



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 2.1 million 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 Sustrans 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 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?

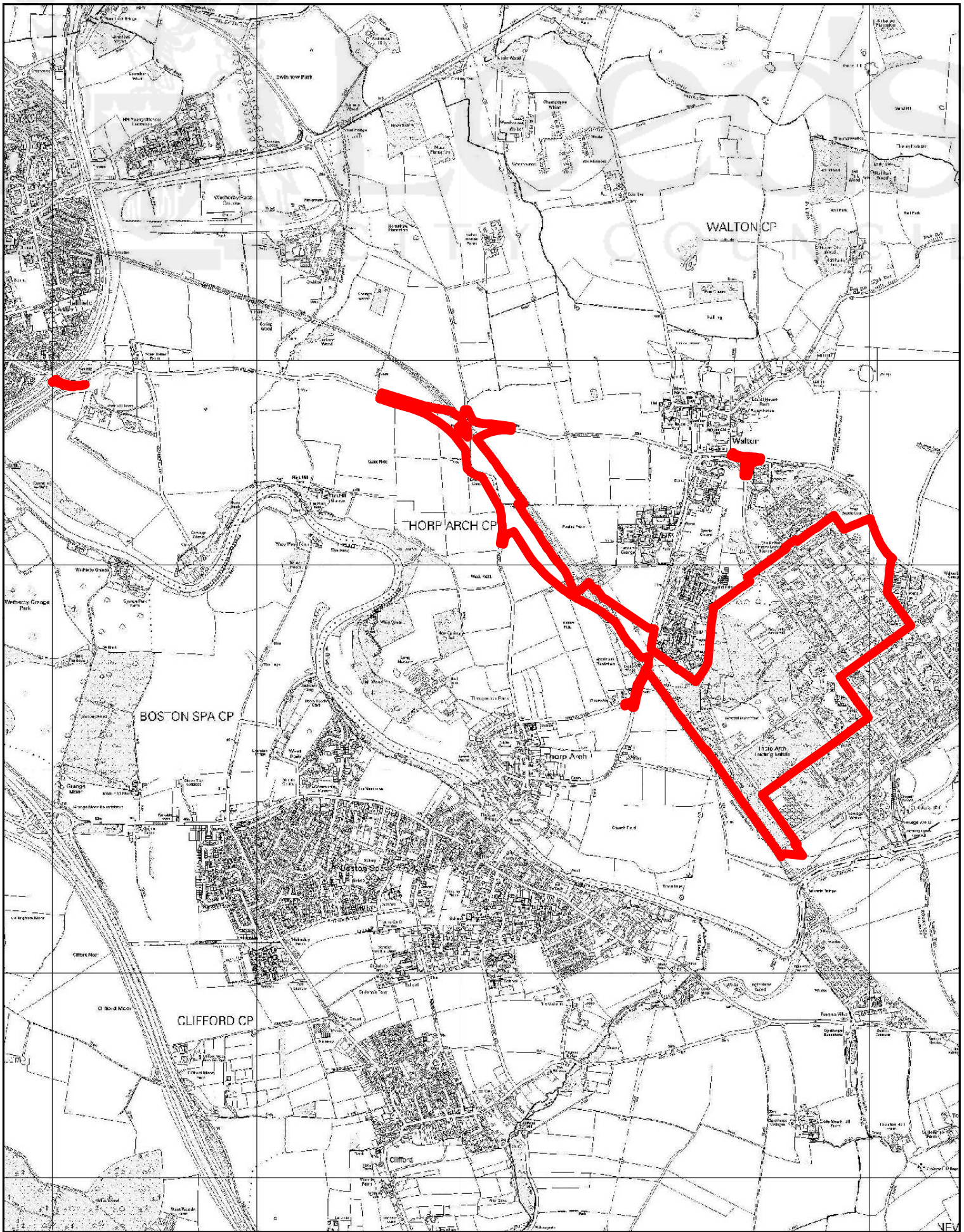
It was the view of Members that further information was required.

(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

