



**Leeds**  
CITY COUNCIL

Originator: David Jones  
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**Report of the Chief Planning Officer**

***PLANS PANEL CITY***

**Date: 13<sup>th</sup> December 2012**

**Subject: POSITION STATEMENT : APPLICATION 10/04597/OT, OUTLINE APPLICATION TO LAYOUT ACCESS ROAD AND ERECT LIGHT INDUSTRY, GENERAL INDUSTRY AND WAREHOUSE DEVELOPMENT (USE CLASSES CLASS B1C, B2 AND B8), A 115 BED HOTEL AND PUB/RESTAURANT, WITH CAR PARKING, LAND OFF WAKEFIELD ROAD, GILDERSOME**

**APPLICANT**  
C Clifford-Jones

**DATE VALID**  
27 October 2010

**TARGET DATE**  
26 January 2011

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**Electoral Wards Affected: Morley North**

YES Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**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 This application is a substantial application for commercial uses on land allocated for employment use in Gildersome. The application has been subject of extensive negotiations, especially in respect of technical highways issues and the impact on Junction 27 of the M62. Although there are outstanding issues, Officers consider it is appropriate to seek Members views on the key issues, such as highways safety, sustainability of the site and flooding considerations.

1.2 The planning application is subject of a Holding Direction by the Highways Agency, which is currently in place until 12<sup>th</sup> December 2012. Discussions are on-going in respect of the scope and costs of works necessary at Junction 27, the effectiveness and suitability of the Travel Plan and public transport measures and commuted sums, and the extent off-site highways works. Member's views on these measures are sought.

- 1.3 Councillor Leadley requests the application to be considered by Plans Panel, for determination after a site visit. The purpose of the site visit would be to allow members to appreciate the relationship between the proposed development and the houses on the opposite side of the A650.

## **2.0 PROPOSAL**

- 2.1 The development comprises of an employment led scheme to layout access road and erect light industry, general industry and warehouse development (use classes Class B1c, B2 and B8), a 115 bed hotel and pub/restaurant, with car parking. In addition to the principle of development, approval is sought for the site access, layout and scale of development, with all other matters reserved for future approval.

- 2.2 The amount of proposed employment floorspace which is being applied within this outline planning application is as follows:

The overall total floorspace of 11, 716 sq.m comprising of:

Class B1 (b)/ B1(c).B2 Industrial/ Class B8 Distribution/Warehousing: 7478 sq.m  
Gross Floor Area maximum

Pub/restaurant:738 sq. m. Gross Floor Area maximum

Hotel 3500 sq m Gross Floor Area maximum

Associated infrastructure, informal landscaped green space.

- 2.3 The following elements will be determined during the Reserved Matters stage;
- Appearance
  - Landscaping

### Access

- 2.4 A new signalised access junction is proposed to serve the site, located 200m east of the northern M62 Junction 27 roundabout on Wakefield Road. The access incorporates facilities to maintain access to the residential properties on the north side of the A650. Within the site, a 4-arm mini-roundabout junction is proposed to serve the various sections of the internal access. A 3.0m wide cycle/footpath is proposed along the whole site frontage with the A650.

- 2.5 Footpaths are to be provided throughout the estate and various crossing points are also proposed within the development.

- 2.6 A total of 278 car parking spaces are proposed, including 26 spaces for persons with disabilities. A total of 32 cycle spaces and 5 motorcycle spaces are also proposed.

### Layout/Scale

- 2.7 The access roads divide the site in four areas. Unit 1 (2 storey pub/restaurant) and Unit 2 (Proposed 4 storey hotel) are proposed to be located adjacent to the Wakefield Road frontage, to the western corner of the site, with Unit 1 abutting the approach to the M62 Junction.

- 2.8 Unit 4 (Industrial Unit) fronts onto Wakefield Road, at the eastern end of the frontage. Units 3 and 5 (Industrial Units) abut the embankment to the M621 slip road, at the southern end of the site.

- 2.9 The spaces between the buildings are occupied by access roads, car parking, and service yards, mainly and with some landscaping, comprising existing and proposed vegetation.

### Draft Section 106 Agreement

- 2.10 The application has been submitted with Draft Heads of Terms for the Section 106 Agreement.  
The Section 106 covers:  
The provision of a public transport contribution (£48 979)  
Contribution to off-site improvement works at Junction 27 (£44 971)  
Improvements to local bus stop (£10 000)  
The implementation of the travel plan (to be agreed) and monitoring fee  
Local employment opportunities

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site is an undeveloped site of approximately 3.23 hectares (8 acres). The application site comprises a largely open and undeveloped area of land to the south east of J27 between Wakefield Road and the M621. There are trees on the Wakefield Road frontage which are subject to Tree Preservation Order. The land slopes down gently towards the M621 slip road to the south, where the land then rises to form an embankment to the motorway.
- 3.2 There are residential properties on the north side of Wakefield Road opposite the site, and to the east adjacent to the site is industrial and newly constructed office development. Immediately to the west is a segment of land between the Gildersome roundabout and the site, which is open and undeveloped. The motorway network is to the south and west.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 23/2/95/OT: Outline planning permission for offices. Granted 27 February 1997.
- 4.2 23/308/99/RE: Renewal of outline planning permission 23/2/95/OT. Approval dated 18 July 2000.
- 4.3 23/360/03/RE: Renewal of outline permission to erect office development. Approval dated 10 September 2007.

#### Relevant application in the locality

- 4.4 12/02470/OT - Planning application of relevance, which is in the vicinity (off A62 and Asquith avenue, Gildersome), and contributes traffic to the local highway network - Outline application to layout 96000 sq m business units (suitable for research and development purposes or light industrial uses), general industrial uses and for warehousing/storage and distribution units (provided for by use classes B1 (b), B1(c), B2 and B8) on land off Asquith avenue, Gelderd Road A62, Gildersome. This application is also on the Panel agenda as a Position Statement.

### **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 There have been ongoing negotiations with the Highways Agency regarding the impact on the highway network and the extent of works required. These considerations are dealt with in the appraisal below.
- 5.2 A bus stop has been retained within the A650 site frontage, with a line of trees being proposed to the site frontage.
- 5.3 A public transport contribution of £48 979 has been negotiated towards public transport enhancements

5.4 A contribution of £44 971 towards the improvement works at Junction 27 has been negotiated.

## **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 Site notices for a major development were originally posted on 29<sup>th</sup> October 2010 and in the press on 17<sup>th</sup> November 2010. Representations have been received from the following:

6.2 Councillor Tom Leadley objects to the proposal on the following grounds:

6.3 There is no compelling case to justify an out of town location for the pub/restaurant and hotel. Allowing them would undermine the viability and vitality of established centres, including Morley and Leeds.

6.4 The density of the development is considered excessive and there should be greater set-back of buildings on the frontage to allow more planting, opposite which are houses which would be adversely impacted upon because of the closeness of the buildings and disturbance generated by their use.

6.5 Concerns that traffic flows generated by the development would erode any spare capacity on the adjoining highway network, especially in the morning and evening peaks.

6.6 Councillor Leadley requests the application to be considered by Plans Panel, for determination after a site visit. The purpose of the site visit would be to allow members to appreciate the relationship between the proposed development and the houses on the opposite side of the A650.

6.7 2 letters of objection from Morley households, and one letter of general support (but with an issue regarding access), from a resident opposite the site on the following grounds:

6.8 Whilst generally in favour of the development, in the form proposed, with the traffic island and traffic lights sited immediately opposite the house, then the resident would be unable to gain access to or egress from the property with a caravan without causing hold-ups to traffic on the A650. The only way to get round this problem, to improve access onto and off the A650 and to avoid any potential traffic problems would be for the drive access to be widened from its present 3.00m to 5.00m. This will also assist highway safety and traffic management. The resident would like these necessary works to be considered as a condition on the developer and be included within the Section 106 works.

6.9 Concern that the proposal will add to congestion on the motorway network  
There are already plenty of hotels in the Morley area (The Brickworks, The Village Hotel, The Woodlands, The Vicarage, and The Travelodge.  
There are large numbers of vacant commercial units in close proximity of the site.  
The site would be accessible by car only, as bus services are poor, and the train station is a considerable distance from the site.  
The site would destroy greenfields, and Morley is currently losing large numbers of such sites to development.  
Given the size of the development there should be a public meeting.

6.10 Drighlington Conservation Group -  
Traffic entering and exiting would seriously effect the already very busy A650.  
There are many vacant industrial units in the near locality.  
Presently there are 4 hotels/public houses/restaurants within approximately 3 miles of this location.

- 6.11 The application was advertised upon the receipt of additional information on 10<sup>th</sup> May 2011. The following representations were received:  
2 letters of objection, reiterating previous objections.
- 6.12 Further revised plans were received on 26<sup>th</sup> November 2012, and these have been readvertised. Any further representations will be reported to Plans Panel.
- 6.13 Morley Town Council
- 6.14 Although the site is in Gildersome, Morley Town Council decided to make representations as it is close to the boundary, and would affect Morley in terms of traffic flow and competition for town centre businesses.
- 6.15 The pub/restaurant and hotel are town centre uses, and could possibly undermine the viability/vitality of Morley town centre.
- 6.16 Traffic onto the A650 should have careful assessment, and concern is raised at the lack of information on traffic flows.
- 6.17 It is considered that that the proposal constitutes overdevelopment.

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory:**

- 7.1 Highways Agency – The planning application is subject of a Holding Direction by the Highways Agency, which is currently in place until 12<sup>th</sup> December 2012. Discussions are on-going in respect of the scope and costs of works necessary at Junction 27, the effectiveness and suitability of the Travel Plan.
- 7.2 Highways Development Control – The internal road layout is acceptable in terms of the amount of car parking and the geometry of the layout. The proposed signal controlled junction is acceptable.
- 7.3 It is accepted that buses do not currently run on this section of A650 Wakefield Road. With the overall development of this area of Gildersome with the other development sites, then there is the potential for bus services to be reintroduced along this section of the A650. As a result, Highways Officers consider that the bus stop needs to remain as part of the proposals or, at the very least, the land reserved for future conversion to a bus stop.
- 7.4 Environment Agency: No objections, subject to conditions.

### **Non-statutory:**

- 7.5 Public Transport Infrastructure Contributions – A contribution has been requested, and is currently under negotiation.
- 7.6 Public Rights of Way – No objections in principle, although details to be submitted under reserved matters will require proper consideration.
- 7.7 Neighbourhoods & Housing – This Department has no objection in principle to the proposed development. If planning permission is granted, planning conditions are recommended in respect of maximum noise levels, lighting restrictions, provision of facilities for storage and disposal of litter, and details of extract ventilation system including filters.
- 7.8 Yorkshire Water – no comments received.
- 7.9 Metro – Do not object to the development, and have made the following detailed comments:
- 7.10 Public Transport

There are several bus services running next to the development serving various locations including; Leeds, Morley, Cleckheaton, Huddersfield etc. There are also more services nearby.

7.11 Infrastructure

Future visitors/employees would benefit if one of Metro's new 'live' bus information displays were to be erected at bus stop number 10353 at a cost of approximately £10,000 (including 10 years maintenance) to the developer.

7.12 Flood Risk Management (FRM) – no objections subject to conditions. the surface water discharges proposed from the site would be generally consistent with the present Greenfield runoff to the Howden Clough balancing pond and this would be acceptable from the flood risk management prospective.

7.13 West Yorkshire Archaeology Service – no objections

7.14 City Services – the refuse collection facilities are acceptable.

7.15 Kirkless Council – any comments will be reported.

## 8.0 PLANNING POLICIES:

### Development Plan

8.1 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. Following consideration of representations received, the Council now intends to submit the draft Core Strategy for examination. The Core Strategy set sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. Some weight can now be attached to this document.

8.2 Core Strategy Spatial Policy 8: Economic Development Priorities requires the safeguarding and provision of a sufficient supply of housing land. This policy supports training and job creation initiatives via S106 Agreements and supports employment proposals which have high levels of accessibility and infrastructure.

8.3 Core Strategy Spatial Policy 9 : Provision For Employment Land requires the provision of a minimum of 493 hectares of employment land across the whole of the district.

8.4 The Leeds Employment Land Review (August 2011) provides the evidence base to the Core Strategy for assessing the overall employment need within Leeds. The Review outlines that the application site should be retained for employment use, as the site is identified in 'Appendix C: Employment sites with recommendation to 'retain' in the employment land portfolio'.

### The Regional Spatial Strategy

8.5 Policy LCR1 promotes Leeds City Region by developing the role of Leeds as a Regional City, by accommodating significant growth in jobs and homes.

### Unitary Development Plan Review

8.6 Under the UDP the application site (3.23 hectares) forms part of a larger site (6.25 hectares) allocated (under Policy E3B97) for industry/warehousing and ancillary offices, subject to:

(A) provision of a satisfactory system of drainage for the whole site'

(B) provision of satisfactory means of access capable of serving the whole site' and  
(C) an appropriate scheme of landscaping and tree planting.

8.7 Part of the site, abutting the A650 frontage, formally occupied by a now demolished houses is unallocated for any particular purpose. This part of the site is approximately where the hotel is proposed to be located.

8.8 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.

GP7 – Use of planning obligations.

GP11 – Development to meet sustainable design principles.

GP12 – Provision of sustainability assessments for major developments.

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.

N38B – Planning applications to be accompanied by a Flood Risk Assessment where needed.

N39A – Incorporation of sustainable drainage principles.

N49 – Protection of wildlife and habitat resources

N50 – Protection of SSSI, LNR, SEGI

N51 – Enhancement of wildlife habitats

T2 – Highway issues.

T2B – Provision of Transport Assessments.

T2C – Provision of Travel Plans.

T2D – Developer contributions towards public transport.

T24 – Parking provision.

S2 – Designation of town centres

E7 – consideration of alternative proposals on employment sites.

LD1 – Provision of suitable landscaping scheme.

8.9 Relevant supplementary guidance –

Leeds Street Design Guide - gives advice on design of roads and parking layouts.

Public Transport Improvements and Developer Contributions SPD – sets out circumstances under which a contribution is required for public transport improvements.

Travel Plans SPD – gives advice and guidance on the use of travel plans.

Sustainable Construction SPD.

8.10 Government Planning Policy

National Planning Policy Framework

8.11 The National Planning Policy Framework (NPPF 2012). The NPPF seeks to achieve sustainable development and contains a presumption in favour of development that achieves this. Annex 1 makes it clear that a recently adopted local plan is capable of continuing to be the main development plan for one year from the date of publication of the NPPF even where it does not accord with the NPPF. This means that the UDP continues to be the main policy document for development, however the NPPF is a material consideration.

8.12 The NPPF includes policy guidance on sustainable development, economic growth, transport, design, and climate change.

8.13 Paragraph 24. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

8.14 Paragraph 26. When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment on such schemes. This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability.

8.15 Paragraph 27. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

8.16 Section 7 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:

- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimising the potential of the site to accommodate development;
- Respond to local character and history;
- Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments; and
- Development to be visually attractive as a result of good architecture and appropriate landscaping.



- 8.17 Noise Policy Statement for England (March 2010)
- 8.18 Good Practice Guide for Tourism (2006) – Paragraph 4.9 encourages the provision of elements of tourism to be included in large scale proposals, such as mixed use and regeneration schemes.
- 8.19 In respect of hotel proposals, the practice guide also states that town centre sites are the most sustainable in planning terms, since they allow greater access by public transport, contribute to urban vitality and regeneration, and allow visitors to easily access other town centre facilities and attractions. Where proposals for major hotel facilities come forward outside the development plan process, their location should be assessed in line with the policies in PPS6 (now NPPF) and the sequential approach to site selection.

## **9.0 MAIN ISSUES**

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

## **10.0 APPRAISAL**

### Principle of development and sustainability

#### Development Plan – employment uses

- 10.1 The application site forms part of a larger area allocated for employment uses and forms a natural extension of the existing Turnberry Park office development immediately to the east, on the remainder of the allocation. Section 38(6) of the Planning and Compensation Act 2004 requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. As the site is allocated for employment in the development plan, the starting point would be that the employment uses are acceptable in principle, but that material considerations need to be taken into consideration.
- 10.2 Furthermore, recent guidance from the Government highlights the need to provide for economic growth. The National Planning Policy Framework 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, such as this application, should be treated favourably.

#### Development Plan – town centre uses

- 10.3 The proposal includes 7500 sq m of industrial/warehouse development which is consistent with the allocation for the site and is therefore supported. The proposed employment is welcomed particularly given the previous permission for a town centre use on the site, with no industrial or warehousing use element.
- 10.4 A lesser but not insignificant further 4200 sq m has been proposed for a hotel and public house/restaurant which are town centre uses and such development should be directed towards town centre locations in the first instance. The applicant has

undertaken a sequential test but Officers do not accept that the approach taken considers all appropriate sites (including city centre sites which meet even the criteria applied by the applicant, and have been ignored) or establishes that this element of the development could not be located in sequentially preferable locations. Plans Panel East, however, accepted that the Village Hotel at Capitol Park business park could not be accommodated in Morley due to its size. There is limited hotel accommodation in Morley and this hotel would add to the range of accommodation available in the area. It is considered that to allow such a development would not prejudice the development of hotels in Morley, as they would be much smaller in scale. In addition, the applicant has however stated that the employment uses could not be funded without this element being brought forward on the site.

- 10.5 The site is contained between the proposed employment development and the adjacent road network. The hotel, therefore would be in a prominent location on the site, and would promote the employment site allocation. Such a building is likely to be of a higher quality building than the standard shed type industrial building, if the site were to be developed all as industrial. The site is easily accessible by car given its location adjacent to a major road junction, which provides access to a number of major roads and the M62. A bus stop is proposed to the site frontage, and a 3.0m wide footpath and cycle way is proposed along the full width of the site frontage. The site, therefore, would be reasonably sustainable, and a Green Travel Plan would improve upon this.
- 10.6 In addition, the proposed hotel would make a significant contribution to the local economy, in particular, it is expected that the hotel and public house/restaurant would provide up to 112 FTE jobs arising, of which 26 would be new.
- 10.7 In conclusion, the hotel proposal represents a number of positives including bringing forward an allocated employment site, the majority of which, for employment uses which may have otherwise not been viable. Officers do not accept however that the hotel/public house element strictly satisfies the sequential test set out in the NPPF though does provide the necessary infrastructure to bring forward the majority of the site for 'employment' use units. Given the substantial costs associated with the drainage, land stabilisation/tunnel works, and level changes required to bring this site forward for development, the applicant has stated that a higher value land use (i.e. hotel and associated facilities) is required on part of the site. However, the majority of the site will be developed for Use Class B1(c), B2 and B8 uses. In this instance, and carefully balancing all the issues, a question exists as to whether the hotel is acceptable in planning terms, as the overall scheme includes industrial units, and the hotel will provide employment, and a higher quality development in a reasonably sustainable location.
- 10.8 However, there are potential concerns that there should be a mechanism to ensure that the employment buildings are delivered, and not only the hotel (& associated infrastructure). Officers are currently giving consideration as to a whether the Section 106 Agreement should include clauses whereby at least one of the industrial units is delivered, possibly prior to the first occupation of hotel and pub/restaurant. Panel will be up-dated on this issue when the application is back for determination at a future date.
- 10.9 In the circumstances, do Members consider a hotel use to be appropriate to this site, if tied to the delivery of employment use on the site?**

Loss of employment land

10.10 The area proposed as the public house/restaurant is a non-employment use, and this part of the proposal needs to be considered against Policy E7 of the UDP. In terms of the tests, the site is not allocated as a key employment site, and the Council's overall employment land strategy would not be impacted upon. It is estimated that between 53 and 76 years employment land exists. As it is considered that there would be no adverse environmental / amenity / traffic issues, it is considered that the criteria of Policy E7 would be met.

**10.11 Do Members consider there to be any concern in principle at loss of the part of the site allocated as employment to pub/restaurant?**

Highway and Access Issues

10.12 A new signalised access junction is proposed to serve the site, located 200m east of the northern M62 Junction 27 roundabout on Wakefield Road. The access incorporates facilities to maintain access to the residential properties on the north side of the A650. These arrangements are essentially the same as those previously approved for the now expired office park permission.

10.13 Highways Officers are satisfied with the details of the access. Revised plans show the provision of a bus stop on the site frontage of the A650. The lay-by will enable buses to pull off the main carriageway, so that traffic flows approaching Junction 27 are not disrupted.

10.14 Highways are considering whether it is necessary and feasible to widen the width of the access of the house opposite, to facilitate improved manoeuvring onto the A650 (see 6.8 above).

10.15 The development will be required to contribute towards an improvement scheme at the J27 roundabout (with other contributions coming from the Taylor Wimpey residential development on Bruntcliffe Road and Gelderd Road employment site). Highways would also like to secure the implementation of MOVA control at the A650 / Howden Clough Road (Angel) signals.

**10.16 Do Panel Members consider the extent of the access arrangements to be sufficient to deal with the anticipated level of traffic?**

Design & Landscaping

10.17 The final design and external appearance of the buildings would be subject to reserved matters approval. The layout and scale, however, are under consideration. The scale of the buildings would be in keeping with the industrial and office buildings to the east and the Gildersome Spur development to the north of the A650. The buildings will be considerably larger in terms of height and scale compared to the housing opposite, especially the four storey hotel, but, as noted below, the site is set down from the north side of the A650, and existing mature vegetation will be retained where possible.

10.18 The hotel would occupy the site frontage, and be at the greatest height, would need to be of a good design, to comply with UDP and NPPF guidance, and especially given the prominent siting and position opposite housing. The three buildings on the site frontage would have a similar building line, set behind a landscaped frontage, with the buildings to the rear accessed off a central landscaped access road. In terms of urban design, this arrangement is satisfactory, subject to landscaping considerations.

10.19 UDP Policy requires an 'appropriate scheme of landscaping and planting'. The existing trees are covered by a Tree Preservation Order (TPO). Seven trees are

proposed to be removed for arboricultural reasons (trees with disease, cavities, etc) and 7 trees and 8 groups of smaller trees to facilitate the development. Importantly, the significant group of larger trees at the western end of the site, abutting Junction 27 are all to be retained. The trees outside the site, to the western boundary of the site, which provide a screen from Junction 27 are all to be retained. In addition, the significant group of trees within the central part of the site are to be retained, and protected during construction. Similarly, the mature groups of trees running north-south along Langley Lane, are also to be retained, as are the trees on the M621 slip road embankment to the south.

10.20 To mitigate against the loss of trees within the site, and to provide the required landscaped setting, space has been allowed on the site frontage to plant trees. The restaurant/pub would be screened by existing trees, whilst the proposed hotel would be screened by a belt of trees on an embankment. Similarly, trees are proposed to the front of Unit 4, although the close proximity of Unit 4 to the A650 at its western end will constrain substantial planting at that particular point.

10.21 Other tree and shrub planting is planted within the site, adjacent to access roads and within car parks. On balance, it is considered that there is adequate scope within the site to provide an adequate landscaped setting.

**10.22 Do Panel Members consider the extent of the landscaping proposals to be sufficient to allow the development to proceed?**

Residential amenity

10.23 Residential properties are located to the north side of the A650, and consideration needs to be given of any impacts on these residents.

10.24 In terms of dominance, overlooking and overshadowing, the following comments are made:

(i) The proposed two storey pub/restaurant would be set down 2.65m from the adjoining footpath to the north, and would be screened from the street by existing mature tree planting. The two storey houses opposite are close to the back edge of the highway, but would be 45m from the pub/restaurant. Although the proposal is outline only, the schematic section shows that a two storey development, set down into the site and screened by trees would have no adverse impact on the houses;

(ii) The proposed four storey hotel would be set down 3.5m from the adjoining footpath to the north. The houses opposite are set back further into the site so they would be 50 – 55m from the front face of the hotel. Although the proposal is outline only, the schematic section shows that a four storey development, set down into the site and screened by proposed trees would have no adverse impact on the houses;

(iii) The proposed industrial unit (No.4) would be set down 2.05m from the adjoining footpath to the north. The house opposite is set back into the site so it would be 35m from the front face of the industrial unit. Although the proposal is outline only, the schematic section shows that an industrial unit, set down into the site and screened by proposed trees would have no adverse impact on the house opposite.

10.25 In respect of potential noise, odour and other potential disturbance to residents opposite, Environmental Health Officers raise no objection in principle to the proposed development, but request the following conditions are recommended:

(i) Submission of a Noise Report shall be submitted prior to commencement of development ;

(ii) Lighting restrictions;

(iii) Provision of facilities for storage and disposal of litter;

(iv) Details of extract ventilation system including filter.

**10.26 Do Panel Members consider the development to be harmful to residential amenity?**

Section 106 Agreement

10.27 The Section 106 covers:

The provision of a public transport contribution (to be agreed)

Contribution to off-site improvement works at Junction 27 (£44 971)

Improvements to local bus stop (£10 000)

The implementation of the travel plan (to be agreed) and monitoring fee

Local employment opportunities

Potential delivery of an employment building upon the commencement of use of the hotel.

CIL Regulations

10.28 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 are set out above.

10.29 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 meets 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.

10.30 The proposal is likely to have a significant travel impact and the travel plan framework will help to ensure that relevant government and local policies relating to the use of public transport are met. UDP Policy T2C requires the submission of a Travel Plan, and Policy T2D requires contributions to be made to make enhancements to public transport.

10.31 Training and employment initiatives are covered under UDP Policy GP7 as a type of community benefit where it is appropriate to seek a legal agreement. The draft S106 Agreement requires details of job opportunities to be made available to the local Jobs and Skills Service. An obligation on the developer in the circumstances is policy compliant and reasonable.

**10.32 Do Panel members have any comments on the scope of the Section 106 Agreement?**

Other matters

10.33 A sustainability statement would be requested via condition to address the design of the buildings and the construction phases. The Sustainable Construction SPD has recently been adopted, and a suitable condition would ensure that the latest approaches are utilised. 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.

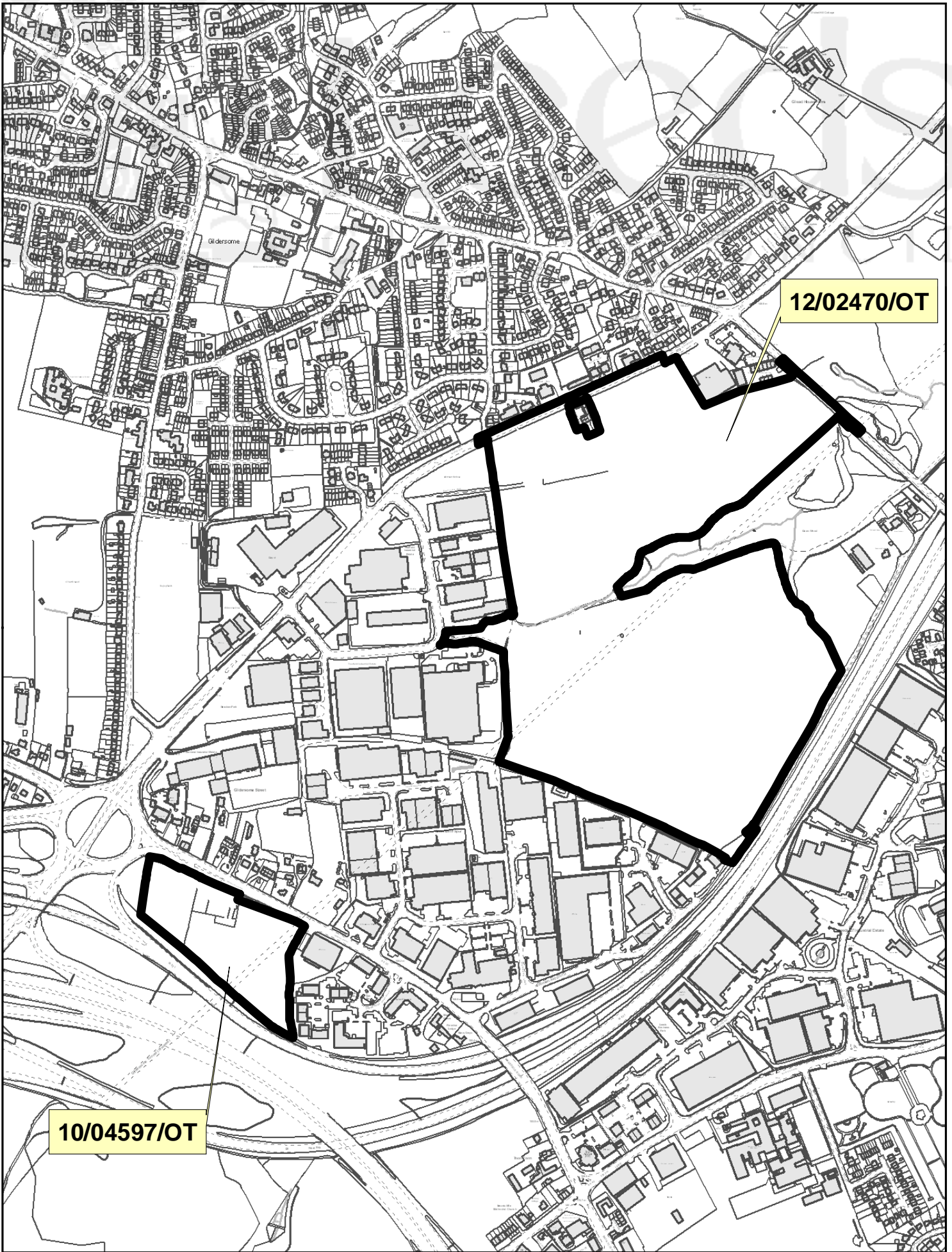
## **11.0 CONCLUSION**

- 11.1 The proposed development fulfils an allocation policy within the adopted UDP and will bring employment and other commercial uses into Morley and Gildersome, allowing the area to sustain economic growth. There are recognised concerns about congestion on the local highway infrastructure, however, planning conditions and obligations, contained within a Section 106 Agreement, are under negotiation to mitigate against these concerns.
- 11.2 The application is made in outline to approve the principle of development with access only. At this stage of the application, Members' views are requested. Specifically:
- (i) Do Members consider town centre uses to be appropriate to this site?**
  - (ii) Do Members consider there to be any concern in principle at loss of the part of the site allocated as employment to pub/restaurant?**
  - (iii) Do Panel Members consider the extent of the access arrangements to be sufficient to deal with the anticipated level of traffic?**
  - (iv) Do Panel Members consider the extent of the landscaping proposals to be sufficient to allow the development to proceed?**
  - (v) Do Panel Members consider the development to be harmful to residential amenity?**
  - (vi) Are there other issues which need to be addressed?**

### **Background Papers:**

Application and history files

Certificate of Ownership: Site owned by Joseph Rowntree Trust

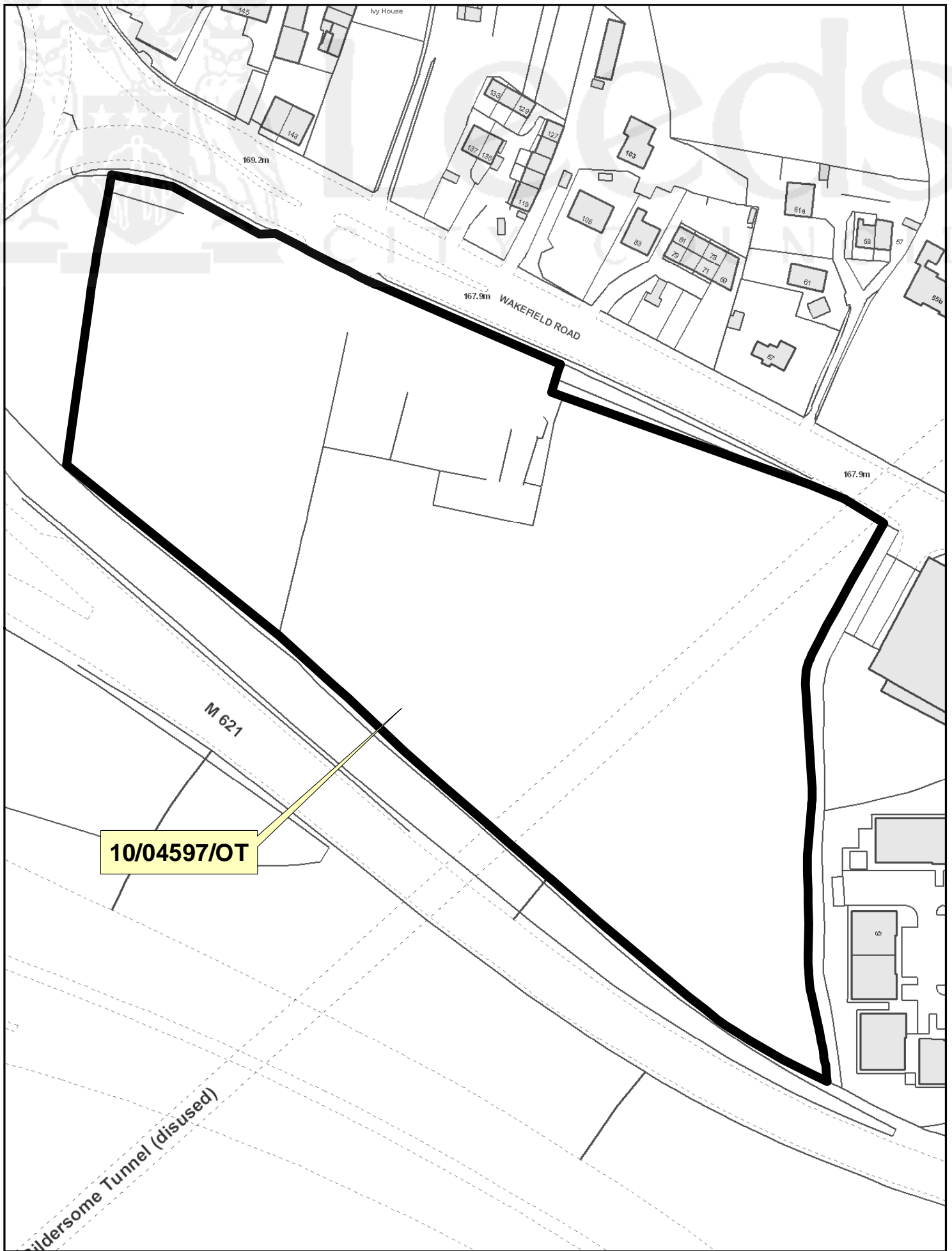


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# CITY PLANS PANEL





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