

## CITY PLANS PANEL

THURSDAY, 19TH SEPTEMBER, 2013

**PRESENT:** Councillor D Congreve in the Chair

Councillors P Gruen, R Procter,  
D Blackburn, S Hamilton, G Latty,  
T Leadley, E Nash, N Walshaw,  
J Cummins, C Campbell, M Harland and  
J Harper

### 50 Election of Chair

In the absence of Councillor Taggart, nominations to chair the meeting were sought

**RESOLVED** - That Councillor Congreve be asked to chair the meeting

### 51 Exempt Information - Possible Exclusion of Press and Public

**RESOLVED** – That the public be excluded from the meeting during consideration of the following part of the agenda designated exempt on the grounds that it is likely, in view of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as designated as follows:

The supplementary report referred to in minute 56 under Schedule 12A Local Government Act 1972 and the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that it contains information relating to the financial or business of any particular person (including the authority holding that information). It is considered that if this information was in the public domain it would be likely to prejudice the affairs of the applicant. Whilst there may be a public interest in disclosure, in all the circumstances of the case, maintaining the exemption is considered to outweigh the public interest in disclosing this information at this time

### 52 Late Items

Although there were no formal late items, the Panel was in receipt of the following supplementary information which had been circulated prior to the meeting:

- A further report providing financial information
- Schedules of revised conditions relating to the applications
- Copies of late representations received

### 53 Declarations of Disclosable Pecuniary Interests

Minutes approved at the meeting  
Held on 24<sup>th</sup> October 2013

There were no declarations of disclosable pecuniary interests

#### **54 Apologies for Absence**

Apologies for absence had been received from Councillors Taggart; Ingham; J Lewis and M Hamilton

Councillors Congreve; J Harper; Harland and Campbell substituted for their respective colleagues

#### **55 Chair's announcement**

The Chair advised that a request to audio record the meeting had been received and sought the Panel's view on this

Members discussed the request and commented on the following matters:

- that audio recording of another of the Plans Panels had been allowed
- that Executive Board would be considering a paper on the recording of meetings
- that recent communication from the Department of Communities and Local Government had been received on this issue
- that in the past Officers had advised against the recording of planning meetings
- that Local Government should be more transparent
- that a recent television series on town planning had shown how statements which had been made could be interpreted differently
- that recording the meeting could lead to people not being willing to comment

The Chair sought advice from the Panel's legal adviser who stated that it was for the Panel to determine but that the draft protocol which had been drawn up indicated that requests for audio recording of a meeting would usually be allowed

Following a show of hands, it was decided that the open sessions of this meeting could be recorded but that any registered speaker who did not wish for their representations to be recorded could ask for the recorder to be switched off

#### **56 Applications 12/03886/OT/ 12/03887/FU/12/03888/FU/12/05382/FU - Mixed use development together with internal roads, car parking and drainage at land between Barrowby Lane and Manston Lane Thorpe Park LS15 and detailed applications for the Manston Lane Link Road**

Further to minute 94 of the City Plans Panel meeting held on 26<sup>th</sup> March 2013, where Panel considered a position statement on proposals for a mixed-use development at Thorpe Park, together with proposals for the

Manston Lane Link Road (MLLR), north to south and east to west, Members considered the formal application

Plans, photographs and graphics were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented the report and advised that revisions to the scheme had been made which resulted in a reduction of the retail content; leisure and hotel use and B1 office use

Members were informed that although the application for the mixed-use development was in outline, it did contain a certain quantity of development. Four parameter plans identified the development plots and highlighted the non-developed zones, together with vehicular and pedestrian routes and access points. The maximum heights of buildings were also outlined, with these set around 6 storeys high on the mixed-use 'heart' of the development, with heights lower in other more sensitive areas. Officers were of the view that these varying heights would provide an interesting and varied appearance across the site

The indicative masterplan was displayed, with Members being informed that it had not been possible at this stage to agree the indicative design for the foodstore

Graphics showing the visual impact of the proposals were also displayed, together with comparative images to enable a better understanding of the visual impact of the scheme

The Panel then heard from the Principal Engineer, Development Control regarding the key highways issues associated with the scheme and the lawful fall-back position. The wider highways context was described including the large housing allocation to the north of Manston Lane and the associated East Leeds Orbital Route (ELOR) and how the MLLR would facilitate the delivery of the southern section of the ELOR linking to the M1 at Junction 46

Members were informed that in respect of the transport assessment, a number of traffic scenarios had been considered both with and without the proposed MLLR and that the proposal would be a significant increase over the extant position. It was reported that without the MLLR, traffic and congestion would increase as a result of traffic growth and wider development

The early delivery of the MLLR would lead to significant traffic relief of about 10% on the existing outer ring road between Colton and Cross Gates. Further benefits of early delivery of the MLLR would be seen at Cross Gates through the avoidance of commercial traffic through this centre, on its way to the motorway. A planning condition would be used to ensure the MLLR was opened prior to any retail or leisure uses at the site

However, the scale of the proposed development would in the longer term erode the early benefits and to address this a condition was recommended to limit the amount of development to 85,000sqm until a further assessment of traffic conditions in the Study Area had been undertaken and any mitigation measures deemed necessary, be implemented. This planning condition would ensure the traffic impact was no greater than the fall back position without a further agreed assessment

The east-west section of the MLLR would provide an improvement to approximately 700m of Manston Lane, with a full standard width road provided with a footway to the northern flank and a pedestrian/cycle route to

the south. The north-south section of MLLR would be dual carriageway, with the final details and number of junctions being dealt with by condition. A key part of the application would be the safeguarding of land that would enable the north-south link to be further enhanced/widened so that it would be capable of accommodating the additional traffic from ELOR. It was reported that Officers were working with the developer to ensure the optimum solution to accommodate strategic traffic from ELOR and development traffic would be implemented

Regarding public transport, a 30 minute service linking to Cross Gates by the MLLR would be provided which would be an improvement on the current situation. However discussions were continuing on this as it was the view of Officers that further improvements to public transport should be provided

Members were advised that the proposed retail use was a departure from the Development Plan and that a sequential test and retail impact assessment had been carried out. The Council had also employed a retail consultant to fully assess the potential impact of retail development at Thorpe Park on other nearby centres as well as the City Centre. Whilst there would be some impact, the reduction in the level of retail now proposed at Thorpe Park had significantly reduced the trade diversion from existing centres/sites and although there would be some impact this was not regarded as being significant

In terms of the impact on the City Centre, this was deemed to be small, at around 3%, which was felt to be minimal and therefore acceptable. There was however potential impact on planned investment in the City Centre, i.e. Victoria Gate. This had been considered and it was felt that the first phase of the scheme, if granted approval, would not be affected by the proposals for Thorpe Park, in view of the anchor store being John Lewis - a new offer in the City. In terms of the second phase of that development it was possible there could be some issues, which Members would need to consider

Officers explained that the non-compliant uses were considered to be enabling development, namely development that would be unacceptable in planning terms but for the fact that it would enable key infrastructure of a proportionate scale and public benefit to be delivered in the necessary timescales

The S106 package was outlined by Officers, with details being provided of the local employment strategy which had been submitted

The receipt of additional representations was reported, including some which had been received earlier in the day. It was the view of Officers that these did not raise material new issues

The Chief Planning Officer referred to comments received by English Heritage following an article in the press which suggested that they had objected to the proposals. Members were informed that the submitted report correctly represented the views of English Heritage and that it was West Yorkshire Archaeological Advisory Service which had objected to the scheme

At this point, the press and public were asked to leave the meeting to enable Members to consider the information in the exempt report

The Panel heard from the Council's Independent adviser who had considered the viability assessment submitted by the applicant and who responded to questions and comments from Members

Members discussed the information provided and the Panel accepted the findings of the report which concluded that the scale of development proposed, including the non-policy compliant uses was proportionate to the costs incurred by the applicant in delivering the public benefits in the form of the early delivery of MLLR and land for the ELOR expansion through Thorpe Park

The press and public were invited back into the meeting and the Panel then moved to hearing public representations on the outline application

The Chair advised that on this occasion, each party would be allowed up to 6 minutes to address the Panel

The Panel heard from an objector and a representative of the applicant who attended the meeting

Members questioned Officers, including the Council's independent retail expert and commented on the following matters :

- the view of the objector that to approve the outline application could arguably be unlawful, with legal advice being requested on this. The Panel's legal adviser, the Head of Development and Regulatory, stated that the main focus of this was around the retail impact of the scheme, with there being a difference of opinion between the Council's independent retail expert and the objector on the conclusions as to impact and therefore as to whether the proposal was in conflict with the NPPF. The Council's independent retail expert was present and available to speak to his findings and answer any questions from Members, to enable the Panel to form a view as to whether they accepted his conclusions. Sufficient information was before the Panel to enable a view to be reached. Concerning a potential precedent being set regarding the issue of enabling development, the application before Members was very much based on its own facts, including, of significance, the enabling development case in relation to the provision of key infrastructure. It was the view of Officers that this case did not set a precedent
- the impact of the proposals on John Lewis' intention to open a store in the City Centre. On this the Chief Planning Officer stated that everyone realised the importance of Victoria Gate and John Lewis in the City Centre but that a balanced judgement needed to be made with regard to the benefits of the scheme and any impact on planned investment in the City Centre. Members were also referred to the late letter submitted on behalf of John Lewis which whilst objecting to the application suggested that further discussions could take place regarding the proposed conditions to protect retail viability and vitality
- the likelihood of the development going ahead, if permission was granted and the future for the scheme if a supermarket operator could not be found
- the figures provided for trade diversion from other centres/sites; that supermarkets would not be the only stores to experience

trade diversion and that some small businesses could close as a result of this loss of trade

- the operator of the supermarket; who this would be and that some could have a much greater impact, particularly on independent businesses and local centres
- the view of the objector that in terms of the retail impact of the proposals that the report before Panel was deficient. In responding, the Council's independent retail expert confirmed that the retail impact would not be significant; that the applicant's sequential test had been considered and accepted that it had been assessed correctly and that there were no other sites in the catchment area which had been drawn up by the applicants and agreed by the independent retail expert, which could accommodate the size and scale of the development that was proposed. In respect of planned investment there was some concerns about this in relation to the City Centre but it was the independent retail expert's view that the type of development proposed in Victoria Gate would not be prejudiced by what was being proposed for Thorpe Park
- public transport and the funding for 10 years of a 30 minute bus service. The Chief Planning Officer advised that Metro were seeking a 15 minute service and that this matter had yet to be resolved
- the amount of work which had been done to reach this point and that the Officer team and applicants should be commended for this
- that it was important for the City to thrive; that the Victoria Gate scheme and with it John Lewis, if approved, would bring benefits but it was difficult to sustain that any one scheme had exclusivity and that people in East Leeds had endured an intolerable traffic situation for a long time, which the delivery of the MLLR would ease
- the need to keep in mind the possible residential development which the East Leeds Orbital Route, together with the MLLR would enable
- that whilst the site needed to be completed, that other developments around the City also needed to be considered; that Thorpe Park was an out of centre development and against policy and were it not for the need for the MLLR, whether the application would be before Members
- the delivery of Green Park; the car parking to be provided for the playing pitches and who would use the changing rooms. Members were informed that 50 car parking spaces would be provided adjacent to Thorpe Park solely for the use of people using the playing pitches and that the spaces would be available when the changing rooms were ready for use. Once in operation, the playing pitches would come under the control of Leisure Services and operate accordingly with community group access being available

- the need for certainty over what would be provided by the applicant and the need to understand how the £20,000 offered by the applicant would be used in Cross Gates and Garforth to mitigate against the impact of the development and the view that traders in Cross Gates would rather not lose any trade. Members were informed that discussions would take place on how the sum offered by the applicant would be administered and that Ward Members in those affected centres would be involved. In relation to what would be provided by the developers, the Chief Planning Officer confirmed that the whole of the MLLR would be delivered prior to occupation of any of the non-office floorspace, with the key element being the bridge over the railway which had a time limit for the commencement of the work by March 2015
- in view of the tight timescales governed by the agreement reached with Network Rail, the possibility of imposing similar tight time limits on the planning permission. The Chief Planning Officer advised that to impose the same deadline on the planning permission would not accord with guidance on how applications were dealt with; would not take account of the need for third party deals to be done to deliver the bridge; could hold up development in East Leeds and much needed jobs and stated there was a fallback position through an extant permission to develop the office park before the MLLR needed to be built, with recent interest in the available office space at Thorpe Park being seen

The Panel considered how to proceed

The Chief Planning Officer acknowledged the need for careful balancing of the possible adverse consequences with the gains which the application would bring. Whilst noting that many of the objectors to the scheme suggested that it should be refused, the Chief Planning Officer noted the written representation submitted on behalf of John Lewis which suggested that conditions be looked at further and in view of the outstanding issues regarding public transport, suggested that if Panel was minded to approve the outline application as set out in the submitted report, then a report solely on these issues be submitted to a further meeting on 26<sup>th</sup> September 2013

Having considered this, the Chair was of the view that this was an acceptable way forward

Concerns were raised about a possible precedent being set where objectors who submitted late representations on the day of Panel were allowed to have additional time to make a case. However, if the discussions were confined to possible further conditions to protect retail vitality and viability and the outstanding public transport issue, then on this occasion the proposal could be agreed

#### **RESOLVED -**

Application A 12/03886/OT – Outline application for mixed use development comprising offices (Business Park), (B1A), (B) and (C), retail and restaurant (A1, A2, A3, A4 and A5), hotel (C1), leisure facilities (D1, D2), multi-storey car park, together with internal roads, car parking and drainage at

land between Barrowby Lane and Manston Lane, Thorpe Park, Leeds City Council

To note that Panel was minded to approve the application in principle as set out in the submitted report, with the revised conditions set out in the supplementary information provided and subject to a further report being submitted to an additional meeting of City Plans Panel to be held on 26th September 2013 at 1.15pm, providing further information on possible other conditions to protect retail vitality and viability and the outcome of discussions on the proposed public transport contribution

In accordance with Council Procedure Rule 16.5, Councillors G Latty, R Procter, T Leadley and D Blackburn abstained from voting on this matter

In view of the presentation already made about the MLLR, the Chair sought the view of Panel as to whether they required further details before considering the applications. The Panel was satisfied with the information already provided and

**RESOLVED –**

Application B 12/03887/FU – Detailed application for the Manston Lane Link Road (North –South route) at land between Barrowby Lane and Manston Lane, Thorpe Park, Leeds

To defer and delegate to the Chief Planning Officer for approval subject to the suggested conditions identified in the supplementary information (and any others which he might consider appropriate)

Application C 12/03888/FU – Detailed application for the Manston Lane Link Road (East-West route) at Manston Lane, Leeds

To defer and delegate to the Chief Planning Officer for approval subject to the suggested conditions identified in the supplementary information (and any others which he might consider appropriate)

Application D 12/05382/FU – Detailed application for the Manston Lane Link Road (East West route) at Manston Lane Thorpe Park, Leeds

To defer and delegate to the Chief Planning Officer for approval subject to the suggested conditions identified in the supplementary information (and any others which he might consider appropriate)

**57 Application 12/05150/LA -Application for the formation of a public park, playing pitches, park and changing rooms on land to west of Thorpe Park - Land at Austhorpe Lane LS15**

With reference to the discussions above and the position statement considered at the City Plans Panel meeting held on 26<sup>th</sup> March 2013, Panel considered a report of the Chief Planning Officer in respect of an application for a new public park, playing pitches and changing rooms on land to the west of Thorpe Park

In response to a question from the Panel regarding the size of the pitches to be provided and whether these could be enlarged, the Principal Planning Officer advised that it was not possible to increase the size of these



as they were of the maximum size possible due to the topography of the site and were within the parameters set by Sport England

**RESOLVED** - To defer and delegate to the Chief Planning Officer for approval (subject to appropriate conditions and addressing the issues raised by Sport England and any issues raised by other outstanding consultation responses

## **58 Date and Time of Next Meetings**

Thursday 26<sup>th</sup> September 2013 at 1.15pm in the Civic Hall

Thursday 26<sup>th</sup> September 2013 at 1.30pm in the Civic Hall