



Report of the Chief Planning Officer

PLANS PANEL CITY

Date: 13th December 2012

Subject: POSITION STATEMENT : APPLICATION 12/02470/OT, OUTLINE APPLICATION FOR PROPOSED EMPLOYMENT DEVELOPMENT FOR USE CLASSES B1(B) AND B1(C) (RESEARCH AND DEVELOPMENT/LIGHT INDUSTRIAL USES), B2 (GENERAL INDUSTRIAL USES) AND B8 (STORAGE AND DISTRIBUTION USES) WITH NEW ACCESSES, ASSOCIATED INFRASTRUCTURE AND LANDSCAPING, LAND BETWEEN GELDERD ROAD, ASQUITH AVENUE AND NEPSHAW LANE NORTH, GILDERSOME

APPLICANT	DATE VALID	TARGET DATE
COMMERCIAL DEVELOPMENT PROJECTS LTD	01.06.12	31.08.12

Electoral Wards Affected: Morley North & Morley South

YES 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 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 employment uses on land allocated for employment use between Morley and Gildersome. The application is a complex application, and has been subject to similar unresolved applications in recent years. The application has been subject of extensive negotiations, especially in respect of technical highways issues. 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 14th 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 of off-site highways works. Member's views on these measures are sought.
- 1.3 Morley Town Council has requested a Plans Panel site visit prior to determination of the application, as Plans Panel East members previously visited the site in connection with earlier proposals on the site.

2.0 PROPOSAL

- 2.1 The development comprises of an employment led scheme of 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). Site access, structural landscaping and amount of development will be brought forward as part of the application with all other matters reserved for future approval.
- 2.2 The amount of employment floorspace proposed by the outline planning application is as follows:
The overall total floorspace not exceeding the given amount of 96,148sq.m comprising of:
Class B1 (b)/ B1(c).B2 Industrial: Up to 28,445sq.m Gross Floor Area
Class B8 Distribution/Warehousing: Up to 82,253sq.m Gross Floor Area
Associated infrastructure, formal and informal landscaped green space.
- 2.3 In addition to the principle of development, the application seeks approval for the following matters;
- Access
 - Structure landscaping
- 2.4 The following elements will be determined during the Reserved Matters stage;
- Appearance
 - Scale
 - Layout
 - Plot landscaping

Access

- 2.5 The outline planning application proposes two vehicular access points into the application site at Gelderd Road and Asquith Avenue. The location of a proposed road bridge crossing within the application site over Dean Beck, which will enable full access over the entire site, is also shown on submitted plans.
- 2.6 These access arrangements and improvements including extended pedestrian footpaths, traffic lights and crossing are included as part of the current outline proposals.
- 2.7 Pedestrian access to the site will be also provided from Gelderd Road and Asquith Avenue in tandem with the proposed vehicular access points. The outline application also proposes to upgrade public footpaths and rights of way through the site and at Stone Pits Lane and from Nepshaw Lane. The paths will also be made available and upgraded to accommodate the provision of cycle routes which will link to other existing cycle ways adjacent the site.

Landscaping

- 2.8 Structural landscaping around the perimeters of the site and adjacent to Dean Wood is included as part of the current application to enable this to be planted and established for amenity purposes ahead of future building phases. Dean Wood is owned by the applicant.

Draft Section 106 Agreement

- 2.9 The application has been submitted with Draft Heads of Terms for the Section 106 Agreement. These take account of the previous applications submitted for the site and include for the following (subject to confirmation and agreement with Leeds City Council including compliance with CIL Regulations 2010 and the National Planning Policy Framework):

Travel Plan – Monitoring fee

Highway and transport mitigation measures – As set out in the Transport Assessment

Local Traffic Regulation Orders

Drainage –Off site flood alleviation works; drainage works to Gildersome tunnel

Provision for Local Training and Employment Initiatives - construction

Woodland Management Plan - for woodland within applicants ownership

- 2.10 A public transport contribution is also required to comply with up-to-date SPD guidance. The sum is under negotiation, but is calculated at £316,016.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is an undeveloped site of approximately 28.3 hectares (70 acres). The site is characterised by open fields, used recently for grazing with Dean Woods lying centrally on the site. The fields are separated by Dean Woods and Dean Beck. A public right of way (PROW) cuts centrally across the site from Nepshaw Lane to Stone Pitts Lane public footpath which runs down the western site boundary.

- 3.2 The site is undulating in nature, reflecting the nature of the sites previous use for opencast coal extraction with significant gradients to Dean Beck in the woodland area. Trees and woodlands are present on some of the boundaries of the site and centrally on the site in woodland known as Dean Woods. The larger part of Dean Woods is outside of the applicant's ownership. A local watercourse, Dean Beck, runs through the site from the west, adjacent Treefields Industrial Estate, through Dean Woods and towards Asquith Avenue to the east of the site.

- 3.3 The site is to the south of mainly residential properties with some commercial properties and a petrol filling station along Gelderd Road. To the west and south of the site are industrial estate developments of Treefields Industrial Estate and Gildersome Spur with allotment gardens to the far west corner above Treefields and along Gelderd Road. To the east side is Asquith Avenue and where it adjoins the site is characterised by woodland and with some residential properties served off this road. To the south east, served off Nepshaw Lane North/Asquith Avenue, are some larger residential properties and a commercial caravan storage business.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The site has previously been part of a larger site used for opencast coal mining in the 1980's, and has been restored to grassland with some tree planting to the boundary.

4.2 In the 1986 Morley Local Plan, the site (and adjoining sites) formed part of a buffer between Morley and Gildersome.

4.3 Draft UDP

4.3.1 In the draft UDP, the only part of the site allocated for employment was a 200m wide strip of land abutting Gildersome Spur, as 'rounding off' the existing industrial estate. The UDP Inspector, however, stated that the whole site should be allocated to provide a suitable range of employment sites. The Inspector noted that the site was well located for employment uses, being close to an existing industrial area, a centre of population and the motorway corridor. At the time, the site was served by buses along Asquith Avenue and Gelderd Road.

4.3.2 It was considered that the separation of Morley and Gildersome could be adequately maintained by the M621 motorway and Dean Wood, which itself would be little changed by the proposal. The Inspector stated that the proposed Green Belt boundary had no physical definition along its long northern boundary, and considered Asquith Avenue would be the nearest satisfactory physical feature, and would be a strong and defensible long term boundary. It was also considered that the site was quite well contained visually.

4.3.3 Finally, the Inspector stated that highways and drainage works did not appear to be 'insuperable in either cost or technical terms'.

4.3.4 The UDP Inspector recommended that the whole site should become an employment allocation, and since the adoption of the UDP in 2001, the site has been allocated for this purpose.

4.4 Planning applications

4.4.1 Three planning applications were submitted, between them covering the whole employment allocation. The applications are:

4.4.2 23/35/01/OT

Outline application to layout access and erect business park – land off Nepshaw Lane North, Gildersome

4.4.3 23/60/03/OT

Outline application to erect business industrial and storage and distribution development - Gelderd Road & Asquith Avenue, Gildersome

4.4.4 23/248/04/OT

Outline application to layout access road and erect distribution centre - Treefields Industrial Estate, Off Gelderd Road, Gildersome

4.5 Plans Panel (East) on the 14th July 2011 considered Position Statements for all three applications, and raised the following key issues:

4.6 • Travel Plan Framework and site accessibility – Members considered that the site was poorly served by public transport and that there were no bus stops within reasonable walking distance of most of the site. Lack of service on the A62 and A650 was a concern. The accessibility issues would encourage the use of cars. Members were of the opinion that more work needed to be undertaken to make the site sustainable including the mitigation fund.

4.7 • Where primary office development was proposed Members were of the view that the applicant would need to undertake a sequential test to aid the consideration of this element.

- 4.8 • The proposed developments would generate significant traffic including private cars and HGV's and the mitigation measures did not go far enough. Further information was required before a view could be reached as to whether the off site highway works were sufficient. An updated Traffic Assessment would need to be submitted.
- 4.9 • Members expressed major concerns about the flood risk, especially for residents at Old Close. It was considered that the developer would need to do more to ease Members concerns:
- There should be no increase in flood risk downstream.
 - It was the opinion of Members that the £300k contribution was not sufficient to address flooding issues.
 - In light of the comments made above Members, were not satisfied with the Heads of Terms of the Section 106 Agreement.
 - An appropriate landscaping scheme was required for the site boundaries and within the site itself, including within parking areas. Further information requires submitting in respect of a scheme to secure pedestrian safety and access along Nepshaw Lane which should be gated (beyond the access to the Moorfields site).
- 4.10 The schemes were not progressed by the applicants and legal agreements were not completed to deal with the concerns raised. As such the three applications were refused on the grounds that there were no measures in place to deliver sustainable transport measures, and flood alleviation measures, and there was no strategy in place to deal with transportation issues.
- 4.11 Subsequently, single site ownership has now been secured by CDP Ltd across the whole site area and therefore full control is now in place over the delivery of the site.
- Relevant application in the locality
- 4.12 10/04597/OT - Planning application of relevance, which is in the vicinity, and contributes traffic to the local highway network - 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 at Wakefield Road, 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 of the site and the extent of works required. These considerations are dealt with in the appraisal below.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Site notices for a major development affecting a right of way were originally posted on 14th June 2012 and in the press on 22nd June 2012. Representations have been received from the following:
- 6.2 Councillor Gettings objects to the application. This piece of land is the only green space between Gildersome and the densely populated Town of Morley. If localism is to mean anything then local views must be taken into account. If we are to have a "child friendly city" then the environment in which our children grow and develop is important. I strongly oppose this development personally –this is strongly objected to by local residents –for all the reasons previously stated.

6.3 78 letters of objection from local households on the following grounds

Increase in noise pollution

Increase in air pollution

Introduction of light pollution

Visual intrusion

Adverse impact on wildlife in the fields and adjoining woodland

There are large numbers of vacant units on adjoining estates. No need for these units in the current economic climate.

Existing businesses would be affected by the proposal.

Any benefits of the proposal would be massively outweighed by the harm.

Increase in traffic and hazards to road safety.

Increase in HGVs in the village would be extremely harmful to the village. Extra commercial traffic would be harmful to the five local schools.

Branch End junction is already over capacity.

Junction 27 has been improved, but the traffic generated by this proposal would result in congestion and nuisance.

Parking on Gelderd Road, and accessing houses would become problematic.

Loss of green fields, which are a vital local green resource.

Will lead to coalescence of Gildersome and Morley.

Loss of strategic green field site.

Site should be used by schools/community groups as resource, rather than being developed.

UDP should be reviewed and land returned to Green Belt, rather than employment allocation.

Brownfield sites should be regenerated rather than developing green fields.

The development is not in accordance with the UDP, as no access is proposed via Nepshaw Lane.

Major adverse impact on residential amenity, especially Belle Vue Terrace, which would be surrounded by development, with loss of privacy and overshadowing from large warehouse units.

The pleasant PROW through the site would be harmed.

Vibration of houses from HGVs.

Houses would be prone to flooding, and the development would exacerbate existing drainage difficulties, locally, and further down the watercourse into Leeds.

Proposal contrary to Local Agenda 21, in that it would be an unsustainable development.

The proposal would not be acceptable in North Leeds, but sites close to new section of M1 should be considered.

Due to coal mining on the site, there is a possibility of subsidence.

Decrease in value of property.

- 6.4 Morley Town Council (MTC) objects to the proposal, and make the following comments:
- 6.5 This application from new owners covers land entirely in Gildersome, but the site is close to the Morley boundary and will have significant effects on traffic flows within the town, so Morley Town Council Planning Committee members decided, at their meeting on 20th November, to update their comments.
- 6.6 Former Plans Panel East visited the CDP site earlier this year; as this and the Joseph Rowntree site are now under City Plans Panel, which has different membership, another site visit would be appropriate. In general terms, like Green Belt to the east of Asquith Avenue, this seventy acre site is important in maintaining a green gap between Morley and Gildersome. It was unfortunate that the UDP Inspector decided to grant what was in effect a large extension of the Treefield and Gildersome Spur employment estates, to take in most of the block bounded by Wakefield Road (A650), Gelderd Road (A62), Asquith Avenue and the M621.
- 6.7 If there is to be development, the Asquith Avenue frontage should be planted thickly and to considerable depth with trees, to give an illusion of a northward extension of Dean Wood. The narrow tree barrier shown on layouts, which admittedly are indicative, would not be enough. Similarly, there should be generous planting on the Gelderd Road frontage to mask new buildings and to give protection from noise and visual intrusion to Belle Vue Terrace.
- 6.8 There would be no vehicular access by Nepshaw Lane north to Wakefield Road or elsewhere through the existing industrial estate; the largest new access would be onto Gelderd Road between Belle Vue Terrace and the northern apex of the site, with a lesser access to Asquith Avenue. We are not convinced that this lesser access would be suitable for the size and number of vehicles visiting the big shed warehouses shown on indicative layouts.
- 6.9 There are no bus services on the Gelderd Road frontage, and Asquith Avenue has limited services which are likely to be reduced early in 2013 should Metro withdraw support for evening and Sunday journeys on the Arriva 205 Dewsbury-Morley-Pudsey route. Westerly parts of the site would be a long way from the nearest bus stops, and there is little in the travel plan to show that the development would be other than highly car-dependent.
- 6.10 Commuter traffic flows would be important. Gildersome Roundabout (M62 J27) works far more freely and safely since the installation of traffic signals, but it often seems at or near capacity, as do sections of the local highway network. Asquith Avenue and Wakefield Road (A650) seem overloaded in the morning and evening peaks, with long queues at junctions such as Branch End and The Angel crossroads. It would not be acceptable for local highways to become saturated, or for J27 to return to being pushed beyond its capacity. When J27 became overloaded, drivers caused congestion elsewhere, for example by rat-running through Gildersome village; we would not want this to reoccur. We note that a Highways Agency holding notice is in place and is being renewed monthly. Lifting it would depend on a three-way agreement being reached with regard to the CDP development at Gildersome, the Barratts housing proposal on the A650 at Street Farm in Morley, and the Joseph Rowntree site near J27. Highways Agency should be satisfied in full that all three developments can take place without overloading the highway network.
- 6.11 MTC still have fears about flood risk. Quick run-off in wet weather northwards from a watershed roughly defined by the line of the A650, including the application site, can flood houses at Old Close immediately north of Churwell railway viaduct, parts of the Millshaw industrial estate and the Leeds Outer Ring Road near Sulzer Pumps and the Drysalters public house. As well as causing loss and distress to householders and businesses, such flooding would cause traffic chaos throughout Morley and

South Leeds, including the White Rose Shopping Centre, if it affected the Outer Ring Road. We are not convinced that the flow attenuation and watercourse improvement and maintenance shown by the applicants would be enough; also, some of the works would be on third party land and so dependent on the goodwill and cooperation of those landowners.

- 6.12 We do not believe that the noise assessment gave enough regard to nearby householders; there was little account of the effect on Belle Vue Terrace, and there seemed to be an assumption that College Road top, College Court and Hadleys Court were affected by traffic noise already, so a bit more noise from the new development hardly would be noticed.
- 6.13 Despite the passing of nearly twelve years under different development banners, MTC do not believe that a comprehensive and fully acceptable account has yet been made showing how this land could be developed without causing unacceptable harm, so we would object to any grant of planning permission for the application as it stands.
- 6.14 Gildersome Parish Council objects strongly to the proposal. A Public meeting was held by the Parish Council on 18th July 2012, and attended by approximately 100 residents, local Ward members and LCC Officers, the following objections being raised:

The cottages on Belle Vue Terrace would be overshadowed and surrounded by industrial development. Noise and disruption to residents.

Existing flooding difficulties.

Preponderance of empty commercial premises within a three mile radius. Should these units come back into use, there would be a huge increase in HGVs and traffic on local roads.

The Highways Agency has carried out significant improvements at Junction 27. The road system would go back to being congested if this development was allowed.

The access onto Asquith Avenue is not supported as the road is very busy, and a Primary school is located at the southern end of Asquith Avenue. Any highways assessment of traffic should be carried out in term time.

Children in the area must be kept safe. There are two primary schools in the village, and commercial vehicles would drive through the village to avoid congestion on the primary routes.

Serious flooding and drainage issues need to be addressed.

The valued open green space would be lost forever, to an industrial eye-sore, and is not appropriate in a rural village environment.

- 6.15 The application was more recently advertised upon the receipt of additional information, on 26th October 2012. The following representations were received:

A further 41 letters of objection, including a letter from Councillor Gettings, reiterating previous objections.

- 6.16 Pre-application Consultation

Methodology:

- 6.17 The pre application process for undertaking the consultation was developed having regard to the Council's adopted Statement of Community Involvement (SCI) and to the nature of the proposals. The methodology is set out as below:
- Meeting with Morley Town Council / Gildersome Parish Council to discuss proposal and pre app consultation programme (e.g. to identify any other bodies/interest groups).

- Letter and leaflet - by post to:

- residents and businesses in frontage properties nearest to site boundaries
- to objectors identified from previous planning proposals as per Leeds Council Public Access records on the web
- to the MP and Ward Councillors of both the wards of Morley North and Morley South,
- Morley Town Council
- Gildersome Parish Council

- Site Notices - notices posted around site boundaries to direct residents/business with details of proposal, contact address and website

- Website - for further information (as per leaflet/site notice) and with comments form for on line or by post comments with the Website to be made available to tie into adverts/leaflet distribution.

Letters were sent to the MP, Councillors, Parish and Town Council for their formal comments and for their awareness of potential interest/contact from those receiving the letter/leaflet or from the site notices.

Pre application Consultation process

6.18 A meeting was held with Morley Town Council and Gildersome Parish Council on the 30th March at Morley Town Hall and a representative from CDP Ltd. David Jones from Leeds City Council was also present. Information that was to be provided in the leaflets was presented together with details of the pre application consultation process to be undertaken. Formal views of the Parish and Town Council were to be sought by letter and the informal views of those present at the meeting were noted.

6.19 Letters were sent out on the 4th April by first class post and the site notices were posted and website available from the 5th April. The consultation gave 14 days for comments thereby ending on the 17th April. Comments were requested by post or by email.

Feedback and Analysis of comments

6.20 A total of 153 individual letters to residents/previous objectors were sent out in additional to those sent to the MP, Ward Councillors, Parish and Town Council. Site notices were posted in prominent locations around the site as shown in Appendix 2. A total of 95 letters or email comments were received with further letters of objection were also received from Morley Town Council, Gildersome Parish Council and Councillor Gettings. These formal letters reiterated the informal views previously obtained from the meeting.

6.21 A total of 98 letters/comments were received with all but 1 letter objecting to the proposed development/application.

Key reasons for objections to *No. of comments* proposed development are given below

Principle

Loss of fields/greenfield site	30
Merger of Gildersome and Morley	27
Green belt	8
Leave area as it is	7
Use brownfield sites	4

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 14th 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 – Revised information was submitted late October and Highways comments on this revised information is set out below. The application cannot be supported, and revised plans and assessment are required. The secondary access onto Gelderd Road is not supported as currently proposed. A cumulative impact study is required taking into account other committed and pending development in the area. Further improvement works are required to the local footway network. A public transport contribution will be required. A Stage 1 Road Safety Audit is required of all access junctions and off site works. Of the four internal layout options put forward, A, B and C could be acceptable with some tweaking. Option D would not be acceptable.
- 7.3 It is noted that the capacity modelling of the mini-roundabouts at the southern end of Asquith Avenue show a detrimental impact as a result of development traffic. This is considered further in the appraisal section.
- 7.4 Environment Agency: No objections. The proposed development will only be acceptable if the measures detailed in the Flood Risk Assessment dated July 2008 & the subsequent addendum dated 27 April 2009 submitted with the current application are implemented and secured by way of planning conditions. It is our understanding that a contribution of £300,000 from the developer has been offered to Leeds City Council to help alleviate flooding problems further downstream.
- ### **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 – The proposed development consists of an area of green fields in a semi rural location at the edge of Morley. The site currently appears to be used as grazing for horses and is bounded by the M621 motorway, commercial units and a number of residential properties.
- 7.8 The proposed uses have the potential for significant disturbance to nearby residential occupiers from plant and activity noise, emissions to atmosphere, and vehicles passing in close proximity. However, due to the outline nature of the application many of the issues cannot be determined at this time. For example, the hours of operation or deliveries to and from the site is not stated on the application. In addition, there are a number of different site layouts proposed.
- 7.9 The applicant has submitted a noise report with the application. The proposed criteria for plant and industrial noise are unacceptable. The report does not seem to

include an assessment of noise from external areas, such as service yards. Although there is a statement within the discussion to suggest that the use of reversing bleeeper's should be minimized. One option is for large warehouse distribution centres. These often have large numbers of HGV's leaving throughout the quiet night time period. Although it is indicated that the area has a high background noise level, the night time disturbance (peak levels) caused by the wagons passing near to residential bedroom windows does not seem to have been adequately considered.

- 7.10 A revised Noise Assessment was submitted in October 2012, and is currently under consideration.
- 7.11 Yorkshire Water – no objections subject to conditions
- 7.12 Metro – Do not object to the development in principle but feel the application has not fully addressed the accessibility of the site particularly by public transport.
- 7.13 Metro support developments that make use of the existing core bus network as identified in the LTP. In addition Metro support the council in applying local accessibility policy criteria, in this instance, the accessibility policy contained in the Council's 'Core Strategy Publication Draft'. This site benefits from 5 buses per hour passing the site in each direction. This level of service is considered acceptable for this development.
- 7.14 The size of the site inevitably means that parts of it will not be located within the desired walking distance of 400 metres of existing bus stops. Metro note that the developer has suggested that additional bus stops will be provided with shelters and RTI displays and upgrades to the existing stops will be provided. Whilst this is welcomed, further assessments of the proposed locations will be necessary to ensure the spacing remains a reasonable distance apart. Metro's guidance recommends stops in urban areas should be between 200 and 300 metres apart.
- 7.15 Two new shelters are proposed on Asquith Avenue. Metro recommend that the current north bound stop (11487) should be relocated closer to the site entrance with a new stop provided on southbound side. This would cost £20,000 for the shelters and a further £20,000 for the RTI displays. Metro also recommend that kerbing and bus stop clearway signage and lining be provided.
- 7.16 Shelter upgrades are proposed for stop numbers 11488 and 12245. Metro are satisfied that 12245 will be able to have the upgrade but are concerned that the narrow footpath width will restrict a shelter at stop 11488.
- 7.17 Even with the new bus stop, large parts of the site are still outside the 400 metre threshold. Metro therefore recommend that the higher density development types should be situated closest to existing and proposed stops with the less dense development type (i.e. warehousing) towards the less accessible areas.
- 7.18 The developer has indicated that they have had discussions with operators to divert services into the site. Unfortunately no commitments have been given to divert services. This is not unexpected as operators will generally only divert services when there is a clear demand established. It is not clear if the developer has offered a 'pump prime' deal to the operator to pay for the diversion in the short terms or if the developer was as asked to make the diversion on a commercial basis from day one? The operators may be more amenable to divert a service if an initial contribution was made to the cost of the change of route. This should be provided by the developer.
- 7.19 Metro recommends that any route diversion should be procured through Metro as opposed to a direct agreement with the operator. This procurement method allows Metro to monitor the performance of the diversion and manage any issues should the service not operate to timetable for instance. Should a diversion be achieved, the developer would also have to fund the associated bus stop infrastructure within the site.

- 7.20 Metro would support the Council in the application of the Public Transport SPD for this site.
In summary Metro require the following from the development:
Dense development types located closer to the exiting public transport services;
Bus Shelter and Real Time Information Displays at stops 12245, 11487 and new shelter on Asquith;
Raised kerbs and bus stop clearway at the shelters listed;
Developer contribution towards the diversion of bus service(s) into the site (cost to be confirmed);
SPD contribution.
- 7.21 Flood Risk Management (FRM) – no objections subject to conditions. The applicant has confirmed the intention to carry through the off-site agreements with regard to protecting the old railway cutting and the contribution of £300k towards the necessary flood mitigation scheme downstream of the site. Therefore in principle FRM would not object to these proposals, however it is an outline application and FRM do not have sufficient detail to determine whether the on-site balancing is sufficient to meet the requirements of their proposals. Therefore, FRM would request that the design of these and the surrounding development is conditioned. The implementation of their proposed drainage should be made a condition of any approval.
- 7.22 Public Rights of Way (PROW)
- Morley Byway No.52 & Adopted Highway
- 7.23 This Byway appears to be obstructed by landscaping at the SE corner of the site. The Byway should not be obstructed and should remain open and available for use at all times, the public rights of way section would strongly object to any proposals to extinguish this Byway. A revised landscape scheme has been submitted, and the comments of PROW are being sought.
- 7.24 Morley Footpath No.43
This footpath appears unaffected. It should remain open and available for use at all times. If works require closure for public safety a Traffic Regulation Order (TRO) would be required for the duration of the work taking place. Landscaping adjacent to the footpath should not be allowed to encroach onto or reduce the width of the footpath in any way.
- 7.25 Morley Footpath No.51
No objection in principle to the diversion of this footpath. However, approval would be required from the Public Rights of Way Section. Orders should be made and confirmed before work commences on site where it affects the line of the footpath. A Traffic Regulation Order will be required during construction. It is not clear if the footpath goes under or over the bridge, further clarification is required. Footpath No.51 continues SE through plot E which is not shown in the submitted plans. If this line is affected a Diversion Order would be required. Details of how this section of footpath is affected need clarifying before any diversions are approved and work commences on site. Currently it appears that the proposed landscaping obstructs this footpath. If the footpath is not proposed for diversion in this location the landscaping should not obstruct the footpath. A revised landscape scheme has been submitted, and the comments of PROW are being sought.
- 7.26 Unrecorded Footpath
A route is shown from Footpath No.51 to Asquith Avenue. This is not a recorded public right of way, but public rights may exist and the developer indicates that it is

currently in use. As this is not affected the rights of way section has no objections. However, it would not be considered acceptable to divert Footpath No.51 onto this line as it would be considered to be an extinguishment.

7.27 Coal Authority

7.28 The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Geo-Environmental Desk Study Report (May 2012), which accompanies this planning application. The Geo-Environmental Desk Study Report correctly identifies that the application site has been subject to past coal mining activity. The Coal Authority records indicate that the site has been subject to both recorded and likely historic unrecorded underground coal mining at shallow depth, past surface (opencast) mining, and contains a number of recorded mine entries.

7.29 The Geo-Environmental Desk Study Report has been informed by an appropriate range of sources of information; including a Coal Mining Report, a range of previous reports of ground conditions for the site, BGS geological mapping, historic OS mapping, and mine abandonment plans. Based on this review of existing sources of geological and mining information, the Report concludes that coal mining legacy poses a potential risk to the proposed development.

7.30 Accordingly, appropriate recommendations are included for intrusive site investigation works prior to development in order to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified.

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 forms the large part (28.3 hectares) of the 41.0ha site designated under E4 (14) for employment use, subject to:
- i. PROVISION OF SATISFACTORY MEANS OF ACCESS, WITH AT LEAST TWO POINTS OF ACCESS, AT NEPSHAW LANE AND GELDERD ROAD;
 - ii. CREATION OF A HIGH QUALITY ENVIRONMENT THROUGH THE USE OF QUALITY MATERIALS AND THE APPROPRIATE DESIGN OF BUILDINGS AND THEIR SETTINGS;
 - iii. ESTABLISHMENT OF A SATISFACTORY LANDSCAPE FRAMEWORK, INCLUDING BELTS OF STRUCTURE PLANTING;
 - iv. PROTECTION OF THE AMENITY OF OCCUPANTS OF NEARBY DWELLINGS;
 - v. ANY NECESSARY LEGAL AGREEMENTS;
 - vi. PREPARATION OF A PLANNING AND DEVELOPMENT BRIEF TO GUIDE DEVELOPMENT, IN PARTICULAR, LOCATION OF ACCESS POINTS AND ANY OFF-SITE WORKS, ENHANCEMENT AND PROTECTION OF DEAN WOOD LNA, AND PROTECTION OF ADJOINING RESIDENTIAL PROPERTIES.
- 8.7 The areas excluded from the allocation in this application are the area used for caravan storage off Nephshaw Lane and Dean Wood.
- 8.8 The supporting UDP text states:
The site has largely been restored to agricultural use following open cast coal mining. The site is proposed for employment use as an extension to the existing Gildersome Spur industrial estate, thus helping to consolidate employment opportunities in the area. Development of this site will be subject to a Traffic Impact Assessment with regard, in particular, to the impact on the M621/M62/A650/A62 junctions. Careful consideration would need to be given to Dean Wood, a designated Local Nature Area. Opportunities for environmental improvements, including woodland creation, will be sought under Policy N41B. Policy N24 will also apply. These and other details, including means of protecting adjoining residential properties, will be dealt with through a Planning and Development Brief.
- 8.9 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.

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.

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.

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.

8.10 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.

8.11 Government Planning Policy

National Planning Policy Framework

8.12 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.

- 8.13 The NPPF includes policy guidance on sustainable development, economic growth, transport, design, and climate change. Paragraph 32 states:
All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 8.14 Paragraph 100 states that ‘Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.’
- 8.15 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.
- 8.16 Noise Policy Statement for England (March 2010)

9.0 MAIN ISSUES

1. Principle of development and sustainability
2. Highway and access issues
3. Urban Design and Landscaping
4. Ecological interests
5. Flood risk management
6. Section 106 Agreement and CIL Regulations

10.0 APPRAISAL

Principle of development and sustainability

Development Plan

- 10.1 The application site forms the vast majority of a larger area allocated for employment uses and forms a natural extension of the existing Treefield and Gildersome Spur industrial estates on the edge of Morley Town. 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 proposal is 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.

10.3 Do Panel members raise issues concerning the principle of development?

Highways and access issues

- 10.4 Previous Highways comments dated 13th July 2012 set out that 'while it is considered that the site has a only a reasonable public transport offer at best, it would be difficult to object on this basis based on the current policy context.' This position has not changed.

Accessibility

- 10.5 Bus services run along the Asquith Avenue frontage giving a combined frequency of five buses per hour, four of which head into Leeds. The applicant is proposing to fund new bus stops close to the Asquith Avenue access, but even with these in place a significant proportion of the site would be over 400m from these bus services. The furthest units are likely to be some 800m walk distance from the nearest bus stops.

- 10.6 The public transport SPD sets out that 'the centre of a site' should be within 400m of a bus stop offering a 15 minute frequency to a major transport interchange. The draft Core Strategy states that 'industrial and distribution / warehousing to be located within 10 minute walk of a bus stop'. Therefore while it is considered that the site has only a reasonable public transport offer at best, it would be difficult to object on this basis based on the current policy context.

- 10.7 The developer has made some enquiries with the bus operators regarding diversion through the site. It is not clear what, if any, offer was made to subsidise such a diversion or whether Metro were involved. The applicant has offered to fund bus stops within the site should any service divert at a future date. The infrastructure has been designed to accommodate HGVs and therefore is also capable of accommodating public transport. Metro has requested improvements to local bus stops and requested developer contributions towards diverting bus services through the site, as set out in sections 7.12 – 7.20 above.

- 10.8 The site is liable for a significant public transport contribution under the SPD, however options to spend this money on local services should be explored in consultation with Metro.

10.9 Do Members consider that the applicant's proposals to improve accessibility to be appropriate to this site?

- 10.10 A new footway is proposed along the Gelderd Road frontage where none currently exists. This will tie in to the existing footways to the east, but does not extend far enough to the west. Highways have requested that the new footway must be extended along the grass verge to meet the access point of the Treefields Industrial estate and existing footway. It is not considered acceptable to have a footway adjacent to a major road in a mixed residential / commercial area simply end at the start of a muddy footpath. While movements on this length may be low, there will certainly be some demand, and some of that will be associated with the proposed development.

- 10.11 The site is liable for a public transport contribution under the SPD, which has been calculated at £316,016 for the full development. This will require refinement to allow for the flexibility in permission sought and phased build out. Appendix 1 of the SPD, updated in December 2011, contains a number of schemes that would be relevant to the site. These include:
- UTMC Spruce and traffic light bus priority system (city wide)
 - Public Transport Hubs – Morley is one of those proposed to be taken forward
 - A62 Gelderd Road bus priority
 - A643 Leeds – Morley bus corridor
- 10.12 In terms of cycling, discussions on the Travel Plan are still ongoing and the cycle access strategy will be linked to that. Comments are provided below on the junctions layouts – it should be noted that it is the policy of Leeds Highways not to introduce pedestrian refuge islands where kerb to kerb widths are less than 4m, unless in exceptional circumstances. The access junction designs need revisions to accommodate this. The Cycling Officer has stated that the Leeds Core Cycle Network Route proposes to use Nepshaw Lane. This requires resurfacing and being accessible to cycles at both ends. Internal access roads should also be connected to Nepshaw Lane and other access roads in the area by cycle track to create some connectivity through the area. Nepshaw Lane is a key pedestrian and cycle link to the site and therefore some contribution to improvements along its length would be expected from this development.

VEHICULAR ACCESS:

- 10.13 Three vehicular access points are proposed to the development, two off Gelderd Road and the other off Asquith Avenue. Previous applications at the site included an access to the A650 via Nepshaw Lane which is now not proposed, and the current proposal has an access onto Asquith Avenue, which wasn't proposed on the earlier applications.
- 10.14 It is noted that the UDP allocation for the site states that development is subject to: *'Provision of satisfactory means of access, with at least two points of access, at Nepshaw Lane and Gelderd Road.'*
- 10.15 From a Highways perspective there is merit in making the site as permeable as possible to reduce trip distances and impacts on local junctions. An access onto Nepshaw Lane and the A650 is likely to reduce development related traffic through the centre of Morley. It should be noted that the trip distribution agreed, without prejudice to preferred additional access to Nepshaw Lane, as part of the pre-application process was on the basis of no access to Nepshaw Lane, and for obvious reasons this distribution would change if an access was implemented towards the A650.
- 10.16 Notwithstanding the above, if it is demonstrated that the proposed access solution via Gelderd Road and Asquith Avenue works in terms of capacity and highway safety on the local network then it would be difficult to justify an objection on the lack of an access to Nepshaw Lane. Therefore, at this stage, this issue has been put to one side and the application assessed as submitted. Only once has it been confirmed that the full development can operate safely and within acceptable network impacts can the issue of the Nepshaw Lane access be resolved. In this context, it is noted that the development does have a detrimental impact at the mini-roundabouts at the southern end of Asquith Avenue which may need to be mitigated (see below).

- 10.17 An independent Stage 1 Road Safety Audit will be required of all the access junctions and off-site works prior to determination of the application

Gelderd Road Access Points

- 10.18 A signalised junction is proposed onto Gelderd Road which will serve as the main access point. The layout of this junction has now been corrected to take account of actual road widths. The further surveys at the Gelderd Road junction with College Road show that the right turn lane can be shortened and this is accepted.
- 10.19 The option of island narrowing was explored to improve alignment through the junction. The revised layout as shown, however, is not acceptable with the straight across crossing operating in different stages – read through issues are likely to be picked up at Safety Audit and Leeds would not accept such a layout. Advice is awaited from UTC on this, but Highways consider that the pedestrian facilities should be removed from this arm as they are provided on the eastern arm of the junction.
- 10.20 The Linsig modelling for the primary access, Treefield estate access and Branch End / Gelderd Road / Asquith Avenue junction has now been sent to UTC for comment. This was not done previously due to comments in relation to junction layout and site access locations.
- 10.21 It is noted that relocation of the secondary access point on Gelderd Road further away from the PFS access points. This resolves the issue of junction spacing but leaves an unsatisfactory set of lane widths, with running lanes of 3m and a right turn lane of just 2m. This is not adequate for a site of this size served off an A-road. The minimum should be 3.35m running lanes and a 2.5m right turn lane. The Council will only accept kerb to kerb widths of less than 4m to an pedestrian refuge in exceptional circumstances to cater for cyclists. It is noted that the width of the existing highway verge and footway to the east would allow for some carriageway widening in this location.

Asquith Avenue access

- 10.22 There are outstanding issues relating to the right turn lane, however, these are not vital issues given the junction is shown to operate well within capacity. Therefore, the conclusion that this junction operates within capacity is accepted.
- 10.23 Highways have previously raised issues regarding the level difference between Asquith Avenue and the site and Highways have concerns that without an appropriate control mechanism, this access is unlikely to ever be implemented. Given its importance in permeability of the site and relief at the nearby signalised junction this is of concern. The applicant sets out that this issue will be taken care of by way of land remodelling, but given the outline application includes access Highways consider that more detailed plans showing levels, retaining structures and long / cross sections are provided in this location. In addition, Highways would be seeking to have a condition applied to any permission restricting the level of development to an appropriate scale until both access points (Gelderd Road and Asquith Avenue) and associated link road are constructed.
- 10.24 Do Panel Members consider the extent of the access arrangements to be sufficient to deal with the anticipated level of traffic?**

TRANSPORT ASSESSMENT

- 10.25 The TA and subsequent analysis takes no account of other committed / pending applications in the area and comments in this regard from the original Highways consultation have not been taken on board. The Highways Agency, through their

own work, have considered the cumulative impact of development on J27, and the required mitigation. The Bruntcliffe Road development has considered the cumulative impact at the A650 / Howden Clough Road junction and identified the introduction of MOVA as appropriate mitigation. This mitigation scheme will also be required of this development. The Rowntrees application has considered the Gelderd Road scheme in a previous TA. Given that the site access and Treefields access are shown to operate well within capacity, the only junction still requiring a cumulative impact assessment is the Gelderd Road / Branch End / Asquith Avenue junction. The applicant should undertake a cumulative impact assessment of this junction.

- 10.26 The modelling, impact and mitigation scheme at J27 has been agreed. This set of highway works should be secured via a Grampian condition, to be implemented prior to an appropriate level of development. As with other phasing issues, this will require further consideration.
- 10.27 The recent submission has included assessment of the Gelderd Road / College Road junction and the Victoria Road mini-roundabouts at the bottom of Asquith Avenue. The modelling has been checked and is acceptable for use. However the applicant's conclusions are not accepted. The mini-roundabouts, will be operating over capacity in 2019 and the development adds to the queues and delays. It is accepted that the level of development traffic through these junctions is not large, but the impact remains. The current setup of two mini-roundabouts makes any improvement difficult without a radical rethink and redesign of the two junctions. Resources and focus may be better expended in ensuring the site is as well linked as possible for walk and cycle trips, the implementation of a comprehensive and robust travel plan with targets and default mechanisms, and that all access options have been properly considered, which is not yet the case. The case for direct mitigation at this junction will need to be considered in light of the above.

INTERNAL LAYOUT / SERVICING / BINS

- 10.28 The previous comments relating to the four indicative layout plans remain despite some minor tweaks. Options A to C could be made to work, but D is not acceptable. These internal issues however can be resolved through any future reserved matters application.
- 10.29 The employment land off Nepshaw Lane which forms part of the employment allocation, and excluded from this application as it is in third party ownership does not have adequate access to either Nepshaw Lane or Asquith Avenue suitable for commercial uses. Therefore, the option must be maintained, without a ransom, of access through the rest of the allocation which is subject to the current application.

TRAVEL PLAN

- 10.30 Some progress has been made on the Travel Plan, but it is not yet at a stage where it is acceptable. The travel plan is a critical element of the scheme given the scale of development, capacity issues at some nearby junctions, and previous Plans Panels resolutions regarding development at the site.

OFF SITE HIGHWAY WORKS

- 10.31 Off-site highway works are proposed at junction 27, the site access points and along the Gelderd Road frontage. The introduction of MOVA control at the A650 / Howden Clough Road will also be required, if not already implemented by other development in the area.

- 10.32 Both public consultation and the LCC Traffic team have requested that 20mph zones are developer funded in the vicinity of Gildersome Primary and Morley Victoria Primary schools, to help mitigate against increased levels of traffic past these school sites. Highways have requested details of costing that could be incorporated into a S106 agreement. Also, requests have been made to fund a HGV ban through the centre of Gildersome Village, again with costs to be forwarded in due course. These traffic management schemes are fully supported by Highways and considered necessary to help mitigate the development impact.

ROAD SAFETY

- 10.33 A Stage 1 Road Safety Audit covering all access points and off-site works will be required prior to determination of the planning application.
- 10.34 Conditions will be required to:
- Secure the off-site works and access arrangements
 - Secure the provision and adoption of the through route at an appropriate stage (to be agreed)
 - Provide further details on the proposed bridge across the beck
 - Standard conditions relating to parking and servicing areas
 - Ensure acceptable gradients at the site access points (and internal layout)
- 10.35 The Section 106 should cover:
- Provision of an adoptable link to the edge of the Lindley land (with no ransom strip)
 - The provision of a public transport contribution (to be agreed)
 - The implementation of the travel plan (to be agreed) and monitoring fee
 - On and off-site bus stop improvements
 - HGV movement restrictions
 - Local 20 mph schemes
- 10.36 The details and wording of the conditions and planning obligations would need to be discussed in further detail should the application move forward to an approval.

CONCLUSION

- 10.37 There are no objections in principle to the development, but there are many outstanding matters of detail in respect of accessibility, assessment of access points, cumulative impact and Travel Plan details. The application cannot be supported from a highways standpoint as submitted and amendments / further work are required.
- 10.38 Do Panel members have any comments on the scope of the highways conditions and the Section 106 Agreement?**

Urban Design and Landscaping

- 10.39 The application proposes large scale development. The visual impact of the large industrial units and their service yards on views from the M621, Gelderd Road and Asquith Avenue are significant issues currently under consideration. The location and size of buildings, and the widths and locations of structure planting to reduce the impact of the development will be important to mitigate against adverse impacts.

Proposed scheme development principles:

- 10.40 The applicant has identified the most important factors are considered to be:
- (i) the impact and scale of the proposals in relation to residential properties along Gelderd Road
 - (ii) the existing trees and woodland in and around the site

- (iii) highway considerations and provision of deliverable and achievable access points on Gelderd Road and Asquith Avenue
- (iv) land ownership and deliverability
- (v) drainage requirements of existing and proposed properties
- (vi) site topography and location of Dean Beck watercourse
- (vii) maximising development areas for employment use of the allocated site.

- 10.41 The proposal is for outline planning permission with details provided of the means of access and structural / boundary landscaping. The parameters Masterplan provides the scale parameters for future applications and specifies the maximum floorspace thresholds for the development as a whole and within defined plot areas.
- 10.42 Maximum and minimum floorspace measurements for future buildings are also provided within the plot areas. The detailed layout of the proposed development is not specified as part of the application however indicative plans are included with the planning submission to illustrate how future development may be accommodated on the site within the parameters set out. This assists in providing the maximum and minimum heights, widths and lengths of units within the identified plot areas.
- 10.43 The proposed scheme parameters and arrangements set out above and in the application details allow a smaller, more domestic relationship from the proposed units to residential properties along Gelderd Road whilst maximizing the development potential and opportunities for a wide range of commercial industrial and warehousing units on the application site dependent upon further reserved matters applications.
- 10.44 The provision of perimeter landscaping also sets parameters for the future location of buildings beyond these areas with particular regard being paid to the residential properties at Belle Vue Terrace. Structural landscape zones have been positioned adjacent potentially sensitive areas such as site boundaries in accordance with the Landscape Masterplan One option presented provides mounds on which landscaping is placed. The issue if structural landscaping will be key to the success of the scheme. The access points to the site will be taken from Gelderd Road and Asquith Avenue with a central bridge crossing point over Dean Beck. The bridge crossing location has been assessed by the applicant as providing the most practical location available whilst minimising tree loss due to the land available, location of Dean Beck for the drainage outfall and the topography of the site. All these points put by the applicant are under consideration.
- 10.45 The detailed appearance of the buildings will be the subject of future planning applications. The indicated scale of the proposals and the proposed uses that the development will bring forward together with the use of modern building techniques. The detailed appearance of the building will be subject to reserved matters approval.

Landscape

- 10.46 Indicative landscape proposals being put forward on the Masterplan. The proposal involves the retention of Dean Wood within the central part of the site. The wood would be augmented by a band of 'structured' landscaping, which is likely to take the form of additional woodland planting. Dean Wood is a designated Leeds Nature Area (LNA) and part of the wood has been identified as Ancient Replanted

Woodland. Any reserved matter scheme would be required to have no direct impact on the woodland.

10.47 A landscaping Parameter Plan has been submitted, which outlines how the perimeter of the entire application site will be treated. This includes; Gelderd Road to have a tree planting mound with shrub planting below, along with a low knee rails with mown grass strips and gravel edge intended to form a neat, pedestrian scale to the roadside. Asquith Avenue and Nepshaw Lane to be fronted by new tree planting with shrub planting below, along with low knee rail and mown grass strip. Visual screening from existing footpaths bordering the western side of the site is already provided by the existing plantation within this location. This will be enhanced by shrub planting at the edges of the plantation and hedge planting. Landscaping around the proposed site will provide a variety of berry, nut bearing and flowering trees offering year round interest for a range of invertebrates, and as such providing feeding opportunities for the local bat population.

10.48 A Woodland Management Plan would be subject of a Section 106 Agreement. The woodland straddles boundary of all three application sites, therefore the Plan would provide some consistency for dealing with woodland management issues and how detailed proposals would address the woodland area.

10.49 The impact of the development on views from housing nearby, and wider areas is currently under consideration.

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

Nature Conservation interests

10.51 The main nature conservation concerns relate to the loss of an area of young woodland and part of the Dean Beck at the expense of the largest storm water pond. From an ecological standpoint, the storm water ponds should be located outside of areas of existing nature conservation value, as are the other two ponds. If a case is put forward to justify the proposed location of this storm water pond there must be significant compensation to offset this loss i.e. an equal width of scrub and woodland planting (to that lost) around the storm water pond to ensure habitat connectivity, and appropriate detailed design of the pond to benefit wildlife.

10.52 The design of the road over Dean Beck must be designed in a way to minimize disruption to beck and associated vegetation i.e. a wide span with no concrete footings close to the beck that flows underneath.

10.53 The overall impacts of the development on nature conservation are significant and will therefore require addressing through a Section 106 Agreement - to ensure long-term positive management of retained and created wildlife features is carried out under an agreed Landscape & Ecology Management Plan.

10.54 The Phase 1 Habitat Survey and Protected Species Assessment dated May 2012 identifies that there will be an impact on a number of nature conservation features and that further survey work is required prior to determination of this application.

10.55 Further surveys for bats in relation to both the woodland edges and open grassland areas will be required to fully understand the potential impacts on foraging and commuting bats. Page 13 Section 4.3 of the Habitat Survey and Protected Species Assessment refers to the good quality foraging and commuting habitat features along the edges of the woodland and the need for further surveys prior to commencement of works – but this should be carried out prior to determination as bats are a protected species and therefore a material consideration (no bat surveys

have been carried out to date – only a scoping assessment). Lighting will have an adverse impact on bats where this is on commuting/foraging corridors such as along the woodland edges and beck – so will need to be designed sensitively.

- 10.56 The Phase 1 walkover survey was carried out in mid-February and therefore did not identify patches of semi-improved grassland that occur across much of the southern and south-eastern parts of the site (with Meadow Foxtail, Crested Dog's Tail, Bent grasses, Yorkshire Fog, Meadow Vetch being observed in June – together with Lesser Whitethroat, Blackcap, Chiffchaff in patches of Hawthorn scrub around the edges of the site and Curlew and Swallow feeding activity on patches of damp grassland, indicating a good invertebrate biomass).
- 10.57 A clearer assessment of the ecological features that will be lost is needed in order to fully understand the potential impacts and agree a suitable level of mitigation – a qualitative and quantitative impact assessment is recommended i.e. 1 hectare of semi-improved grassland will be lost that will be offset by 0.5 hectares of wildflower meadow created and positively managed through an ecological management plan. Loss of open habitats may be best off-set through considering the use of roof spaces designed to benefit ground nesting birds and invertebrates and retaining existing areas of grassland value around the edges of the site.
- 10.58 If one of the water features is to be created at the expense of an area of woodland then there will need to be a significant mitigation package – such as improving sections of the water course through denaturalizing any engineered features (converted sections) and backside management to benefit species such as water voles (which could be encouraged to re-colonise in the future). Any features that are designed to provide open water should consider measures to retain some open water throughout the year, and details shown in relation to how they will connect to the beck and not become shaded from adjacent trees or new planting.
- 10.59 The landscaping plan should consider planting native shrubs (excluding Dogwood) along any woodland edges and then creating or retaining semi-improved grassland to allow a graded edge to the retained woodland areas (grassland/scrub/woodland interfaces will benefit a wider range of wildlife).
- 10.60 A key aspect of this application will be assessing the level of impacts and agreeing suitable mitigation, and developing the content of an ecological management plan to positively manage retained and created ecological features. These matters are all currently under consideration, and would need to be addressed before a decision can be made on the determination of the application.
- 10.61 Do Panel Members consider the impact on interests of nature conservation to be of significant concern?**

Flood Risk management

- 10.62 The applicant has resubmitted the detailed Flood Risk Assessment (FRA) submitted with application 23/248/04/OT, submitted in July 2008 (and subsequent addendum in 2009) which was acceptable to Environment Agency and FRM, subject to the mitigation measures identified in the FRA being carried out.
- 10.63 The application now being submitted by CDP Limited is consistent with the previous modelling assumptions, development density and provides the same on site attenuation measures. The flood risk modelling thus remains entirely valid and forms the basis of the FRA submitted. The assessment of surface runoff and exceedance flows from the site and potential impacts of the development has been undertaken using Microdrainage modelling of the Dean Beck and Farnley Wood Beck

catchments, including food depths in this area. An assessment of the flows spilling into the Gildersome tunnel cutting has also been made.

10.64 The modelling addendum was accepted by the Environment Agency in May 2009, and the Environment Agency has suggested a planning condition to support the mitigation measures set out in the FRA.

10.65 The results of this assessment suggest the following:
The proposed flood storage basin has the effect of attenuating flows, introducing lag into the flows from Dean Beck.

Peak flows in both Dean Beck and Farnley Wood Beck are lower following development of the site.

Within the development sites all design flows up to the 1 in 100 year event are contained without any flooding to the site. In addition the accident event shows that for the plot considered, flooding arising from the 1 in 200 year accident event can be contained on site.

The flows from Tree fields Industrial Estate (pre and post development) are small (less than 10%) compared to the total Farnley Wood Beck catchments flows.

The post development flows indicate lower peak flows entering the high flood risk areas of Old close and Millshaw industrial estate.

A significant proportion of the proposed attenuated site runoff does not enter the watercourse until after all other inflows have returned to base flows.

Flood depths in the Old Close and Millshaw areas are reduced for the post development case, and flood volumes are reduced by up to 2889m³ for the 100 year event.

Flows spill into the Gildersome tunnel cutting for both the pre and post development scenarios. The overall volume spilling into this area is higher for the pre development case at high return periods, but higher for the post development case at low return periods.

The reduction in peak flows and levels observed on Farnley Wood Beck occurs with or without the spillage of flow into the Gildersome tunnel cutting, showing that the development is not reliant on the storage currently occurring at this location.

The overall impact of the proposed development is a reduction in flooding at the critical flood risk locations on Farnley Wood Beck.

10.66 The overall scheme has fully considered the implications of flooding and flood mitigation has been designed into the whole development site to provide wider sustainability benefits and flood risk mitigation works which benefit the downstream community.

10.67 In conclusion a detailed Flood Risk Assessment has been carried out in accordance with the National Planning Policy Framework and the application submitted is consistent with the previous modelling assumptions, development density and provides for onsite attenuation measures accepted on the previous planning proposals for the site.

10.68 Do Panel Members consider the extent of the drainage improvements to be sufficient to allow the development to proceed?

Section106 Agreement and CIL Regulations

10.69 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:-

- (i) Travel Plan
- (ii) Public transport infrastructure. Calculated at £316,016, and under negotiation.
- (iii) Contribution to Metro towards funding improvements to the relevant bus shelters.
- (iv) Local Traffic Regulation Orders (HGV movement restrictions, Local 20 mph schemes)
- (v) Flood Alleviation Contribution
- (vi) Training and Employment Initiatives
- (vii) Woodland Management Plan

10.70 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.

10.71 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.

10.72 There are existing flooding difficulties within the local catchment area, and the proposal has the potential to exacerbate that situation. UDP policy N38B states that where flood alleviation works are required the developer will be required to fund these. A contribution is reasonable in the circumstances.

10.73 Training and employment initiatives are covered under 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.

10.74 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.

Other matters

10.75 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.

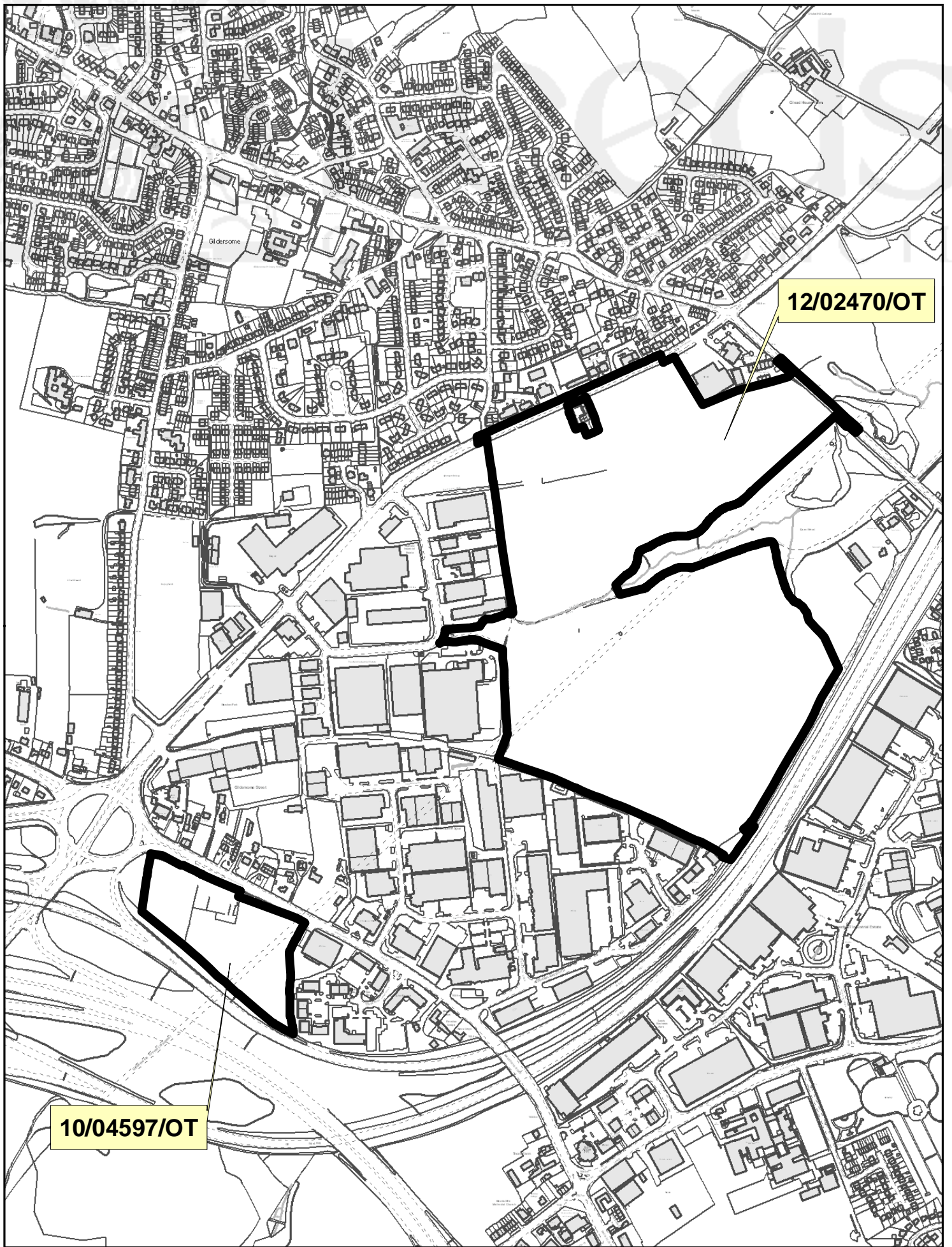
11.0 CONCLUSION

- 11.1 The proposed development fulfils an allocation policy within the adopted UDP and will bring employment uses into Morley and Gildersome, allowing the area to sustain economic growth. There are recognised concerns about congestion on the local highway infrastructure and existing flooding problems within the local catchment, however, planning conditions and obligations, contained within a Section 106 Agreement, are under negotiation to mitigate against these difficulties.
- 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 Panel members raise issues concerning the principle of development?**
 - (ii) **Do Members consider that the applicant's proposals to improve accessibility to be appropriate to this site?**
 - (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 have any comments regarding the scope of the Highways assessment?**
 - (v) **Do Panel members have any comments on the scope of the highways conditions and the Section 106 Agreement?**
 - (vi) **Do Panel Members consider the extent of the landscaping proposals to be sufficient to allow the development to proceed?**
 - (vii) **Do Panel Members consider the impact on interests of nature conservation to be of significant concern?**
 - (viii) **Do Panel Members consider the extent of the drainage improvements to be sufficient to allow the development to proceed?**
 - (ix) **Are there other issues which need to be addressed?**

Background Papers:

Application and history files

Certificate of Ownership:

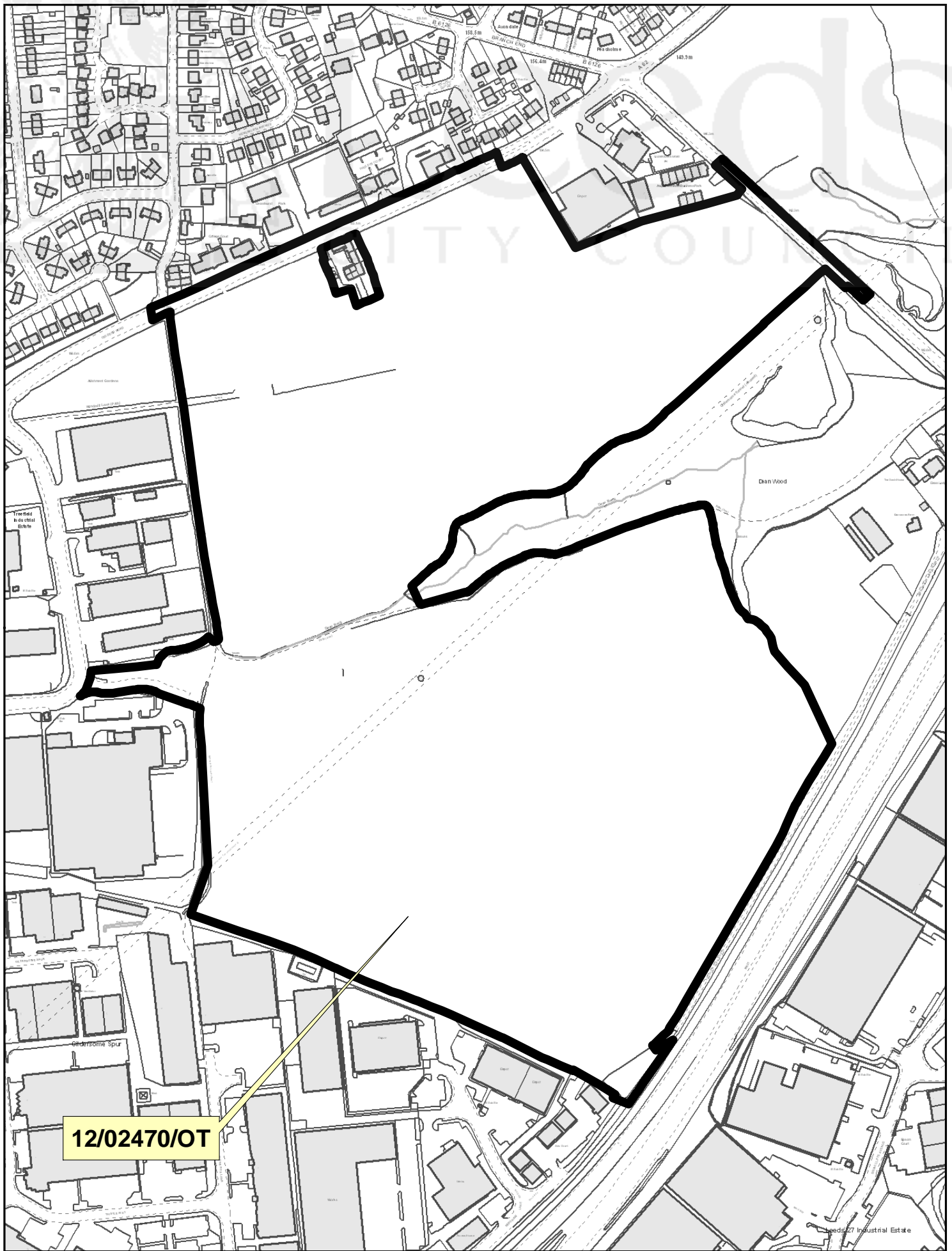


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