



Planning Services

Leonardo Building
2 Rossington Street
Leeds LS2 8HD

DELEGATION REPORT

REPORT OF THE CHIEF PLANNING OFFICER

WARD: Pudsey
Address: South Park Mills
Hare Lane
Pudsey
Leeds
LS28 8DR
Application: 15/00169/OT
Applicant: Acrivarn - Mrs S Cope

Proposal: Outline application for residential development of up to 21 dwellings

Application advertised by means of:

Site Notice	13 February 2015
Advert Posted	12 February 2015
Neighbour Notification letters posted	3 February 2015
Publicity Expires on	13 July 2015

Introduction

The proposal is considered acceptable in principle with all other matters reserved.

Proposal

The proposal seeks outline consent in principle for a residential development of up to 21 dwellings on the current site of a manufacturing business. The site will access onto Hare Lane as does the current business. There is an accompanying legal agreement requiring improvements to Hare Lane, the provision of on-site greenspace, the diversion and provision of a replacement footpath and for the full contribution in terms of affordable housing.

There is an indicative layout plan supplied with the application which successfully demonstrates that up to 21 dwellings could be accommodated within the developable area. All matters are however reserved.

Site and Surroundings:

The application concerns a secluded site at the southern end of Hare Lane, which has been in industrial use since the 19th century. Buildings have been extended, altered and demolished during the intervening period. At the present time there are several industrial buildings on site; these vary in height from single to split level three/four storey buildings and are constructed of a combination of brick, render and industrial sheeting.

The access into the site curves sharply to the right from the southern end of Hare Lane and runs along the northern side of the main complex of buildings in the centre of the site. To the north of the access is a detached two-storey building and parking area. The access continues along the western side of the main complex and along the southern boundary, in part as an unmade track, (this section now appears to be disused). Large areas of the site are undeveloped particularly to the south of the existing buildings where there is evidence of former substantial industrial buildings, which were demolished in the 1980s.

At the present time, the main occupiers are the applicants, Acrivarn Ltd, industrial kitchen equipment manufacturers. They are based in the main buildings on the western side of the site. There are also two tenants, who occupy part of the buildings to the east of the site and a detached building to the north of the access road. The buildings are not fully occupied and approximately a third of the available floorspace is vacant.

The site slopes downwards from the northern boundary towards Pudsey Beck and the Leeds Country Way, a definitive footpath, which runs along the length of the southern site boundary. A footpath linking Hare Lane with the Leeds Country Way runs through the site adjacent to the western boundary. This is not a definitive footpath but may be considered to be a public right of way. Trees and shrubs provide screening to the northern, eastern and western site boundaries. There are also a few trees along the southern site boundary.

The buildings have been subject to anti-social behaviour and vandalism. This has included 'intimidating' graffiti particularly along the western elevations, arson attacks, fires, broken windows and break-ins. A fence has been erected by the entrance to try and reduce the incidence of such activities. However the problem continues – there were three break-ins since May 2009 and several reports of out of hour's activities including the lighting of small fires and drinking. There was continuing evidence of such issues when the site visit was conducted in relation to this current application.

Hare Lane, which provides vehicular access to the site, is a narrow, winding country lane, which is steep in places with no footpaths. The lane runs from junction with Fartown and Fulneck to the north and ends at the entrance to the application site.

The surrounding area is largely rural in nature. The nearest residential properties are at South Park Terrace, a terrace of nine houses along a short un-adopted road which runs off Hare Lane opposite the application site entrance. There are no other properties in the

immediate vicinity of the site – the next nearest is South Park Villa, a detached house, which overlooks the site at some distance away to the north.

Relevant Planning History:

13/04986/FU - Laying out of access road and erection of 14 dwellings (Approved). This was essentially identical to the previous approved scheme and given there was no change in the policy approach to its determination it was considered suitable for determination under delegated powers.

08/06050/FU. – Laying out of access road and erection of 14 dwellings at South Park Mills, Hare Lane, Pudsey. This application was approved, as recommended by Officers, by Plans Panel West on 17th December 2009 subject to a referral to the Secretary of State, the completion of a s106 agreement and subject to the conditions attached to that report.

06/01882/FU – Full application for laying out of access road and erection of 24 dwellings. This application was refused planning permission by Plans Panel West on 29 November 2007, (officers had recommended approval). There were two reasons for refusal. Firstly proposed re-development of the site represents inappropriate development in the Green Belt and there are no very special circumstances to justify the development, which will result in an isolated residential development remote that will place an undue emphasis on use of the private car. Secondly the existing access from Hare Lane is substandard and inappropriate.

Pre-application Discussions –

Yes: Discussions centred on the number of units and prospective layout. Whilst the number of units could be agreed a precise layout could not be hence the agent submitted for outline consent with layout as a reserved matter.

Statutory Consultations:

Environment Agency: No objection subject to the LPA attaching a condition relating to flood risk. A suitable condition was attached.

Yorkshire Water: Suggested conditions if the application was approved. Suitable conditions have been attached to the consent reflecting those recommendations and following consultation with the LPA's drainage specialists.

Non Statutory Consultations:

Local Plans/Policy:

The site lies within the Green Belt, however the principle of residential use has been accepted by the previous approved application 13/04986/FU. The planning permission is recognised in the draft Site Allocations Plan with the site being shown as an identified site (i.e. with unimplemented planning permission). The current application must demonstrate that it is in compliance with the NPPF requirements regarding development in the Green Belt (para. 89) to ensure the impact on the Green Belt is acceptable. A contribution was also sought regarding children's play equipment but this could not be justified in terms of the legal agreement.

WYCA: Requested a contribution for travel cards. Given the scale of development such a contribution could not be justified.

SDU (Conservation): Recommended that suitable conditions should be attached to the consent to protect biodiversity. A suitable amalgamation of the conditions suggested was attached.

SDU (Contaminated Land): Following discussion leading from the first consultation response the Officer revised their recommendation and suggested conditions which have been attached.

PROW: The diversion of the footpath has been satisfactorily addressed through the attached s106 agreement.

Drainage: The following drainage related condition should be applied here;
Development shall not commence until a scheme detailing surface water drainage works has been submitted to and approved in writing by the Local Planning Authority (Drainage plans and summary of calculations and investigations). The surface water drainage works should be consistent with the recommendations of the FRA report ref: 724/01r2 dated October 2013. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details. The surface water drainage scheme will need to comply with Council's Minimum Development Control Standards for Flood Risk - see the Natural Resources and Waste LDF. This condition was attached.

SDU (Landscape): The trees and any other existing vegetation can be considered in the context of comprehensive landscape proposals which may come forward in due course (including any mitigation for proposed tree removals). A standard landscape submission and implementation condition will cover this. Plus a landscape management condition for the long-term management of the completed landscape scheme. Attached through conditions and management also secured through the s106 agreement.

Highways: No objections are raised to the proposals subject to the previous conditions and Section 106 Agreement (in order to secure improvements and on-going maintenance to Hare Lane) being carried forward to this current application.

Public/Local Response:

Site Notice: Posted 13.02.15

Advert published 12.02.15

Expiry Date of Notification: 06.03.16

Comments Received: 6 objections have been received. 1 objector submitted twice.

Caps checked on: 19.01.17

Site visit date: 06.02.15

Planning Policies:

National

National Planning Policy Framework (2012):

- The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.
- The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.
- The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
- The NPPF at Paragraph 7 advises that there are three dimensions to sustainable development – economic, social and environmental. The social role includes the objective of supporting strong, vibrant and healthy communities by providing a supply of housing required to meet the needs of present and future generations.
- Of particular relevance to this application is Paragraph 49 of the National Planning Policy Framework, which states the following:
- "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."
- Following the recent appeal decision at Grove Road, Boston Spa in accordance with APP/N4720/A/13/2208551, the Secretary of State took the view that on the basis of the evidence available to him at that time, the Council is presently unable to demonstrate a deliverable 5 year supply of housing land. Accordingly, the Council is now in the position that policies within the Unitary Development Plan and Core Strategy that are relevant to the supply of housing are considered to be out of date.
- Accordingly, Paragraph 14 of the NPPF is now particularly relevant, which states the following:
- "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- For decision-taking this means:

- Approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - — any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - — specific policies in this Framework indicate development should be restricted.”
- It is also relevant to note that an ‘out of date’ policy does not become irrelevant and it is therefore the case that an assessment must be made in respect of the weight to be attached to such policies in the planning balance of decision making overall.
- It is also important to note that even without the above change of emphasis there was a very strong presumption in favour of development on the site as it is a brownfield site within the main urban area in an inherently sustainable location where housing is the predominant land use.

National Planning Policy Guidance 2014.

Local

The development plan for the whole of the Leeds District is the recently adopted Core Strategy. Relevant saved policies from the previous Unitary Development Plan carried forward and adopted with the Core strategy must also be taken into account. Planning proposals must be made in accordance with the development plan unless material considerations indicate otherwise.

Core Strategy:

- SP1: Spatial Development Strategy
- H2: New housing development on non-allocated sites
- H3: Density of residential development
- H4: Housing mix
- P10: Criteria based policy supporting high quality design
- P12: Landscape
- T2: Accessibility requirements and new development
- G4: New greenspace provision
- G7: Protection of species and habitats
- EN1: Climate change
- EN2: Sustainable design and construction
- EN5: Managing flood risk
- ID2: Planning obligations and developer contributions

Retained UDP Policies:

- GP5 - Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

Supplementary Guidance/Documents:

- Leeds Street Design Guide (2009)

MAIN ISSUES

1. Green Belt
2. Principle
3. Highways.
4. Other Issues
5. Representations.

APPRAISAL

Green Belt Principle

The site is located within the Green Belt. Paragraph 89 of the NPPF is applicable to this site and supersedes the outdated policies of the Unitary Development Plan. National Planning Policy as detailed in paragraph 89 of the NPPF allows for the redevelopment of brownfield sites in the Green Belt for other uses such as residential provided they would have no greater impact on the openness of the green belt and with the proviso that the proposed scheme does not exceed the volumetric threshold of the existing buildings on the site. This was the case when the previous application was determined but the change in approach had only recently been introduced and at that time the LPA was awaiting the outcome of some appeals to determine its approach to how paragraph 89 it would be interpreted. Given the scheme at that time was identical to a scheme previously approved with very special circumstances the Case Officer was directed by the then Head of Service to determine the application on that basis.

Given that a scheme for 21 residential dwellings can be designed and laid out within the volumetric limits of the existing buildings on a smaller footprint and that the residential buildings will be much smaller in height it is concluded that the proposed scheme will not have a more harmful impact on the openness of the Green Belt as compared to the existing use. In fact Officers consider the proposed scheme will have significant benefits to the Green Belt in terms of openness and to the Special Landscape Area in terms of visual amenity.

This change in Green Belt Policy places significant additional weight in favour of the principle of the scheme and also in terms of maximising the development of the site for what is now not an inappropriate use on previously development land in principle in the Green Belt. This, in addition to the support from Highways, for more dwellings was sufficient to justify a positive recommendation for more units, however whilst waiting for the legal agreement to be signed the Council has had to accept that it no longer has a 5 year supply of housing and this adds further very substantial weight in favour of increasing the number of units that can be achieved on this site and significantly weakens any policy and other material considerations that would be contrary to the residential development of this site.

Development Principle

In accordance with Paragraph 14 of the NPPF, the Council should be granting permission for housing development unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

Furthermore, whilst relevant local policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, they are not deemed irrelevant and therefore the weight to be attached to them is considered below:

Spatial Policy 6 of the Core Strategy relates to the City's housing requirement and allocation of housing land. It advises that the Council will deliver 70,000 dwellings between 2012 and 2028 based upon a range of considerations. This includes consideration of how sustainable the site is, a preference for brownfield sites and regeneration areas, the least impact on Green Belt and the opportunity to reinforce or enhance the distinctiveness of local character, as well as avoiding or mitigating flood risk. In very general terms, these principles are also evident within the NPPF although the NPPF does not express a preference for Brownfield sites; it encourages their use but not to the exclusion of using Greenfield sites in principle. In this regard, it is acknowledged that the application site is a brownfield site. It is also determined that the site is accessible with the aid of the attached s106 regarding Hare Lane with good access to local services and facilities within Pudsey. Overall, it is concluded that the site's location close to the main urban area renders it an appropriate site for the delivery of residential development in principle in accordance with the objectives on the NPPF.

Core Strategy Policy H2 refers to new housing development on unallocated sites and advises that new housing development on such sites will be acceptable in principle providing that it does not exceed the capacity of transport/education/health infrastructure. The NPPF identifies three dimensions to sustainable development including providing the supply of houses required to meet the needs of present and future generations and by creating a high quality building with accessible local services. In this case, the site is reasonably close to the main urban area and it is therefore considered to be accessible to local services and given that only up to 7 additional dwellings are proposed on top of those already consented, it is not considered to exceed the capacity of such local infrastructure.

The scheme is therefore considered to accord with Core strategy policies SP1, H1 and H2.

The density of the scheme is significantly constrained by the application of paragraph 89 of the NPPF however it does represent a significant improvement in terms of density as compared to previous approved schemes offering the potential for up to 7 additional dwellings as compared to the previous consents. This is consistent with the NPPF, which advises that Local Authorities should set their own approach to housing density to reflect local circumstances.

Furthermore a full contribution in terms of affordable housing has been secured by way of the s106 legal agreement. This was not possible previously as those schemes were below the thresholds. This adds further weight in favour of accepting additional dwellings.

An employment land survey was submitted with a previous application, (reference 06/01882/FU), for 24 houses. This concluded that all criteria in relation to policy E7 of the UDP could be satisfied. District wide there are sufficient alternative sites available both in terms of quality and quantity. The survey examined in some depth the availability of alternative sites within the locality and its findings confirmed that there is a significant supply of existing allocated employment sites of varying sizes within 15 minutes drive-time and 20 minutes public transport time of the application site. It was therefore, concluded that the release of the Acrivarn site would not prejudice the local employment land supply. The weight to be attached to this policy has diminished since the previous determination and the balance in favour of a pragmatic approach to the development of such sites has also shifted to weigh more in favour of the proposal. There are no particular issues with the provision of employment sites which have emerged in relation to the Core Strategy. An updated appraisal of the employment land situation was therefore not considered necessary in this context.

Given the change in policy context in terms of the Green Belt and the substantial additional weight in favour of residential development from this and the current land supply position of the Authority it could no longer be justified to control the relocation of the business through a legal agreement.

Highways Issues

The site is remote from public transport routes, (approximately 675 metres from the nearest bus stop on Fartown), and local services and facilities and is not a sustainable location for either residential or commercial development.

Hare Lane is approximately 650 metres long, lacks a footway, is very narrow and steep in places, and with a blind bend and high verges does not encourage walking and cycling. It is therefore likely that future residents would rely on private cars for travel to and from their homes.

However, the issue is whether the proposed residential development is any less sustainable than the existing employment use. Highway officers consider the current proposal for up to 21 dwellings would result in a reduction in vehicle trips in comparison to the current industrial use. The acceptance of this proposal would therefore result in a more sustainable option for the long term use of the site in comparison to the existing situation.

Hare Lane is un-adopted and is not within the applicant's ownership so no highway improvements are proposed as part of the application. The applicant does however have rights of way along it.

Highway officers consider that the proposed development would not be detrimental to highway safety and removal of industrial traffic should have a positive benefit to the area. They have also accepted in principle that Hare Lane and the new estate road within the site will remain un-adopted and therefore privately maintained.

However there is an outstanding concern about future maintenance of Hare Lane and the possibility that future occupants of the new dwellings could be left with an access that they have no control over and do not have the ability to maintain.

The accompanying s106 agreement covers this matter. It is envisaged that a schedule of initial repairs to bring the lane up to a reasonable standard and maintenance plan would be agreed prior to commencement of development. A management company would then be formed to take responsibility for future maintenance works. Highway maintenance officers are prepared to make an initial visit to the site to agree the repairs and maintenance scheme but would not have any long term involvement in managing future maintenance works. The applicant would therefore be required to appoint a third party, for example a highway consultant, to take on this responsibility.

At the present time, responsibility for maintenance and repair is apportioned between the applicants and owners of other properties which are accessed from Hare Lane. In practice the applicant has taken on sole responsibility for maintenance and upkeep of Hare Lane, only claiming back a small contribution from other users.

Greenspace

Given the extensive nature of on-site green space, it is considered that the development meets the requirements of policy G4 and a contribution towards provision of off-site green space is not required. The development links in well with surrounding footpath network and there is the added benefit that a public footpath will be provided through the site linking Hare Lane with the Leeds Country Way. Provision for the landscaping and management of the greenspace and the footpath is made in the accompanying s106 agreement. The residential development of this site offers significant opportunities for the enhancement of the site in terms of bio-diversity and habitats given the on-site greenspace secured by s106. Conditions have also been attached to protect and ensure such improvements are achieved.

Representations

Six letters of representation have been received. There has been consistent resistance to residential schemes on this site from a number of the local residents. Many of the objections are very lengthy and raise matters which have been addressed several times in past applications. The key consideration in this application is whether the number of units proposed is acceptable. The first application for 24 dwellings was refused with Highways as a reason for refusal as that number of dwellings was considered to tip the balance in terms of highways impacts as compared to the existing use of the site. Subsequent applications for 14 dwellings were approved as on balance and with improvements to Hare Lane secured by Legal agreement they were considered beneficial in terms of highway safety as compared to the existing ongoing use which could continue and intensify without significant controls. In response to one of the objections on this application Highways Officers did review their original assessment and assessed with greater vigour the impact on pedestrian safety but they found nothing of significant note that would alter their original conclusion. This application is for outline consent only for the principle of development. The question it is essentially asking is: What is the maximum number of dwellings that can be accommodated

on this site given that 14 is considered acceptable and 24 unacceptable in terms of Highway Safety i.e. is there a number of dwellings between those figures that would be acceptable in principle or was 14 the maximum. There are significant factors other than the highway that control the developable area of this site such as the area of the site in flood risk zones and its location in the Green Belt. The approach to brownfield development in the Green Belt and the interpretation of that by the Local Planning Authority has shifted significantly since the previous application for 14 dwellings was approved. This lessened a significant constraint on the level of development on the site but the limiting factors of flood risk and the highway access remain. It was also clear that previous applications had been erred heavily on the side of caution given the more delicate balancing of considerations.

As Planning Officers we must afford substantially more weight to the evidence based assessment made by our Highways Officers as opposed to the concerns raised by objectors. The highways impact was assessed by a suitably qualified Highways professional and signed off by a more senior colleague as being acceptable for 21 dwellings. It was then assessed further and in greater detail by a very experienced Senior Officer which concurred with the original assessment and this was then ratified by the Head of Service.

Whilst the objectors may well still fail to agree with this conclusion planning officers are satisfied that the professional opinion of the Highways Officers is sound.

CONCLUSIONS

For the reasons given in the above report and taking into account all other material considerations I conclude that planning permission should be approved subject to the conditions outlined at the head of the report and with the attached s106 agreement.

RECOMMENDATION:

Approve subject to the following condition(s):-

- 1) Application for approval of all reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be agreed.

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

- 2) Approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority, in writing before the development is commenced.

Layout

Access

Scale

Appearance

The landscaping of the site

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

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

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

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

- 4) No building works shall take place until details and samples of all external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

In the interests of visual amenity.

- 5) Prior to the commencement of building operations, details showing the window frames inset from the face of the wall in the manner traditional to the area, and details of the proposed window and door frames, (to include details of materials, treatment and/or finish colour), shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and shall be retained as such thereafter.

In the interests of the character and visual amenity of the area.

- 6) No development shall take place until details of the position, design, materials and type of all walls and/or fences or permanent boundary treatment including garden boundary treatment have been submitted to and approved in writing by the Local Planning Authority. Such walls and fences shall be erected in accordance with the approved details, before the land/buildings to which they relate are occupied, and shall thereafter be retained and shall not be altered or removed without the prior written consent of the Local Planning Authority.

In the interests of amenity and visual amenity.

- 7) No building works shall take place until details and samples of all surfacing materials to the hard surfaced areas have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The surfacing works shall be constructed from the materials thereby approved.

In the interests of visual amenity.

- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Amendment) (No 2) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) planning permission shall be obtained before any extensions/enlargements, roof alterations/enlargements, conservatories, garden buildings and structures are erected, other than those expressly authorised by this permission.

As the Local Planning Authority wish to keep control over the erection of these buildings in the interests of preserving the openness of the Green Belt.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) the garage(s)/car port(s) shall not be altered or otherwise converted in such a way as to prevent its/their use by motor vehicles, used incidentally to the enjoyment of the dwelling house as such.

In order to retain sufficient off-street car parking spaces within the curtilages of dwellings in the interests of the free and safe use of the highway.

- 10) No building works shall take place until details of all external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall then be installed in accordance with the approved details prior to first occupation of the development and shall be so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity.

- 11) The development shall not be occupied or brought into use until that part of the site shown to be used by vehicles, on the approved plans, has been laid out, drained, surfaced and sealed, as approved, and that area shall not thereafter be used for any other purpose other than the vehicle related use approved.

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

- 12) Prior to the commencement of development full details (including siting, materials and means of enclosure) of the proposed bin store(s) shall be submitted to and approved in

writing by the Local Planning Authority. The development shall not be brought into use until the bin store(s) thereby approved have been provided. The bin store(s) shall thereafter be retained and maintained as such in accordance with the approved details.

To ensure that adequate provision for bin storage is made and in the interests of visual and residential amenity.

- 13) Development shall not commence until details of cycle/motorcycle parking and facilities have been submitted to and approved in writing by the Local Planning Authority. Details shall include the method of securing the cycles and their location, provision of showers and storage lockers. The approved cycle/motorcycle parking and facilities shall be provided prior to occupation of the development and thereafter be retained for the lifetime of the development.

In order to meet the aims of adopted Leeds UDP Review (2006) policy T2 and T7A and T7B.

- 14) Development shall not commence until additional intrusive investigation involving characterisation of contamination and site ground conditions has been undertaken, and the report has been submitted to and approved in writing by the local planning authority. The site investigation report shall explain the methodology employed, an interpretative discussion of results and findings, a conceptual site model, a risk assessment and recommendations for further investigation/remediation.

To ensure that the presence of contamination is identified, risk assessed and recommendations are made in order to make the site suitable for use in accordance with Policy GP5 of the Leeds Unitary Development Plan.

- 15) Development shall not commence until a remediation statement has been submitted to and approved in writing by the Local Planning Authority, should the Phase II site investigation report conclude that remedial works are necessary. The remediation statement shall demonstrate how the works will render the site suitable for use and shall describe the works in relation to the development hereby permitted. It shall include full details of any works to be undertaken, proposed site clean-up criteria, site management procedures and how the works will be verified.

To ensure that the remediation of any contamination is agreed with Local Planning Authority and is sufficient in order to make the site suitable for use in accordance with Policy GP5 of the Leeds Unitary Development Plan.

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

To ensure that any necessary remediation works are identified to make the site suitable for use in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

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

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

- 18) Equipment to enable mud and grit to be removed from the wheels, tyres and underside of construction vehicles prior to their leaving the development site and entering onto Hare Lane shall be provided, utilised and maintained in working order at all times when construction traffic is leaving the site. The internal site access road shall be maintained in a clean condition at all times when traffic is leaving the site.

To ensure that mud is not deposited on the road in the interests of amenity and highway safety.

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

In the interests of general amenity and the amenity of occupants of nearby residential properties.

- 20) Development shall not begin until a feasibility study into the use of infiltration drainage methods, for example soakaways and/or permeable surfacing has been submitted to and approved in writing by the Local Planning Authority. The analysis shall contain the results of ground infiltration tests and an appraisal of the various infiltration drainage methods of surface water disposal proposed for the site.

To ensure compliance with Leeds City Councils sustainable drainage policies.

- 21) Unless otherwise agreed in writing by the Local Planning Authority, there shall be no additional surface water discharge from the development site to open and culverted watercourses within and adjacent to the development site.

To prevent flooding by ensuring the satisfactory disposal of surface water.

- 22) Development shall not commence until a scheme detailing surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage works should be consistent with the recommendations of the FRA report ref: 724/01r2 dated October 2013. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.

To ensure sustainable drainage and flood prevention in accordance with policies GP5, N39A of the adopted Leeds UDP Review (2006).

- 23) Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within three metres either side of the water main and sewers, which cross the site.

To allow sufficient access for maintenance and repair works at all times.

- 24) The site shall be developed with separate systems of drainage for foul and surface water on and off the site.

In the interests of satisfactory and sustainable drainage.

- 25) No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing and off-site works, have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall then be implemented in accordance with the approved details and there shall be no discharge of surface water from the development prior to completion of the approved surface water drainage works and no dwellings shall be occupied or brought into use prior to completion of the approved foul drainage works.

To ensure that the development can be properly drained and that no foul or surface water discharges take place until proper provision has been made for their disposal.

- 26) Prior to the commencement of any site clearance, demolition or remediation works, a biodiversity protection and enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be based on the recommendations in the Ecological Assessment dated September 2013 and shall include detailed measures to protect and enhance biodiversity on the site together with a programme for implementation. The approved plan shall thereafter be implemented in accordance with the approved implementation programme.

To maintain and enhance biodiversity.

- 27) a) All existing trees, shrubs, hedges and other natural features shown on the approved plans to be retained shall be fully safeguarded during the course of the site works and building operations in accordance with the provisions of British Standard 5837:2005 (Trees in relation to Construction), or with the particulars specified in the approved plans and specifications.
- b) No development shall commence until all trees, shrubs or features to be protected have been protected in accordance with the approved details, or in the absence of such details, in accordance with BS 5837:2005, and the Local Planning Authority has been notified and has approved the protection measures in writing.
- c) The protective measures shall be maintained during the course of the site works, and no equipment, machinery or materials shall be stored or fires burnt within any area protected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made including the provision of any underground services, without the prior written consent of the Local Planning Authority.
- d) The protective measures shall be retained in position until all equipment, machinery or materials have been removed from the site and the site has been occupied, unless otherwise agreed in writing by the Local Planning Authority.

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

- 28) The development shall not commence until details of measures to protect banks of watercourses during remediation and construction works have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of any reinstatement works together with a timescale for implementation. The measures shall then be implemented in accordance with the approved details and timescale.

In the interests of amenity and to maintain biodiversity.

- 29) Development shall not commence until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include
- (a) proposed finished levels and/or contours,
 - (b) car parking layouts,
 - (c) other vehicle and pedestrian access and circulation areas,
 - (d) hard surfacing areas,
 - (e) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),
 - (f) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).
- Soft landscape works shall include

- (g) planting plans, to include provision of wildlife habitat in non-accessible areas, and the laying out of public open space;
- (h) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- (i) schedules of plants noting species, planting sizes and proposed numbers/densities.

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

To ensure the provision and establishment of acceptable landscape in accordance with adopted Leeds UDP Review (2006) policies GP5, N23, N25 and LD1.

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

To ensure maintenance of a healthy landscape scheme, in accordance with adopted Leeds UDP Review (2006) policies GP5 and LD1.

- 31) No development shall take place until a plan, schedule and specification for landscape management has been submitted to, and approved in writing by, the Local Planning Authority. This shall include reference to planting and hard landscaped areas, including paving, fencing and other features. The schedule shall identify the frequency of operations for each type of landscape asset and reflect the enhanced maintenance requirement of planted areas during the establishment period. It shall provide for an annual inspection during late summer for any areas of failed tree or shrub planting, and the identification of the replacements required in the autumn planting season. If development is phased, maintenance shall commence when each phase of development is completed. Prior to planting, all landscaped areas shall be cultivated and maintained in a weed free condition by mechanical cultivation or chemical control. Maintenance shall be carried out thereafter in accordance with the approved management plan.

To ensure successful establishment and aftercare of the completed landscape scheme.

For information:-

- 1) In reaching a decision the case officer dealing with the application has worked with the applicant/agent in a positive way to produce an acceptable scheme in accordance with paragraphs 186 and 187 of the National Planning Policy framework.
- 2) This permission does not absolve the applicant(s) from the requirements for compliance with a Building Regulation approval, or the duty of compliance with any requirements of any Statutory Body, Public Utility or Authority.

The applicant is advised that where any of the following apply, The Party Wall Act 1996 provisions are relevant, and you may well need to serve notice and get agreement from adjoining owners/neighbour(s) to carry out the work;

- work carried out directly to an existing party wall or structure
- new building at or astride the boundary line between properties
- excavation within 3 or 6 metres of a neighbouring building or structure depending on the depth of the hole or proposed foundations.

- 3) This notice of decision does not grant consent or imply any grant of consent for the applicant to enter onto any adjoining land, to either construct or subsequently to maintain the proposed development.
- 4) All reports addressing land contamination should be compiled in accordance with best practice and policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

Prior to preparing any reports in compliance with conditions related to land contamination the applicant is also advised to refer to the Leeds City Council guidance leaflets in the series:- The Development of Contaminated Sites:
The Blue Leaflet (CL2) - Reports in Support of Planning Applications
The Green Leaflet (CL3) - Human Health Quantitative Risk Assessment
The Yellow Leaflet (CL4) - Residential Development on Land Affected by Contamination

These leaflets can be obtained from the council at the Leonardo Building Reception, 2 Rossington Street, Leeds, LS2 8HD or from our website www.leeds.gov.uk/contaminatedland.

- 5) The applicant is advised that remediation of any contaminated site is required to a standard such that the site would be suitable for use policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006. This includes the quality of imported soils and soil forming materials. The developer is responsible for ensuring that development is safe and suitable for use for the intended purpose.
- 6) The applicant should be aware that there is an Agreement/Obligation by way of undertaking under Section 106 of the Town and Country Planning Act 1990 affecting this site.

- 7) A public sewer passes through the site. No building may be erected over the sewer or within its easement without the prior written consent of the local authority. Please contact Leeds City Council (Flood Risk Management) to discuss.
- 8) The applicant is informed that a formal footpath diversion is necessary before the development commences which must be equally accessible for disabled people.
- 9) The applicant is advised that greenspace should be provided on site in accordance with Policy G4 of the adopted Core Strategy and should be clearly demonstrated on any submission made for layout and landscaping reserved matters.

This recommendation relates to the following Approved Plans

Plan Type	Plan Reference	Version	Received
Site Location Plan/Red Line/OS Plan			03.02.2015