



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 3rd January 2019

Subject: Application 18/05017/FU - Removal of condition 50 (MLLR delivery) of approval 16/07938/OT, on land Between Barrowby Lane and Manston Lane, Thorpe Park, Leeds

APPLICANT

Thorpe Park Developments Ltd

DATE VALID

12.09.18

TARGET DATE

2.1.19

Electoral Wards Affected:

Crossgates and Whinmoor
Temple Newsam
Garforth and Swillington

Yes (Ward Members consulted referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Defer and delegate approval to the Chief Planning Officer subject to the suggested conditions (and any others which he might consider appropriate) and the completion of a Deed of Variation to the existing Section 106 Agreement, so the obligations apply equally to the varied permission (see Appendix 2).

The obligations to be contained in the Deed of Variation are to secure the following:

- No non-B1 development, nor any B1 office development of 37,000sqm or greater shall be first brought into use until all land (currently identified for indicative purposes in the Expansion Layout) reasonably necessary to deliver the best strategic route through the development to accommodate both strategic (ELOR) traffic while also serving the development including the associated junction alterations has been dedicated as public highway.
- Ecological mitigation contribution of £5,000 at first occupation of any development and every subsequent year for 9 years (total of £50,000 index linked).
- Delivery of agreed Public Transport Strategy (including provision of 2 x bus shelters with associated Real Time Information)

- **Public Access to Thorpe Park and the provision of 50 parking spaces within Thorpe Park to be utilised by visitors to the playing pitches within Green Park.**
- **Compliance with the Local Employment Strategy.**
- **At first occupation of any retail development and for two subsequent years a contribution of £20,000 that can be used to mitigate against any adverse retail impact in designated local centres.**
- **Ensure compliance with the Travel Plan and secure a Travel Plan Review Fee of £20,000.**
- **Delivery of the playing pitches and changing rooms at Green Park within 3 months of an implementable consent for the works and further phased (index linked) contributions for the delivery of the remainder of Green Park.**

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

Conditions

See Appendix 2.

1.0 UPDATE TO CITY PLANS PANEL

- 1.1 Members will recall that the above application was presented to City Plans Panel on 6th December 2018, though in the period between publication of the report and the sitting of the Plans Panel, a number of material facts had changed meaning that the report presented was not reflective of the current position. As a result, Members requested further information be sought and addressed in a new report and for the item to be deferred to 3rd January 2019.
- 1.2 Members will also recall that this application was considered by City Plans Panel on 4th October 2018, alongside three other planning applications to deal with the delivery of the Manston Lane Link Road (MLLR) together with variations to conditions controlling retail floorspace. A copy of the report covering all four applications is attached at Appendix 1.
- 1.3 On 4th October 2018, Members resolved that the applications be approved in principle (subject to the varied wording to condition 50 for applications 18/05017/FU and 18/05310/FU) following the expiry of the formal publicity period on 9th October 2018 and referred to the Secretary of State for the Housing, Communities and Local Government as a Departure from the Statutory Development Plan and for consultation under the Town and Country Planning (Consultation) (England) Direction 2009 (applicable to applications 18/05017/FU and 18/05310/FU), and delegate approval to the Chief Planning Officer subject to the suggested conditions (and any others which he might consider appropriate) and the completion of Deeds of Variation to the existing Section 106 Agreements, including proposed amendments, so their obligations apply equally to the varied permissions should the Secretary of State decide not to call the applications in for determination.

- 1.4 Following the 4th October Plans Panel, the formal publicity period expired without any letters of representation being received. Additionally, following the necessary referral, the Secretary of State responded in a letter dated 24th October 2018 that he was not minded to call in applications 18/05017/FU and 18/05310/FU for his own determination. Officers have therefore pursued the necessary discussions in relation to the Deeds of Variation and have progressed applications 18/05018/FU, 18/05019/FU and 18/05310/FU to determination.
- 1.5 In parallel, officers have continued to liaise closely with the applicant in order to monitor the progress of the MLLR. Notwithstanding the position reported to Members on 4th October 2018 – that full MLLR will be open to the public by 21st December 2018, it became apparent that an even greater number of mine entries had been discovered, resulting in a further need for significant grouting works before the road could be constructed. Additionally, wet weather hampered the ability to carry out works, particularly in terms of filling. The result of this was further slippage in timing to the extent that the 21st December date became impossible to meet.
- 1.6 In the run up to 6th December Panel, the initial advice from the applicant was that the delayed programme was indicating that full MLLR could be open by mid February 2019 and so a new back stop date of 28th February was suggested in the report. Nevertheless, following further representations, it was suggested that a date of 30th April 2019 provided a safer estimate of what is achievable. The same representation also noted the difficulties presented, as described above, but also included the positive news that the ground works were now complete, eliminating the danger of finding more mine entries. The biggest threat to the programme therefore continues to be poor weather conditions. The applicant also set out why, in their view, tying the opening of the cinema to the full opening of MLLR is inappropriate. In questions from Members, the applicant offered a restriction on occupation of further retail / leisure space until MLLR is fully open.
- 1.7 Since 4th October 2018, the applicant has continued to liaise closely with Crossgates and Whinmoor Ward Members and in particular has driven Cllr Peter Gruen and Cllr Pauleen Grahame around the site in order to inspect and update on progress. Officers have and will also continue to brief Ward Members on progress as required.
- 1.8 A full programme of works for the months ahead has since been submitted and considered by Highway Officers and is considered to be reasonable, though of course is still weather dependent. Given the content of the programme, it is concluded that 30th April 2019 is a sensible and achievable date to impose as a new backstop date by which full MLLR must be open to the public.
- 1.9 At the 6th December Plans Panel, Members will recall a discussion about what conditions might be imposed that could be used to ensure the delivery of MLLR, notwithstanding the existing incentives to the developer to complete works as quickly as possible in terms of limiting ongoing costs etc. It is anticipated that the cinema element of the scheme will open in late February / early March 2019 and so a condition preventing its opening would likely result in significant financial and legal complications for the operator and also the applicant and other parties. On reflection, officers are concerned that to impose such a condition would be unreasonable. The applicant did however offer a restriction on other retail and leisure floorspace, which has now been discussed with officers. Accordingly it is proposed to prevent occupation of 8,547sq m of the remaining A1, A2, A3, A4 and A5 floorspace prior to MLLR being open to traffic. In context, the 2016 consent (16/07938/OT) allows up to 21,499sq m of A1, A2, A3, A4 and A5 floorspace, so the remaining unoccupied 8,547sq m equates to approximately 40% of the remaining permitted space. The

value of this space is significant and so notwithstanding the representations made by the applicant in terms of already delivering MLLR as quickly as possible, it is considered that such a restriction provides a significant incentive to back this up.

- 1.10 A Highways Technical Note was submitted by the applicant to demonstrate why, in their view, a fully open MLLR is not required to serve the permitted development. Highway officers agree with the Technical Note in as far as demonstrating that there is sufficient capacity available at junction 46 of the M1, but note there has been no – re-assessment of trip distribution or junction modelling, i.e, the junction of Selby Road / Century Way / Stile Hill Way and no proposals to cater for any re-distributed traffic here, e.g. adjusted signal timings. Nevertheless, highway officers are satisfied that a condition to restrict the occupation of further A1-A5 uses, as expressed above, is an appropriate compromise in addressing the matter. Additionally, the proposed condition requires the submission of further updated programmes on a monthly basis until MLLR is complete.
- 1.11 In light of the above, it is therefore recommended that condition 50 of planning permission 16/07938/OT is varied as follows:

No more than 12,952sq m (GEA) of the A1, A2, A3, A4 and A5 floorspace permitted by planning permission 16/07938/OT shall be occupied until the highway works for the Manston Lane Link Road detailed in planning applications 14/01216/FU and 17/04055/FU, or such further planning permission(s) as may be agreed with the Local Planning Authority, have been fully opened to traffic. The same works shall be fully opened to traffic by 30th April 2019, prior to which an updated programme of works shall be submitted to the Local Planning Authority on a regular monthly basis until the works are complete.

To ensure the delivery of adequate highway infrastructure to address the highway and accessibility implications of the Thorpe Park development and to facilitate the wider long term strategic benefits associated with the expanded road proposals.

- 1.12 A consolidated set of full conditions, including the above and incorporating conditions varied by planning application 18/05310/FU is included at Appendix 2.

2.0 Recommendation

- 2.1 Whilst the current position is regrettable, it is understood that this is the result of factors which were beyond the scope of the applicant's knowledge at the time of the 4th October Plans Panel meeting. Having held detailed discussions with the applicant, officers are keen to ensure that MLLR is open as quickly as possible and that a condition restricting occupation of the remaining A1, A2, A3, A4 and A5 floorspace with a 30th April 2019 backstop date is a sensible solution in the circumstances.
- 2.2 Officers therefore recommend that rather than remove the condition, as was originally applied for, it should be varied in the terms specified. It is then recommended that Members defer and delegate approval of the application to the Chief Planning Officer, subject to the stated conditions and completion of a Deed of Variation.

Appendix 1



Originator: Andrew Crates

Tel: 0113 222 4409

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 4th October 2018

Subject: Application 18/05017/FU - Removal of condition 50 (MLLR delivery) of approval 16/07938/OT, on land Between Barrowby Lane and Manston Lane, Thorpe Park, Leeds;

Application 18/05018/FU - Removal of condition 3 (Highway detail) of approval 17/04055/FU (Detailed application for the MLLR (East - West Route), on land at Thorpe Park, Leeds;

Application 18/05019/FU - Removal of condition 3 (Highway detail) of approval 14/01216/FU (Detailed application for the MLLR (North - South Route), on land at Thorpe Park Link Road, Austhorpe, Leeds; and

Application 18/05310/FU - Variation of conditions 23, 24, 25 and 28 of approval 16/07938/OT to permit conditions 23 and 24 to be amended to prescribe a specified proportion of A1 comparison retail floorspace to be provided within units below 480 sq.m GEA; condition 25 - increase 840 sq.m figure for 'small retail units' to 1,130 sq.m, with no single unit having a floorspace of more than 150 sq.m GEA; condition 28 updated to reflect condition 25 (as above) from the 105 sq.m figure, on land Between Barrowby Lane and Manston Lane, Thorpe Park, Leeds.

APPLICANT

Thorpe Park Developments Ltd

DATE VALID

12.09.18

TARGET DATE

2.1.19

Electoral Wards Affected:

Crossgates and Whinmoor
Temple Newsam
Garforth and Swillington

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Approve in principle following the expiry of the formal publicity period on 9th October 2018 and refer to the Secretary of State for the Department of Communities and Local Government as a Departure from the Statutory Development Plan and for consultation under the Town and Country

Planning (Consultation) (England) Direction 2009 (applicable to applications 18/05017/FU and 18/05310/FU), and delegate approval to the Chief Planning Officer subject to the suggested conditions (and any others which he might consider appropriate) and the completion of Deeds of Variation to the existing Section 106 Agreements, including proposed amendments, so their obligations apply equally to the varied permissions (see Appendix 1) should the Secretary of State decide not to call the applications in for determination.

The obligations to be contained in the Deeds of Variation attached to applications 18/05017/FU and 18/05310/FU are to secure the following:

- **No non-B1 development, nor any B1 office development of 37,000sqm or greater shall be first brought into use until all land (currently identified for indicative purposes in the Expansion Layout) reasonably necessary to deliver the best strategic route through the development to accommodate both strategic (ELOR) traffic while also serving the development including the associated junction alterations has been dedicated as public highway.**
- **Ecological mitigation contribution of £5,000 at first occupation of any development and every subsequent year for 9 years (total of £50,000 index linked).**
- **Delivery of agreed Public Transport Strategy (including provision of 2 x bus shelters with associated Real Time Information)**
- **Public Access to Thorpe Park and the provision of 50 parking spaces within Thorpe Park to be utilised by visitors to the playing pitches within Green Park.**
- **Compliance with the Local Employment Strategy.**
- **At first occupation of any retail development and for two subsequent years a contribution of £20,000 that can be used to mitigate against any adverse retail impact in designated local centres.**
- **Ensure compliance with the Travel Plan and secure a Travel Plan Review Fee of £20,000.**
- **Delivery of the playing pitches and changing rooms at Green Park within 3 months of an implementable consent for the works and further phased (index linked) contributions for the delivery of the remainder of Green Park.**

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

Conditions

See Appendix 1.

1.0 INTRODUCTION

- 1.1 This report is presented to City Plans Panel due to the fact that the applications seek alterations to a number of planning permissions, including the Manston Lane Link Road (MLLR) and a scheme that proposes a significant amount of development including town centre uses at Thorpe Park. The development also has strategic implications for east Leeds, in terms of its relationship with, and delivery of, the MLLR which forms the southern end of the East Leeds Orbital Road (ELOR).
- 1.2 Applications 18/05017/FU and 18/05310/FU are both departure applications (and so require referral to the Secretary of State). The Town and Country Planning (Consultation)(England) Direction 2009 sets out the circumstances in which a Local Planning Authority must refer a planning application for the consideration of the Secretary of State, which include amongst other things, development of town centre uses of the scale proposed in an out of town centre location. This is a procedural requirement as although permission for the retail and leisure uses has already been granted under earlier applications and only relatively minor alterations to the floorspace restrictions are proposed as part of the current proposals, the effect is to create a new planning permission which in turn needs to be referred. It is noted however that the previous related applications have also been referred and the Secretary of State did not call those applications in.
- 1.3 All of the applications constitute Environmental Impact Assessment (EIA) development and have been advertised accordingly. Environmental Statements (ESs) have been submitted previously and are carried over to these applications, noting that the nature of the development is identical to that previously approved and so there is no need for further addenda. Once the applications are determined, the Local Planning Authority must notify the Secretary of State of its decisions, in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

2.0 BACKGROUND

- 2.1 In 1995 planning permission was granted for approximately 65 hectares of land known as Thorpe Park as a key business park reserved for B1 offices in the Unitary Development Plan. In 2004 the quantum of approved floor space was subsequently increased from 1.2million ft² (111,500m²) to 1.8m ft² (167,225m²) through a variation of the condition controlling the floorspace restrictions. Over of 600,000 ft² (55,740m²) of office accommodation has been built out in addition to a hotel, medical centre, and some small supporting food uses. The development is also ultimately intended to facilitate various access and infrastructure works, most significantly including the delivery of the MLLR and Green Park.
- 2.2 In September 2013 City Plans Panel considered detailed proposals for the MLLR and an outline application relating to the balance of land at Thorpe Park, proposing a mixed use development which, significantly, included a large proportion of retail (18,000 sq.m (9000m food and 9000m non-food retailing)), with a consequent reduction in the amount of B1 floorspace. The Panel resolved to approve these applications and the decision notice relating to the outline was formally issued in March 2014, following completion of a S106 agreement. Approval of the new outline application was an important step in developing a new masterplan for Thorpe Park which would better reflect the type of business space and other amenities required by

occupiers and employers. The broader mix of uses was also intended to help secure the earlier delivery of the MLLR, with the retail component being accepted in part as enabling development to facilitate this.

- 2.3 In January 2015 City Panel Members considered and approved an outline proposal for the introduction of up to 300 residential units on land north of the proposed Central Park, and further consequential variations to the approved floorspace of the overall development to reflect the introduction of the housing element (reduction in office space). Redrow has subsequently secured reserved matters approval and are due to commence on-site shortly.
- 2.4 In July 2015 Members also considered and approved a shift in the balance between food and non-food retail (towards more non-food retail), following structural changes in the foodstore market. A further revision (December 2015) was also approved by Members to allow for the introduction of a cinema use and the alteration of the primary vehicular circulation route around the site. A year later, Members resolved to approve the reserved matters detail for the appearance, scale layout and landscaping for the retail and leisure elements and it is these that are currently nearing completion.
- 2.5 Lastly, in May 2017 Members resolved to approve an application to vary conditions attached to outline permission 15/06583/OT relating to the retail floorspace mix and associated matters in order to respond positively to occupier interests and requirements. The current proposal (18/05310/FU) is a further revision to the floorspace restrictions, again so as to respond to retailer requirements.

3.0 PROPOSAL:

- 3.1 The applications referred to in the subject heading of this report are submitted principally for two reasons. Firstly, while work on the MLLR is well underway and at an advanced stage, some technical challenges have resulted in the opening of the MLLR in its entirety being delayed slightly and certainly beyond when some of the retailers who have already committed to the development are hoping to start trading in October. The latest updated program suggests the completed MLLR is now delayed until early December. This impacts on conditions related to the first three applications, which were imposed at the time to ensure the timely delivery of the MLLR. Secondly, as the retail environment continues to respond to challenges nationally, the applicant is mindful of occupier interest and to ensure the retail proposals are also able to respond positively to the latest demands and challenges. The fourth application (18/05310/FU) therefore seeks to amend a number of conditions which control the retail floorspace (in terms of unit sizes and format) in order to accommodate interest from potential retailers and provide some flexibility that may assist in attracting others. All the applications are described in more detail below.
- 3.2 Application 18/05017/FU is submitted in order to seek consent for the removal of condition 50 (MLLR delivery) of approval 16/07938/OT. Application 16/07938/OT granted consent for variation of conditions 4, 23, 24, 25, 26, 27 and 28 of permission 15/06583/OT relating to the retail floorspace mix and associated matters – this is the most up to date consent for the retail and leisure scheme. Specifically, condition 50 currently requires that:

No non-B1 development, nor any B1 office development of 37,000sqm or greater shall be first brought into use until the highways works detailed in planning application 14/01216/FU and 17/04055/FU, or such further planning permission(s) as may be

agreed with the Local Planning Authority, have been practically completed and opened to traffic (subject to any further maintenance period).

To ensure the delivery of adequate highway infrastructure to address the highway and accessibility implications of the proposed development and to facilitate the wider long term strategic benefits associated with the expanded road proposals, in accordance with saved UDPR policy GP5 and adopted Core Strategy Policy T2.

3.3 The intention of the condition has always been to ensure the timely delivery of the MLLR. As described above, construction of the MLLR is now very advanced and it is understood the applicant is working hard to ensure the road is open as soon as possible. However, it is clear that some of the initial delays with the road project are such that the opening date which was given to retailers who signed up to the scheme early on will now be missed. This date is the 11th October 2018 and is thus slightly before the full opening of the MLLR. The current application is therefore submitted in recognition of this delay and seeks removal of condition 50.

3.4 Application 18/05018/FU seeks consent for the removal of condition 3 (Highway detail) of approval 17/04055/FU (Detailed application for the MLLR (East - West Route)). Condition 3 of application 17/04055/FU states that:

The highway approved under this application shall not be opened prior to the opening of the highway approved under planning application 14/01216/FU.

In the interests of highway safety in accordance with Core Strategy Policy T2.

Application 14/01216/FU is the north-south component of the MLLR and is the element that is slightly delayed. The east-west component is anticipated to be finished and prior to the opening of the retail park and thus removal of the above condition enables this route to be open ahead of the north-south component.

3.5 Application 18/05019/FU seeks consent for the removal of condition 3 (Highway detail) of approval 14/01216/FU (Detailed application for the MLLR (North - South Route)). Condition 3 of application 14/01216/FU states that:

The highway approved under this application shall not be opened prior to the opening of the highway approved under planning application 12/03888/FU or 12/05382/FU.

As the current Manston Lane is not of a sufficient standard to accommodate additional traffic without improvements in accordance with adopted UDPR (2006) policies GP5 and T2.

Applications 12/03888/FU and 12/05382/FU refer to the east-west components of the MLLR. As above, the removal of this condition seeks to separate the requirement to open the east-west and north-south components of MLLR simultaneously. The southernmost section of MLLR, between J46 of the M1 up to roundabout R2 will be complete and open, providing customer access to the retail park and associated car parking, thus removal of the condition will enable this route to operate in part, before the full opening of the north-south component, and thus MLLR in full.

3.6 Lastly, application 18/05310/FU seeks to secure some amendments to the floorspace restrictions imposed by conditions previously in order to respond to how the retail market has changed and to enable some proposed occupiers to take up units in which they have expressed an interest. The alterations to the conditions are summarised below:

Conditions 23 and 24

- Rationale - Need to amend these conditions to enable three clothing/fashion and footwear retailers to be accommodated at Thorpe Park given that they want to occupy a unit below the 480 sq.m Gross External Area (GEA) threshold.
- Amendment - Prescribe a specified proportion (25%) of the 6,390 sq.m GEA of A1 comparison retail floorspace to be provided within units of less than 480 sq.m GEA.

Condition 25

- Rationale - The CURRENT 840 sq.m GEA cap for 'small retail units', and the 105 sq.m GEA limit for single units, is proposed to be amended to enable the specific requirements retailers to be accommodated at Thorpe Park.
- Amendment – 840sq.m figure increased to 1,130 sq.m and 105 sq.m GEA increased to 150 sq.m GEA.

Condition 28

- Rationale – Proposed to be amended to be brought in line with Condition 25.
- Amendment - Increase 105 sq.m GEA to 150 sq.m GEA.

4.0 SITE AND SURROUNDINGS:

- 4.1 The Thorpe Park site is located to the south of the Leeds-York railway line and Manston Lane, west of the M1 (junction 46), north of A63 Selby Road and existing Thorpe Park buildings. Austhorpe Lane is to the west. The proposed retail / leisure phase (under construction and nearly complete) is adjacent to the tree belt that separates Thorpe Park from the future Green Park. Both components of the MLLR (east-west, to the north of the railway), to the north-south component, linking from Manston Lane, over the railway and through Thorpe Park are at an advanced state of construction. The development platform for the Redrow residential development is now formed, as are the platforms for future office proposals. The basic outline for 'Central Park' is also visible albeit further earth works are still required, including those necessary to link the Green Bridge.
- 4.2 In terms of the wider area, Cross Gates centre is located to the west, Garforth to the east and Colton Retail Park is located across the A63 to the south. A number of residential properties are located between the northern side of the A63 and the built component of Thorpe Park (namely Barrowby Lane, Road, Drive, Avenue etc and Austhorpe Lane, Avenue, Drive etc). In addition to existing development, the East Leeds Extension housing allocation (UDPR policy H3-3A.33) is located across the railway line to the north.
- 4.3 Thorpe Park is allocated as employment land and a 'key business park' under saved policies of the 2006 Unitary Development Plan (Review) (UDPR). It forms a key part of the Council's employment land supply and provides an attractive regionally significant business park. The land to the west is allocated as Proposed Open Space (which will ultimately become Green Park). The UDPR designates a new cycle route running north-south through Thorpe Park and a scheduled ancient monument, Grims Ditch, is located to the immediate west of Thorpe Park and falls within the land identified as Green Park.

5.0 RELEVANT PLANNING HISTORY:

- 5.1 18/05524/COND - Consent, agreement or approval required by condition 1 of Planning Application 16/02381/RM. Under consideration.
- 5.2 18/04639/COND - Consent, agreement or approval required by condition 9 of Planning Application 16/07938/OT. Under consideration.
- 5.3 18/04234/COND - Consent, agreement or approval required by condition 40 of Planning Application 16/07938/OT. Approved 24.8.18.
- 5.4 18/02920/RM - Reserved Matters Application for Central Park phase of Thorpe Park. Under consideration.
- 5.5 18/02603/COND - Consent, agreement or approval required by condition 36 of Planning Application 16/07938/OT. Approved 16.8.18.
- 5.6 18/02127/COND - Consent, agreement or approval required by conditions 9, 18, 19, 21, 31, 36, 41, 45, 48, 54 and 55 of Planning Application 16/07938/OT. Approved 24.8.18.
- 5.7 18/00477/COND - Consent, agreement or approval required by conditions 4, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of Planning Application 17/04055/FU. Under consideration.
- 5.8 17/04055/FU - Detailed application for the Manston Lane Link Road (East - West Route) – Granted 29.11.17.
- 5.9 17/02733/COND - Consent, agreement or approval required by conditions 5, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of Planning Application 14/01216/FU. Approved 22.12.17.
- 5.10 17/02583/COND - Consent, agreement or approval required by conditions 11, 13, 15, 16, 31, 34, 35, 36, 43, 44 and 46 of Planning Application 15/06583/OT. Approved 21.3.18.
- 5.11 17/00254/LA - Formation of public park, playing pitches, park and changing rooms on land to west of Thorpe Park (Green Park). Under consideration.
- 5.12 16/07185/COND - Consent, agreement or approval required by conditions 11, 13, 15, 16, 31, 31a, 40, 43, 45, 46b, 46d, and 53 of Planning Application 15/06583/OT. Approved 21.3.18.
- 5.13 16/03772/COND - Consent, agreement or approval required by condition 10 of Planning Application 14/01216/FU (Manston Lane Link Road North South Section) – Approved 30.11.17.
- 5.14 16/03760/COND - Consent, agreement or approval required by condition 39 of Planning Application 15/06583/OT – Approved 12.10.17.
- 5.15 16/2381/RM – Reserved Matters application for the detail of the appearance, scale, layout and landscaping for the retail and leisure elements – Granted 06.04.17
- 5.16 15/06583/OT - Variation of conditions of approval 15/02217/OT to allow a cinema use and submission of amended parameter plans – Granted 26.02.16.

- 5.17 15/02217/OT - Variation of conditions of Outline Planning Permission 14/05483/FU to introduce greater flexibility to allow the 9,000 sq.m of gross retail floorspace within the approved foodstore unit to be reconfigured to provide up to 2,000 sq.m of gross convenience goods floorspace and 7,000 sq.m gross for non-food operators (including resultant changes to the total permitted net sales floorspace) – Granted 06.11.16.
- 5.18 14/05483/FU – Consequential variation of condition of 12/03886/OT to reflect the introduction of residential development under 14/05481/OT. Granted 02/04/15.
- 5.19 14/05481/OT - Outline application for residential development (maximum 300 units) together with other uses and revised landscaping. Granted 02/04/15.
- 5.20 14/01216/FU - Detailed application for the Manston Lane Link Road (North - South Route). Granted 14/07/14
- 5.21 12/05150/LA - Formation of public park, playing pitches, park and changing rooms on land to west of Thorpe Park (Green Park). Granted 26/04/14
- 5.22 12/03888/FU - Detailed Application for the Manston Lane Link Road (East - West Route). Detailed Application for the Manston Lane Link Road (East - West Route)
- 5.23 12/03886/OT - Outline Planning Application for mixed use development comprising offices (business park) (B1A), (B) and (C), retail and bar/restaurant (A1, A2, A3, A4 and A5), hotel (C1), leisure facilities (D1, D2), multi-storey car park, together with internal roads, car parking, landscaping and drainage – Granted 20/03/14.
- 5.24 32/140/96/FU – Variation to outline condition to extend the total permitted floorspace within the development - Granted 31/03/04.
- 5.25 32/356/01/RM – Laying out of new access and roundabout diverting footpaths and bridleway and construction of cycleway/footpath (option 2) – Granted 22/01/02.
- 5.26 32/185/00/FU – Re-profiling to proposed business park – Granted 27/04/01.
- 5.27 32/199/94/OT – Outline permission Thorpe Park – Granted 04/10/95.

6.0 HISTORY OF NEGOTIATIONS:

- 6.1 Prior to the formal submission of the application a number of meetings/briefings have taken place with representatives from Thorpe Park, officers and Members from the Crossgates and Whinmoor Ward due to its relationship with the MLLR. The purpose of these sessions was largely for Thorpe Park to explain current progress with the MLLR, the retail park scheme and also the need to revisit some of the details associated with the existing permission, so as to respond to occupier requirements.
- 6.2 Since submission of the applications, officers have continued to meet with the developers and have also met with Cllr Peter Gruen (Crossgates and Whinmoor Ward), who has since provided officers with comments on the application, referred to below.
- 6.3 In responding to the comments from both the Ward Member and Highway officer about the MLLR completion, the applicant is now prepared to vary condition 50 rather

than seek its complete removal. A back stop date of just before Christmas is now advanced.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Site notices were displayed dated 17th September 2018. The relevant applications were also advertised in the press on 18th September 2018 which gives a formal publicity expiry date of the 9th October 2018. At the time of writing, only Cllr Gruen has commented but any further representations received will be reported verbally to Members as part of the officer presentation/update. In addition, the officer recommendation acknowledges that any referral requirements to the Secretary of State will only take place after the 9th October 2018.

7.2 Cllr Peter Gruen comments are as follows:

Crossgates and Whinmoor Ward Members met with officers and the developers on site a couple of months ago and saw that much progress had been made; noting they were told of a small delay in completion to the end of September/beginning of October. On that basis, Ward Members agreed in principle that the MLLR did not have to be completed before the opening of the Springs.

Supports this project since its inception and continues to do so. The substantial investment in retailing and mixed use into East Leeds is very welcome and the MLLR is a vital piece of infrastructure.

However, since then there have been further delays relayed to Ward Members regarding completion of the MLLR; the latest date being 7th December. This is very disappointing and leads to a loss of confidence that the contractor remains as committed to the previously agreed programme and it is believed there has been a change in mind-set that only work associated with The Springs is important.

Therefore not supportive of a 'blank cheque' approach and lifting of the MLLR completion date; but am agreeable to an extension in timing, making the following suggestion:

Please insert the 7th December 2018 as the new back stop and delegate authority to the CPO that, if significant progress has been made and only a few remaining issues remain, a further final extension up to Friday 21st December 2018 may be given. Beyond that the industry breaks up for Christmas and the new year; so any further delays would be unacceptable.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Highways England: No objection to applications 18/05018/FU and 18/05019/FU.

Health and Safety Executive: No comment to make in relation to application 18/05017/FU and do not advise against granting permission for application 18/05018/FU.

8.2 Non-statutory:

LCC Transport Development Services: No objection in principle, it is suggested that additional safeguards and conditions are provided to ensure the timely completion of the Manston Lane Link Road.

9.0 PLANNING POLICIES:

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013), the Aire Valley Leeds Area Action Plan (2017) and any made Neighbourhood Plan.

Local Planning Policy

9.2 The Core Strategy is the development plan for the whole of the Leeds District. Some saved policies of the UDP Review also apply. The following policies within them are relevant:

Spatial Policy 1 Location of Development
Spatial Policy 2 Hierarchy of centres and spatial approach to retailing, offices, intensive leisure and culture
Spatial Policy 8 Economic development priorities
Spatial Policy 9 Provision for offices, industry and warehouse employment land and premises

Policy EC1 General employment land
Policy EC2 Office development
Policy EN1 Sustainability targets
Policy EN2 Sustainable design and construction
Policy EN4 District heating
Policy EN5 Managing flood risk
Policy G8 Protection of important species and habitats
Policy G9 Biodiversity improvements
Policy T1 Transport management
Policy T2 Accessibility requirements and new development
Policy P8 Sequential and impact assessments for town centre uses
Policy P10 Design
Policy P11 Heritage considerations
Policy P12 Landscape
Policy ID2 Planning obligations and developer contributions

9.3 Relevant saved policies of Leeds Unitary Development Plan Review (UDPR):

Policy BD5 Design considerations for new build
Policy E4 (6) Austhorpe Business Park allocation
Policy GP1 Land use and the proposals map
Policy GP5 General planning considerations
Policy N24 Transition between development and the Green Belt
Policy N23/25 Landscape design and site boundaries
Policy LD1 Landscape schemes

9.4 Natural Resources and Waste Local Plan (adopted):

AIR 1	Management of air quality through development
WATER 1	Water efficiency
WATER 7	Seeks to ensure no increase in the rate of surface water run-off and the incorporation of sustainable drainage techniques.

9.5 Relevant Supplementary Planning Guidance:

SPG10 Sustainable Development Design Guide (adopted)
 SPG22 Sustainable Urban Drainage (adopted)
 SPD Street Design Guide (adopted)
 SPD Designing for Community Safety (adopted)
 SPD Sustainable Design and Construction (adopted)
 SPD Travel Plans (adopted)
 SPD Public Transport Improvements and Developer Contributions (adopted).

National planning policy guidance:

9.6 The revised National Planning Policy Framework was published on 24th July 2018 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. In this case the following sections are relevant:

9.7 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

9.8 Paragraph 38 of the NPPF states that Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

9.9 Paragraph 89 of the NPPF relates to the consideration of applications for retail and leisure development outside town centres and requires appropriate impact assessments to be submitted in support of such applications. Paragraph 90 indicates where an application fails to satisfy the sequential test or is likely to have 'significant adverse impact on one or more' centres and/or centre development it should be refused.

9.10 Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there 'would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

10.0 MAIN ISSUES:

10.1 Although two of the applications under consideration would effectively result in new permissions for the Thorpe Park development if accepted by Members, their focus in terms of relevant planning considerations is relatively narrow due to the permissions that are already in place. Furthermore, the two MLLR related applications simply seek removal of conditions requiring the entire route to be in place before any section of the

road is brought into use. The officer assessment therefore focuses on the areas which are only affected by these changes and these are identified as follows:

- Principle of development
- Highway matters
- Retail impact
- Planning obligations
- CIL

11.0 APPRAISAL:

Principle of development

- 11.1 All four of the applications are preceded by previous planning consents where development has already commenced, in accordance with the conditions imposed at the time. Accordingly, the principle of development is established and these current applications merely seek to adjust some conditions to reflect current circumstances.

Highway matters

- 11.2 Existing access arrangements at Thorpe Park are proposed to be improved as part of allowing the introduction of retail and leisure uses. These improvement works come initially in the form of the MLLR (a dual carriageway linking the M1 motorway at J46, traveling through the site and over the Leeds-Selby railway line in the north) with associated junction alterations. The ability to make further improvements to the route have also been secured (allowing for future expansion works and junction improvements) for when the road becomes the southern section of ELOR. The ability to deliver this strategic highway infrastructure is a key outcome of the more recent Thorpe Park permissions and has been central in supporting the various alterations to those permissions which have been advanced over the years to help secure the scheme's overall deliverability.
- 11.3 The current planning applications do not seek to alter any of the above outcomes but simply reflect that the MLLR build program, which has been running concurrent with the retail and leisure scheme, has suffered some technical delays which now mean the two projects are no longer fully aligned.
- 11.4 The Thorpe Park site has been subject to numerous planning applications in recent years. Conditions on these approvals were required to ensure the MLLR would be implemented in a timely manner and this was achieved by limiting the quanta of development, which itself then referred to different uses. Condition 50 currently reads as follows:

No non-B1 development, nor any B1 office development of 37,000sqm or greater shall be first brought into use until the highways works detailed in planning application 14/01216/FU and 17/04055/FU, or such further planning permission(s) as may be agreed with the Local Planning Authority, have been practically completed and opened to traffic (subject to any further maintenance period).

- 11.5 The current applications seek to vary the quanta/uses that can be implemented in advance of the MLLR being fully opened, and relaxations to also allow parts of the MLLR to be brought into use independently of each other. As already discussed, these applications are a consequence of the MLLR scheme being delayed and falling

behind the delivery of the retail and leisure development. However, it should also be noted that although the physical works relating to the retail and leisure development are largely complete, a number of the units are yet to be fitted out internally and/or occupiers signed up. Accordingly the October opening date relates to less than 50% of the total quanta permitted. Significantly the cinema use is also not due to open until the new year and is currently undergoing internal fit out.

- 11.6 The MLLR is made up of an east-west section and a north-south section. These two sections have separate planning permissions but both carry the same condition (No. 3) which requires the entire route to be available for use at the same time.
- 11.7 In seeking to remove the referenced conditions the applicant has submitted a Highway Technical Note (TN) in order to demonstrate a safe access into the retail and leisure development will still be provided, that capacity issues on the wider network will not result and also that suitable access will continue to be made available during the interim period whilst the east-west and north-south sections of the MLLR are not connected.
- 11.8 In addition to the above, planning application 18/05310/FU is applying for relaxations to various conditions (23, 24, 25 and 28) of approval 16/07938/OT to allow greater flexibility for the retail uses. These conditions were however imposed to protect existing retail centres, rather than for highway reasons. The proposed changes are therefore of no consequence from a highway perspective and so the assessment focuses on trip generation, access and highway safety considerations.
- 11.9 The submitted TN quantifies the likely development trips and concludes the interim trip generation represents a relatively modest proportion of the overall consented Thorpe Park weekday trip generation. Although the weekend peak rises, the remainder of Thorpe Park will be very quiet at this time. The TN therefore concludes that a severe highway impact would not result and the provision of the north-south MLLR up until R2 also means no safety concerns would occur.
- 11.10 The key issue for Highway officers in assessing these applications is to ensure that safety is not compromised as a result of congestion / traffic associated with the retail and leisure proposals in advance of the full opening of the MLLR. For example queuing traffic backing up to key junctions and the M1 motorway.
- 11.11 Having considered the applicant's TN, it is concluded that subject to safeguards to ensure the timely completion of the MLLR, the application can be accepted. In reaching this view, consideration has been given to the following: -
- The weekday proportion of traffic in the interim situation is a relatively small proportion of the total approved trips.
 - At the weekend the proportion is much higher but the background traffic is much less than the weekday peak hours.
 - The MLLR dual carriageway through the site would be fully constructed up to and including roundabout R2.
 - Additional points of access/egress to the retail/leisure uses would be open from Park Approach (North) and Park Approach (South).
 - The internal road infrastructure from R2 including Park Approach (North) and Park View, to existing roads within the site will be fully operational.
 - The works to the western dumbbell junction with the M1 J46 will be complete.
 - The full surface level car parking would be available.
 - All of the above provide considerable internal road storage to cope with initial demand for the opening weekends if actually necessary.

- Current permissions at the site allow up to 37,000sqm of B1 office development prior to the opening of MLLR which has not been fully taken up.
- The cinema use would not be in use until the new year, i.e. after the anticipated full opening of MLLR.
- Highways England who are responsible for the strategic road network have not objected to the impacts on their network.

11.12 Notwithstanding the above, the 'no objection' recommendation from Highway officers is only advanced on the basis that a revised backstop date is secured for the timely completion of the MLLR. This same requirement is also advanced by Cllr Peter Gruen. Highway officers also suggest consideration is given to imposing a further floorspace restriction to stop additional development coming forward before the MLLR is complete.

11.13 In responding positively to these concerns, the applicant is prepared to seek a variation of condition 50 rather than its complete removal as originally sought. A backstop date of the 21st December 2018 (the last working day before the construction industry's normal Christmas shutdown) is considered to be both a reasonable and practical date for completion of the MLLR. Regarding the potential for a new floorspace restriction, this is not advanced as part of the officer recommendation as the pre-Christmas completion date is considered adequate to ensure the MLLR is completed bearing in mind the progress made to date.

Retail impact

11.14 Application 18/05310/FU seeks to vary conditions 23, 24, 25 and 28 of approval 16/07938/OT to allow variations to some of the small unit sizes within the development. This as an entirely separate matter to any applications or conditions associated with the delivery of the MLLR.

11.15 The conditions attached to the original application were designed to protect nearby centres by ensuring that there would be a distinction between the offer at Thorpe Park and those nearby centres (particularly Cross Gates, Garforth and Rothwell), by controlling unit sizes and the convenience and comparison split to ensure there was minimal overlap between the two offers. Ostensibly, through a series of variations of condition applications that difference or overlap could be said to have blurred slightly with unit sizes naturally being changed as the details of occupiers come forward. Nonetheless, it remains the case that generally speaking the types of retailers taking up units at Thorpe Park or showing interest are those that tend to locate in city centre locations and/or modern retail developments rather than in smaller, town centre locations.

11.16 The proposed variations will allow for a small increase in medium sized clothing/fashion and footwear retailers in the scheme, as well as a small increase in small units from 840 sqm to 1,130 sqm, with the maximum size of those smaller units increasing from 105 sqm to 150 sqm.

11.17 Given the changing nature of the retail market over the last 4 years and that the initial assessment could only ever be based on general retailer requirements at the time, it was somewhat inevitable that changes would be required to the original conditions and even those more recently approved in 2016.

11.18 An assessment of the applicant's supporting case for these proposed changes to conditions has been undertaken and officers are satisfied they do not tip the balance in terms of having an adverse impact on nearby centres, or investment within them.

Although in theoretical terms these proposed revisions do push the scheme closer to the unit sizes and uses which can be found in the centres, as already discussed the likely impact will be tempered by the reality that retailers willing to go to Thorpe Park tend not to position themselves in smaller, local town centres. Assessments for the existing centres have also been carried out and indicate they are performing relatively well.

- 11.19 Overall therefore no objection is raised to the proposed changes to retail conditions 23, 24 25 and 28 noting that other conditions still provide further safeguards and are not proposed to be altered.

Planning obligations

- 11.20 The previous consent secured by planning permission 16/07938/OT, was accompanied by a S106 agreement in order secure a number of planning obligations, as follows:

- No non-B1 development, nor any B1 office development of 37,000sqm or greater shall be first brought into use until all land (currently identified for indicative purposes in the Expansion Layout) reasonably necessary to deliver the best strategic route through the development to accommodate both strategic (ELOR) traffic while also serving the development including the associated junction alterations has been dedicated as public highway.
- Ecological mitigation contribution of £5,000 at first occupation of any development and every subsequent year for 9 years (total of £50,000 index linked).
- Delivery of agreed Public Transport Strategy (including provision of 2 x bus shelters with associated Real Time Information)
- Public Access to Thorpe Park and the provision of 50 parking spaces within Thorpe Park to be utilised by visitors to the playing pitches within Green Park.
- Compliance with the Local Employment Strategy.
- At first occupation of any retail development and for two subsequent years a contribution of £20,000 that can be used to mitigate against any adverse retail impact in designated local centres.
- Ensure compliance with the Travel Plan and secure a Travel Plan Review Fee of £20,000.
- Delivery of the playing pitches and changing rooms at Green Park prior to first occupation of any development and further phased (index linked) contributions for the delivery of the remainder of Green Park.

- 11.21 If approved, the applications currently under consideration provide new planning permissions and therefore two of these applications, 18/05017/FU and 15/05310/FU will also need to be tied into those obligations via Deeds of Variation.

- 11.22 Usually a Deed of Variation is used to simply tie a new planning permission into an existing set of obligations set out in a previously agreed S106 agreement. However, it is sometimes necessary to vary some or all of the obligations to reflect changed circumstances.

11.23 It is noted one original obligation requires the delivery of the playing pitches and changing rooms at Green Park prior to first occupation of any development and further phased (index linked) contributions for the delivery of the remainder of Green Park. These requirements were set out in a separate planning permission 12/05150/LA that was granted permission in April 2014. Unfortunately this permission has since lapsed and so a replacement planning application, 17/00254/LA has been submitted by the Council's Parks and Countryside service. This application is however still under consideration and is subject to further consultation following a requirement to undertake a new protected species survey for Great Crested Newts. Accordingly, it is not possible for the developer to deliver a scheme which is yet to receive a planning permission and clearly not before the anticipated opening date in October. It is therefore proposed to modify the obligation to state that within 3 months from the date of the Green Park permission the developer shall submit to the Council for approval a written programme for the practical completion of the Green Park works in accordance with the Green Park Phase 1 specification. The first phase of the works must then be commenced within 3 months of having an implementable consent. The proposed amended drafting is considered reasonable and is therefore advanced for inclusion in the necessary Deeds of Variation. All other obligations remain as originally drafted.

CIL

11.24 The applications in effect seek variations to pre-CIL permissions. As the original retail permission pre-dated CIL it did not generate a CIL liability, instead of which under the old arrangements a package of policy compliant developer contributions and benefits were negotiated under the existing S106 agreement. Under the transitional arrangements of the CIL Regulations a CIL liability would only be generated by any increase in CIL liable floorspace. The last retail / leisure consent, 16/07938/OT, did provide for an increase in floorspace, but it was agreed that the significant CIL generator of the convenience retail anchor store originally envisaged (now replaced by a comparison store anchor), means that in reality it was considered unlikely any CIL liability would be generated by the proposal. Infrastructure requirements associated with this application are, significantly, met by the provision of the MLLR. This is presented for information only and should not influence consideration of the application.

12.0 CONCLUSION

12.1 In light of the considerations discussed above, officers recommend the following course of action in relation to the planning applications as follows.

12.2 Application 18/05017/FU - Removal of condition 50 (MLLR delivery) of approval 16/07938/OT – Officers recommend that rather than remove the condition, it should be varied such that a backstop date of 21st December 2018 is specified. It is recommended that Members defer and delegate approval of the application to the Chief Planning Officer following expiry of the publicity period and subject to the stated conditions, completion of a Deed of Variation and referral to the Secretary of State.

12.3 Application 18/05018/FU - Removal of condition 3 (Highway detail) of approval 17/04055/FU (Detailed application for the MLLR (East - West Route) – Officers recommend that the condition can be deleted. It is recommended that Members defer and delegate approval of the application to the Chief Planning Officer following expiry of the publicity period.

- 12.4 Application 18/05019/FU - Removal of condition 3 (Highway detail) of approval 14/01216/FU (Detailed application for the MLLR (North - South Route) - Officers recommend that the condition can be deleted. It is recommended that Members defer and delegate approval of the application to the Chief Planning Officer following expiry of the publicity period.
- 12.5 Application 18/05310/FU - Variation of conditions 23, 24, 25 and 28 of approval 16/07938/OT to permit conditions 23 and 24 to be amended to prescribe a specified proportion of A1 comparison retail floorspace to be provided within units below 480 sq.m GEA; condition 25 - increase 840 sq.m figure for 'small retail units' to 1,130 sq.m, with no single unit having a floorspace of more than 150 sq.m GEA; condition 28 update to reflect condition 25 above to the 105 sq.m figure – Officers recommend that the proposed variations to the conditions are acceptable. It is recommended that Members defer and delegate approval of the application to the Chief Planning Officer following expiry of the publicity period and subject to the stated conditions, completion of a Deed of Variation and referral to the Secretary of State.
- 12.6 The development delivers significant infrastructure and economic development benefits, job creation and training opportunities, and in turn also enables the future delivery Green Park which are important components to achieving the local aspirations of the Local Plan for sustainable development. The highway and retail policy considerations for the applications have been fully considered and are considered to be acceptable. The applications are therefore recommended for approval, subject to the terms set out at the header of this report (and Appendix 1), including referral of applications 18/05017/FU and 18/05310/FU to the Secretary of State as departure applications due to the town centre uses proposed.

Background files:

Application case files 18/05017/FU, 18/05018/FU, 18/05019/FU and 18/05310/FU.

Certificates of Ownership:

18/05017/FU – Certificate A completed.

18/05018/FU – Notice served on:

- Leeds City Council, Civic Hall, Leeds, LS1 1UR
- Lucy Michael and Philip Charles Whiteford Eade, 19 Cookridge Street, Leeds, LS2 3AG
- Zurich Assurance Limited, The Grange, Bishops Cleeve, Cheltenham, GL52 8XX
- Philip Kenneth Jordan and Jane Jordan, Lazencroft Cottage, Manston Lane, Leeds, LS15 8AD
- Communisis Pension Funding Limited Partnership, 1 Rutland Court, Edinburgh, EH3 8EY
- Communisis UK Limited, 40 Wakefield Road, Leeds, LS10 1DU
- George Francis Fallon and Lynne Patricia Fallon, The Gatehouse, Manston Lane, LS15 8AD

18/05019/FU – Notice served on:

- Zurich Assurance Limited, The Grange, Bishops Cleeve, Cheltenham, GL52 8XX
- Leeds City Council, Civic Hall, Leeds, LS1 1UR
- Highways England Company Limited, 1 Bridge House, Walnut Tree Close, Guildford, Surrey, GU1 4LZ
- Highways England Company Limited, Ash House, National Property Management and Disposal, Falcon Road, Sowton, Exeter, EX2 7LB
- Network Rail, 1 Network Rail Infrastructure Limited, Eversholt Street, London, NW1 2DN

18/05310/FU - Certificate A completed.

Appendix 1 Draft Conditions and S106 Obligations

Appendix 2

Proposed Deed of Variation to S106 Agreement

*those proposed to be changed emboldened

Existing S106 Agreement Obligations

- No non-B1 development, nor any B1 office development of 37,000sqm or greater shall be first brought into use until all land (currently identified for indicative purposes in the Expansion Layout) reasonably necessary to deliver the best strategic route through the development to accommodate both strategic (ELOR) traffic while also serving the development including the associated junction alterations has been dedicated as public highway.
- **Delivery of the playing pitches and changing rooms at Green Park within 3 months of an implementable consent for the works and further phased (index linked) contributions for the delivery of the remainder of Green Park.**
- Ecological mitigation contribution of £5,000 at first occupation of any development and every subsequent year for 9 years (total of £50,000 index linked).
- Delivery of agreed Public Transport Strategy (including provision of 2 x bus shelters with associated Real Time Information)
- Public Access to Thorpe Park and the provision of 50 parking spaces within Thorpe Park to be utilised by visitors to the playing pitches within Green Park.
- Compliance with the Local Employment Strategy.
- At first occupation of any retail development and for two subsequent years a contribution of £20,000 that can be used to mitigate against any adverse retail impact in designated local centres.
- Ensure compliance with the Travel Plan and secure a Travel Plan Review Fee of £20,000.

Proposed conditions to be applied to application 18/05017/FU *those proposed to be changed emboldened (also incorporating changes approved by planning application 18/05310/FU).

- 1) Approval of all reserved matters for the first phase of development was granted on 7 April 2017 under reference 16/02381/RM (submitted under planning permission reference 15/06583/OT). Applications for approval of all subsequent reserved matters relating to all additional phases shall be made to the Local Planning Authority before the expiration of two years from the date of approval of the reserved matters of the preceding phase. Development of the first phase of development has commenced under reserved matters approval 16/02381/RM and shall proceed in accordance with the details approved under that approval. All further phases shall be commenced within two years of the approval of the last reserved matters for that phase.

References to a phase in this planning permission shall be interpreted as references to a phase of works which is either:

- (a) identified as part of the submission of an application for the approval of reserved matters pursuant to Condition 2; or
- (b) approved pursuant to Condition 53.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) With the exception of works which are to be carried out within a phase pursuant to an approval under Condition 39 and advance infrastructure, enabling or temporary works, which are to be carried out pursuant to an approval under Condition 53, for each phase approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority in writing before the phase of the development is commenced:

Layout

Scale

Appearance

The landscaping of the site

Plans and particulars of the reserved matters shall be submitted utilising a planning application form and shall be carried out as approved.

Each reserved matters application shall be accompanied by a plan identifying the boundaries of the phase to which the application relates. Thereafter the development of that phase shall be carried out in accordance with the approved reserved matters.

Because the application is in outline only and as no details have been submitted of the reserved matters, they are reserved for subsequent approval by the Local Planning Authority.

- 3) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

For the avoidance of doubt and in the interests of proper planning.

- 4) The development hereby permitted under this permission shall not exceed the total quantum of development/uses as listed below (all Gross External Area (GEA)).

B1 - 83,615sq m.

A1 - 21,499sq m. Of which between 2,000 sq.m and 9,000 sq.m shall be used by A1 convenience retailers and between 9,000 sq.m and 19,489 sq.m shall be used by A1 comparison retailers, subject to the overall 21,499 sq.m cap across both retail categories taken together.

A2, A3, A4 and A5 - 4,200sq m.

C1, D1 and D2 - 16,340sq m. Of which no more than 7,500 sq m shall be in C1 Hotel use, 5,574 sq.m shall be in D2 Cinema use, and 2,290sq m shall be in D2 gym use.

To ensure consistency with planning permission reference 15/02217/OT, to to reflect the introduction of a cinema use and a reduction in hotel use as approved under this permission, and for the avoidance of doubt because the highway and retail impacts have been assessed on the basis of the proposed uses.

- 5) The development shall be carried out in accordance with approved masterplan reference ALA032L05 PL8. Any variation to the approved masterplan or parameter plans shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the phase of development to which the variation relates.

To allow an appreciation of the possible layout of the development proposed and delivered to date.

- 6) The development shall be carried out in accordance with the approved parameter plans and Design Code.

In the interests of visual amenity.

- 7) The total occupied gross external floor area shall be limited to 73,030sq m until such time as an approved assessment of traffic conditions in the Study Area (to be submitted no sooner than the occupation of 63,030sq m of the total occupied gross external floor area) has been submitted to and approved in writing by the Local Planning Authority. Any mitigation measures deemed necessary by the approved assessment shall be implemented prior to exceeding 73,030sq m of development (or another figure identified in the assessment) and be retained and maintained thereafter.

To ensure that the level of development can be accommodated within the safe operation of the highway network.

- 8) Typical detailed 1:20 scale (or other appropriate scale) working drawings of the following elevational features for a phase shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of above ground works of the phase:

- (a) Sections through external windows and door reveals;
- (b) External entrance areas at ground floor level;
- (c) Junctions of materials;
- (d) Changes in plane to the building elevations; and
- (e) Details of roof parapets, eaves line and soffits to the buildings.

The works shall be implemented as thereby approved.

In the interests of visual amenity and providing a high quality design.

- 9) Prior to the construction of any external finishing materials for a phase full details of the siting, design and external appearance of all external plant, flue pipes, external vents, roller shutters, lighting, solar panels or other excrescences to be located on the roof or sides of the buildings within that phase shall have first been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented and retained thereafter.

In the interest of visual amenity.

- 10) The construction of external facing materials for each phase shall not take place until details and samples of all external walling, window, door and roofing materials for that phase have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

In the interests of visual amenity.

- 11) No external surfacing works for a phase shall take place until details and samples of all surfacing materials for that phase have been submitted to and approved in writing by the Local Planning Authority. The surfacing works shall be carried out in accordance with the approved materials prior to first occupation of that phase and shall be so retained thereafter.

In the interests of visual amenity.

- 12) Development of a phase shall not be occupied until all areas within the phase shown on the approved plans to be used by vehicles within that phase have been fully laid out, surfaced and drained such that surface water does not

discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

To ensure the free and safe use of the highway.

- 13) Notwithstanding the details shown on Pell Frischman drawing W50002/MP/211 D, full details of the proposed public rights of way affecting the whole application site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development of each phase. Any changes to existing public rights of way required as part of that phase shall be implemented prior to first occupation of that phase and be retained as such thereafter.

To ensure appropriate public rights of way are provided across the site.

- 14) Dust generated by vehicles on roads, haul routes and circulation areas within the site in dry weather conditions shall be suppressed by the use of equipment able to deliver sufficient volumes of water and provided on site for this purpose. Immediate preventative action, including the suspension of operations shall be taken if dust generated by machinery on site becomes airborne and can be seen being carried by the wind beyond the site boundary.

In the interests of general amenity and the amenity of occupants of nearby premises and public spaces.

- 15) No works shall begin on a phase until full details of the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development of that phase, have been submitted for the approval in writing of the Local Planning Authority. The methods thereby approved shall be implemented at the commencement of work on the phase, and shall thereafter be retained and employed until completion of works on the phase.

To ensure that mud is not deposited on nearby.

- 16) No works shall take place on a phase until full details of provision to be made for the storage, parking, loading and unloading of contractors plant, equipment and materials, routing of contractors vehicles to and from the site during construction and the parking of vehicles of the workforce for that phase, has been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided for the duration of the development works for that phase.

In the interests of the free and safe use of the highway.

- 17) Prior to commencement of above ground works for a phase full details of the location and number of parking spaces allocated to the development within that phase, plus details of any car share spaces and any parking charges to be introduced, shall be submitted to and agreed in writing by the Local Planning Authority. The parking shall be introduced as agreed prior to first

occupation of that phase and be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

To ensure appropriate parking is provided across the development.

- 18) Unless otherwise agreed in writing by the Local Planning Authority, prior to above ground development of a phase shall a plan showing details of an oil interceptor for that phase has been submitted to and approved in writing by the Local Planning Authority. Such oil interceptor as may be approved shall be designed to intercept all surface water from areas to be used by vehicles and any other areas likely to be subject to contamination. The phase shall not be brought into use until the oil interceptor has been provided, and it shall thereafter be retained. Roof drainage should not be passed through an oil interceptor.

To prevent pollution of the any watercourse and protect the environment.

- 19) Prior to the occupation of a phase, a scheme detailing the method of storage and disposal of litter and waste materials, including recycling facilities for that phase, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a description of the facilities to be provided within the phase including, where appropriate, lockable containers and details for how the recyclable materials will be collected from the site with timescales for collection. The approved scheme shall be implemented before the phase is brought into use and no waste or litter shall be stored or disposed of other than in accordance with the approved scheme.

In the interests of amenity and to promote recycling.

- 20) Prior to commencement of above ground works for a phase, details of the cycle/motorcycle parking and facilities for that phase shall have first been submitted to and approved in writing by the Local Planning Authority. Details shall include the method of securing the cycles and motorcycles and their location, provision of showers and storage lockers. The approved cycle/motorcycle parking and facilities shall be provided prior to occupation of that phase of development and thereafter be retained for the lifetime of the development.

In order to meet the aims of adopted Core Strategy policy T2 and Parking Supplementary Planning Document January 2016.

- 21) Prior to commencement of above ground works for a phase, full details of the sound insulation and management measures to be incorporated into that phase shall have first been submitted to and agreed in writing by the Local Planning Authority. The details shall highlight how future occupiers of that phase will be protected from noise from other occupiers within the phase and adjacent developments and from external traffic noise. The agreed details shall be implemented prior to first occupation and be retained thereafter.

In the interests of amenity.

22) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) planning permission shall be obtained before any change of use of the A2, A3, A4, or A5 premises referred to in this permission, to any use within Use Class A1 as detailed in the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or re-enacting that Order with or without modification).

In order that the Local Planning Authority can retain control over further uses which it considers could be harmful to the vitality and viability of the designated centres.

23) The approved retail floorspace (excluding the A1 convenience retailers) shall not exceed 19,489 sq.m GEA and 13,099 sq.m net sales area, within which there shall be a minimum of 12,500 sq.m GEA (10,000 net sq.m sales area) of A1 retail floorspace which is to be provided within units of no less than 480 sq.m GEA (350 sqm net sales area) and no more than 4000 sq.m GEA (3,200 sq.m net sales area). Of the 6,390 sq.m GEA of A1 comparison retail floorspace between the 19,489 sq.m GEA overall cap, and the 12,500 sq.m GEA of floorspace to be provided within units of no less than 480 sq.m GEA, no more than 25 per cent of the 6,390 sq.m GEA difference shall be used for the sale of clothing/fashion and footwear goods.'

To reduce the potential impact upon designated local centres which mainly contain relatively small units and to prevent larger department stores locating at Thorpe Park that the Council would prefer to see located within the City Centre.

24) Any retail units below the 480 sq.m threshold referred to in condition no. 23 shall not to be used for the sale of clothing/fashion and footwear goods, except for where of the 6,390 sq.m GEA of A1 comparison retail floorspace between the 19,489 sq.m GEA overall cap, and the 12,500 sq.m GEA of floorspace to be provided within units of no less than 480 sq.m GEA, no more than 25 per cent of the 6,390 sq.m GEA difference shall be used for the sale of clothing/fashion and footwear goods.'

To allow the Local Planning Authority to exercise control over the use of the smaller units for fashion and footwear to ensure such units do not have an adverse impact on existing fashion and footwear retailers in the nearby designated local centres.

25) There shall be no more than 1,130sq m (GEA) of small retail units with no single small retail unit having a floorspace of more than 150 sq.m (GEA).

To protect the vitality and viability of designated local centres.

26) Otherwise than in the circumstances set out at (ii) below, with the exception of the Cross Gates M&S foodstore, no retail floorspace hereby approved shall be occupied by any retailer who at the date of such occupation or within a period of 6 months immediately prior to occupation, occupies retail floorspace which exceeds 480 sq.m (GEA) within the following designated town centres:

Cross Gates
Garforth
Rothwell

ii) Such occupation will only be permitted where a scheme which commits the retailer to retaining their presence as a retailer within the relevant designated town centre for a minimum period of 5 years following the date of their occupation of retail floorspace within the development, or until such time as they cease to occupy retail floorspace within the development, whichever is sooner, has been submitted to and approved in writing by the Local Planning Authority.

To ensure that those retailers which presently occupy the largest units in local centres (Cross Gates, Garforth and Rothwell) cannot open stores at Thorpe Park in the initial occupation phase.

27) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) and sections 55(2) and 55(2A) of the Town and Country Planning Act 1990 (as amended), no part or parts of the A1 units may be subdivided, if such a subdivision would contravene the floorspace limits established in Conditions 23, 25 and 30. Furthermore no additional floorspace may be created within the A1 retail units if such floorspace would contravene the floorspace limits established in Conditions 4, 23, 25 and 29. Within these floorspace limits no mezzanine floorspace, beyond the 7,015sq.m hereby approved, may be created unless otherwise agreed in writing by the Local Planning Authority. Outside of these floorspace limits no mezzanine floorspace may be created.

To prevent subdivision and mezzanine development from resulting in more net retail floorspace than approved and to ensure such floorspace is within permitted unit size limitations in order to protect the vitality and viability of the designated local centres and planned city centre investment. Furthermore, restrictions have been placed upon mezzanine development, to ensure that the Local Planning Authority can accurately monitor the provision of retail floorspace at the site.

28) With the exception of the unit(s) for A1 convenience retailers, no retail unit over 150 sq.m (GEA) will be permitted to sell convenience goods in excess of 10% of net sales area.

To protect the vitality and viability of designated local centres and to protect planned city centre investment, in accordance with the NPPF.

- 29) The Gross External Area (GEA) of the units for A1 convenience retailers hereby permitted shall not exceed 9000 sq.m. In addition, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification), the net sales area of the unit(s) for A1 convenience retailers shall not exceed 5,400 sq.m and, of this, the net convenience floorspace shall not exceed 3,618 sq.m and the net comparison floorspace shall not exceed 1,782 sq.m.

As these figures reflect the retail assessment carried out and to protect the vitality and viability of designated local centres.

- 30) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any order revoking and re-enacting that Order with or without modification), the foodstore hereby permitted shall not include any post office, pharmacy, travel agent, dry cleaner, optician operations or be subdivided for those uses.

In the interests of the vitality and viability of local centres.

- 31) Development shall not commence in respect of any phase until a Phase I Desk Study has been submitted to, and approved in writing by, the Local Planning Authority and:

- (a) Where the approved Phase I Desk Study indicates that intrusive investigation is necessary, development within that phase shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority,
- (b) Where remediation measures are shown to be necessary in the Phase I/Phase II Reports and/or where soil or soil forming material is being imported to site, development shall not commence within that phase until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site suitable for use.

32. If remediation in respect of any phase is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. An amended or new Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority prior to any further remediation works within the affected phase, which shall thereafter be carried out in accordance with the revised approved Statement.

To ensure that any necessary remediation works are identified to make the site suitable for use.

33. Remediation works shall be carried out in accordance with the approved Remediation Statement. On completion of those works a Verification Report(s) shall be submitted to the Local Planning Authority, in accordance with the approved programme. The phase of the site shall not be brought into use until such time as all verification information has been approved in writing by the Local Planning Authority.

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use.

34. Prior to the commencement of above ground works of any building or phase of buildings, a Sustainability Statement relating to that building and/or phase shall be submitted to and approved in writing by the Local Planning Authority, which will include a detailed scheme comprising an energy plan showing the percentage of on-site energy that will be produced by Low and Zero Carbon (LZC) technologies and the overall sustainable credentials of the development in terms of meeting the targets set out in Core Strategy policies EN1 and EN2. Each building and/or phase of buildings shall be constructed in accordance with the approved scheme and shall thereafter be maintained in accordance with the approved details.

To ensure the incorporation of appropriate sustainable design principles into the development.

35. Prior to the commencement of development of a phase a programme of archaeological work including a Written Scheme of Investigation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording.
2. The programme for post investigation assessment.
3. Provision to be made for analysis of the site investigation and recording.
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
5. Provision to be made for archive deposition of the analysis and records of the site investigation.
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development within a phase shall take place other than in accordance with the Written Scheme of Investigation approved under this condition and the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

To ensure appropriate archaeological recording.

36. Development of a phase shall not commence until a scheme detailing foul and surface water drainage works for that phase has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme for that phase shall be implemented in accordance with the approved details before the development is brought into use.

To ensure sustainable drainage and flood prevention.

37. The development shall be carried out to generally accord with the UK Police 'Secured by Design' and Crime Prevention through Environmental Design (CPTED) principles.

In the interests of public safety.

38. Prior to the commencement of above ground works of a phase a CCTV strategy for that phase (to include details of the location of cameras and type of system) shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to first occupation of that phase and be retained and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

In the interests of public safety.

39. Prior to the commencement of each phase, a report to demonstrate that the opportunity to recover any coal present within each phase boundary has been considered, shall be submitted to and approved in writing by the Local Planning Authority. The report shall set out whether any coal present should be removed prior to or during development unless:

- a. it can be shown that it is not economically viable to do so, or
- b. it is not environmentally acceptable to do so, or
- c. the need for the development outweighs the need to extract the coal, or
- d. The coal will not be sterilised by the development.

If the approved report recommends that coal is present and should be removed, an implementation strategy shall be submitted to and approved in writing by the Local Planning Authority. Subsequent actions or works shall then be carried out in accordance with the approved implementation strategy. For the avoidance of doubt, conditions 2,9,10,12,17,18,20,21,34,36, 38,39,41, 43, 44 and 48 shall not apply to any works carried out pursuant to this condition.

In order to accord with Leeds Natural Resources and Waste DPD policies Minerals 3 and 9, and the NPPF.

40. No mechanical ventilation or air conditioning system or any other plant machinery shall be installed or operated until details of the installation and

operation of the system have been submitted to and approved in writing by the Local Planning Authority. The system shall thereafter only be installed and operated in accordance with the approved details.

In the interests of amenity.

41. Prior to the commencement of above ground works of a phase, details of any extract ventilation system for that phase, including details of a filter to remove odour, and the methods of treatment of the emissions, shall be submitted to and approved in writing by the Local Planning Authority. The phase shall not be occupied until the works within the phase which have been approved in accordance with this condition have been completed. Such works shall thereafter be retained.

In the interests of amenity and visual amenity.

42. No site clearance, demolition or removal of any trees, shrubs or other vegetation shall be carried out during the period 1 March to 31 August inclusive unless otherwise agreed in writing with the Council.

To ensure the protection of wild birds during the breeding season.

43. Prior to the commencement of development of a phase, an Ecological Protection & Enhancement Plan for that phase shall be submitted to and agreed in writing by the Local Planning Authority. The Plan shall be based on the mitigation measures proposed in Table 7.16 of Section 7.9 of the Thorpe Park Developments Ltd. Environmental Statement by Arup dated 10 September 2012 Job number 217349 and will include a programme of ecological monitoring to inform the long-term management of the site. The Plan will include an Annual Work Programme with clear timelines for each mitigation measure to be carried out for the upcoming 12-month period. The mitigation measures shall be implemented in accordance with the timescales set out in the agreed plan.

To ensure the protection and retention of biodiversity.

44. Development of a phase shall not commence until full details of both hard and soft landscape works for that phase, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include:

- (a) proposed finished levels and/or contours,
- (b) boundary details and means of enclosure,
- (c) car parking layouts,
- (d) other vehicle and pedestrian access and circulation areas,
- (e) hard surfacing areas,
- (f) minor artefacts and structures (e.g. public art, furniture, play equipment, refuse or other storage units, signs, lighting etc.),

(g) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).

Soft landscape works shall include:

(h) planting plans

(i) written specifications and arboricultural method statement (including soil depths, tree pits (including the load bearing root zone volume), cultivation and other operations associated with plant and grass establishment) and

j) schedules of plants noting species, planting sizes and proposed numbers/densities.

k) details of the consideration given to the transplantation of existing stock, from Brown Moor, to areas of Central Park.

All hard and soft landscaping works within the phase shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

To ensure the provision and establishment of acceptable landscape.

45. A landscape management plan for each phase, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any phase. The landscape management plan for each phase shall be carried out as approved.

To ensure successful aftercare of landscaping.

46. a) No works shall commence on a phase until all existing trees, hedges, bushes shown to be retained on the approved plans within the scope of that phase of development are fully safeguarded by protective fencing and ground protection in accordance with approved plans and specifications and the provisions of British Standard 5837 (2012) Trees in relation to design, demolition and construction, unless otherwise agreed in writing by the Local Planning Authority. Such measures shall be retained for the duration of any demolition and/or approved works within the phase.

b) No works or development shall commence on a phase until a written arboricultural method statement for a tree care plan for that phase has been submitted to and approved in writing by the local planning authority. Works or development shall then be carried out in accordance with the approved method statement.

c) No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of any underground services, without the prior written approval of the Local Planning Authority.

d) Seven days written notice shall be given to the Local Planning Authority that the protection measures are in place prior to demolition and/or approved works, to allow inspection and approval of the works.

To ensure the protection and preservation of trees, hedges, bushes and other natural features during construction works.

47. If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

To ensure maintenance of a healthy landscape scheme.

48. Prior to first occupation of any building a phasing plan for the works to Central Park shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall include details of the works to create the levels, SUDS basins and any public rights of way and the provision of early cultivation and seeding. The agreed details shall be carried out in accordance with timescales set out in the phasing plan.

To ensure an appropriate temporary landscape is provided within Central Park in accordance with saved UDPR policy LD1 and Core Strategy policy P12.

49. The development hereby permitted shall not include a school or concert venue.

As these uses are significant traffic generators that have not been assessed as part of this application and which could raise significant highway issues, which would require further consideration.

- 50. No more than 12,952sq m (GEA) of the A1, A2, A3, A4 and A5 floorspace permitted by planning permission 16/07938/OT shall be occupied until the highway works for the Manston Lane Link Road detailed in planning applications 14/01216/FU and 17/04055/FU, or such further planning permission(s) as may be agreed with the Local Planning Authority, have been fully opened to traffic. The same works shall be fully opened to traffic by 30th April 2019, prior to which an updated programme of works shall be submitted to the Local Planning Authority on a regular monthly basis until the works are complete.**

To ensure the delivery of adequate highway infrastructure to address the highway and accessibility implications of the Thorpe Park development and to facilitate the wider long term strategic benefits associated with the expanded road proposals.

51. Prior to the occupation of a phase, Travel Plan Statements and Full Travel Plans shall be submitted to and agreed in writing by the Local Planning Authority for all uses within that phase that fall within/exceed the relevant thresholds in Table 6.1 of the approved Framework Travel Plan. The approved Travel Plans shall be fully implemented and operated in accordance with the agreed timescales.

In the interests of encouraging transport other than single car occupancy.

52. Within three months of the date of this permission a statement shall be submitted setting out the anticipated timetable for the commencement, delivery and completion of the Manston Lane Link Road (MLLR). Thereafter statements shall be submitted to the Local Planning Authority every three calendar months until completion of the MLLR.

In the interests of proper planning and for the avoidance of doubt, in accordance with the resolution to grant planning permission as a departure from the allocated employment use of the site, for which the earlier delivery of the Manston Lane Link Road is used in justification.

53. No advance infrastructure, enabling or temporary works (which shall include works of demolition, site remediation, archaeological work, bulk earthworks and/or re-profiling of site levels) shall commence until details of the nature and extent of the proposed works have been submitted to and approved in writing by the Local Planning Authority. Any such details submitted to the Local Planning Authority for approval shall include plans at an appropriate scale which show the proposed works in context, both existing and as proposed. All such details shall be in accordance with the approved masterplan and parameter plans. Such works shall be carried out in accordance with those approved details.

For the avoidance of doubt, any advance infrastructure and enabling works approved pursuant to this condition may be undertaken prior to the submission or approval of reserved matters applications pursuant to condition 2, and conditions 9, 10, 12, 17, 18, 20, 21, 34, 36, 38, 41, 44, and 48 shall not apply to any works carried out pursuant to this condition.

To allow for the submission and approval (and thereby implementation) of advance infrastructure and enabling works before reserved matters and precommencement conditions submission and approval and without compliance with other conditions which do not relate to such works.

54. Development of above ground works of a phase shall not commence until a scheme for the provision of charging facilities for electrical battery powered vehicles has been submitted to and approved in writing by the Local Planning Authority for that phase. The approved vehicle charging facilities shall be provided prior to the occupation of that phase of development and thereafter be retained for the lifetime of the development.

In the interests of pollution prevention and encouraging sustainable transport modes.

55. Prior to first use of any phase a parking monitoring and management scheme shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and the phase operated in accordance with any agreed measures and time scales.

In order to ensure effective monitoring and management of parking provision so as to ensure the free flow of traffic on the highway network, in the interests of highway safety.

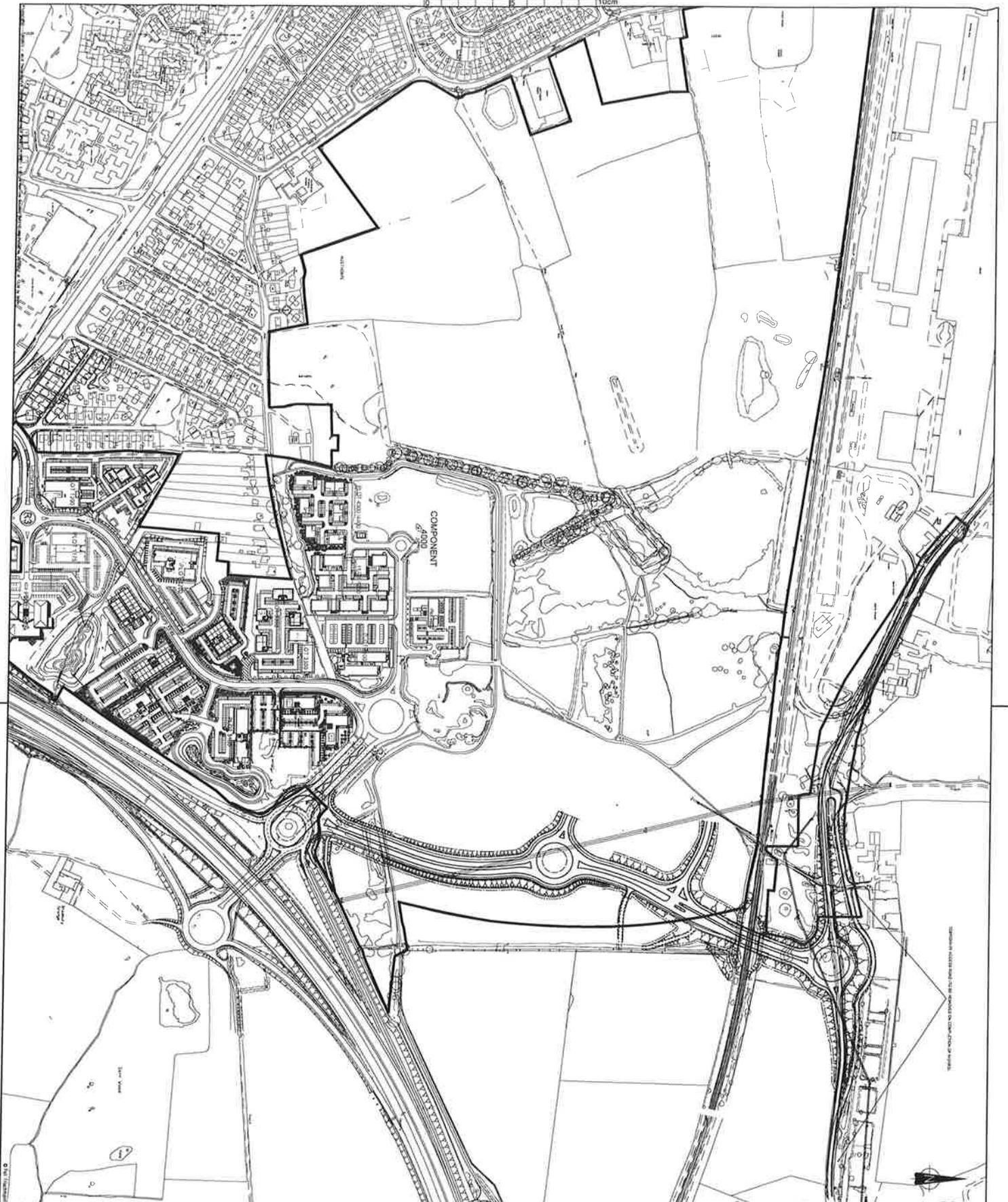
56. It is hereby acknowledged that certain details and reserved matters which have been or may be approved by the Local Planning Authority under earlier planning permission references 12/03886/OT, 14/05483/FU, 15/02217/OT or 15/06583/OT should (whether already approved or subsequently granted) also be deemed to be approved pursuant to this planning permission. The relevant application references for the approval of details and/or reserved matters are as follows:

- 17/02583/COND [(pending)] (submitted under planning permission reference 15/06583/OT)
- 16/07185/COND [(pending)] (submitted under planning permission reference 15/06583/OT)
- 16/03760/COND (approved on 12 October 2017 under planning permission reference 15/06583/OT)
- 16/02381/RM (approved on 7 April 2017 under planning permission reference 15/06583/OT)
- 15/05295/COND (approved on 5 November 2015 under planning permission reference 12/03886/OT)
- 15/00056/COND (approved on 12 August 2015 under planning permission reference 14/05483/FU)
- 15/02023/RM [(pending)] (submitted under planning permission reference 14/05483/FU)
- 14/02406/COND (approved on 27 June 2014 under planning permission reference 12/03886/OT)

Unless specifically stated otherwise in this planning permission where details and reserved matters have been or are so approved under the above application references then this permission and the conditions attached to it shall be read subject to those approvals and the development permitted by this planning permission shall be carried out in accordance with such approved details.

For the avoidance of doubt this condition should be read subject always to the terms of this planning permission, the conditions attached to it and any details or reserved matters subsequently approved hereunder, and nothing in this condition 56 fetters the discretion of the Local Planning Authority in respect of the determination of any of the above applications or any other applications

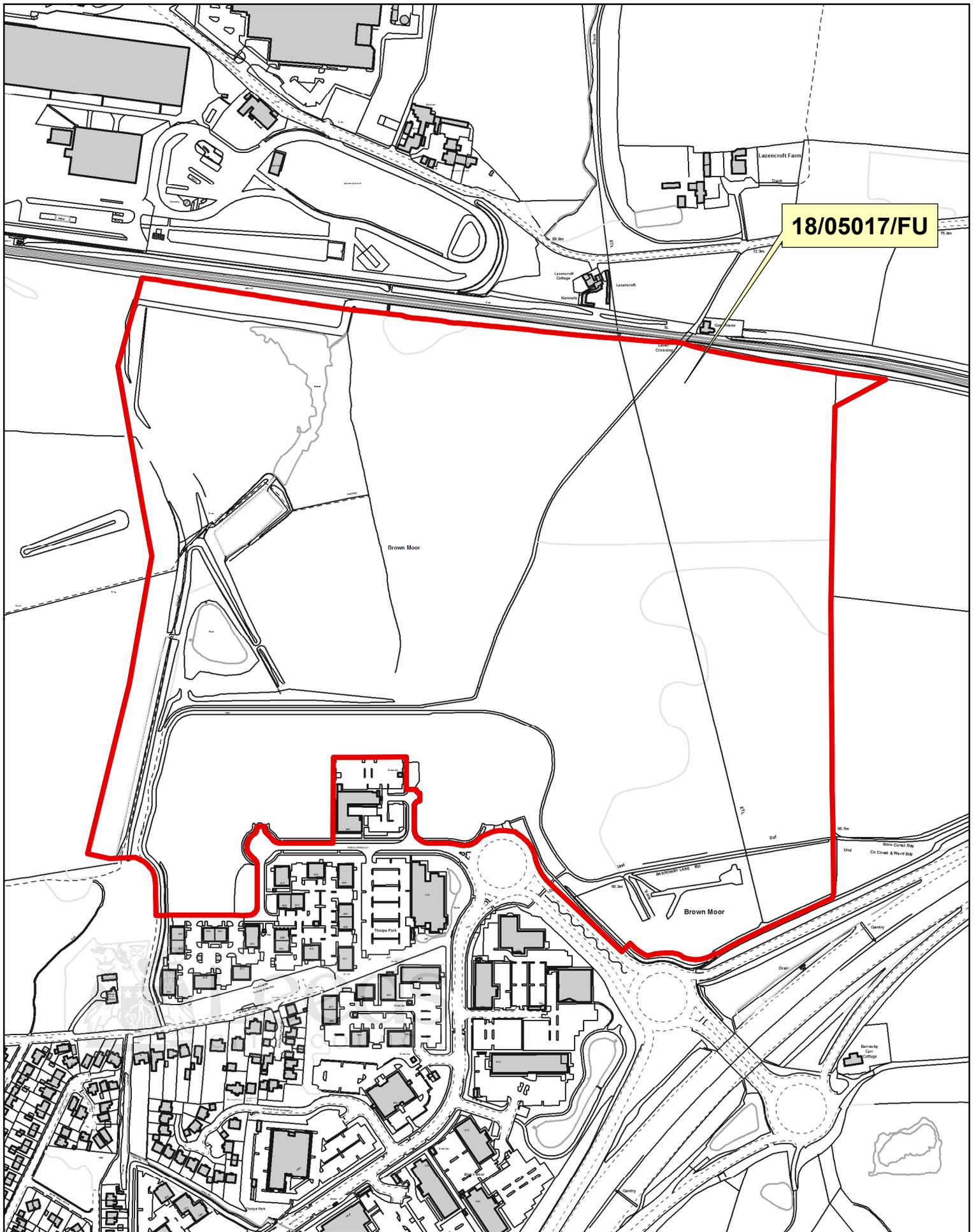
relating to the site, to the extent that such applications have not yet been determined at the date of this planning permission.



CONSTRUCTION ACCESS ROAD TO BE REMOVED ON COMPLETION OF PROJECT

- KEY**
- MANSTON LANE LINK ROAD (M1/LR) RED LINE
 - BOUNDARY
 - THORPE PARK OWNERSHIP

<p>Pelli Frischmann GEORGE HOUSE, GEORGE STREET, WAKEFIELD WF1 1TY Telephone: +44 (0)1924 348 145 Email: pfrischmann@pfrischmann.com www.pfrischmann.com</p>	<p>THORPE PARK DEVELOPMENTS LTD MANSTON LANE LINK ROAD (M1/LR) THORPE PARK, LEEDS</p>	<p>Project Title M1/LR EAST - WEST LINK RED LINE BOUNDARY</p> <p>Scale 1:200 @ A1</p> <p>Drawn 25/11/18</p> <p>Checked 27/11/18</p> <p>Author 27/11/18</p> <p>Client KMW50873/H/046</p>
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18/05017/FU

CITY PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/5000

