



Leeds
CITY COUNCIL

Originator: Victoria Hinchliff
Walker
Tel: 39 51343

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 19th May 2011

Subject: APPLICATION 10/00279/OT, OUTLINE PLANNING APPLICATION TO LAYOUT ACCESS AND ERECT BUSINESS AND INDUSTRIAL PARK DEVELOPMENT, WITH OFFICES, RESEARCH AND DEVELOPMENT UNITS, LIGHT INDUSTRIAL UNITS, WAREHOUSES AND RETAIL/AMENITY BLOCK, CAR PARKING AND ATTENUATION POND ON LAND OFF SANDBECK LANE, WETHERBY, LS22 7TW.

APPLICANT	DATE VALID	TARGET DATE
Wetherby Park Ltd	25/01/10	26/04/10

Electoral Wards Affected: Wetherby

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

POSITION STATEMENT

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

1.0 INTRODUCTION:

- 1.1 The application relates to a proposal for employment uses on an allocated employment site on the edge of Wetherby. This report is intended to give Members an opportunity to comment on this proposal in order for negotiations with the applicants to proceed with some certainty as to the issues Members feel are particularly relevant, require amending, or any additional information that may be sought.
- 1.2 Members are advised that this application was the subject of a Planning Performance Agreement which expired on 14/04/10.
- 1.3 The application is brought to Panel at the request of Cllr John Procter as Ward Member, who raises concerns about the accessibility of the site, the size and

prominence of one of the proposed buildings and the potential visual impact on Wetherby.

1. PROPOSAL:

- 1.1. The application is submitted in outline only to consider the principle of development, access and layout. Matters relating to scale, appearance and landscaping are reserved for future consideration. The proposal is for a mixed industrial park consisting of:
 - B1a – 5,568 sq m (gross internal area)
 - B1c/B8 – 2,515 sq m
 - A1/A2/A3/A4 – 555 sq m – ancillary provision.
 - Total – 8,638
 - Total site area – 4.31ha.
 - Number of parking spaces = 265 (indicative).
 - One access point off existing roundabout with potentially 4 feeder roads coming off the main access spine.
 - A floodwater storage zone, attenuation pond and buffer zone in the north west corner of the site.
 - Re-routing of existing bridleway, and provision of bridleway through site.
- 1.2. The submitted site plan also shows an area of potential future development including 3,865 sq m of industrial units. This is not included within the current application red line boundary.
- 1.3. A number of office and warehouse unit elevations are provided as examples, it is anticipated that warehouses will be of a maximum 12.5m ridge height, with offices being two storey, typical ridge heights will be around 8.5 – 9m. Varying sizes will be employed, from small scale offices to larger footprints for headquarters. A single storey unit will provide retail/leisure opportunities providing services for employees at the site.
- 1.4. The office units are located on the southern half of the site with the retail block located centrally around an area of open space. The industrial units are all located within the northern half of the site.
- 1.5. A number of reports were submitted with the application including;
 - Design and Access Statement.
 - Planning Support Statement – refers to PPS1, PPS4 and PPG13, RSS policies YH5, E1, E3 and UDP policies GP5, E1, E4:37, N12, N13, N25, N26, N39A, T2, T2b, T5, T6, T7a, T24. States that site is allocated; that there is a need for employment uses to support the local economy; historic development of Wetherby does not suit provision of office space; that the site will provide for a wide range of business occupiers; that the site is in a sustainable location; and that it will be a high quality and bespoke design.
 - PPS4 Assessment – A sequential assessment was carried out which looked at 19 office sites all within the Wetherby and Boston Spa area. None except site deemed suitable.
 - Noise Impact Assessment – Recognises potential harmful impact of road noise, particularly from the adjacent A1 and recommends special glazing,

and other sound insulation measures including mechanical air conditioning so that windows can remain closed.

- Statement of Community Involvement – A public event was advertised and held on 24th November 2008 between 1900 and 2100 at Wetherby Town Hall. 15 people attended and two letters of support were received as a result.
- Flood Risk Assessment – The northern part of the site is within zone 3 High probability flood zone, and the main source of flooding is from the Eel Mires watercourse on the northern boundary. Proposes to discharge surface water run off at a restricted rate (15l/s) into the Eel Mires watercourse. Above ground attenuation pond for flood events. Floor levels to be set above flood level. Flood plains to be re-located.
- Phase 1 Geo-Environmental Assessment. Concluded that the site is historically undeveloped with no landfill in vicinity. The potential environmental risk is therefore low.
- Phase 2 Geo-Environmental Assessment – No remediation considered necessary.
- Transport Assessment – concluded that the access roundabout (existing) will function effectively, no junction modifications are required and parking provision is within guidelines. Also that there are bus stops in close proximity and a Travel Plan framework will encourage non-car modes.
- Ecological Survey – this survey found: Trees suitable for bat roosts. One badger sett. Evidence of water vole burrows and activity. Bat activity over site. Potential for ground nesting birds. The recommendations made included; Re-location of badger sett which will require a Natural England badger exclusion licence. Wildlife corridors throughout site to provide badger foraging. Repeat surveys for water voles. Improvements to habitat for water voles. Retention of trees suitable for bat roosts. Additional tree planting and bat boxes. Nesting bird survey prior to works. Provision of bird boxes. Wood piles for invertebrates.

2. SITE AND SURROUNDINGS:

- 2.1. The application site consists of former agricultural fields split in two by Sandbeck Lane which gives access to a former dwelling, now demolished. The site is currently rough grassland bounded by hedges, with a significant number of trees to the site boundaries, as well as smaller groups of trees interspersed around the site. There are level changes across the site with a rise in land towards the southern tip of this triangular site. The site is prominent from the A1 particularly when approaching from the south although the screening provided by the trees is quite dense.
- 2.2. The site lies to the North East of Wetherby, on its very edge. To the west is the Wetherby Relief Road with the Sandbeck Industrial Estate and a residential estate adjacent. To the North are open fields. To the East is the A1 road, beyond which are the rural areas of north east Leeds including Walton. To the South it is again open and rural. Despite the proximity of the industrial estate this is largely screened by mature planting giving the site a rural character.

3. RELEVANT PLANNING HISTORY:

- 3.1. 31/399/04/FU - Proposal: Conservatory to rear. Approved 05-OCT-04.
- 3.2. H31/237/90/ - Alterations to form new staircase, toilets, changing rooms , first aid room, kitchen and dining room, and extension. Approved 30-JAN-91.

- 3.3. H31/695/78/ - Alterations and extension, to form enlarged lounge to rear and erection of detached stone double garage to side of detached house. Approved 20-DEC-78.
- 3.4. H31/175/74/ - Double stone garage to detached house. Approved 11-JUL-74.
- 3.5. H31/634/75/ - Outline application to erect one detached house, with detached double garage, to riding school premises. Refused 29-MAR-76.
- 3.6. 31/275/94/OT - Outline application to erect industrial warehousing and business units. Application disposed of 21-DEC-01.
- 3.7. H31/286/82/ - Detached farrowing house and detached sow house, to agricultural site. Approved 20-DEC-82.

4. HISTORY OF NEGOTIATIONS

- 4.1. There have been ongoing negotiations regarding sustainability, transport infrastructure, design and landscaping. There have also been ongoing negotiations with the Highways Agency regarding the impact of the site and the Travel Plan. The outcomes of these are dealt with in the appraisal below.

5. PUBLIC/LOCAL RESPONSE:

- 5.1. A site notice for a major development affecting a right of way was posted on 3rd February 2010. Publicity expired on 12th March 2010.
 - Wetherby Town Council – initially the Town Council objected to the scheme, however following a revision in the amount of office space and a presentation by the developers, the Town Council no longer have an objection.
- 5.2. Wetherby Business Association – Object to the application on the following grounds;
 - Land is green belt and should be protected. Development should be within boundary of Wetherby. ***The site is not within the Green Belt.***
 - Inclusion of retail element will draw trade away from town centre. See *assessment below*.
 - Scale of development will affect the setting of the town.
 - No special circumstances to justify the development. Further demand can be accommodated within existing industrial areas which are within distance of the town centre and so contribute to the viability of the town centre.
- 5.3. One letter of objection from a resident raised concerns over noise pollution and increased traffic, as well as raising the issue of existing empty units and retail units.

6. CONSULTATIONS RESPONSES:

Statutory:

- 6.1. Highways DC – Maintain that the Transport Assessment is not yet fit for purpose and requires further amendments. There are also issues regarding internal layout although it is understood that final approval for the layout as shown on drawing AD (00) 018 Rev B was not being sought at this stage. The issues relate to width of spine roads, width of footways, width of bridleway, corner radii of junctions, forecourt sizes etc.
- 6.2. Environment Agency – No objections subject to conditions to ensure development is carried out in accordance with Flood Risk Assessment.
- 6.3. Highways Agency – There have been significant ongoing discussions regarding the Travel Plan and the Transport Assessment. A Holding Direction was issued and has not yet been lifted. Once a s106 containing relevant Heads of Terms has been

submitted and agreed then the Holding Direction will be able to be lifted. The proposal is not expected to have a detrimental effect on the highway network. The HA have confirmed that whilst the Holding Direction is still in place they are happy for the application to proceed to Panel on the basis that no formal determination will be made until a s106 is agreed.

Non-statutory:

- 6.4. SDU Landscape – Master plan does not address issues of retention of existing vegetation, integrity of existing hedges. Lack of information in relation to hedges and trees. Off site planting needs to be taken into account. Full topographical survey needed, to include area up to 20m outside site. Details of levels needed. Little space allowed for meaningful screening around the boundaries. Blank gables in key areas is a concern. Visual impact of proposed buildings from viewpoints. Scheme is bleak with little break up of hard surfacing. *The scheme has undergone revisions since these comments were made, generally though existing trees are to be retained where feasible, particularly those to the boundary of the site. Landscaping is a reserved matter.*
- 6.5. Metro – Concerns over long term sustainability of the site, the site is not within the generally acceptable walking distance for bus stops (400m), therefore site is considered inaccessible. The TA gives mixed messages with regard to public transport provision. Bus use unlikely to be a realistic or attractive mode for employees. The size of the development is not of a scale to warrant or sustain the additional services that would be necessary to make this site more accessible.
- 6.6. Harrogate Borough Council – The Council should satisfy itself that the proposal complies with relevant policy. The layout does not leave much space for landscaping which will be needed to mitigate the visual impact.
- 6.7. Local Plans – The scheme has been revised to take account of policy concerns in respect to the scale of the office element of the original scheme. Earlier policy comments suggested that office development would only be acceptable at this location up to a limit of 5,000 sq m, this being the scale of development that would relate to meeting local employment needs rather than serving a wider catchment. Although this 5,000 sq m limit is exceeded by approximately 10% this is not considered to be a material difference.
- 6.8. Whilst the RSS has been revoked [*comments made prior to reinstatement*] the principle that a free standing market town like Wetherby should meet at least some of its locally generated need for employment remains a relevant consideration in assessing the suitability of the site for development. The sequential test requirements of PPS4 have been addressed satisfactorily for the office element, the proposed B class uses are acceptable in principle because the site is allocated for employment purposes.
- 6.9. The application also proposed 555 sq m of retail/amenity uses which in a free standing application would require a sequential search of other suitable sites. There are concerns that this level of retail could draw trade away from other areas, however if the floorspace of the A1 use is restricted to 200 sq m and this is limited to the sale of convenience goods only then no objection is raised.
- 6.10. The proposal also needs to be judged against policy EC10 of PPS4 which considers issues such as accessibility. It is noted, however, that there are no other employment allocations within or on the edge of Wetherby and this is likely to be the best opportunity available in the town for this scale of economic development. On balance, subject to restriction of A1 floor space via condition there is no objection to the revised scheme on planning policy grounds.

- 6.11. Public Transport Infrastructure Contributions – Considers the site to be inaccessible due to the distance to bus stops and the limited service available. A contribution of £200,000 is recommended which would be put towards improvements in, on and around the Wetherby corridors.
- 6.12. Marston Moor Internal Drainage Board – No objection provided works carried out in accordance with FRA.
- 6.13. WYAAS – Development site is in an area of archaeological potential. This site may represent the medieval settlement of Audby, and a survey carried out in 1993 identified 3 possible archaeological features which are not discussed in the submitted archaeological report. Aerial photo's also show large areas of ridge and furrow surrounding the site. Determination should be deferred until a full evaluation of potential of the site has been provided. A programme of archaeological recording is also required if development is allowed.
- 6.14. Public Rights of Way – Public bridleway no. 6 Wetherby lies adjacent to the south western boundary of the site and includes Sandbeck Lane to the east of the roundabout. Neither of these routes have been identified or recognised in the planning application. There are safety concerns if horse riders and pedestrians are to be mixed with motor vehicles and large lorries. A segregated bridleway should be provided within a landscaped corridor parallel to the access road.

7. PLANNING POLICIES:

Development Plan –

- 7.1. The Development Plan for the area consists of the Regional Spatial Strategy and the adopted Unitary Development Plan Review, along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage.
- 7.2. The Regional Spatial Strategy
- 7.3. Under the UDP the application site lies outside of the Main Urban Area (H4), and is designated under E4:37 for 5ha of employment use. The following policies are relevant for consideration of this application;
- SA2 – Encourage development in locations that reduce the need for travel and promote use of sustainable transport forms.
 - SA4 – Promote and strengthen the economic base of Leeds by identifying a balanced range of sites for development.
 - SA7 – Promote physical and economic regeneration of urban land and buildings within the urban areas.
 - SP3 – New development will be concentrated largely within or adjoining the main urban areas and settlements on sites that are or can be well served by public transport.
 - SP6 – Distribution of employment land is based on principles of providing jobs close to homes and anticipating likely market demand.
 - GP5 – General planning considerations.
 - GP1 – Where the proposals map shows a specific use, no other permanent use will be considered.
 - GP7 – Use of planning obligations.
 - GP9 – Community involvement at all stages.

- GP11 – Development to meet sustainable design principles.
- GP12 – Provision of sustainability assessments for major developments.
- N9 – All development proposals should respect and enhance the intrinsic value of land in providing a corridor function.
- N10 – Development not permitted where it adversely affects a Public Right of Way.
- N12 – Urban design principles.
- N13 – Building design principles.
- N23 – Design of incidental open space around developments.
- N24 – Proposal abutting open land should provide for suitable assimilation into the landscape.
- N35 – Development not permitted if it conflicts with interests of protecting best agricultural land.
- N37A – All new development in the countryside should have regard to character of the landscape and contribute positively to it.
- N38B – Planning applications to be accompanied by a Flood Risk Assessment where needed.
- N39A – Incorporation of sustainable drainage principles.
- T2 – Highway issues.
- T2B – Provision of Transport Assessments.
- T2C – Provision of Travel Plans.
- T2D – Developer contributions towards public transport.
- T24 – Parking provision.
- E4 – Land allocated for employment uses – 37 – 5Ha land at Sandbeck Lane.
- E14 – City Centre remains principal location for office development.
- E16 – Office development of an appropriate scale will normally be acceptable in locations well related to town centres as defined in policy S2.
- E17 – Office development specifically encouraged in Wetherby town centre.

Relevant supplementary guidance –

- 7.4. Street Design Guide - gives advice on design of roads and parking layouts.
- 7.5. PTIC – sets out circumstances under which a contribution is required for public transport improvements.
- 7.6. Travel Plans – gives advice and guidance on the use of travel plans.

Government Planning Policy Guidance/Statements

- 7.7. PPS4 Planning for Sustainable Economic Growth – This aims to promote sustainable economic growth by improving the economic performance of towns and cities, promoting regeneration, delivering sustainable patterns of development, promoting vitality and viability of town centres, and raising the quality of life for rural areas. The following policies in this PPS are of particular relevance.

- Policy EC6.2 – In rural areas LPA's should control economic development in open countryside, identify local service centres and locate most new development in or on the edge of existing settlements.
- Policy EC10.1 – LPA's should adopt a positive and constructive approach towards planning applications for economic development. [*Members should note the emphasis put on achieving economic growth in recent government budget announcements*].
- Policy EC10.2 – All planning applications for economic development should be assessed against considerations including sustainability, accessibility, quality design, impact on economic and physical regeneration and impact on local employment.

7.8. PPS1 + Climate Change Supplement – These documents seek to ensure that all development proposals meet sustainable criteria.

7.9. PPG13 – provides guidance and advice on highway design issues, parking etc.

7.10. Written Ministerial Statement: Planning for Growth, 23rd March 2011, (capable of being a material planning consideration).

8.0 MAIN ISSUES

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

9.0 APPRAISAL

Principle of development and sustainability

- 9.1 The proposal will provide 5,568 m² B1a offices along with 2,515 m² B1b/B1c/B8, and 555 m² ancillary retail uses. The amount of B1a office space has been revised down from the initial submission (13,613 m²) following concerns that the amount of office space proposed would be harmful to principles of PPS4 and would provide much more office space than local need would demand.
- 9.2 A sequential assessment of office space within Wetherby Town Centre was carried out with 19 units identified as being vacant at the time of the survey (January 2010). Four of these were located within Wetherby, 1 was in Boston Spa and the rest were all in out of centre locations (including sites on the Audby Lane, Sandbeck Way and Parkhill estates on the edge of Wetherby). The total amount of office space available within a town centre location was just 357 m². The type of space available was generally small scale units, located above retail units, which would attract independent small businesses who benefit most from the town centre location, e.g. A2 uses and financial and professional services.
- 9.3 In contrast the proposed development seeks to provide a level of office accommodation that is currently unavailable within Wetherby, providing high spec, flexible spaces with large footplates aimed at national corporations. This type of space is not therefore considered to provide direct competition to vacant space that is available within the town centre.

- 9.4 The retail element of the proposal is considered as ancillary and therefore has not been subject to sequential testing. It is considered that provided the amount and type of direct A1 uses is limited by condition then the proposal for this type of use would not impact negatively on the nearby town centre.
- 9.5 The application site is allocated for employment uses and forms a natural extension to Wetherby, adjacent to existing industrial estates and bounded by the A1/M to the east. Given the status of Wetherby as a free standing market town (and identified as a Principal Town in the RSS) it is considered that the area should be providing for locally generated employment needs.
- 9.6 Recent guidance from the Government highlights the need to provide for economic growth. A Written Ministerial Statement by the Minister for Decentralisation was issued on 23rd March 2011 and is capable of being a material consideration makes it clear that the Government expects that development and growth should be approved unless it compromises key sustainable development principles set out in national planning policy. Appropriate weight should be given to the need to support economic recovery and applications that secure sustainable economic growth should be treated favourably.
- 9.7 Issues regarding the sustainability of the site have been raised as the site is not well served by Public Transport and is located 500m (10 – 15 minute walk) from the nearest southbound bus stop, with further stops on Deighton Road (650m). Bus services operate on a 30 minute or hourly basis providing connections to Leeds, Wetherby and Deighton Bar, as well as Harrogate and York. Discussions have taken place with Metro about enhancements to this service but they have commented that they feel it is unlikely that the scale of the development would lead to significant change in provision.
- 9.8 Provision of nearest services would be in Wetherby Town Centre itself which has the full range of facilities and services. The walking distances involved are in the region of 1.3Km, assuming an average walking speed of 4kph this would entail a walk of some 20 minutes. According to the PTIC SPD the site is outside of areas considered as accessible, similar to the majority of industrial and residential estates in Wetherby. There has been a strong objection to the proposal on the grounds that the site is not accessible and would not therefore, reduce reliance on private vehicles.
- 9.9 It is accepted that a 20 minute walk into town on a lunch time, whilst certainly not unachievable, would probably encourage employees to use their cars, or to use on site facilities instead. The walk to the bus stop is not however considered to be so excessive that it would put people off using it, (furthermore the walk is along well lit roads with good footpaths), this is likely to be down more to personal preferences, and the efficiency of the service. There are also large residential areas close by that could be reached by cycling and in which there would be potential for local employees to be drawn from.
- 9.10 The site does not therefore achieve high levels of accessibility and may increase private vehicle usage; however the distances involved for walking are not so excessive that walking or cycling locally would be unachievable. It is further considered that the site is allocated and therefore potential developers will have taken some comfort that their schemes will be looked on favourably. Furthermore it is accepted that Wetherby itself has a need to provide for local employment and economic growth to enable it to continue being a self sustaining town into the future. There is a lack of suitable existing office space within Wetherby that would provide for the needs of larger scale employers. The recent Ministerial Statement Planning for Growth stresses the importance of encouraging growth, particularly where it achieves sustainable growth. On balance therefore the proposal is considered to be

of positive benefit for Wetherby as a whole, and does comply with UDP policies for employment. The reduced accessibility is not considered to be of a significance that would justify refusing development on this allocated site in the current climate.

- 9.11 **Do Panel Members have any concerns regarding the principal of employment use on this site as well as the scale and mix of office use and light industrial / warehousing & distribution, and ancillary uses ?**
- 9.12 **Do Panel Members also feel that the site is sustainable in terms of its location, in light of the UDP designation and Section 106 obligations being sought ?**

Highway and Access Issues

- 9.13 Access is the only matter being applied for at this outline stage. An access, utilising the existing stub road, off the small roundabout is intended which will then feed into 4 smaller estate roads serving the individual units with parking and servicing located around the units themselves.
- 9.14 An estimated 536 employees would be accommodated at the site and the Travel Plan estimates that 90% will travel by car predominantly from Leeds and Wetherby areas, with others from further a-field such as Bradford, Harrogate, Thirsk and York.
- 9.15 The site is well served by the A1 providing good links for employees and servicing to Leeds and northwards to Harrogate and York. The location adjacent to the A1 will mean that employees travelling this way would not need to travel through Wetherby itself. No objections are raised by the Highways Agency with regard to the impact of the scheme on the strategic highway network. There have been extensive negotiations regarding the detail contained within the Transport Assessment however highway officers are still concerned over some elements of information contained within this. It is considered that such issues could be suitably dealt with during re-negotiation of the planning performance agreement and prior to a formal decision being issued.
- 9.16 Parking provision within the site is well catered for with the levels being based on UDP guidelines. The Travel Plan also highlights the provision of cycle parking for staff and visitors as well. With regards to road and parking layouts highway officers have concerns regarding internal road widths, junction radii etc. The application does seek approval for access, notwithstanding this however conditions could be used to ensure that the internal layouts complied with relevant guidelines. Such issues could also be re-visited through the revised timetable for the PPA.
- 9.17 The proposed use raises no issues regarding impact on the strategic highway network, and the layout could be resolved to ensure that the internal layout complies with highway safety standards.
- 9.18 **Are Panel Members satisfied with the proposed access arrangements and are there any other issues that should be addressed ?**

Design and Appearance

- 9.19 The proposal includes a range of types of buildings suited to their intended end uses, including office buildings, industrial units and warehousing. The application is made in outline only so all matters relating to siting, layout, appearance and design are reserved.
- 9.20 A design brief has been included which anticipates units with ridge heights of 8.5 – 10m for offices, and 13m maximum for industrial units. This will result in units that are appropriate for the area and enabling trees to be used to screen the buildings. The units would follow a palette of materials and colours to achieve a consistency in

appearance across the site, whilst being designed to individual specifications. The buildings will sit within an area of Wetherby that is already quite industrial in nature and would certainly not appear to be out of context. The site is visible from the A1 and has potential to be a gateway site, however there is no reason to suppose that the quality of the buildings and the landscaping overall will not provide the correct response to the situation.

- 9.21 **Do Panel Members have any concerns over the proposed layout of the site and are any concerns raised with regard to the indicative scale of the proposed buildings ?**

Landscaping and Biodiversity

- 9.22 The landscaping is again another reserved matter, but there is an indicative proposal being put forward along with the design brief. Existing tree planting to the western side of the site is being retained (and largely falls outside of the red line area anyway).
- 9.23 Part of the area is considered sensitive and this is being set aside for the purposes of flood attenuation with an attenuation pond and landscaped buffer along the northern boundary. The pond will disturb a badger sett, however surveys of this sett reveal very little useage, will little evidence of badgers found in the surrounding areas. A new artificial sett is proposed to be constructed within the buffer zone and works carried out with the relevant English Nature licence in accordance with relevant legislation.
- 9.24 Evidence of bats flying over the site was found, but no roosts. The Wildlife survey proposes that new roosting opportunities be provided for bats to enhance local populations. A further survey prior to development would be needed to assess any changes to the population.
- 9.25 Some limited evidence of water voles was also found in the watercourse on the northern boundary. However the presence of brown rats, and contamination in this watercourse was also found meaning that water vole populations here are likely to be limited. A further survey prior to development would be needed, and the watercourse is to be re-designed and re-graded to provide for flood attenuation, and to provide a more suitable habitat to encourage water vole populations to establish.
- 9.26 Similarly nesting birds are likely to be found on site and as such no works should take place during the nesting season. No other protected species were found on the site. It is important to ensure that when landscaping is considered that the provisions being made for badgers, bats and water voles are supplemented by the creation of wildlife corridors to ensure good access to food supplies and to other populations and territories. A condition requiring such provision could be imposed which would also help to provide a good landscaped setting for the employment uses and contribute to the overall quality of the development.
- 9.27 **Are Panel Members satisfied with the applicant's approach to biodiversity and landscaping ?**

Section106 Agreement and CIL Regulations

- 9.28 The proposal is being put forward with a range of provisions to enable improvements to be made, the detailings of these provisions is yet to be provided as the applicant is reluctant to embark on this process until such time as the principle of development is more readily assured from the Plans Panel. The S106 would however need to include the following;

- Travel Plan, plus a monitoring fee.
- Public Transport Infrastructure Contribution - £200,000.
- Contribution to Wetherby Parking Strategy – as yet unspecified.
- Contribution to Metro towards funding of local bus services, and improvements to the relevant bus shelters.

9.29 From 6 April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is all of the following:

- **(i) necessary to make the development acceptable in planning terms.** Planning obligations should be used to make acceptable development which would otherwise be unacceptable in planning terms.
- **(ii) directly related to the development.** Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement.
- **(iii) fairly and reasonably related in scale and kind to the development** Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

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

- £200,000 as a public transport infrastructure contribution. The proposal is likely to have a significant travel impact and a financial contribution will help to ensure that relevant government and local policies relating to the use of public transport are met. Money would not be ringfenced to the local public transport system as there are no current proposals for the area, however it could be spent on associated transport corridors. The figure has been calculated using the approved formula set out in the SPD which takes into account the size, scale and impact of the proposed development.
- £2,500 as a monitoring fee for a Travel Plan designed to reduce vehicle use by staff and visitors. This is required to ensure that the agreed provisions within the Travel Plan are implemented.
- The contribution to Metro is justified as part of the Travel Plan aims are to improve number of employees traveling by more sustainable modes, and a contribution towards the cost of providing services that employees would use would enable continued provision of these services. The updating of bus stops would provide for real time information displays thereby providing a better service for employees.
- A contribution towards the Wetherby Parking Strategy is sought as employees at the site are considered likely to visit Wetherby town centre, either at lunch times or before or after work and this will have economic benefits for the locality. It could also however increase demand for medium and short stay parking in Wetherby and put pressure on the existing provision. An amount has not yet been calculated as possible strategies are still being considered, however as an example it is estimated that maintenance of the Old Station Car Park would cost £35,000, whilst re-surfacing it would be in the region of £100,000.

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

9.32 **Are Panel Members satisfied over the Heads of Terms of the Section 106 Agreement that would be required ?**

Archaeological Issues

9.33 The West Yorkshire Archaeological Services have indicated that there is a possibility for remains of a mediaeval settlement of Audby to be present in the vicinity of the application site. A condition requiring implementation of a full programme of archaeological recording is recommended, should Panel Members decide to support the scheme at the formal recommendation stage, to ensure that the potential for remains is fully explored and that appropriate mitigation is then put in place to either preserve remains, minimise harm and/or record findings.

Conditions

9.34 A series of conditions would be recommended should Panel Members decide to support the scheme at the formal recommendation stage, which aim to guide the reserved matters phase, or seek additional details to be approved. The applicants have requested an extended time scale for approval of reserved matters which would generally be 3 years. They have requested this be extended to 2016, giving them 5 years for submission of reserved matters. This is requested due to the current economic climate and the likely slow uptake of the site, as well as the potential phasing of the development. A 5 year submission is not considered to be excessive and would provide some additional flexibility and re-assurance for potential developers. It is recommended that a detailed phasing plan be requested as well.

9.35 A sustainability statement would be requested via condition to address the design of the buildings themselves and the construction phases. It has been a while since the application was first submitted and this condition would ensure that the latest approaches are utilized. Similarly a condition requiring that 10% of the energy usage be from renewable or low carbon sources would be recommended to ensure that the proposal helps to minimise the impact on the local environment.

9.36 **Are Panel Members satisfied with imposing a 5 year time limit condition in which the reserved matters should be submitted should the Panel be minded to support the proposal in principle ?**

9.0 CONCLUSION

9.1 The proposed development fulfils an allocation policy within the adopted UDP and will bring employment uses into Wetherby allowing the town to sustain economic growth. There are recognised concerns about the sustainability of the site and access to public transport provision; however such issues should have been adequately dealt with at the time that the site was allocated. The allocations within the UDP exist to provide developers with some sort of assurance and basis on which to put proposals forward. Notwithstanding the poor transport provision the proposal has the potential to provide local employment and people will be able to access the site by car, by foot and cycle, and the bus stops are within walking distances, although not an optimum distance. There may also be benefits in helping to reduce the amount of commuting that takes place from Wetherby to other employment hubs such as Leeds and Harrogate.

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

- (i) Do Panel Members have any concerns regarding the principal of employment use on this site as well as the scale and mix of office use and light industrial / warehousing & distribution, and ancillary uses ?
- (ii) Do Panel Members also feel that the site is sustainable in terms of its location, in light of the UDP designation and Section 106 obligations being sought ?
- (iii) Are Panel Members satisfied with the proposed access arrangements and are there any other issues that should be addressed ?
- (iv) Do Panel Members have any concerns over the proposed layout of the site and are any concerns raised with regard to the indicative scale of the proposed buildings ?
- (v) Are Panel Members satisfied with the applicant's approach to biodiversity and landscaping ?
- (vi) Are Panel Members satisfied over the Heads of Terms of the Section 106 Agreement that would be required ?
- (vii) Are Panel Members satisfied with imposing a 5 year time limit condition in which the reserved matters should be submitted should the Panel be minded to support the proposal in principle ?
- (viii) Are there other issues which need to be addressed ?

Background Papers:

Application and history files. – see history above.

Certificate of Ownership: Notice was served on P S Dalby, WA Dalby and Louise Nichols of Rose Dene Farm, Walton Road in Wetherby.

LEEDS CITY COUNCIL
Please refer to Decision Notice
16 FEB 2010
REVISED



SCHEDULE OF ACCOMMODATION:

OFFICE UNITS 1 - 4

UNIT	NET AREA (sqm)	GROSS AREA (sqm)	FLOOR LEVEL
UNIT 1	1,812	2,000	1st
UNIT 2	1,812	2,000	1st
UNIT 3	1,812	2,000	1st
UNIT 4	1,812	2,000	1st
UNIT 5	1,812	2,000	1st
UNIT 6	1,812	2,000	1st
UNIT 7	1,812	2,000	1st
UNIT 8	1,812	2,000	1st
UNIT 9	1,812	2,000	1st
UNIT 10	1,812	2,000	1st
UNIT 11	1,812	2,000	1st
UNIT 12	1,812	2,000	1st
UNIT 13	1,812	2,000	1st
UNIT 14	1,812	2,000	1st
UNIT 15	1,812	2,000	1st
UNIT 16	1,812	2,000	1st
UNIT 17	1,812	2,000	1st
UNIT 18	1,812	2,000	1st
UNIT 19	1,812	2,000	1st
UNIT 20	1,812	2,000	1st
UNIT 21	1,812	2,000	1st
UNIT 22	1,812	2,000	1st
UNIT 23	1,812	2,000	1st
UNIT 24	1,812	2,000	1st
UNIT 25	1,812	2,000	1st
UNIT 26	1,812	2,000	1st
UNIT 27	1,812	2,000	1st
UNIT 28	1,812	2,000	1st
UNIT 29	1,812	2,000	1st
UNIT 30	1,812	2,000	1st
UNIT 31	1,812	2,000	1st
UNIT 32	1,812	2,000	1st
UNIT 33	1,812	2,000	1st
UNIT 34	1,812	2,000	1st
UNIT 35	1,812	2,000	1st
UNIT 36	1,812	2,000	1st
UNIT 37	1,812	2,000	1st
UNIT 38	1,812	2,000	1st
UNIT 39	1,812	2,000	1st
UNIT 40	1,812	2,000	1st
UNIT 41	1,812	2,000	1st
UNIT 42	1,812	2,000	1st
UNIT 43	1,812	2,000	1st
UNIT 44	1,812	2,000	1st
UNIT 45	1,812	2,000	1st
UNIT 46	1,812	2,000	1st
UNIT 47	1,812	2,000	1st
UNIT 48	1,812	2,000	1st
UNIT 49	1,812	2,000	1st
UNIT 50	1,812	2,000	1st
UNIT 51	1,812	2,000	1st
UNIT 52	1,812	2,000	1st
UNIT 53	1,812	2,000	1st
UNIT 54	1,812	2,000	1st
UNIT 55	1,812	2,000	1st
UNIT 56	1,812	2,000	1st
UNIT 57	1,812	2,000	1st
UNIT 58	1,812	2,000	1st
UNIT 59	1,812	2,000	1st
UNIT 60	1,812	2,000	1st
UNIT 61	1,812	2,000	1st
UNIT 62	1,812	2,000	1st
UNIT 63	1,812	2,000	1st
UNIT 64	1,812	2,000	1st
UNIT 65	1,812	2,000	1st
UNIT 66	1,812	2,000	1st
UNIT 67	1,812	2,000	1st
UNIT 68	1,812	2,000	1st
UNIT 69	1,812	2,000	1st
UNIT 70	1,812	2,000	1st
UNIT 71	1,812	2,000	1st
UNIT 72	1,812	2,000	1st
UNIT 73	1,812	2,000	1st
UNIT 74	1,812	2,000	1st
UNIT 75	1,812	2,000	1st
UNIT 76	1,812	2,000	1st
UNIT 77	1,812	2,000	1st
UNIT 78	1,812	2,000	1st
UNIT 79	1,812	2,000	1st
UNIT 80	1,812	2,000	1st
UNIT 81	1,812	2,000	1st
UNIT 82	1,812	2,000	1st
UNIT 83	1,812	2,000	1st
UNIT 84	1,812	2,000	1st
UNIT 85	1,812	2,000	1st
UNIT 86	1,812	2,000	1st
UNIT 87	1,812	2,000	1st
UNIT 88	1,812	2,000	1st
UNIT 89	1,812	2,000	1st
UNIT 90	1,812	2,000	1st
UNIT 91	1,812	2,000	1st
UNIT 92	1,812	2,000	1st
UNIT 93	1,812	2,000	1st
UNIT 94	1,812	2,000	1st
UNIT 95	1,812	2,000	1st
UNIT 96	1,812	2,000	1st
UNIT 97	1,812	2,000	1st
UNIT 98	1,812	2,000	1st
UNIT 99	1,812	2,000	1st
UNIT 100	1,812	2,000	1st

--- SITE BOUNDARY

NOTE:
LIGHTER SHADED AREA DENOTES AREA OF POTENTIAL FUTURE DEVELOPMENT WITHIN THE AREA DESIGNATED FOR EMPLOYMENT USE (E4.37)
BUILDING FLOOR AREAS INDICATED ON THE LAYOUT PLAN ARE NETT AREAS IN SQ.FT.

Rev	Date	Drawn	Checked
E	16.02.10	SGK	SGK
D	11.12.09	RAL	RAL
C	27.03.09	MC	MC
B	22.11.07	TT	TT
A	16.11.07	TT	TT

PLANNING

Project/Client: WETHERBY PARK LIMITED.
THE OGDEN GROUP OF COMPANIES (PROJECT MANAGERS).
WETHERBY PARK SANDBECK LANE.

Project No: 5338
Dwg No: AD (00) 004
Rev: E
Scale: 1:1000 @A1

Drawing: MASTERPLAN

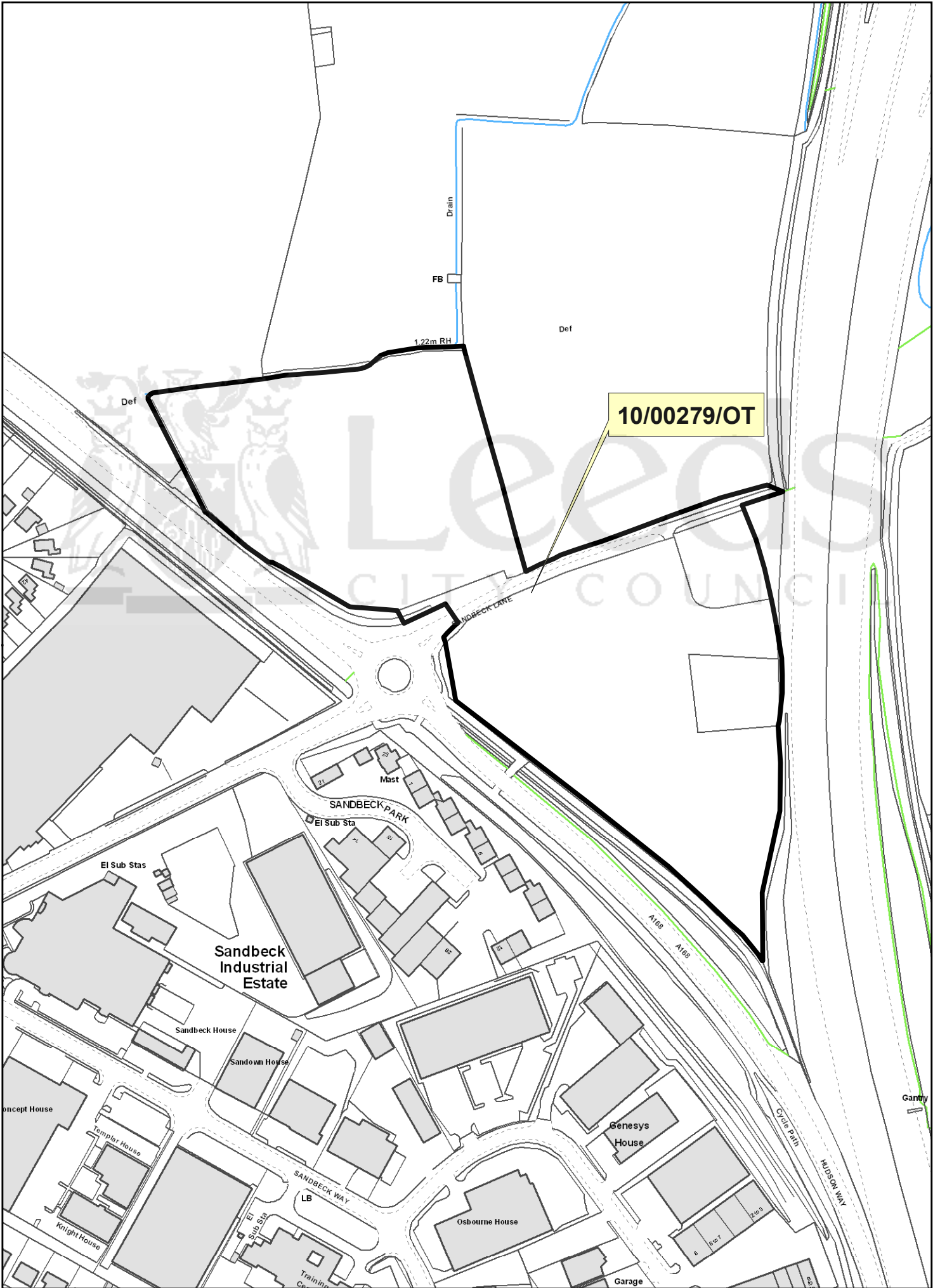
Drawn By: RAL
Checked By: []

Date: DEC 09

LEEDS CITY COUNCIL
Please refer to Decision Notice
16 FEB 2010
REVISED

archial
The Round Foundry, 105 Water Lane Leeds, LS11 5WD
T: +44 (0)113 388 4330 F: +44 (0)113 388 4340
www.archialgroup.com

© Archial Architects Ltd. Contractors must work only to figures/notations which are to be checked on site. Registered Office: Toppin House, 1st Fl., 65 Great Portland Street, London, W1V 2PL, Registered Number: 8277102



EAST PLANS PANEL

