fully meet the draft Core Strategy Accessibility Standards. However, the land is allocated for housing under UDP Policy H3-3A.32 and Micklefield Train Station may provide alternatives to commuters other than the use of the private car. Bus stops in either direction are located within 100m of the site access (also within 400m of the centre of the site) but the services at these stops are infrequent – one an hour with an increase to two an hour in the AM and PM peaks. However, the site is also located within a short walk, approximately 950m, from Micklefield Train Station which provides three services per hour to Leeds City Centre with a journey time of approximately 20 minutes.
- 10.9 The site is located within the recommended distance to local primary school provision but exceeds the distance for secondary school provision. There are limited local services available within Micklefield - the site would be located within approximately 600m of the nearest convenience store and GP surgery. The convenience store also provides a small range of other local services such as a cash machine, post box and dry cleaning service.
- 10.10 Officers have been in discussions with Metro regarding public transport enhancements as part of both this smaller application and the wider allocation. It would not be an acceptable approach to develop these sites in a piecemeal way to circumvent any accessibility enhancements that would ordinarily be required for the wider allocation. The response from Metro to date is that an enhancement of existing bus services would be appropriate. Specifically, Arriva currently provide some low frequency services, the main service being the 402 providing an hourly service to Leeds via Garforth. These services are already heavily subsidised by Metro. It is suggested that consideration should be given to looking at increasing the frequency of the service between Micklefield and Garforth, as this is the main local centre. Metro suggest a new hourly service to run between the 402 should also be looked at. This would result in a service from Micklefield to Garforth at a combined 30 minute headway. This would also be useful in providing better connections to Garforth station which has more services than Micklefield currently has. In terms of cost, Metro estimate the service would require 1 bus per annum at a cost of circa £150k for 5 to 10 years. Notwithstanding the above, discussions are ongoing with regard to what appropriate public transport enhancements are required, commensurate with the level of development and timing for delivery.

10.11 **What are Members views on the public transport 'ask' for the allocation?**

Urban design and sustainability

- 10.12 Whilst an outline planning application with all matters reserved except for access, the application is accompanied by an illustrative masterplan. The masterplan indicates the principal access from Great North Road and a spine road running north to south through the site, providing access to the other parts of the allocation. Three short cul-de-sacs are indicated on the northern side of the spine road. The layout indicates that all of the proposed dwellings would front onto the proposed streets, which is considered positive.
- 10.13 The submitted Design and Access Statement notes that the outline proposal is for approximately 70 dwellings, equating to around 28 dwellings per hectare. The proposed houses are to be 2-3 storeys in height and will include a mixture of terraced, semi-detached and detached dwellings, comprising 2-5 bedroom properties. In design terms, the form of development is considered to be generally acceptable, although two-storeys is considered to be most appropriate, particularly along the rural edge of the development.

- 10.14 This application is supported by a Sustainability Statement and as it is an outline application without detailed house type and layout information it is difficult to quantify sustainability in relation to the use of natural resources. However, through the design process of creating a layout, consideration has been given to providing a significant number of houses with a south-westerly orientation in order to make the most of solar gain and good daylighting. These measures have the potential to minimise housing energy use and carbon dioxide emissions, regardless of specific housetype design.
- 10.15 The Sustainability Statement notes that the broader economic, social and environmental measures of sustainability were considered at site appraisal stage. The proposed development has the potential to support growth within the area by providing high quality housing with accessible local services. The site is ideally located for access to a full range of sustainable transport options, from local services within easy walking and cycling distance to 'bike and rail' options for employment, leisure and retail opportunities beyond the immediate local area. A Travel Plan has been submitted in order to highlight and promote sustainable travel choices to future residents and reduce reliance on the car. At this stage in the application, advice has been provided by the TravelWise Team in order to improve the Travel Plan. A key aspect of local infrastructure is education provision, particularly given what Policy H3-3A.32(iv) says about the provision of an extension to the primary school and a contribution towards the provision of additional secondary school facilities. Officers are endeavouring to obtain a view from Children's Services on the up to date position of what is required.
- 10.16 **Do Members have any comments on the layout of the proposals on the illustrative masterplan?**

Affordable Housing

- 10.17 The revised Affordable Housing Policy was adopted by Executive Board on 18th May 2011, to be implemented with effect from 1st June 2011. The relevant minute states that the policy would therefore apply to all relevant decisions made on or after 1st June 2011.
- 10.18 The policy will apply until it is replaced by the formal Local Development Framework policies within the Core Strategy and Affordable Housing Supplementary Planning Document (SPD), unless there is clear evidence of a change in market circumstances to warrant any further change in the meantime. Planning permissions granted on the basis of the interim policy will normally be time limited to 2 years for implementation to ensure that permissions are implemented reasonably swiftly, and to reflect the fact that the affordable housing policy will be reviewed through the Core Strategy and Affordable Housing SPD.
- 10.19 In relation to the application site the Interim Policy applies a requirement of 15% affordable housing. There is a requirement for a 50/50 mix of social rent and submarket. Whilst the application is in outline, if approved, the reserved matters application will need to provide a layout showing the location of Affordable Housing units, which should be representative of the housing found elsewhere on the site.

Landscape design and visual impact

- 10.20 The application site relates to an area of land which currently has a rural appearance, but is sandwiched between the existing settlement of Micklefield and the A1(M). Whilst the site is largely grazing land, it does also include a small number of mature trees and some vegetation and hedgerows, particularly along the site access and Sheep Dike. The retention of these features, as demonstrated on the illustrative masterplan is welcomed.

- 10.21 The proposal provides for a permanent buffer with a minimum width of 10m between the proposed dwellings and Sheep Dike. The buffer has a dual function of providing visual screening and biodiversity enhancement. Officers have asked the applicant how this area could be used to provide open water as part of a Sustainable Urban Drainage System (SUDS), in addition to Sheep Dike, which could provide a biodiversity enhancement, particularly for Great Crested Newts. The land beyond Sheep Dike, between the site and the A1(M) is designated as Green Belt and would remain as open land. In addition to the existing public right of way running through the site and out into the Green Belt, the applicant also proposes a potential footpath link to the north-east side of Sheep Dike, which would link to the northernmost cul-de-sac on the proposed layout. This approach is considered to enhance the leisure opportunities around the development and would be beneficial as a connection.
- 10.22 In terms of greenspace requirements, if the whole allocation was developed as expected, with approximately 400 dwellings, it would create a requirement for 1.6ha of local amenity greenspace (N2.1) to be provided on site. The allocation would also create a requirement for 0.8ha of local recreational areas (N2.2). It is also considered that the lack of children's play facilities in Micklefield may justify some provision in an appropriate location. As with the other allocation wide issues described above, it is important that the piecemeal approach to development does not undermine the overall benefits and that each part of the allocation provides for its fair share in an equitable way. Of itself, a development of 70 dwellings would create a requirement of 0.28ha of N2.1 greenspace on site. The illustrative layout provides for greenspace areas alongside Sheep Dike, although it is currently considered questionable as to whether they properly fulfil the requirements of greenspace or are more akin to incidental landscaped areas. It is noted that a significant greenspace wedge is proposed as part of the pre-application scheme (PREAPP/13/00924) and this may be the better focus for an area of meaningful greenspace. An alternative option may be for developers of the allocation consider delivering the proposed N5 greenspace allocation, immediately to the west of Great North Road. Overall, the provision of greenspace is an area requiring further consideration and negotiation with the developers of the allocation.
- 10.23 **Do Members have any comments on the approach to landscape design and greenspace provision?**

Drainage and flood risk

- 10.24 The application site largely falls within Flood Zone 1 (at lowest risk of flooding), although the area immediately adjacent to Sheep Dike does fall with Flood Zone 3. Accordingly, the illustrative masterplan has been drawn up such that all of the housing development only takes place within the Zone 1 land. The Environment Agency has no objection to the proposals provided that the development is carried out in accordance with the Flood Risk Assessment and its recommended mitigation measures. These include limiting the surface water rate of runoff generated by the site to 7.8litres/sec so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. It is also stated that there must be no built development or ground raising within the Flood Zone 3 area of the site and that the finished floor levels of the dwellings must be no lower than 600mm above the adjacent bank level of Sheep Dike.

Impact on residential amenity

- 10.25 The proposed layout follows a logical form and generally ensures that back gardens back onto other back gardens. The illustrative masterplan indicates that the proposed dwellings will be located some 25m – 40m away from the rear elevations of existing

properties on Great North Road. This is in accordance with and in many cases exceeds the 21m distance set out in Neighbourhoods for Living. It is therefore considered that there will be no detrimental impact in terms of overlooking, overshadowing or over-dominance. The relationships within the development site are also in accordance with Neighbourhoods for Living. It is noted that a number of the properties have gable ends facing Sheep Dike, in order to lessen the impact of noise from the A1(M). At the time of writing, officers are exploring with the applicant how these gable ends might be treated in order to ensure that there is no detrimental noise impact, but that there is also a reasonable interface with the greenspace and that passive overlooking of this space can occur.

10.26 Do Members have any views on residential amenity and the relationships between properties?

Planning obligations

10.27 The requirements of the S106 are detailed below and the various clauses will become operational if a subsequent reserved matters application is approved and implemented:

1. Affordable Housing – 15% (50% social rent, 50% sub market)
2. Improvements to bus stop 24237 at a cost of £10,000.
3. Public Transport Improvement Contribution at a cost of £1,226 per dwelling (total - £85,835).
4. Travel Plan (including monitoring fee of £2,500 and £1,000 contribution for cycle/scooter storage at the primary school)
5. Residential Metrocards (Bus and Rail) at a cost of £572.55 per dwelling (total - £40,078.50)
6. Education contribution – unknown at the time of writing.
7. Greenspace commuted sum - £105,784.26.
8. Local training and employment initiatives (applies to the construction of the development).

10.28 From 6th April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:

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

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

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

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

11.0 CONCLUSION

11.1 Members are asked to note the contents of the report and the presentation and are invited to provide feedback on the questions and issues outlined above, summarised below:

1. Do Members have any views on the off-site highway works?

2. What are Members views on the public transport 'ask' for the allocation?

3. Do Members have any comments on the layout of the proposals on the illustrative masterplan?

4. Do Members have any comments on the approach to landscape design and greenspace provision?

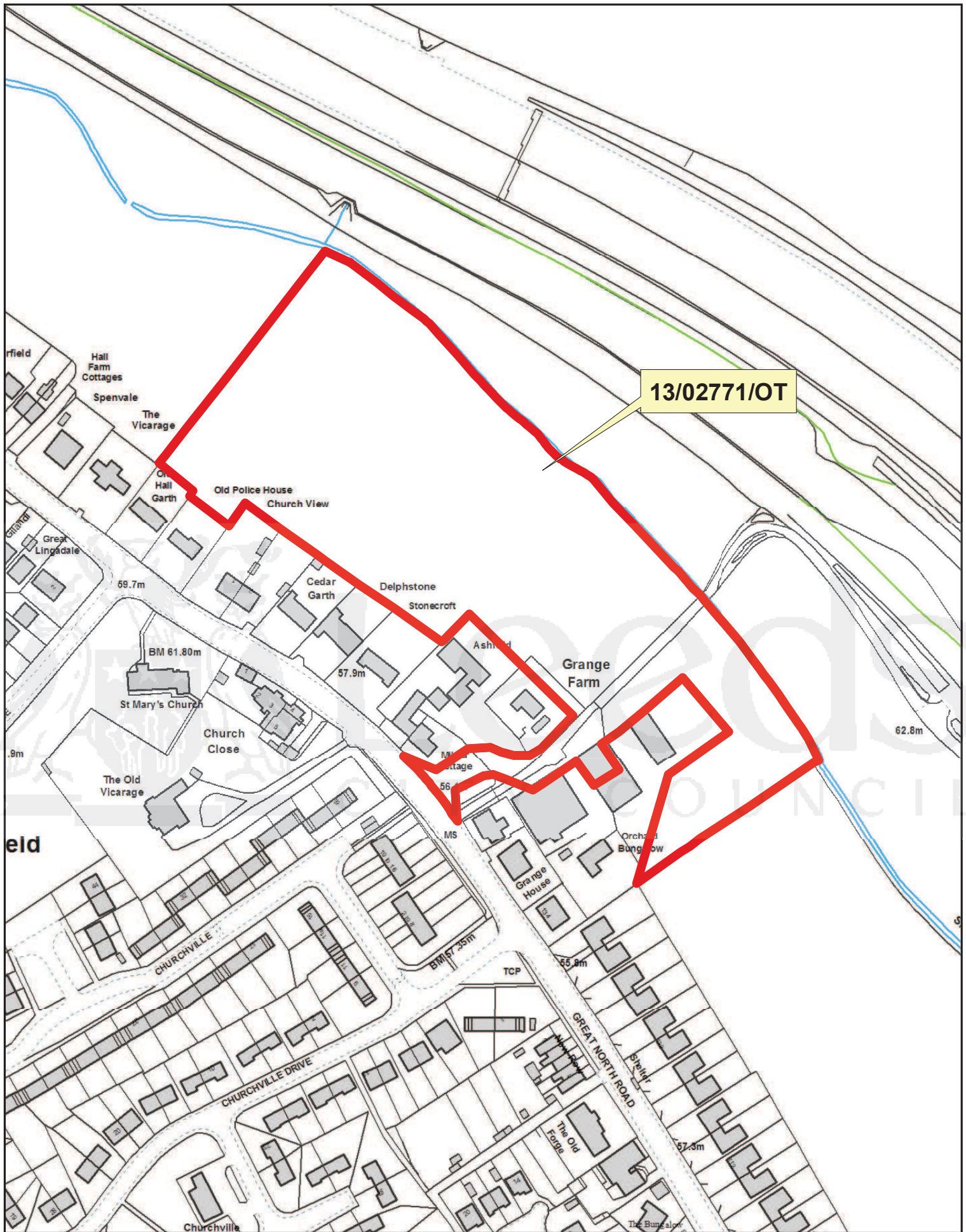
5. Do Members have any views on residential amenity and the relationships between properties?

6. Are there any other comments that Members wish to make?

12.0 Background Papers:

12.1 Application and history files.

Certificate of Ownership – Signed as applicant



13/02771/OT

CITY PLANS PANEL





Originator: Andrew Crates

Tel: 0113 222 4409

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 21st November 2013

Subject: Pre-application Enquiry PREAPP/13/00924 – Outline planning application for the erection of residential development (approximately 270 dwellings), open space and associated infrastructure on land off Great North Road, Micklefield, Leeds

APPLICANT

Barratt Homes

Electoral Wards Affected:

Kippax and Methley

Yes 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 developer presentation and to comment on the proposals.

1.0 INTRODUCTION:

1.1 This pre-application enquiry is presented to Plans Panel due to the size and sensitivity of the proposals when considered in conjunction with the other components of the housing allocation, including application 13/02771/OT which proposes approximately 70 dwellings on the adjacent site to the north.

1.2 The application site is identified within the UDP as a Phase 3 allocated housing site under Policy H3-3A.32.

2.0 PROPOSAL:

2.1 This proposal involves the erection of a residential development of approximately 270 dwellings, including open space and associated infrastructure.

2.2 The pre-application enquiry is accompanied by an illustrative masterplan which shows two access points being taken from Great North Road, as well as a link to the north, to the proposed development included in application 13/02771/OT.

- 2.3 The overall scheme is comprised of two parts, separated by a strategic greenspace wedge. The northern parcel of development contains a spine road linking the proposed development to the north (application 13/02771/OT), through to the Great North Road. The development within the site is illustrated as comprising a number of perimeter blocks with development backing onto the existing dwellings on Great North Road.
- 2.4 The southern parcel of land is of a wider form and comprises a spine loop, which provides access to another series of perimeter blocks. The development takes a principal access from Great North Road, but also provides for a potential access through to the southernmost end of Garden Village. Again, the proposed development would back onto the existing dwellings within Garden Village, though they are separated by an existing rear access road.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is a greenfield site, allocated in the UDP Review for housing, under Policy H3-3A.32. The main settlement of Micklefield is located to the west and south of the site and the A1(M) is located further away to the east, beyond which is open countryside within the Green Belt.
- 3.2 The site is largely arable farm land with some small grassed open areas and contains a small number of mature trees and some vegetation, including hedgerows around the boundaries of the site, including to Great North Road.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 13/02771/OT – Outline planning application for the erection of residential development (approximately 70 dwellings), landscaping, open space and incorporating new access – under consideration.
- 4.2 12/05140/RM - 10 houses with landscaping on land to the north of the site – Approved.
- 4.3 12/00845/OT - Outline application for residential development on land to the north of the site – Approved.

5.0 PLANNING POLICIES:

- 5.1 The development plan comprises the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage.

5.2 Leeds Unitary Development Plan (UDP) Review:

The application site is identified within the UDP as a phase 3 housing site.

Under Policy H3-3A.32, 15.54 ha. of land is allocated for housing and local facilities between Old Micklefield/New Micklefield and the realigned A1, subject to:

- (i) Provision of extensive off-site foul drainage works and improvements to Sherburn-in-Elmet sewage treatment works, following the realignment of the A1 east of Micklefield;
- (ii) Provision of satisfactory access;

- (iii) An agreed planning framework which will determine the location of housing, greenspace, landscaping, local facilities and access points;
- (iv) Provision of an extension to the adjacent primary school, in accordance with policy a2(5) and a contribution towards the provision of additional secondary school facilities;
- (v) Provision of a green wedge between Old Micklefield and New Micklefield;
- (vi) The completion of the A1 realignment;
- (vii) Noise attenuation measures necessary to achieve satisfactory standards of residential amenity.
- (viii) Submission of a satisfactory flood risk assessment incorporating an appropriate drainage strategy.

The supporting text in the UDP Review goes on to say that ‘the development of this and the site South of Old Micklefield will result in the need for additional facilities at Micklefield Primary School [Policy A2(5) – *since deleted*] and for extensions at the existing secondary school. Developers of these sites will be expected to contribute towards these at a level proportionally related to the development opportunities available at each site.’

The text goes on to say that ‘Old and New Micklefield are separated by open countryside which provides a valuable visual feature and permits long distance views over the countryside. This open aspect should be retained in the form of a green wedge between Old and New Micklefield.’ This aspect is of particular importance to this pre-application scheme.

Other policies of relevance are:

- GP5: General planning considerations.
- GP7: Use of planning obligations.
- GP11: Sustainable development.
- N2/N4: Greenspace provision/contributions.
- N5: Provision of new greenspace.
- N10: Protection of existing public rights of way.
- N12/N13: Urban design principles.
- N23/N25: Landscape design and boundary treatment.
- N24: Development proposals abutting the Green Belt.
- N29: Archaeology.
- N38 (a and b): Prevention of flooding and Flood Risk Assessments.
- N39a: Sustainable drainage.
- BD5: Design considerations for new build.
- T1: Investment in transport improvements.
- T2 (b, c, d): Accessibility issues.
- T5: Consideration of pedestrian and cyclists needs.
- T7/T7A: Cycle routes and parking.
- T24: Parking guidelines.
- H1: Provision for completion of the annual average housing requirement identified in the RSS.
- H2: Monitoring of annual completions for dwellings.
- H3: Delivery of housing on allocated sites.

H11/H12/H13: Affordable housing.

R2: Area based initiatives.

5.3 Supplementary Planning Guidance / Documents:

SPG4 Greenspace relating to new housing development (adopted).

Interim Affordable Housing Policy.

SPG10 Sustainable Development Design Guide (adopted).

SPG11 Section 106 Contributions for School Provision (adopted).

SPG13 Neighbourhoods for Living (adopted).

SPG22 Sustainable Urban Drainage (adopted).

SPD Street Design Guide (adopted).

SPD Public Transport Improvements and Developer Contributions (adopted).

SPD Designing for Community Safety (adopted).

SPD Travel Plans (draft).

SPD Sustainable Design and Construction (adopted).

5.4 National Planning Guidance:

National Planning Policy Framework: Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

5.5 Emerging Policy

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. 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 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.

5.6 As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

6.0 PROPOSAL

Principle of development

6.1 The Council fought a number of appeals in 2009-11 against proposals to develop on phase 2 and 3 allocated housing sites. However, the Council lost these appeals and subsequently concluded that it should release all its phase 2 and 3 housing allocations to boost the 5 year housing supply. Such an outcome is consistent with the housing supply objectives of the development plan and guidance in the new National Planning Policy Framework (NPPF).

6.2 UDPR Policy H3-3A.32 does not preclude applications for separate parcels of the allocation being submitted, approved and implemented in their own right. However, this is subject to any proposals having due regard to the deliverability of the remainder

of the allocation. It is important that proposals demonstrate not merely that development does not prejudice delivery, but that it positively contributes to the ultimate solution.

- 6.3 In light of the above, it is considered that the principle of development in this instance is acceptable.

Highway and access issues

- 6.4 The site is proposed to take two access points from Great North Road, as well as having a link to the development to the north and a link through to Garden Village in the south. However, traffic exiting Micklefield more generally is likely to do so from a limited number of junctions, particularly the junction of Church Lane and the A656 Ridge Road. As with application 13/02771/OT, given the proportion of traffic assigned to the Church Lane/A656 junction and the sensitivity of the network in this location i.e. a high speed road with known recorded fatalities, highway officers initial consideration is that this junction should be upgraded to provide a ghost island right turn facility on the A656 and associated carriageway widening and to secure the appropriate visibility splays for the speed of traffic on Church Lane. The developer is of the opinion that a solution can be found using only land within the adopted highway and that no third party land is unnecessary. At the time of writing, officers are still awaiting drawings from the developer to demonstrate a satisfactory solution. As with application 13/02771/OT, there are also questions about how the improvement works are paid for and when they need to be implemented, given that there must be an equitable approach for all of the developers with an interest in the allocation.

6.5 **Do Members have any views on the off-site highway works?**

- 6.6 Officers have been in discussions with Metro regarding public transport enhancements as part of the wider allocation. It would not be an acceptable approach to develop these sites in a piecemeal way to circumvent any accessibility enhancements that would ordinarily be required for the wider allocation. The response from Metro to date is that an enhancement of existing bus services would be appropriate. Specifically, Arriva currently provide some low frequency services, the main service being the 402 providing an hourly service to Leeds via Garforth. These services are already heavily subsidised by Metro. It is suggested that consideration should be given to looking at increasing the frequency of the service between Micklefield and Garforth, as this is the main local centre. Metro suggest a new hourly service to run between the 402 should also be looked at. This would result in a service from Micklefield to Garforth at a combined 30 minute headway. This would also be useful in providing better connections to Garforth station which has more services than Micklefield currently has. In terms of cost, Metro estimate the service would require 1 bus per annum at a cost of circa £150k for 5 to 10 years. Notwithstanding the above, discussions are ongoing with regard to what appropriate public transport enhancements are required, commensurate with the level of development and timing for delivery.

6.7 **What are Members views on the public transport 'ask' for the allocation?**

Urban design

- 6.8 Limited information is currently available, other than the proposed layout described above. The two development parcels are considered to follow a logical form and have back gardens backing onto each other and properties having a front aspect over streets and also over the proposed greenspaces. Of particular importance is the greenspace separating the two parcels of development land. The greenspace forms a valley separating Old and New Micklefield and includes a watercourse running east to

west across the site. The space will however include pedestrian routes linking the two parcels of development, as well as providing further routes to Great North Road. The greenspace will also ensure the retention of the mature trees and vegetation to the Great North Road frontage. Officers note from the discussions with Ward Members that there is a desire to ensure that any development suitably integrates with Garden Village. Whilst there is an existing rear access road around the northern end of Garden Village, which is shown to be retained, the proposed layout does contain opportunities to provide links through to the rear access road, as well as to the cul-de-sac at the southern end of Garden Village.

6.9 Do Members have any comments on the layout of the proposals on the illustrative masterplan?

Affordable Housing

6.10 The revised Affordable Housing Policy was adopted by Executive Board on 18th May 2011, to be implemented with effect from 1st June 2011. The relevant minute states that the policy would therefore apply to all relevant decisions made on or after 1st June 2011.

6.11 The policy will apply until it is replaced by the formal Local Development Framework policies within the Core Strategy and Affordable Housing Supplementary Planning Document (SPD), unless there is clear evidence of a change in market circumstances to warrant any further change in the meantime. Planning permissions granted on the basis of the interim policy will normally be time limited to 2 years for implementation to ensure that permissions are implemented reasonably swiftly, and to reflect the fact that the affordable housing policy will be reviewed through the Core Strategy and Affordable Housing SPD.

6.12 In relation to this application site the Interim Policy applies a requirement of 15% affordable housing. There is a requirement for a 50/50 mix of social rent and submarket. Whilst the pre-application enquiry is for an outline scheme, if approved, the reserved matters application will need to provide a layout showing the location of Affordable Housing units, which should be representative of the housing found elsewhere on the site.

Drainage and flood risk

6.13 The application site largely falls within Flood Zone 1 (at lowest risk of flooding), although the areas immediately adjacent to Sheep Dike and the watercourse running east to west, across the centre of the site, do fall with Flood Zones 2 and 3. Accordingly, the illustrative masterplan has been drawn up such that all of the housing development only takes place within the Zone 1 land.

Planning obligations

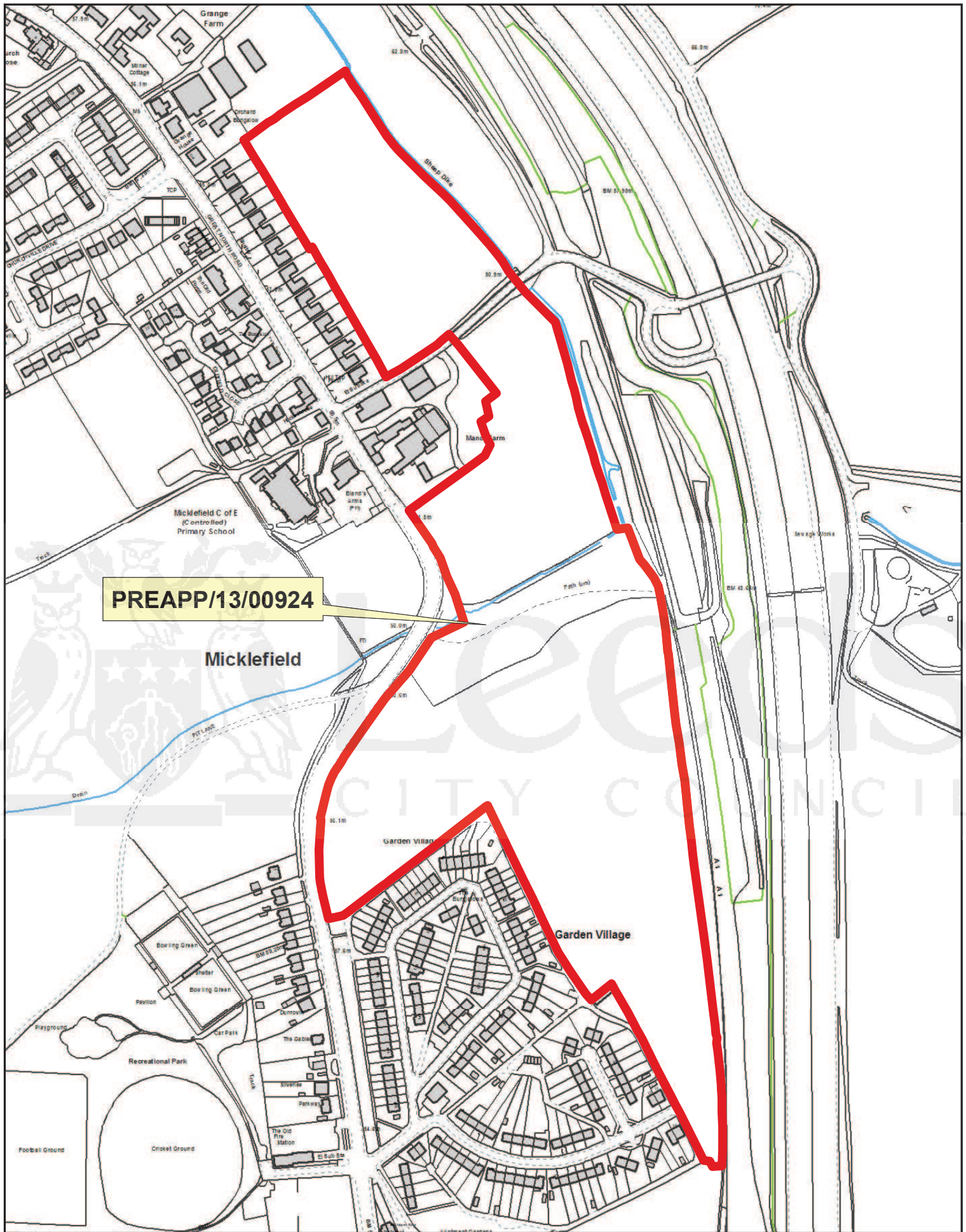
6.14 A scheme of 270 dwellings will attract a S106 package, comprising the following components:

1. Affordable Housing.
2. Education contributions (reflecting the requirements of Policy H3-3A.32).
3. Local training and employment initiatives (applies to the construction of the development).
4. Greenspace contributions, as may be required.
5. Public Transport Improvement Contribution.
6. Travel Plan.
7. Residential Metrocards for future residents, in addition to other public transport enhancements, as may be advised by Metro.

7.0 CONCLUSION

7.1 Members are asked to note the contents of the report and the presentation and are invited to provide feedback on the questions and issues outlined above, summarised below:

- 1. Do Members have any views on the off-site highway works?**
- 2. What are Members views on the public transport 'ask' for the allocation?**
- 3. Do Members have any comments on the layout of the proposals on the illustrative masterplan?**
- 4. Are there any other comments that Members wish to make?**



CITY PLANS PANEL





Originator: P. Kendall

Tel: 0113 2224409

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 21st November 2013

Subject: PRE-APPLICATION PRESENTATION OF PROPOSAL FOR 113 NO. RESIDENTIAL UNIT ON LAND AT FORMER YORKSHIRE CHEMICALS SITE BETWEEN RIVER AIRE AND LEEDS LIVERPOOL CANAL (PREAPP/13/00594)

Electoral Wards Affected:

City and Hunslet

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: This report is brought to Panel for information. The developer's representative will present the details of the scheme to allow Members to consider and comment on the proposals at this stage.

1.0 INTRODUCTION:

1.1 This pre-application presentation relates to the use of part of the former Yorkshire Chemicals site between The River Aire and the Leeds Liverpool Canal. This was part of a wider redevelopment site which gained approval in 2011, however, this scheme was never commenced and the site has remained vacant. The intention is to develop this site with 113 housing units accessed via a single spine road with the buildings fronting the River and Canal.

1.2 The proposals will be presented by a representative of Strata Homes to allow Members to comment on the evolving scheme and raise any issues, prior to the intended submission of a planning application.

2.0 SITE AND SURROUNDINGS:

2.1 The site consists of one part of the former Yorkshire Chemical site. It is an unusual long, tapering site which has frontages to both the River Aire to the north and The

Leeds Liverpool Canal to the south. This includes the Grade II listed Oddy's Lock and stone built lock-keeper's cottage which has windows facing out over the site. The site is currently reduced to its concrete slab and is generally flat. The towpath to the south is higher by approx. 2m which offers good views down over the site. On the opposite side of the canal are a range of industrial buildings in a mixture of employment related uses. These range from the Grade II listed Castleton Mill through to 8m high corrugated sheds. The towpath forms part of the Sustrans Trans-Pennine Trail which runs the entire breadth of the country, but more immediately provides a direct link to Kirkstall Valley Park in one direction and Leeds City Centre in the other.

- 2.2 To the north, some naturally seeded vegetation has grown along the waterfront and provides a dense natural screen to the top of the river bank. The river is much lower than the level of the site and to the north of this is the now cleared areas of the former Yorkshire Chemical works and the First Bus Depot. The original private chemical works vehicle bridge remains in place over the river, however, it is not part of the land being offered to the developer and so does not form part of this proposal. To the east there is a 7m high row of industrial/warehousing sheds located on the boundary and to the west the site tapers down to a narrow and steep sided, naturally vegetated, area which is part of the river bank to which there is no public access.

3.0 HISTORY OF NEGOTIATIONS AND PLANNING HISTORY

- 3.1 There have been 3 meetings with the applicant and a series of e-mails advising the developer of pre-application advice from a range of internal consultees. At the time of writing this report meetings were on going and the layout developing as a result of the advice received.
- 3.2 This site was part of a comprehensive redevelopment of the former Yorkshire Chemicals site which received outline approval in 2011 app ref 06/04610/OT. This part of the site was to be developed with 6 apartment buildings up to 12 storeys in height containing c.400 residential units, 20 houses, ground floor commercial units and open space provision. All of this was to be built above a basement parking area.

4.0 PROPOSALS

- 4.1 This is to construct a housing development comprising 113 units. The applicant has developed a residential unit type which it considers to be a hybrid between an apartment and a traditional house. This will be explained to Members during the presentation but it effectively consists of a block of 3 storey houses set in groups of 4, 6 or 8 units. Half of these are oriented in one direction and back on to the other half, which are oriented in the opposite direction. Windows would then be located on all elevations, albeit that some of these would be second windows to rooms. They are designed to appeal to city centre apartment dwellers who wish to purchase their first house but who still want the benefits and convenience of city centre living. A total of 96 no. of the units are of this hybrid type with the additional 17 units being provided in 3 storey terraces of 4/5 units.
- 4.2 Given the unusual shape of the site, the most efficient method of creating vehicular access is via a central spine road from which all car parking is accessed. The buildings are located around the site's perimeter to present a built frontage to both the river and canal. The car parking is therefore partially screened from the view of passing pedestrians on the towpath, by the buildings themselves. However, it is the case that some car parking will remain visible from the towpath.

- 4.3 Fronting the canal, there are a series of 7 no. of the hybrid buildings. Each unit has a small amount of private amenity space and pathway access to the road and parking area. Given that the towpath is approx. 2m higher than the site, when viewed from the canal, the buildings would be the equivalent of two and a half storeys. A section through the site shows that the building heights will align with the existing lock-keeper's cottage which will integrate the proposal with this, the most characterful building in the immediate vicinity of the site. These buildings have been oriented to create a gentle curve which would be slightly convex when walking along the towpath, but from within the site is correspondingly concave. Those units which front the canal would be no closer than 5m to the towpath and are 5m away from each other. This means that certain windows will be facing directly across the 5m gap towards other windows. These are generally second windows to rooms which can be either omitted or obscure glazed.
- 4.4 This run of canal-front buildings terminates at its eastern end before the lock keepers cottage to avoid impacting on its living space windows. This enables a large area of landscaped publicly accessible open space (30m x 40m) to be created between the residential buildings and the main spine road, which would be adjacent the lock. The eastern most property would be faced in a material to harmonise with the stone cottage and would also visually contain the space whilst providing natural surveillance over it. This would present an impressive entranceway to the whole site and hopefully provide the development with a positive arrival and a real sense of place.
- 4.5 At the western end of the site a wild meadow (74m x 18m) is proposed which would not be accessible to either public or residents and would create a natural buffer between the development and the river bank to the west. This area is currently covered in piles of rubble on a concrete base. The setting out of this area to wild meadow is therefore a considerable gain in respect of the biodiversity of the site and the river bank, which is a site of known otter activity.
- 4.6 Fronting the River Aire would be 8 hybrid blocks containing a mix of 4, 6 and 8 units. This terminates at the location of the existing river bridge in a 10m wide strip of public open space which would ultimately allow access to the river crossing. To the east of this, terraced houses are proposed to fill the remainder of the site. These will have rear gardens, a minimum of 10m in length, which back on to either the river, or the warehouses to the south-east. It is proposed that the boundary with the warehouses would receive a landscaped treatment to reduce their impact on the rear amenity space and views out from the residential units. All of the properties adjacent the river will be kept away from the top of the river bank in order to allow a minimum 4m width of landscape buffer to be created. This will aid in the protection of this sensitive waterfront habitat.
- 4.7 When viewed from within the scheme, the unit layout will create an elongated tapering enclosed square which focuses on the block at the western end. This includes an archway feature which provides access to the western-most residential building. The area to either side of the road will contain the car parking which is split into smaller areas in front of each of the buildings they serve and which are separated by landscaped strips containing tree planting. Some of the parking areas are between the buildings and can be seen from the canal towpath although landscaping is proposed to be used to soften the visual impact of these areas as well. Refuse storage areas are also included within the landscaping. This is part of the waste disposal strategy, thereby avoiding refuse containers being left on the highway on collection days.

- 4.8 The previous outline scheme proposed a new pedestrian and cycle bridge across the River Aire. However, this developer is being offered the 'otter island' site only, which means they have no control over the use of the land on the northern side of the river. The existing bridge is also outside the control of the developer. Therefore, in these circumstances, the best that can be achieved is that the layout offers the ability to link to an upgraded bridge in the future and that the developer allows this link to be accessible across their land in the future. Ultimately the developer of the northern site can reopen the existing bridge when this comes forward and there would then be a route to the north to Kirkstall Rd and along the river front. This would also give access to the existing and proposed areas of river-front open space on the northern side of the river.
- 4.9 Given the number of units it serves, the spine road which runs through the site must be adopted. However, the 200m long section of road which links the site with the Inner Ring Rd is not currently adopted. Additional works to the existing carriageway construction are required, as well as the creation of a new footway, lighting and drainage to bring it up to adoptable standards. The developer would undertake to make provision for these works to be carried out. It is considered that these carriageway improvements would be achievable without having to remove any of the existing trees along the canal embankment. An improved pedestrian link to the towpath, close to the site access point, would also be considered as part of these works which would eventually assist in linking the towpath to the river crossing. In addition, car parking is being proposed at one space per unit plus one per four units for visitors and cycle storage area will be provided for each house.

5.0 POLICY

- 5.1 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight they may be given.
- 5.2 Development Plan
The development plan comprises the Unitary Development Plan Review 2006 (UDPR) and the National Resources and Waste Local Plan 2013 (NRWLP)
- 5.3 The Draft Core Strategy (DCS) sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for an examination which commenced last month. Some weight can now be attached to the document and its contents recognizing that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the examination.
- 5.4 Residential development
Policy H4 of the Unitary Development Plan Review (UDPR) allows for residential development on unidentified, brownfield sites subject to the proposals being compatible with the area and all other normal development control considerations. Policy H2 of the Draft Core Strategy (DCS) carries this approach forward, subject to meeting accessibility standards. One of the core planning principles in the National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has previously been developed. Paragraph 49 states that housing

applications should be considered in the context of the presumption in favour of sustainable development.

5.5 Housing sizes

Policy H9 of the UDPR states that the Council will seek to ensure that a balanced provision in terms of size and type of dwelling is made in housing development. DCS Policy H4 says that developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long-term taking into account the nature of the development and character of the location. The NPPF states that local authorities should deliver a wide choice of homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (para 50).

5.6 Affordable housing

UDPR policies H11-H13 set out the requirement for the provision of affordable housing. The Interim Affordable Housing policy states that 5 per cent of the dwellings should be provided as affordable housing if the development is implemented in two years. DCS Policy H5 states that the Council will seek affordable housing from all developments of new developments either on-site, off-site, or by way of a financial contribution if it is not possible on site. These policies accord with paragraphs 47 and 50 of the NPPF. Annex 2 of the NPPF defines affordable rented housing as that which is let by local authorities, or private registered providers of social housing, to households who are eligible for social rented housing. Affordable rent is subject to rent controls that require a rent of no more than 80 per cent of the local market rent.

5.7 Design and amenity

UDPR policy GP5 states that proposals should resolve detailed planning considerations and should seek to avoid loss of amenity. Policy N12 identifies fundamental priorities for urban design, including ensuring new buildings are good neighbours. UDPR policies N2 and N4 identify where new development should assist in supporting the establishment of the hierarchy of greenspace. Policy N8 identifies this site as an Urban Green Corridor which has the potential to provide for informal recreation and contribute to visual amenity and nature conservation. This policy also requires that where there is the potential to create a link between existing green spaces this should be retained.

5.8 Similar design and amenity policies are contained within the DCS. Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and enhancing existing landscapes and spaces. Policy P11 states that heritage assets will be preserved. P12 states that landscapes will be conserved and enhanced.

5.9 Transport and access

UDPR policy GP5 states proposals should avoid highway congestion and maximise highway safety and resolve access issues. Policy T2 amplifies these requirements and subsequent policies T2B-D set out the need for transport assessments, travel plans, and public transport contributions. Policy T6 states that satisfactory access for disabled people and others with mobility problems is required. Car parking, cycling, and motorcycle parking requirements are contained within Appendix 9.

5.10 DCS Policies T1 and T2 identify transport management and accessibility requirements for new development. Specific accessibility standards are included in DCS Appendix 2.

5.11 Natural Resources and Waste Local Plan 2013 (NRWLP)

The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policy Land 1 states that trees should be conserved wherever possible and new planting should be introduced to create high quality environments for development.

5.12 Supplementary guidance

Relevant supplementary guidance includes the Public Transport Improvements and Developer Contributions SPD; Travel Plans SPD; Building for Tomorrow Today – Sustainable Design and Construction; SPG3 Affordable Housing; and SPG13 Neighbourhoods for Living (2003): Leeds Waterfront strategy.

6.0 ISSUES

Members are asked to consider and respond on the following matters:

- 6.1 The development is located on a brownfield site within an otherwise industrial area. It already has permission for approximately 400 flats and 20 houses as part of the previous permission. Noise and amenity issues will have to be assessed as part of any future application.

Do Members consider that the principle of the use of this site for residential use remains acceptable?

- 6.2 This residential unit format relies on houses, some of which are attached to others at the rear, in blocks of up to 8 units. Some of the units also have small areas of private amenity space rather than traditional gardens and the parking is contained in small combined areas. Some secondary windows will look across to other secondary windows at a distance of 5m in some cases.

Given that this is an unusual form of housing, in an usual location, is this format of unit type and restricted size of private amenity space, for a majority of the units, considered to be acceptable here?

Do members consider that the use of obscure glazing and off-set window patterns is necessary in situations where windows face across a 5m gap between properties?

- 6.3 Parking is accessed from the spine road and is broken up by areas of landscaping.

Do Members consider that the method of reducing the visual impact of the car parking areas, through the use of landscaping, is acceptable across all parts of the scheme?

If proposed by the developer, would Members be agreeable to a reduction in car parking provision on this site, which would improve the ratio of landscaping to car parking?

- 6.4 The only residential property adjacent the site is the listed former Oddy's lock-keeper's cottage which has windows facing out over the site. The proposal has avoided development which is directly in line with the living space windows of the cottage and provided an area of publicly accessible open space adjacent to it.

- (i) **Do members consider that the residential amenity of the occupiers of the lock-keeper's cottage has been satisfactorily protected?**
- (ii) **Do Members consider that the setting of the listed building has been enhanced by the location of the open space and the design of the closest new building, which is sympathetic to the character of the cottage?**
- (iii) **Do Members consider that the amount of publicly accessible open space proposed within the scheme provides sufficient levels of amenity for the residents and others who may use the space?**

6.5 12 terrace properties are located along the south-eastern side of the site at a distance of 13m from a blank warehouse elevation. The developer intends to provide a landscape treatment along this boundary to reduce the impact of the warehouse on these units.

Do Members consider that the relationship of the terraced houses to the adjacent warehouse wall is acceptable?

6.6 A total of 24 units front the canal towpath. This are set approximately 2m lower than the towpath and are a minimum of 5m away from it.

Do members consider that the relationship of the residential properties to the towpath is acceptable?

6.7 The applicant is proposing to upgrade the existing access road to an adoptable standard and provide a footpath along its full length to the Inner Ring Road. This would run parallel with the canal tow path which also provides pedestrian and cycle facilities to the city centre and out to Armley and beyond. As the bridge over the river is not within land over which the developer would have control, the road and towpath would be the only routes by which pedestrians would be able to access the site, until such time as the bridge was brought in to use by the neighbouring developer.

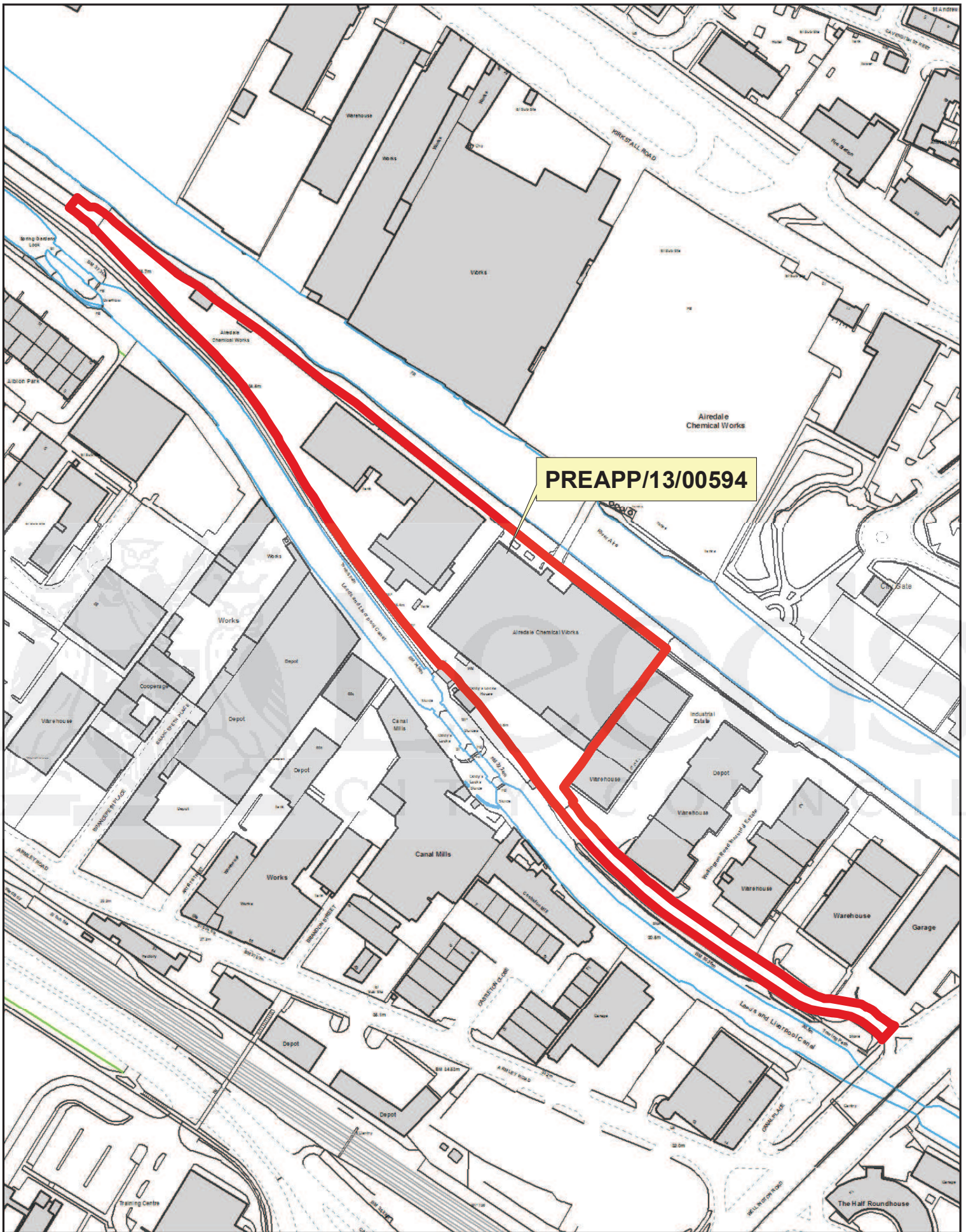
Do Members consider that the road and towpath would provide an acceptable level of pedestrian accessibility?

6.8 A Section 106 Agreement will be required to secure: works to the access road to bring it up to adoptable standards; provision of affordable housing; contribution to off-site green space; contribution to educational facilities; travel plan measures; any other off-site highways works which are considered necessary; a public transport infrastructure contribution; possible lighting of the towpath from the site access point as far as the inner ring road bridge (from which point lighting already exists to the city centre); maintenance of on-site publicly accessible open space; permitting the link to be provided and remain open across a bridge to the northern side of the River Aire; jobs and skills priority for local people during construction and any other obligations which arise as part of the application process.

Do Members have any comments to make about this range of likely Section 106 contributions?

Background Papers:

Application file: Outline Planning Permission: 06/04610/OT



CITY PLANS PANEL





Originator: Paul Kendall

Tel: 2478000

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 21st November 2013

Subject: PRE-APPLICATION PRESENTATION – OFFICE SCHEME UP TO 11 STOREYS WITH ANCILLARY GROUND FLOOR ‘ACTIVE’ USES (PREAPP/13/00990) AT SITE BOUNDED BY WELLINGTON ST AND WHITHALL RD (FORMER LUMIERE SITE).

Electoral Wards Affected:

City and Hunslet

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: This report is brought to Panel for information. The Developer will be asked to present the emerging scheme to allow Members to consider and comment on the proposals.

1.0 INTRODUCTION:

1.1 This presentation is intended to inform Members of a new major office scheme proposed on the vacant former Lumiere development site between Wellington St and Whitehall Rd. This site benefits from permission for the Lumiere scheme, which is extant due to the fact that a significant amount of ground works were carried out before construction ceased. Members will be aware that there has been a recent application for an office and hotel scheme which received approval in principle at Panel in March this year. However, since this time the land has been sold and the new owner wishes to pursue this revised proposal. Members will be asked to comment on the emerging scheme.

2.0 SITE AND SURROUNDINGS:

2.1 The site is located on the southern side of Wellington St and to the north of Whitehall Rd, between the refurbished former Royal Mail building (West Central residential scheme) and the former Wellesley Hotel (City Central residential scheme). The site is the last significant piece of the jigsaw in the area between City Sq and Northern St. The surrounding area is characterised by a mix of new build

offices, a hotel and residential buildings to the south and the rigid grid-like street pattern of the office quarter to the north which is part of the City Centre Conservation Area and contains residential uses fronting Wellington St. When seen in the context of the surrounding street pattern, the site lies at the point where the east-west pattern of streets in the Conservation Area becomes adjusted through an approximately 30 degree angle to run off to the south-west along Whitehall Rd.

- 2.2 One of the major constraints here is the number of properties surrounding the site which contain residential units whose reasonable requirements for the protection of amenity have to be taken into account. The site is currently surrounded by 2.5m high metal hoardings and lies within the Prime Office Quarter as allocated in the UDP Review.

3.0 PROPOSAL

- 3.1 Whilst the previous application is no longer being pursued, some of the guiding principles which this employed have been rolled forward into this proposal. However, a major difference with this scheme is that the site is proposed to be developed with a single building rather than the previous proposal which was for 2 buildings, one in outline and one in full, with the phasing unknown. Consequently, there would be a greater degree of certainty over the development of this site under the current proposal.
- 3.2 The building follows the same general footprint as the previous scheme in that it has building lines which front Wellington St and Whitehall Rd. However, there is now a continuous link between the two along the eastern side of the site which is both parallel to, and the same height as, the neighbouring City Central residential scheme. The building fronting Wellington St is proposed to be of a height equivalent to the dominant eaves detail on the City Central building. Above this there would be a further floor set-back with a balcony/terrace facing out over Wellington Street and a glazed plant enclosure further set-back above that. It is still considered that the principle of using the neighbouring City Central building to set the height of this element remains the best way to strengthen the facade on the southern side of Wellington St and ensure that it complements the run of properties which lead to City Sq.
- 3.3 The Whitehall Rd elevation is proposed to be 11 storeys in height with a glazed plant room set back above this. The elevational treatment for this façade utilizes an exposed stone framework with double storey height module and strong vertical emphasis given by a vertical metal fin detail. This adds depth to the elevation and, through the subtle use of colouration, helps the building to respond to its neighbours. The architecture acknowledges the approach from the station to the east through the introduction of landscaped terraces, set behind the fin treatment. The details of this will be explained fully by the architect during the presentation. The ground floor on Whitehall Rd would be set back 3m beneath a double height colonnade which would reduce the impact of the scheme on pedestrians and provide a covered walkway around the base of the building.
- 3.4 Distances to the surrounding residential buildings are similar to those agreed as part of the previous scheme, which were carefully considered in order to protect residential amenity through overlooking and over dominance. The building is approximately 18m away from West Central, City Central and the properties to the north.

- 3.5 The resultant plan form is a basic U-shape, however, where the previous scheme proposed the central area as an open square, this proposal encloses the space with a 10 storey high, angled, glass wall. This creates a dramatic space which would be fully accessible to the public and is to be planted to create a winter garden. The exposed ends of the office floor plates above this will also receive a landscaped treatment so that the garden theme also runs vertically. The winter garden will also contain a dramatically designed mezzanine which will be the raised reception area to the offices above. This means that the entire ground floor space can be given over to general public use which, because of the controlled environment, can be used all year round.
- 3.6 The ground floor would contain bar/restaurant uses and a small amount of retail space which would open on to the street and also into the winter garden to provide lively frontages and activate the space through the introduction of seating areas. The winter garden provides additional public space to that which already exists on the site in the form of the main north/south route running from Wellington St to Whitehall Rd (ref. para 4.2). This scheme will also resurface that area as the original landscaping scheme was removed when the Lumiere works commenced. This provides the opportunity of creating a continuous landscape treatment from the outside space to the internal winter garden with the base of the angled glass wall creating the only partition. The opportunity has been taken to provide landscaping on other elevated parts of the building to provide colour, visual interest and a better environment for the future occupiers. There are also 2 roof top terrace areas for the occupiers of the buildings to utilize and a green roof to the top of the cover above the vehicular route along the eastern boundary.
- 3.7 In addition to being able to access the winter garden from the north/south route, 2 further access points would be taken through the ground floor in similar locations to those proposed by the previous scheme. One would be from Whitehall Rd and would manifest itself as a frameless double-height glazed wall set on the same alignment as Aire Street. This would be clearly visible when approaching from the station and offer clear views through the building to the winter garden. The detail of this entrance is being carefully considered as it is close to the vehicular access point. The elevations and surface treatment in this area need to provide a positive pedestrian environment as well as easy vehicular access. The other winter garden access point would be through the Wellington St building, which gives the opportunity to sub-divide this elevation into two distinct sections using large areas of glass set within a masonry framework. This would allow maximum visibility through to the space beyond and provide an inviting pedestrian route.
- 3.8 Servicing and vehicle access is again proposed to be along the eastern boundary of the site with a one-way route heading northwards entering the site from Whitehall Rd and exiting out on to Wellington St. This would provide a vehicle route, servicing lay-bys and ramped access to a double level of basement car parking for approximately 130 cars. The route is 8m wide which allows adequate dimensions for servicing to take place without hindering the flow of vehicles to the car parking area. A wall is proposed to run along the eastern boundary to provide an element of visual screening as well as some protection to the amenity of the residents in City Central. The details of this will be explained during the presentation.
- 3.9 The site would require measures to be provided as part of a Travel Plan as well as public transport contributions. There will also be requirements for improvements to local highway infrastructure, including carriageway widening at the Northern St/Whitehall Rd junction and the relocation of a pedestrian crossing facility on

Wellington St as well as relocated bus stops on Whitehall Rd. These will form part of a package of measures to be included in a Section 106/278 agreement.

- 3.10 Members will also recall that the findings of a wind study as part of the previous scheme informed the use of the kerbside space on Wellington St. A wind study has not yet been undertaken as part of this proposal. However, given that the problem areas on the public highway were identified as a result of the existing buildings to the west, rather than the proposal itself, it is likely these will reoccur here which would mean the need for protective guard railing and an avoidance of vehicle drop-offs on Wellington St. Any additional measures considered necessary as a result of the redesign of the building will clearly need to be taken in to account as part of the final submission.

4.0 HISTORY OF NEGOTIATIONS

- 4.1 Officers have had 4 meetings with the project architects which commenced in September. These have dealt principally with planning and design in order to develop the layout, scale, massing and general aspirations for the site.
- 4.2 This site was originally included as part of the development of the former post office building. As part of that scheme the application site had the benefit of permission for a 10 storey office block fronting Whitehall Rd attached to a 10 storey hotel fronting Wellington St, app. ref. 20/314/00/FU. This was separated from the refurbished former Post Office Head Quarters building (now West Central) by a public piazza. This piazza constituted the provision of all of the publicly accessible open space as part of the redevelopment of the entire site. Anything in addition to this would therefore be a positive gain. The piazza was laid out as part of the Royal Mail refurbishment but subsequently removed and blacktopped when the Lumiere construction works commenced.
- 4.3 Subsequent to this a further application was approved for a single office building on the site of 10 storeys in height, app. ref. 20/063/03/FU
- 4.4 The 35 and 53 storey Lumiere development was approved by application ref 06/01622/FU. This remains extant due to the extent of works that were undertaken to the basement.
- 4.5 The most recent development, Central Square app. Ref. 12/02788/FU, was approved by Members at panel in March this year. However the S106 was not signed due to the sale of the land and the application has now been withdrawn.

4.0 RELEVANT PLANNING POLICIES

4.1 National Planning Policy Framework (NPPF)

The NPPF advocates a presumption in favour of sustainable development, and a 'centres first' approach to main town centre uses such as offices. The location of prime office development within the City Centre, close to the railway station meets this requirement to locate such uses in sustainable locations. The NPPF also promotes economic growth in order to create jobs and prosperity. These new office buildings would help consolidate Leeds City Centre's role as the economic driver of the Yorkshire region, and the focus for investment in highly skilled and competitive businesses, as advocated by the emerging Core Strategy.

4.2 Development Plan

Leeds Unitary Development Plan Review 2006 (UDPR)

The site lies within the designated City Centre and is within the Prime Office Quarter. This allocates the area as principally for office use, with other uses bringing activity and variety.

Other relevant policies include:

GP5 all relevant planning considerations

GP7 planning obligations

GP11 sustainability

GP12 sustainability

BD2 new buildings

A1 improving access for all

A4 safety and security provision

N12 urban design

N13 design and new buildings

N25 boundary treatments

N29 archaeology

BD4 all mechanical plant

CC3 City Centre character

CC10 public space and level of provision

CC11 streets and pedestrian corridors

CC12 public space and connectivity

CC13 public spaces and design criteria

CC19 office development

CC27 Principal use quarters

E14 Office development

T2 Transport provision for development

T2C Travel plans

T2D public transport provision for development

T5 pedestrian and cycle provision

T6 provision for the disabled

T7A cycle parking

T7B motorcycle parking

T24 Car parking provision

LD1 landscaping

R5 employment and training for local residents associated with the construction and subsequent use of developments

N39A sustainable drainage systems

4.3 Leeds Natural Resources and Waste DPD 2013

The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013. The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way.

4.4 Relevant Supplementary Planning Guidance includes:

SPD Street Design Guide

SPD5 Public Transport Improvements and Developer Contributions

SPD Travel Plans

SPD Building for Tomorrow Today: Sustainable Design and Construction

4.5 Leeds Core Strategy Publication Draft 2012

- 4.5.1 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 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination. The examination took place in October 2013. As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made.
- 4.5.2 Of particular relevance to this scheme proposal is Spatial Policy 3 Role of Leeds City Centre. This seeks to maintain and enhance the role of the City Centre as an economic driver for the District and City Region, by
- promoting the City Centre's role as the regional capital of major new office development,
 - making the City Centre the main focus for office development in the District including the West End within which this site is located.
 - comprehensively planning the redevelopment and re-use of vacant and under-used sites for mixed use development and areas of public space,
 - enhancing streets and creating a network of open and green spaces to make the City Centre more attractive
 - improving connections between the City Centre and adjoining neighbourhoods

Core Strategy Policy CC1 outlines the planned growth within the City Centre, including office growth.

5.0 ISSUES

The scheme proposes an internalized winter garden with a large sloping glazed elevation opposite West Central.

Do members consider that the internalization of the space within the winter garden is an acceptable response to the provision of publicly accessible space within the context of the design of the building?

The elevation to Wellington St conforms to constraints driven by the characteristics of the neighbouring City Central residential conversion. The use of brick is a response to the location opposite listed buildings within the City Centre Conservation Area.

Do Members consider that the proposed elevation to Wellington St is acceptable in this context?

The Whitehall Rd elevational treatment now consists of a glazed frame with expressed vertical fins. These are subtly detailed to respond to the height and colour of surrounding buildings. In addition, an element of layering and depth has been introduced on the eastern corner facing towards city station which has enabled elevated planting areas to be introduced.

Do Members consider that the exposed masonry frame and vertical fin elevational treatment to Whitehall Rd, wrapping around on to the eastern facing corner, is acceptable in this context?

One of the main pedestrian routes through the building is from Whitehall Rd which is close to the point where vehicles access the site servicing road. The elevations and surface treatments here must be carefully considered to ensure that the pedestrian environment is of high quality.

Do Members consider that the elevational treatment and pedestrian environment is acceptable in the area where the pedestrian entrance on Whitehall Rd crosses the vehicle entrance point?

The building runs along the common boundary with City Central where there is a wall which separates the servicing route of the proposal from the external car park of City Central. This will be clearly visible in the street scene from both Whitehall Rd and Wellington St, as well as from the lower floor residential units of City Central. This structure also has a green roof to present a better appearance to those who look down over it.

Do Members consider that the boundary treatment with City Central has an acceptable visual appearance in the street scene and from the City Central residential units?

The distances to the surrounding buildings are little altered from that of the previous proposal which was considered to be an acceptable relationship.

Do members consider that the impact on surrounding residential properties is acceptable?

A Section 106 agreement will be required to ensure a financial contribution to public transport infrastructure, the carrying out of off-site highways works (Northern St/Whitehall Rd junction, pedestrian guard-railing and crossing facility, bus stop relocations), travel plan items, hours of access to the winter garden, access to, and maintenance of, the open space area, jobs and skills priority for local people and any other obligations which arise as part of the application process.

Do members have any comments to make about this range of likely Section 106 obligations?

BACKGROUND PAPERS

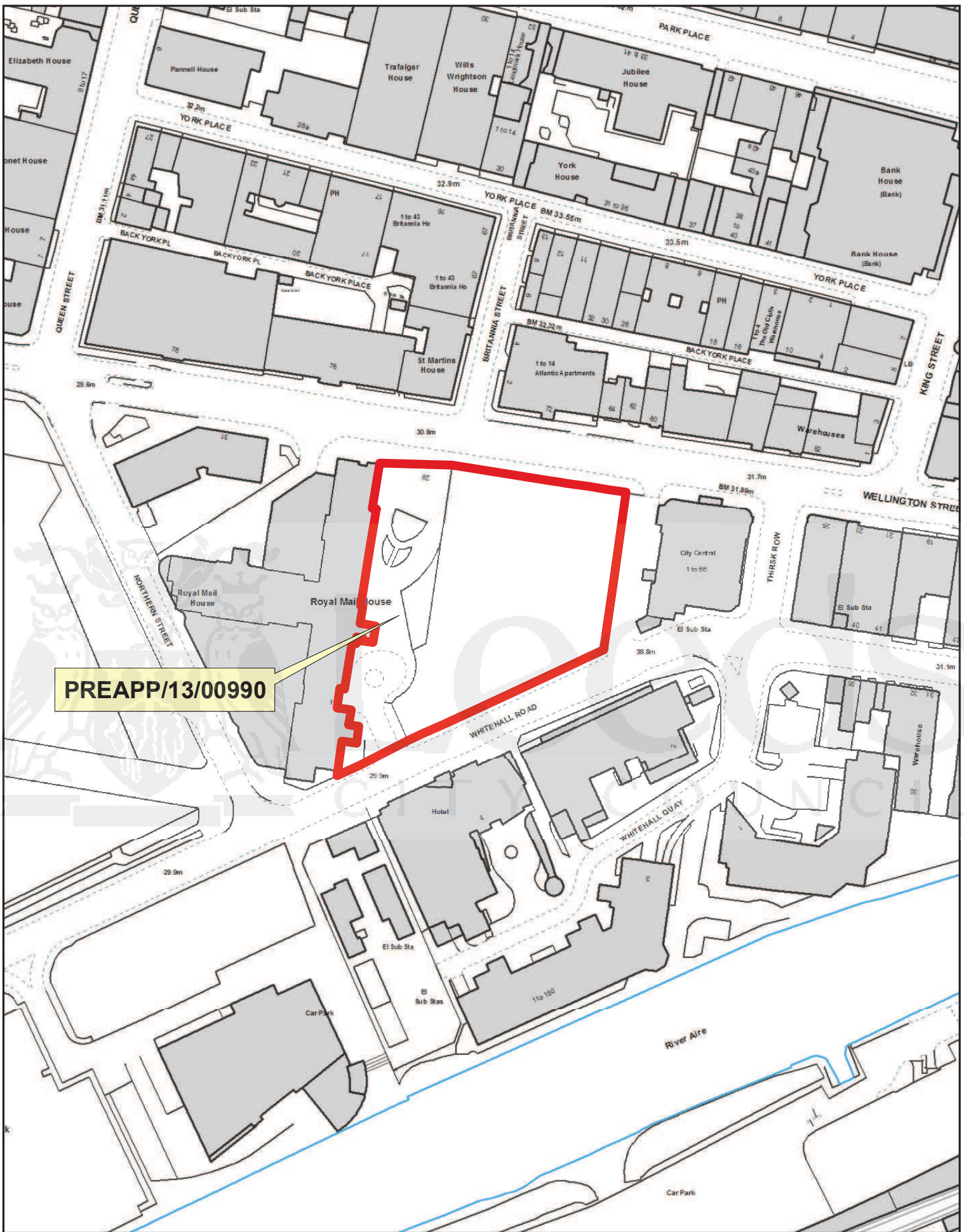
Pre-application file: PREAPP/13/00990

Application file: Central Sq scheme: 12/03788/FU

Application Lumiere: 06/01622/FU

Application file for original total redevelopment of the Royal Mail site: 20/314/00/FU,

Application file for single building: 20/063/03/FU



CITY PLANS PANEL

