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City Plans Panel – 16th April 2015

Supplementary Information

Agenda item – 6 – Minutes of the City Plans Panel meeting held on 26th March 2015

Agenda item 7 – Revocation of Hazardous Substance Consents – at former Yorkshire Chemicals site – Kirkstall Road –copy of the draft Revocation Order

(documents attached)

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CITY PLANS PANEL

THURSDAY, 26TH MARCH, 2015

PRESENT: Councillor J McKenna in the Chair

Councillors R Procter, D Blackburn,
S Hamilton, G Latty, T Leadley, E Nash,
N Walshaw, M Ingham, J Lewis, B Cleasby
and S McKenna

152 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves

153 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interest made at this point, however such a declaration was made later in the meeting (minute 161 refers)

Councillor Leadley also brought to the Panel's attention in respect of applications 15/00363/OT and 15/00365/RM – White Rose Shopping Centre – that he was the Chair of Morley Town Council Planning Committee which had made representations on the applications (minute 160 refers)

154 Apologies for Absence

Apologies for absence were received from Councillors C Gruen, P Gruen and C Campbell. The Chair welcomed Councillor S McKenna and Councillor Cleasby who were substituting. It was noted that Councillor Coulson was to substitute for Councillor P Gruen

155 Minutes

RESOLVED - That the minutes of the City Plans Panel meeting held on 5th March 2015 be approved, subject to an amendment to minute 140 – Application 14/04641/FU – Sweet Street and Manor Road Holbeck LS11 as follows:

'the requirement for prospective tenants to be in full time employment' to be amended to read ' the requirement for prospective tenants to be in full time employment at the time of application'

156 Update on notification by the Secretary of State of changes to the planning system

The Head of Planning Services informed Members that a Planning update from the Secretary of State had been given on 25th March 2015 in the

House of Commons with a further suite of changes to the planning system which would come into effect in April 2015. These would include:

- increased Permitted Development rights on non-residential buildings for solar panels
- amendments to national planning policy to further support car parking and to permit non-residential car parking spaces to be rented out
- measures to ensure planning conditions were cleared on time to prevent development being delayed
- increased threshold for when an Environmental Impact Assessment would be required
- a requirement for planning permission for Change of Use for betting shops or pay day loan shops

The Panel was also informed that a new, General Permitted Development Order was being laid before Parliament on 26th March 2015, which would allow the Change of Use of some business uses, including warehouse use, to residential use. There was also support for brownfield regeneration although the detail of this, in relation to the vacant building credit was awaited but that this could have some impact on the amount of affordable housing which could be requested on brownfield sites

Members commented on the proposed changes and particularly welcomed the introduction of planning permission for premises proposed for betting shop or pay day loan use

The Head of Planning Services advised that a report setting out the changes would be submitted to the next meeting

RESOLVED - To note the information provided

157 Application 12/04046/OT - Land at Calverley Lane/Bagley Lane Farsley - Appeal decision

The Chief Planning Officer submitted a report setting out the Secretary of State's decision on an appeal against non-determination of an outline application for residential development of up to 400 dwellings on a PAS site at Calverley Lane/Bagley Lane Farsley. Appended to the report was a copy of the Secretary of State's decision

The Head of Planning Services presented the report and welcomed the decision which confirmed that Leeds did have a five year housing land supply and a 5% buffer. In determining the appeal, the Secretary of State had also had regard to the adverse impact the proposals would have on local character and identity

In view of this decision, the Chief Planning Officer would be writing to applicants who had lodged appeals on PAS sites asking if they wished to reconsider their position

A brief discussion took place, with concerns being raised about the Council's housing target and that this should be reduced to a more realistic level

It was noted in the Secretary of State's letter that an incorrect reference had been made to the Council's withdrawal of LUDPR Policy 34, when it was the interim PAS policy which had been withdrawn. The Chief Planning

Officer informed Members this had been flagged up with the Secretary of State

RESOLVED - To note the report, that the appeal was dismissed by the Secretary of State who agreed with the recommendation of the Planning Inspector that following the reopened inquiry in November 2014, that the appeal should be dismissed and outline planning permission refused and to note that the appeal decision establishes the most up to date external review of the Council's 5 year housing land supply position. The Secretary of State has advised the Council that he considers it has a supply of housing land able to provide around 26,500 dwellings for the 5 year supply period between April 2012 and 2019. The Secretary of State has agreed with the Council that it does have a 5 year supply of land as required by the NPPF and that it has an up to date Core Strategy. The required supply figure is 24,440 which includes the requirement for a 5% buffer and takes account of under delivery of housing in the last 2 years since the last 5 year supply requirement was published. Therefore the Council has around 2000 units in excess of the required 24,440 units

158 Update on Cottingley Springs site

Following on from the discussions on a recent determination by the Secretary of State, the Head of Planning Services informed Panel that the Secretary of State's decision on an extension for 12 traveller pitches at Cottingley Springs had been received on 23rd March 2015, with the Secretary of State agreeing with the Inspector that very special circumstances had not been demonstrated to outweigh the harm to the Green Belt caused by the proposals. Issues relating to sprawl; loss of openness; visual impact and sustainability had also been highlighted by the Secretary of State as had the view also that in respect of the search for sites, it had not been demonstrated conclusively that there were no alternative sites. The urgent and unmet need for Gypsy and Traveller sites in Leeds had also been referred to

The Panel discussed the Secretary of State's decision, with the main issues being raised relating to:

- the policy of locating people to Cottingley Springs
- that a better approach was to provide smaller sites in more locations around the City
- the support given by Ward Members to the recently approved site at Kidacre Street

RESOLVED - To note the information provided

159 Application 14/05288/FU - Change of Use of part of ground floor to A5 (hot food take away), installation of duct and extract to rear and addition of new door to shop front - 34 Kirkgate LS2

Further to minute 129 of the City Plans Panel meeting held on 12th February 2015, where Panel deferred determination of the application for a change of use of part of ground floor of 34 Kirkgate to a hot food take away, for further information relating to several issues, Members considered a further report. A copy of the report considered on 12th February 2015 was appended, for Members' information

Draft minutes to be approved at the meeting
to be held on Thursday, 16th April, 2015

Plans, drawings and photographs were displayed at the meeting
Officers presented the report and advised Members that a parking management plan had been submitted and that a revised condition was proposed in respect of this matter

Concerns which had been raised about the extraction flue; its location and visual impact had been further considered. Further representations which had recently been received were reported from an objector who was of the view that the flue should be set at a lower level. It was also reported that the flue would be painted black so it would recess visually from the nearby residential units. If Panel had concerns about the impact of the proposals on visual amenity, the objector's suggestion to lower the flue could be considered by Officers in conjunction with colleagues from Environmental Health

In relation to the bin store, a Bin Management Statement had been submitted by the applicant to the satisfaction of Officers

Members discussed the application with the main issue relating to the location of the flue, with a suggestion being made that it might be possible to position the flue up an existing chimney in the property. The Chair invited the applicant's agent to respond to this query, with Members being advised there were no feasible routes internally to locate the flue. The Deputy Area Planning Manager confirmed to the Panel that having looked at the aerial photographs of the site there did not appear to be any existing chimneys

Concerns were raised about the proposal with reference being made to enforcement issues in this area. In considering the position of the flue, the Panel was satisfied that its proposed location and that it was being painted black would not have a significant impact on visual amenity, however it was proposed that if the shop ceased its A5 use, the flue should be removed

RESOLVED - That the application be granted, subject to the conditions specified at Appendix 1 of the report dated 12th February 2015; a revised condition 14 as set out in the submitted report of 25th March 2015 and a further condition to specify the removal of the flue if the premises ceased its A5 use

160 Applications 15/00363/OT and 15/00365/RM - Variation of conditions 5 and 4 of outline permission 13/01640/OT to allow amendments to approved gross internal area for cinema and minor material amendment to approved parameter plans to allow increase in approved maximum height and Reserved Matters application for Phase 1 of development approved under outline permission 13/01640/OT to cover part demolition, alterations and extensions to form new cinema and restaurants and associated works including creation of new public realm, landscaping and alterations to access routes and car park configuration - White Rose Shopping Centre Dewsbury Road LS11

Plans, graphics, photographs and drawings were displayed at the meeting

The Panel considered a report of the Chief Planning Officer on two applications relating to the White Rose Shopping Centre (WRSC); one seeking the variation of two conditions of application 13/01640/OT relating to the gross internal area for the cinema and maximum height of the cinema and

the Reserved Matters application for the first phase of the development under the outline permission

Officers presented the report and outlined the location of the proposed cinema which would now include an IMAX screen. Members were informed that the increase in height by 6 metres was limited to the IMAX element of the proposals only. To minimise the visual impact of the cinema, a light grey external cladding was proposed

On the issue of car parking, the applicant had demonstrated that the staff car park could be reconfigured to provide an additional 14 – 20 spaces, although that would require a fresh application

Members were informed that 250 extra parking spaces would be available during the first phase of the proposals and that a condition on the original outline permission required the existing level of car parking (at the time of that application) be replaced. Officers were proposing to add 14 additional spaces to that number to give a final figure

The receipt of further representations was reported, with Members being informed that Councillor Finnigan had advised that the Morley Borough Independents supported the proposals and that the Director of the Media Museum in Bradford had advised that the organisation was not submitting any further evidence in respect of their objection to the proposals

The Panel discussed the applications, with the main areas of discussion relating to:

- car parking levels; that highways had raised some concerns about the level of parking being provided and further intensification of the site; the risk to the Council both practically and economically if the proposed travel plan did not work as planned; whether the contingency fund of £700,000 would be sufficient to address issues arising from the proposals; the likely increased number of visitors to the centre, generating more traffic and the requirement for increased parking spaces and the increased dwell time of visitors when the new facilities came on board, which would also have an impact on the availability of parking spaces on site and that the additional 250 spaces being provided was on account of the proposed expansion of two main retail units not proceeding at this stage
- the lack of improvements to the bus station at the WRSC in terms of its physical appearance and maintenance with concerns about the applicant's desire for and commitment to a modal shift at the site from cars to public transport
- that the application which included the reconfiguration of the car parking areas should be brought to Panel for determination
- the need to consider staff safety issues from both the later night opening for the cinema and restaurant uses and the distance of the staff car park from the WRSC, with an employer-funded shuttle bus being suggested

Officers provided the following responses:

- that in terms of car parking spaces, there was a condition on the outline permission for the net amount of car parking to be retained. There was also the requirement for a phasing plan to be provided which would include details of parking and that 240-

250 extra spaces above what was currently there would be on site in the first phase. The Chief Planning Officer stated that the difference in parking numbers was about 14 extra cars, which represented 0.3% of car parking provision on the site and that further car parking would be provided to reach, if not exceed, the levels set out in the original outline approval

- that Members' comments on the condition of the bus station at the WRSC would be reported back and that discussions would continue about the centre's future requirements
- that the third application for the site which had been referred to related to minor works. The Chair advised there did not seem majority support from Members for this to be brought to Panel for determination
- in relation to security/staff safety, a condition had been included which would require provision of details about security issues

The Panel considered how to proceed

RESOLVED –

Application 15/00363/OT

To approve the application in principle and refer the application to the Secretary of State. The referral of the application is necessary as it seeks the variation of conditions on an existing outline permission for a development of over 5000sqm of town centre uses on an out-of-centre site, and, if approved, would result in the issuing of a new stand-alone permission for the development. In the event of the Secretary of State not wishing to intervene, to delegate final approval to the Chief Planning Officer subject to the conditions specified (and any others he might consider appropriate) and the completion of a Deed of Variation to carry the obligations on the Section 106 Agreement for the original outline forward to this new permission

In the circumstances where the Deed of Variation has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer

Application 15/00365/RM

To defer and delegate approval to the Chief Planning Officer to be issued subject to and following the approval of the accompanying application 15/00363/OT and subject to the conditions specified. Prior to issuing of the decision, the description of the application shall be changed to refer to the new outline permission and to read as follows:

Reserved Matters application for Phase 1 of development under application 15/00663/OT; part demolition and alteration of existing buildings and erect extensions to form new cinema and restaurant units; alterations to existing and creation of new public realm and landscaping; alterations to existing vehicular access and creation of new vehicular, pedestrian, service access; alterations to car park configuration, together with infrastructure and associated works

161 22 Clear Channel six sheet advertisement units - at various locations across Leeds City Centre

Further to minute 75 of the City Plans Panel meeting held on 30th October 2014, where Members received a pre-application presentation for 26, six sheet advertisement units at various sites across the City Centre, the Panel considered a further report of the Chief Planning Officer setting out the formal applications in respect of 22 advertisement units

Plans, drawings and graphics were displayed at the meeting. A Members site visit, on foot, had taken place to a good proportion of the sites being considered

Officers presented the report and informed Panel that the proposed units would be digital, with approximate dimensions being 3m high, 1.5m wide and 0.3m deep. In terms of the design of the units, the ethos had been to relate these to the wayfinders which were sited around the city, so to produce a family of signage

The 12 applications for 22 units were then briefly outlined

The Panel then heard representations from a member of Leeds Civic Trust which had objected to the proposals, with the following concerns being stated:

- that the proposals would add to the existing street clutter
- that whilst income generation from the proposals was a factor it should not be the prime consideration
- that the advertising units would impede pedestrians, particularly when the City Centre was busy
- that several of the advertising units were in close proximity to Listed Buildings or in Conservation Areas and did not add to the overall appearance of Leeds City Centre
- that there was a need for a comprehensive review of street furniture in the City Centre
- that if the units were given approval, existing items of street furniture should be removed
- the importance of Public Realm

Members were informed that the applicant's representative was in attendance and would be available to respond to questions or comments from the Panel

The Panel discussed general issues arising from the proposals:

- in respect of the level of income generation for the Council, the Chief Planning Officer informed Members that from a planning perspective, the amount of income to be generated was not a material planning consideration and that the issues to be considered in determining the applications were visual amenity and highway/pedestrian safety
- the issue of public safety was raised in view of the height of the displays, with concerns being raised that, particularly at night, people could lurk undetected behind the units. The issue of safety for visually impaired pedestrians was also a concern. The applicant's representative advised that the units would be well illuminated and would not create dark, shadowy areas where people could lurk. In terms of the number of sites in the

original tender, this had been 40, with now only 22 sites being put forward and that in relation to highways safety; pedestrian movement; public safety and visual impact, these sites were considered to be acceptable

- the possibility of integrating the signs with, for example, litter bins or seating areas, to reduce street clutter was suggested and concerns were raised about the cumulative impact of the proposals in view of other proposals for advertisement sites around the City Centre
- that the images provided and the sparse number of people shown on the graphics did not accurately reflect the typical level of pedestrians during the daytime
- that advertisements added vitality to a city but that careful consideration was needed as to where these should be sited
- that proposals for units near to the Arena and Town Hall obscured good views
- concerns that areas of greenspace would be obscured by some of the units
- that similar units were sited in close proximity to historic and other sensitive areas in several other cities
- the need for innovative technology to be used to fully utilise the wayfinders rather than adding to the existing street clutter

The Chief Planning Officer informed Members that as part of a larger project he would take back the request for a general review of street furniture and clutter and the comments on the need for creativity and the use of technology to achieve this and whilst this might not be possible in this version of signage, it could be considered in the longer term

Further comment on the issues raised by the Chief Planning Officer was sought, however the Chair required Members to consider each of the applications in turn

Application 15/00096/ADV – one illuminated single sided free standing sign to a site at the corner of Whitehall Road and Northern Street

RESOLVED – That Advertisement Consent be granted subject to the conditions set out in the submitted report

Application 15/00101/ADV – one illuminated single sided free standing sign to a site outside 58-60 Albion Street

RESOLVED – That Advertisement Consent be granted subject to the conditions set out in the submitted report

Application 15/00102/ADV – one illuminated single sided free standing sign to a site at the corner of Woodhouse Lane and Queen Square Court

RESOLVED – That Advertisement Consent be granted subject to the conditions set out in the submitted report

Application 15/00103/ADV – one illuminated single sided free standing sign to a site at the corner of Swinegate and Sovereign Street

Councillor Nash declared a disclosable pecuniary interest in this application through being a Member of the Co-op as the organisation was to take a retail unit close to the site. Councillor Nash took no further part in the consideration of this application

RESOLVED – That Advertisement Consent be granted subject to the conditions set out in the submitted report

Application 15/00104/ADV – three illuminated single sided free standing signs to sites at the corner of East Parade and Infirmary Street, the corner of Infirmary Street and Bond Court, the corner of Infirmary Street and Wine Street

Concerns were raised about the sign at the corner of East Parade and Infirmary Street. It was noted that this area was heavily used by taxis at weekends which would reduce views of the sign. The possibility of re-positioning this unit was proposed, although the Deputy Planning Manager advised that the applicant sought a unit at this location so it could be visible from the loop road

Concerns were also raised about the positioning of the unit at Bond Court

RESOLVED - to agree in principle the units at the corner of East Parade and Infirmary Street and the corner of Infirmary Street and Bond Court but to defer and delegate approval of these units to the Chief Planning Officer for further consideration of their positioning and to note that Panel was satisfied with the proposal and location of the unit at the corner of Infirmary Street and Wine Street which formed part of this application

Application 15/00117/ADV – two illuminated single sided free standing signs to sites at Clay Pit Lane outside and opposite First Direct Arena, Clay Pit Lane outside Hepworth House and the Clay Pit Lane side of Providence Place

Concerns were raised about the position of the sign on Clay Pit Lane (by the Premier Inn), with Members of the view this should be repositioned

RESOLVED - to agree in principle the unit by the Premier Inn at Clay Pit Lane, but that the application be deferred and delegated for approval to the Chief Planning Officer for further consideration on the position of this sign and to note that Panel was satisfied with the proposal and location of the unit outside the First Direct Arena, Clay Pit Lane, which formed part of this application

Application 15/00118/ADV – two illuminated single sided free standing signs to sites outside 54 and 101 The Headrow

Members were informed that Officers had suggested changes to the orientation of the sites but that the applicant wanted to achieve maximum visibility

The Panel discussed the application with concerns about the proximity of a bus stop and the orientation proposed outside 101 The Headrow and the potential for visual clutter in both locations when considered in relation to existing structures on The Headrow

RESOLVED - That the application be refused on the grounds of the adverse impact on visual amenity

Application 15/00119/ADV – five illuminated single sided free standing signs to sites opposite Fish Street and outside 58-60, 127, 149-150 and 88-89 Briggate

Members were satisfied with the proposals opposite Fish Street and 149-150 Briggate, however concerns were raised about the proposals for the other sites proposed for Briggate in view of the range of events and activities which took place in this location

Outside 127 Briggate, it was suggested the sign be repositioned 2-3m further south. Outside 58-60 Albion Place, it was suggested that the sign be relocated further down between existing poles in this area and that the bollard close by be removed

RESOLVED - to agree the principle of the signs proposed at 127 Briggate and 58-60 Albion Street but to defer and delegate approval of the application to the Chief Planning Officer for further consideration of the positioning of the signs, to take account of Members' comments and to note the Panel was satisfied with the location and position of the signs proposed opposite Fish Street and outside 149 – 150 and 88 -89 Briggate, which formed part of this application

Application 15/00120/ADV – one illuminated single sided free standing sign to a site outside 40 Lands Lane

Concerns were raised about the location of this site in view of the narrowness of the area and that it was particularly busy. The possibility of removing the existing waste bin adjacent to the proposed sign was noted. The possibility of moving the sign across was also raised but Officers advised this would not be possible due to the existing servicing route

RESOLVED - That the application be refused on the grounds of visual amenity

Application 15/00122/ADV – two illuminated single sided free standing signs to sites at Park Row opposite City Square and the corner of Park Row and Boar Lane

The possibility of the NGT proposals conflicting with the site at Park Road opposite City Square was raised as was the possibility of re-siting this sign further north

RESOLVED - to agree the principle of the site at Park Row opposite City Square and to defer and delegate approval of the application to the Chief Planning Officer for further discussion on re-positioning this sign further northwards and to note the Panel was satisfied with the location and position of the sign proposed for the corner of Park Row and Boar Lane which formed part of this application

Application 15/00124/ADV – two illuminated single sided free standing signs to sites opposite 35 Bond Street and the corner of Bond Street and Lower Basinghall Street

RESOLVED – That Advertisement Consent be granted subject to the conditions set out in the submitted report

Application 15/00137/ADV – one illuminated single sided free standing sign to a site at the corner of Eastgate and St Peters Street

RESOLVED – That Advertisement Consent be granted subject to the conditions set out in the submitted report

162 Date and Time of Next Meeting

Thursday 16th April 2015 at 1.30pm in the Civic Hall, Leeds

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THE LEEDS CITY COUNCIL REVOCATION OF HAZARDOUS SUBSTANCES CONSENT ORDER (NO.1) 2015

LAND AT WELLINGTON ROAD, LEEDS, LS12 2UA

PLANNING (HAZARDOUS SUBSTANCES) ACT 1990, SECTION 14(1)

RECITALS

1. The hazardous substance consents (“the Consents” which definition includes the Deemed Consent) as listed below were granted or deemed to have been granted by Leeds City Council (“the Authority”) being the hazardous substances authority and in pursuance of their powers under the Planning (Hazardous Substances) Act 1990 (“the Act”) for the presence of hazardous substances in respect of the land described in Schedule 1 (the “Land”).

<u>Reference</u>	<u>Date Issued</u>
20/499/99/HZ	15 December 1999 (“Deemed Consent”)

2. The freehold interest in the Land has been transferred to a new owner who wishes to develop the Land for the construction of 113 dwellings and associated works.
3. The revocation of the Consents means that the Health and Safety Executive is unlikely to continue to have any objection to future planning applications to develop the Land because the existing consultation zones would be removed.
4. The Council’s Plans Panel on 8 May 2014 resolved that the Consents should be revoked
5. It appears to the Authority, having regard to material considerations, that it is expedient to revoke the Consents.
6. The ground on which the Order is made is as follows:

The Council considers it expedient to revoke the Consents because planning permission was granted by Leeds City Council under reference 13/05566/FU on 20 August 2014 for the redevelopment of the Land for the construction of 113 dwellings and associated works.

NOW THEREFORE the Authority as hazardous substances authority and in pursuance of section 14(1) of the Act and of all other powers enabling hereby make the following order:-

1. The Consents are revoked in their entirety.

2. This Order shall be cited as the Leeds City Council Revocation of Hazardous Substances Consent Order (No.1) 2015

SCHEDULE 1

The land at Wellington Road Leeds shown edged red on the plan attached to this Order

SCHEDULE 2

Category of chemicals for which Deemed Consent was given:

Toxic: Part B, 2

Any person wishing to object to this Order must do so by writing to the Secretary of State for Communities and Local Government ("Secretary of State") before xxxx 2015 at the following address:

National Planning Casework Unit
5 St Philips Place
Colmore Row
Birmingham
B3 2PW

Any such objector to this Order may require an opportunity of appearing before and being heard by a person appointed by the Secretary of State for that purpose

Notice of this Order is to be served on:

Strata Homes Yorkshire Limited
Quay Point
Lakeside Boulevard
Doncaster
South Yorkshire
DN4 5PL

Any other relevant land owner to be determined

This Order shall not take effect until it has been confirmed by the Secretary of State.

GIVEN under the Corporate Common Seal of Leeds City Council this xx day of two thousand and fifteen

THE CORPORATE COMMON SEAL of)
LEEDS CITY COUNCIL was hereunto affixed)
in the presence of:-)

Authorised Signatory

Dated XX 2015

**THE LEEDS CITY COUNCIL REVOCATION OF HAZARDOUS
SUBSTANCES CONSENT ORDER (NO.1) 2013**

CALVERLEY LANE, HORSFORTH, LEEDS

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