



Leeds
CITY COUNCIL

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Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 5th JANUARY 2012

**BACKGROUND INFORMATION REPORT
AIRE VALLEY LEEDS ENTERPRISE ZONE – DRAFT LOCAL DEVELOPMENT ORDER**

Electoral Wards Affected:

Burmantofts & Richmond Hill
City & Hunslet
Temple Newsam

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Members are requested to note the contents of this report and are invited to comment on any aspect of the report and the draft local development order attached in Appendix A.

1.0 INTRODUCTION

- 1.1 The purpose of this report is to inform members about the intention to consult on a draft local development order to simplify planning requirements in support of the Aire Valley Leeds Enterprise Zone and to allow members to comment on the draft.
- 1.2 The proposed local development order will allow businesses to undertake specific extensions, alterations and changes of use of their properties without the need to apply for planning permission.

2.0 BACKGROUND

Enterprise Zones

- 2.1 The government announced in the March 2011 Budget, plans for new enterprise zones (EZs), and that a number of Local Enterprise Partnerships (LEP) including Leeds City Region LEP would be invited to nominate a site and come forward with proposals.
- 2.2 Shortly after the Budget, the Department for Communities and Local Government (DCLG) published the Enterprise Zone prospectus which set out the Government's ambitions for this programme in the context of its wider plans for economic growth. Enterprise Zones are designed to stimulate business growth and investment and create new jobs through the provision of lower tax levels, reduced planning controls and a lighter regulatory and administrative burden.
- 2.3 All Enterprise Zones will benefit from:
- a business rate discount worth up to £275,000 per business over a five year period;
 - all business rates growth within the zone for a period of at least 25 years will be retained by the local area, to support the Local Enterprise Partnership's economic priorities;
 - Government help to develop radically simplified planning approaches for the zone using, for example, existing Local Development Order powers; and
 - Government support to ensure that superfast broadband is rolled out throughout the zone,

All of the above can be achieved through guaranteeing the most supportive regulatory environment and, if necessary, public funding.

- 2.4 The LEP Board meeting on 15th June determined that the Leeds proposal for the Aire Valley be submitted to Government as the City Region's Enterprise Zone. This was further endorsed by the ministerial announcement regarding the Aire Valley Zone on the 23rd July 2011. The Enterprise Zone is due to commence on 1st April 2012.
- 2.5 The prospect of an Enterprise Zone in Leeds presents a significant opportunity to deliver economic growth that will have a major impact on the city's and the city region's economy. An Enterprise Zone not only affords economic growth opportunities in the Zone itself, but also the potential for a catalytic effect in adjacent areas.
- 2.6 The above position was reported to the 22nd June Executive Board where it was agreed that details of the LDOs would be prepared and presented to Executive Board for approval; prior to referring to the Secretary of State who has the authority to approve, modify or reject the orders.

Local Development Orders (LDOs)

- 2.7 DCLG has indicated in the guidance that Enterprise Zone status is conditional on putting in place a simplified approach to planning and recommends the use of LDOs.

Local authorities are therefore required to identify opportunities where deregulation can be adopted. This is to be developed with consideration for what will genuinely benefit growth, attract private sector investment and support sustainable economic development.

- 2.8 LDOs grant permission for the type of development specified in the LDO removing the need to apply for planning permission. If a type of development is not specified in the LDO, planning permission can be sought in the normal way. The LDO contains three parts; the order itself including conditions, a statement of reasons providing justification for the development to be permitted and conditions; and a plan showing the area covered by the LDO. Development falling under Schedule 1 of the EIA regulations (such as an Energy from Waste facility) or listed buildings cannot be included in an LDO.
- 2.9 DCLG have also stressed that Enterprise Zones should not result in displacement of existing businesses from nearby areas onto the EZ sites. They recommend that local planning authorities look at opportunities to extend simplified planning into wider areas in order that those areas can benefit from the perceived benefits as well as the EZ sites. The boundary of the LDO and EZ sites do not have to coincide.
- 2.10 In working up the scope and content of the LDOs informal consultation has taken place with the Highways Agency and Environment Agency, the landowner/developers of EZ sites and DCLG officers.
- 2.11 The LEP agreed the initial scope of simplified planning for the Aire Valley Enterprise Zone in August. This scoped out the potential for a number of LDOs across a range of themes covering different type of development initially covering the following:
- LDO 1: Solar Panels on non-domestic buildings
 - LDO 2: Extensions, alterations and changes of use of industrial properties
 - LDO 3: Transport & Site Preparation works
 - LDO 4: New buildings
- 2.12 LDO 1 was published for formal consultation on 16th December. The consultation will end on 18th January. Local ward members were consulted by email before the consultation commenced. The nature of the development permitted by the LDO, allowing solar panels to be installed on the roof of non-domestic buildings subject to conditions, is a type of development where the planning application would normally be determined using officer's delegated powers.
- 2.13 LDOs 2, 3 and 4 raise more fundamental issues which may involve the type of development included in planning application that would normally determined by members at Plans Panel. The latest working draft of LDO 2 is attached with this report and the details are set out below.
- 2.14 The scope of simplified planning in the Aire Valley EZ is somewhat complicated because all the sites have some form of planning permission (mainly in outline form) allowing development of a range of business uses including offices, industrial units and warehouse with ancillary facilities. In discussions related to LDO 3 (allowing site preparation works, new roads and a park & ride facility) and LDO 4 (allowing new buildings to be constructed subject to conditions) some developers

have expressed a preference for undertaking development through their existing permission rather than through an LDO. Officers are therefore considering whether a form of simplified procedure for determination of reserved matters of those outline approvals (potentially using a planning performance agreement) would be a better way of simplifying planning in these cases rather than use of an LDO. In considering these issues it needs to be borne in mind that simplified planning is a mandatory requirement of EZ status.

- 2.15 The park & ride facility element of LDO 3 may be taken forward separately but the details of the scheme are still to be worked on. If the park & ride facility is progressed as an LDO or if an LDO allowing new buildings is eventually progressed for some or all of the EZ sites it would be brought to Plans Panel prior to any consultation taking place.

3.0 DRAFT LOCAL DEVELOPMENT ORDER (2): EXTENSIONS, ALTERATIONS AND CHANGES OF USE

- 3.1 A draft of LDO 2 and accompanying plans is attached with this report for comment. The draft LDO includes introductory and context sections; the order itself which sets out what type of development is permitted and not permitted, timescales and compliance information; a statement of reasons providing the justification for the LDO and plans showing the LDO boundary and providing further information.

- 3.2 The proposed LDO would grant planning permission (see section 5 of the draft LDO) to existing businesses which fall within specified land use classes (research & development, industrial and storage & distribution) to undertake certain minor development to their premises without the need to make a planning application.

- 3.3 The development permitted includes the following:
- Unrestricted change of use between the above uses;
 - Construction of front entrances / canopy / reception areas;
 - Construction of extensions to the side and rear of existing buildings;
 - Roof structures to allow creation of green roofs;
 - Bicycle storage facilities;
 - Erection, construction, maintenance or alteration of a means of enclosure (gate, fence or wall); and
 - Installation of new windows or door openings

- 3.4 All of the development set out above is subject to a range of conditions which are set out in the order. These conditions are needed to cover a range of issues such as limiting the scale of extensions and the height of walls, ensuring that visual and residential amenity is not prejudiced by development and that existing car parking or servicing areas are not lost. There is an important balance to be struck between simplifying planning and giving sufficient flexibility to businesses to support the Enterprise Zone and ensuring that the resulting development is acceptable in planning terms.

- 3.5 The LDO also excludes specific development which might otherwise fall within the scope of the order. Development excluded from the order includes:
- open storage except where this is ancillary to the use of a building;

- that related to listed buildings or land within the curtilage of a listed building;
- on sites identified in the draft Natural Resources Waste DPD as safeguarded waste sites;
- within landscape exclusion zones to protect important green corridors

3.6 Given the Enterprise Zone sites are largely undeveloped at present and would have little opportunity to take up this LDO, officers considered that the planning simplification offered by this LDO would be appropriate to apply to a wider area within the Aire Valley. The boundary of the LDO therefore also includes the wider industrial areas of Cross Green, Stourton and Hunslet. The wider area does not include any residential areas, listed buildings or conservation areas.

3.7 It is intended that the LDO would have a limited lifetime of 5 years. If the LDO were revoked before this time there may be a requirement for the Council to pay compensation to an owner who was intending to carry out development through the LDO.

3.8 When the LDO is in place there would be a requirement (see Section 5.6 of the draft LDO) for the developer to submit sufficient information to the Council to allow officers to check whether a proposed development complies with the LDO. Council officers would have up to 28 days to provide a written response to the applicant. If a written response was not provided within this timescale, the development would be deemed to be approved through the order. A fee may be required to cover administrative costs but the details of this are still being worked up.

4.0 CONSULTATION AND APPROVAL PROCESS FOR THE LOCAL DEVELOPMENT ORDER

4.1 The draft LDOs will be subject to a public consultation exercise. This must be a period of no less than 28 days and the specific requirement is for consultation with those parties who would normally be consulted on a planning application for the same type and scale of development being permitted by the LDO.

4.2 A public notice advertisement in a newspaper is required along with site notices placed in prominent locations within the boundary. Statutory consultees would be consulted. There is also a requirement to serve notice on the site owners/tenants within the boundary covered by the LDO. For LDO 2 this would potentially be around 400 businesses/landowners.

4.3 A briefing was held for local ward members on 13th December which was attended by the three members representing Burmantofts & Richmond Hill ward. The draft document was sent out to members who did not attend the briefing for comment. Members were also shown a draft of LDO 3 which is not being brought to this Panel for the reasons set out above.

4.4 Following Panel it is intended that the final draft of LDO 2 will go out to consultation in mid to late January for a period of 28 days.

4.5 Officers will then consider representations made to the consultation and prepare a report to Executive Board who will make the decision whether or not to approve the

draft LDO. It is intended that the draft LDO will go to the earliest possible Executive Board on 11th April 2012.

- 4.6 The draft LDO then has to be submitted to the Secretary of State for Communities and Local Government. He then has 21 days to make a determination to approve, reject or modify the order. If no response is received by the Council within 21 days the order is deemed to be approved. Allowing for the full 21 days consultation period with the Secretary of State, the earliest the draft LDO can be adopted from this point is 4th May 2012.

Background papers:

Draft LDO

APPENDIX A

**Aire Valley Leeds Enterprise Zone
Local Development Order (2):
Extensions, Alterations and Changes of Use**

**Draft for Plans Panel East Meeting
Version 1.2
21.12.11**

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Appendix A: Plans

1. Introduction

- 1.1 Enterprise Zones were announced by the Government in the March 2011 budget. The aim of Enterprise Zones is to stimulate private sector growth by reducing burdens for businesses. The specific benefits announced include:
 - A business rate discount worth up to £275,000 per business over a five year period for new businesses;
 - A simplified planning approach; and
 - Measures to ensure superfast broadband is rolled out
- 1.2 Enterprise Zones are selected and administered by Local Enterprise Partnerships (LEPs) and Aire Valley Leeds was selected as the Enterprise Zone candidate for the Leeds City Region LEP. The Government confirmed in July 2011 that Aire Valley Leeds was approved as one of the 22 areas in the country to benefit from Enterprise Zone status. The Enterprise Zone will commence on 1st April 2012 for an initial period of three years to 31st March 2015.
- 1.3 Aire Valley Leeds is located in the south east of the Leeds urban area along both sides of the River Aire Corridor extending from the heart of the city centre out to the M1 motorway and beyond. The Enterprise Zone incorporates four major development sites within Aire Valley Leeds which front onto the new East Leeds Link Road (A63) which was opened in 2009. These are the sites that are eligible for business rates relief. Together the sites provide 142 hectares (*check*) of development land for suitable for office, research & development, industrial and distribution uses.
- 1.4 All of the sites within the Aire Valley Leeds Enterprise Zone will benefit from a simplified planning approach, predominantly through the use of Local Development Orders (LDOs). Leeds City Council will prepare a series of LDOs across a range of themes covering different types of development. Together these LDOs will simplify planning requirements not only on the Enterprise Zone sites but over a wider area of Aire Valley Leeds.
- 1.5 This LDO covers one of those themes setting out the details of extensions, alterations and changes of use that will be permitted on the Aire Valley Leeds Enterprise Zone sites and in wider industrial areas of the Aire Valley.

2. Simplified Planning in Enterprise Zones

- 2.1 Enterprise Zone status is conditional upon putting in place a genuinely simplified approach to planning and speeding up the planning process. The government advise that the approach taken to simplified planning should be ambitious and developed with consideration for what will genuinely benefit growth and attract private sector investment to Enterprise Zones. In order to simplify planning the government promote the use of LDOs.
- 2.2 LDOs are an existing part of the planning system falling under the provisions of the Town & Country Planning Act 1990, as amended. LDOs were introduced by the Planning and Compulsory Purchase Act 2004 and commenced in 2006 and were amended by the Planning Act 2008. The detail legal provisions on LDOs are contained in Article 34 and Schedule 7 to the Town and Country Planning (Development Management Procedure) (England) Order 2010 which came into force in October 2010.
- 2.3 LDOs grant permission for the type of development specified in the Order, and by doing so, removes the need for a planning application to be made by the developer. If development complies with the requirements of the LDO it can be assumed that it can be started straight away. The Local Planning Authority has the right to apply conditions on the LDO, similar to those that might be applied to a planning permission, to ensure that the development is acceptable in planning terms.
- 2.4 The Government has produced a guidance note for local authorities to support the preparation of LDOs. This advises local authorities to avoid any conditions which are not absolutely essential to make the resultant developments acceptable in planning terms. The guidance also stresses the importance of minimising displacement i.e. businesses moving onto the Enterprise Zone sites from nearby areas stifling development in those areas. It confirms that the boundaries of LDOs do not have to match those of the business rates relief area and Local Planning Authorities should look for opportunities to bring the benefits of planning simplification to a wider area.
- 2.5 The scope and detail of the LDOs for the Aire Valley Enterprise Zone have been worked up having due regard to advice contained in the guidance.

3. Aire Valley Leeds

- 3.1 The Lower Aire Valley is a major economic development opportunity for Leeds City Region. In total it extends to over 1,300 hectares and contains some 400 hectares of sites which are available for development in the short to medium term. Aire Valley Leeds is identified within regional and local strategic plans as a focus for future economic growth for Leeds and the City Region. It will provide opportunities for continued, sustainable employment growth for the region for years to come. The Enterprise Zone will provide a catalyst for development in the short term and will help to deliver the long term vision for this area of Leeds.

Urban Eco Settlement

- 3.2 The unique selling point for Aire Valley Leeds remains the delivery of a sustainable new district for the city delivering growth through some 30-40,000 new jobs and up to 10,000 new homes. This is reflected in the granting of Urban Eco Settlement status for the area by the City Region. The Enterprise Zone in the Aire Valley Leeds will promote sustainable development in support of the Urban Eco Settlement by seeking the delivery of commercial areas which have: high quality environmental conditions and provide green infrastructure; carbon efficient buildings, operations and energy production; low carbon and green business and sustainable transport.

Aire Valley Leeds Area Action Plan

- 3.3 Leeds City Council is preparing an area action plan for the Aire Valley Leeds . This document, which will have development plan status as part of the Leeds Local Development Framework when adopted, has been out to previous rounds of consultation and is programmed to be published in draft form in Autumn 2012 with a view to adoption during 2013.

4. Aire Valley Leeds Enterprise Zone Sites and Wider LDO Area

- 4.1 The following section sets out the context and details of the Aire Valley Leeds EZ sites and the three wider LDO areas (A, B and C). The boundaries of the EZ sites and the wider LDO areas are shown on the attached plans:

ENTERPRISE ZONE SITES

SITE 1: NEWMARKET LANE

- 4.2 This 9.2 hectare site is owned by Leeds City Council. The site is currently vacant and was formerly used as a wholesale market. The southern boundary of the site fronts onto the East Leeds Link Road (ELLR). Existing industrial uses lie to the west and east of the site. The northern boundary of the site backs onto an area of grassland before a railway line. The nearest residential properties are located some x m to the north east of the site on Halton Moor Road.

Site 1: Existing planning status:

Allocated for employment use in the Leeds UDP (Review 2006).

Draft allocation as a strategic waste site in the Natural Resources and Waste Development Plan Document (except northern portion of site).

Outline approval (App No: 21/9/03/OT) to erect office, industrial and warehouse development (maximum 31,500 sq m of floorspace)

Approved: 30/04/2009 Expires: 30/04/2012.

SITE 2: THORNES FARM

- 4.3 This 21 hectare site is a partly developed site which fronts onto the ELLR to the south. Three modern buildings are in industrial/warehousing use on the site. A number of fully serviced development plots remain which have planning approvals (see box) and have been marketed for employment use. Two of the plots are owned by Leeds City Council with the remainder in private ownership. The residential area of Osmondthorpe lies immediately to the north of the site, separated by a landscape buffer zone of 30 metres, with existing industrial uses to the west and Enterprise Zone Site 3 (Logic Leeds) to the east.

Site 2: Existing planning status:

Site allocated for employment use in the Leeds UDP (Review 2006)

Outline approval (App No: 21/8/03/OT) to erect office, industrial and warehouse development. Applies to plots A, B & C (maximum 26,600 sq m of floorspace)
Approved: 30/04/2009 Expires 30/04/2012.

As amended by App No 09/05546/LA: Variation of conditions
Approved 12/02/2010.

Full approval (App Nos: 21/25/04/OT & 08/03431/RM) for laying out of access and erection of 2 (B2/B8) industrial units, each with ancillary offices, car parking and landscaping. Applies to Plot D.
Approved 02/10/2007 & 02/12/2008. Development started.

Full approval (App No: 21/266/03/FU) for single storey warehouse/ industrial unit with ancillary offices and 50 car parking spaces. Applies to Plot E
Approved: 16/03/2007 Expires: 16/03/2012

SITE 3: LOGIC LEEDS (SKELTON MOOR FARM)

- 4.4 This 49.1 hectare site is currently in agricultural use but is an allocated employment sites which has outline planning permission for office, industrial and warehousing development (see box for details). The site is to be developed by Muse Development Ltd

Site 3: Existing planning status:

Site allocated for employment use in the Leeds UDP (Review 2006)

Outline approval (App No: 21/13/04/OT) to erect B1/B2/B8 development with supporting hotel, crèche and A2/A3/A4 uses. Maximum floorspace of 143,500 sq m

Approved 26/04/2006 Expires 26/04/2016.

As amended by App No: 08/05480/FU: Variation of conditions.
Approved 14/7/2010

SITE 4: TEMPLE GREEN

- 4.5 The 63.1 hectares of the Enterprise Zone site takes in most of a larger site which is allocated for employment and benefits from planning permission for a mixed of industrial and distribution development and a larger scheme for distribution uses only. The site is owned by a joint venture company formed by Keyland Ltd and Aire Valley Land LLP.

Site 4: Existing planning status:

Site allocated for employment use in the Leeds UDP (Review 2006)

Outline approval (App No: 21/252/02/OT) to layout access and erect industrial warehouse units (maximum 152,500 sq m of floorspace)

Approved 25/05/2006 Expires 25/05/2016.

Outline application (App No: 21/199/05/OT) to erect warehouse and distribution development with car parking and landscaping (maximum 275,000 sq m of floorspace).

Approved 25/05/2006. Expires 25/05/2016.

Full approval (App No: 11/02133/FU) for engineering works, including ground preparation works, formation of levels to development plot and provision of access and spine road with associated bridge.

Approved 29/09/2011 Expires 29/09/2014.

Pending application: 10/05048/EXT - Extension of time for Outline planning application 21/199/05/OT to allow submission of Reserved Matters until 2023.

WIDER LDO AREAS

AREA A: CROSS GREEN INDUSTRIAL PARK

- 4.6 This area includes most of the Cross Green Industrial Park which mostly comprises of businesses in the industrial and warehousing sector. The area extends to the north and south of the ELLR and is bounded to the west by the ELLR, to the south by Knowsthorpe Lane, to the east by the Knostrop Waste Water Treatment Works and to the north by Neville Hill sidings.

AREA B: STOURTON

- 4.7 This area includes most of the industrial parts of the Stourton area to the south of the River Aire. The area is bounded by the River Aire to the north, the M1 motorway to the east, the A639 to the south and Wakefield Road and Thwaite Lane to the west.

AREA C: HUNSLET

- 4.8 This area includes the industrial parts of Hunslet only. The area extends to the north and south of Low Road. To the north of Low Road it extends from Thwaite Gate to Goodman Street. To the south it wraps around the residential area of Hunslet from Wakefield Road to Balm Road.

5. Aire Valley Leeds Enterprise Zone Local Development Order (3): Extensions, Alterations and Changes of Use

5.1 Leeds City Council make the following Local Development Order to commence on 1st April 2012:

Part A1: Description of development permitted:

This Local Development Order (LDO) hereby grants planning permission for the following developments to applicable buildings/sites which are located either within the Enterprise Zone sites or within the LDO 2 wider boundary (areas, A, B and C), as defined on the attached plan. Only building/sites where the principal use falls within one of the specified uses listed below will be covered by the LDO:

Specified Uses:

- B1 (b): Research and Development.
- B1 (c): Light Industry.
- B2: General Industry.
- B8: Storage and Distribution.

*as defined within the Town and Country Planning (Use Classes) Order 1987 (and its subsequent amendments):

(a) The unrestricted change of use of buildings within the following use classes, as contained within the Town and Country Planning (Use Classes) Order 1987 (and its subsequent amendments):

- B1 (b): Research and Development.
- B1 (c): Light Industry.
- B2: General Industry.
- B8: Storage and Distribution.

Subject to:

- i) The primary purpose of the land within the curtilage not being used for open storage under Use Class B8. The use of land for open storage is only permitted where the open storage is ancillary to the principal use of building(s) within the site.
 - ii) Any change of use to Class B2 being situated over 50 metres from the nearest edge of the curtilage of a residential property outside the LDO boundary.
- (b) The use of up to 20% of the total floorspace of buildings for office accommodation, subject to the office use being ancillary to the principal use of the building.

- (c) The construction of a front entrance canopy/reception area/lobby to existing buildings which are located within 5 metres of the curtilage subject to:
- i) The external base area of the extension not exceeding 20 square metres.
 - ii) The height of the extension being no greater than the height of the existing building.
 - iii) The extension not containing more than one storey.
 - iv) The total floor area of extensions not exceeding the floor area of the original building.
 - v) No part of the development to be carried out within 2 metres of any boundary of the curtilage of the site.
 - vi) The extension resulting in the presence of no more than one front extension to any buildings within the curtilage of the site.
 - vii) The extension resulting in no reduction in the space available for the parking or adequate turning of vehicles.
 - viii) No part of the extension being located within 20 metres of the nearest bank of the River Aire.

Interpretation:

Front extensions which lie beyond 5 metres of the curtilage are covered by the GPDO.

- (d) The construction of extensions to the side and rear of existing buildings up to 5 metres deep (rear extensions) and/or 5 metres wide (side extensions) beyond any development permitted under the GPDO, subject to:
- i) The external materials being of similar appearance in terms of type and colour to those of the existing building.
 - ii) The enlarged part of the building not exceeding the height of the existing building at the point which adjoins.
 - iii) The total floor area of extensions not exceeding the floor area of the original building.
 - iv) No part of the development to be carried out within 2 metres of any boundary of the curtilage of the premises.
 - v) No part of the development to be carried out within 20 metres of the curtilage of a residential property.
 - vi) The extension resulting in no reduction in the space available for the parking or adequate turning of vehicles.
 - vii) No part of the extension being located within 20 metres of the nearest bank of the River Aire.
- (e) The formation of a new roof structure to an existing building(s) for the purposes of installing a green and/or brown roof, subject to:
- i) Any part of the new roof not being greater in height than the highest part of the existing roofline.
 - ii) The green/brown roof not being used as an accessible garden if located within 30 metres of the curtilage of any residential property.

- iii) Any associated railings required for establishing/maintaining or use of the green/brown roof being no higher than 1.2 metres from the eaves level of the roof.
- iv) Railings no longer required for purposes related to a green/brown roof should be removed as soon as practicable.

Interpretation:

The installation of a green/brown roof on an existing roof surface is not considered to form development and is thereby also permitted.

- (f) Development within the curtilage of an existing building for the sole purpose of the storage of bicycles and associated equipment, subject to:
 - i) No reduction in the space available for the adequate turning of vehicles.
- (g) The erection, construction, maintenance, improvement or alteration of a means of enclosure (gate, fence, wall) to a site, subject to:
 - i) The height of any means of enclosure not exceeding 2.4 metres with any development over one metre from ground level providing at least 50% through visibility.
 - ii) No use of palisade style fencing for any means of enclosure.
 - iii) No additional accesses being created or any alterations to the existing means of access to the site.
- (h). The installation of new window and door openings within existing buildings, subject to:
 - i) No new opening being formed within any wall or roof slope of a building which faces towards and is located within 20 metres of the curtilage to a residential property.

Part A2: Development not permitted:

- (a) Development is not Permitted by Part A of this order if it relates to:
 - i) Listed buildings or land within the curtilage of a listed building.
 - ii) Any part of sites contained within the schedule of excluded sites (Appendix 1) and indicated on attached plans 2, 3, 4 and 5.
 - iii) Development under sections 3, 4 or 6 of this LDO where any part of the development would fall within the specified Landscape Exclusion Zone as indicated on attached plan 5.

Lifetime of the Local Development Order

- 5.2 The LDO, and the terms within it, will be active for a period of five years following the day of its adoption, and will expire following this period. It will therefore cease to apply on the day following the fifth anniversary of the adoption of the order.
- 5.3 Development which has started under the provision of the LDO will be allowed to be completed in the event that the LDO is revoked or revised or expires.
- 5.4 Development which has started under the provision of the LDO can be completed following the expiry of the LDO after the end of the five year period. The uses that have taken place will therefore be allowed to continue to trade/operate but no new changes of use will be allowed under the terms of the LDO following its expiry without planning permission
- 5.5 On expiration of this LDO, the local planning authority will either:
- (a) Extend the life of the order for an additional time period:
 - (b) Revise the order and re-issue for a specific time period: or
 - (c) Return to the established planning system.

Compliance with the Local Development Order

- 5.6 Developments are only deemed LDO compliant subject to the submission and subsequent Council approval of the attached self-certification form. The form and associated guidance notes outline the information which needs to be submitted to allow for an appropriate assessment of the proposal and to provide advice as to whether the development proposed conforms to the requirement of the Order, or whether a planning application will be required. Once sufficient information has been submitted the Local Authority will provide a written response to a developments compliance or non-compliance with the LDO within 28 days. There may be fee of for this process which covers administration costs [*to be determined*].

* Alternatively a Certificate of Lawful Development can also be submitted for proposals via the standard planning application process.

Informatives

- 5.7 The LDO does not remove the requirement for Advertisement Consent.
- 5.8 The LDO does not remove the requirement for consents obtained under other legislation, such as Building Regulations, Hazardous Substances Consent and Environmental Health Regulations.

- 5.9 The LDO does not prevent development taking place which is not explicitly covered by the order. Where this applies a planning application for such development would need to be made through the standard planning application process.
- 5.10 The existing permitted development rights that a building/site benefits from are not affected by the LDO.

Definitions

GDPO: Town and Country Planning (General Permitted Development) Order 1995(b) as amended April 2010.

Curtilage: The area attached to and containing a dwelling house or building and its outbuildings, including rear and front gardens. The curtilage is not necessarily marked off or enclosed, but it should be clearly attached to the house or building serving a purpose the building in some useful way.

Green Roof: An intentionally vegetated roof surface, creating environmental benefits to the surrounding area.

Brown Roof: a roof which is surfaced with a layer of locally sourced material (rubble, gravel, spoil etc) to provide a habitat for surrounding wildlife.

6. Statement of reasons

Description of development permitted

- 6.1 The Local Development Order (LDO) would grant planning permission to existing businesses which fall within the specified use classes to undertake certain minor developments to their premises without the need to make a planning application. Developments such as extensions, changes of use of buildings and various alterations to premises would be permitted subject to conditions. The LDO applies to relevant businesses/land owners located within the defined areas (see attached plans), and would effectively extend their existing permitted development rights.

Justification for the LDO

- 6.2 The aim of the LDO is to offer a genuinely simplified approach to planning allowing new and existing business premises greater flexibility for growth. The LDO will assist existing businesses in adapting and growing quickly if required, whilst also supporting new businesses to establish themselves without delay within the area. This should help to retain high occupancy levels and attract private sector investment to the area. The LDO will offer businesses within the area certainty of outcome for the specified minor developments by defining up front what changes are acceptable and can be undertaken without the need for planning permission, removing unnecessary costs and time delays to implement these changes. The self-certification approval mechanism required by the LDO will offer businesses/land owners further certainty that a development is permitted. It is considered that the five year time span of the LDO allows sufficient time for existing businesses, to bring forward and implement these minor developments, giving more freedom to adapt and develop premises in the short term.
- 6.3 The LDO boundary, which includes, but is significantly larger than the Enterprise Zone will ensure that the areas around the Enterprise Zone would also benefit from its formation. The LDO promotes flexibility within a range of specified uses within the general business/industry use classes through allowing buildings to change from one use to another without the need for planning permission. These uses are typical of the existing businesses found within the area and consequently the LDO will help to retain the strong industrial core of the Aire Valley area which is locally and regionally significant in terms of employment and the economy.
- 6.4 Extending the boundaries of the LDO beyond the Enterprise Zone boundary will also help to reduce the incentive for border-hopping for those businesses located nearby and help to ensure that when demand in an area is stimulated by investment in the Enterprise Zone, development in adjacent areas is not stifled. Given that chosen areas have the same sectoral focus it provides a more level playing field and spreads the benefits of the Enterprise Zone

across the business/industrial sectors as a whole. As such helping to extend the benefits of the Enterprise Zone into surrounding areas.

- 6.5 The LDO expressly permits ancillary office use within buildings which is intended to allow premises to have all aspects of a business on-site, creating an advanced business operation and high quality business environment. However; the proportion of office use is limited by a floorspace maximum which is directly related to the size of the building. This should help to ensure that the LDO does not encourage displacement or draw development to the site which would have otherwise taken place in the city centre or local town centres.
- 6.6 The LDO area also extends into the boundary of the proposed Urban Eco Settlement (UES) which forms a key aspect of the emerging Aire Valley Leeds Area Action Plan. The UES has high aspirations for improving sustainability and promoting low carbon economic development within the Aire Valley. The LDO permits premises to install green/brown roofs and cycle store stores, promoting sustainable transport options without the need to apply for planning permission. This will mean that businesses wanting to improve their sustainability and biodiversity credentials are not penalised by having to submit a planning application and suffer unnecessary costs and delays. This will hopefully encourage this type of appropriate development to come forward within the UES and help to supplement the Councils aspirations for the area.
- 6.7 Whilst the LDO will offer a simplified planning approach it will also contain important safeguards in the form of conditions to ensure that it is not unduly detrimental to residential amenity or highway safety. The visual amenity of the area will also be protected through conditions which control the appearance of the developments. Regular planning control would remain over applications for developments to listed buildings or buildings within the curtilage of listed buildings as they are excluded from the scope of the LDO. It is considered that these measures will ensure that the LDO does not have a detrimental impact on any Listed Buildings. Furthermore certain sites within the area are safeguarded for specific uses within emerging LDF documents to help the Council to strategically manage the future use of natural resources and waste in Leeds. These sites are therefore also excluded from the extent of the LDO to ensure that no changes can be made which could potentially affect aspirations and aims of the emerging Natural Resources and Waste Development Plan Document. Any changes to these sites would instead require full consideration through the established planning application process.

Statement of policies the LDO will implement

- 6.8 The LDO is consistent with and will help deliver a number of national and local planning policies and guidance:

- 6.9 The aims and aspirations of the LDO are consistent with Planning Policy Statement (PPS) 4: Planning for Sustainable Economic Growth which places emphasis on improving economic growth and making the most effective and efficient use of land. The draft National Planning Policy Framework also seeks to proactively plan to meet the development needs of business and support an economy fit for the 21st Century.
- 6.10 The LDO accords with saved Policy E1 of the Unitary Development Plan (Review 2006), which seeks to retain existing businesses and provide sufficient land for the expansion and relocation of existing firms, without damaging the environment. The LDO is also consistent with the economic aspirations of several emerging Leeds Local Development Framework documents most notably the Core Strategy and Aire Valley Area Action Plan.

Legal advice received

- 6.11 The LDO complies with the requirements of current Government guidance and has been reviewed by Leeds City Council's Legal Department.

APPENDIX 1

PLANS