

## **CITY PLANS PANEL**

**THURSDAY, 11TH DECEMBER, 2014**

**PRESENT:** Councillor J McKenna in the Chair

Councillors P Gruen, D Blackburn,  
S Hamilton, G Latty, T Leadley, E Nash,  
N Walshaw, M Ingham, J Lewis,  
C Campbell, C Gruen and D Cohen

### **90 Chair's opening remarks**

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

### **91 Late Items**

Although there were no formal late items, the Chair agreed to a further plan being circulated by Officers in respect of application 12/02470/OT – land between Gelderd Road/Asquith Avenue and Nepshaw Lane North – (minute 95 refers) in response to a request from a Panel Member made on the site visit earlier in the day

### **92 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interest, however Councillor Leadley brought to the Panel's attention in respect of application 12/02470/OT – land between Gelderd Road/Asquith Avenue and Nepshaw Lane North, that he had followed the history of the site closely and was the Chair of Morley Town Council Planning Committee which had commented on the proposals (minute 95 refers)

Councillor McKenna brought to the Panel's attention in respect of Applications 14/04516/LA and 14/04517/LI Kirkgate Market, that he was a member of the Market Board and stated that he would be vacating the chair by choice for this item (minute 97 refer)

The Head of Planning Services, Mr Sellens, brought to the Panel's attention in respect of application 14/04270/OT – land rear of 92-174 Moseley Wood Gardens LS16, that he lived close to the site and would withdraw from the meeting for this item (minute 96 refers)

### **93 Apologies for Absence**

Apologies for absence were received from Councillor R Procter, with Councillor Cohen attending in her place

## 94 Minutes

The Panel considered the submitted minutes. Councillor Nash thanked Members for their good wishes

In respect of minute 83, application 13/04148/OT – land rear of Mosley Wood Gardens LS16, some concerns were raised about the inclusion of the third reason for refusal of this application. The Chief Planning Officer stated that such a reason had been accepted on other applications and that it remained valid at this point in time

**RESOLVED** - That the minutes of the City Plans Panel meeting held on 20<sup>th</sup> November 2014 be approved

## 95 Application 12/02470/OT - Outline application for proposed employment development for use classes B1(B) Research and Development, B1(C) Light Industrial uses, B2 General Industrial Uses and B8 Storage and Distribution Uses - Land between Gelderd Road/Asquith Avenue and Nepshaw Lane North Gildersome

Further to minute 49 of the City Plans Panel meeting held on 13<sup>th</sup> December 2012, where Panel considered a position statement on an application for employment development, Members considered the formal, outline application

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

Officers presented the report which sought the principle of development, with all other matters reserved. Members noted that the site was allocated for employment use following the UDP Inspector's recommendation of this use for the whole of the site

Detailed highways considerations were presented, including the improvements proposed as part of the application. Members' comments made in response to the position statement, in respect of securing access from Nepshaw Lane South had been investigated, however as this would require third party land to construct a substantial, signalised junction, for what would result in a small change to the flow of traffic, Highways Officers were of the view this was not justifiable

Receipt of a further letter of representation was reported as was an additional representation from a Ward Member, which was read out to Panel

Minor typing errors in the submitted report were corrected

The Panel was also informed that in terms of timescales, the applicant had stated that five years would be too short a period to submit all the reserved matters and the applicant proposed to submit phase 1 within 5 years and up to 10 years for the remainder, and that these phases would need to be defined on a plan

Members heard representations from a Gildersome Parish Councillor who outlined concerns about the application which included:

- the lack of need for the proposals
- that brownfield sites should be developed first

- environmental factors
- highways issues
- the extent of development in the area
- residential amenity issues for those residents closest to the site

The Panel then heard representations from the applicant's agent who provided information on the proposals, which included:

- that the site was the only one in the west of the city which could locate a large employment use
- that 1500 jobs could be created through the development of the site
- that the Highways Agency had lifted its Holding Direction
- that highway improvements would be made through the introduction of a weight limit for HGVs travelling through Gildersome
- the length of time which had been taken to bring this site forward and that close working with Officers had produced a scheme which was supported
- that bus improvements would be provided through the scheme

Members discussed the application, with the main issues relating to:

- the validity of the application as no access was included
- highways issues
- drainage
- access arrangements
- impact of the proposals on Gildersome
- the closing of the gap between Morley and Gildersome
- the likely development of the site, with concerns this should not commence at the centre of the site
- the limited nature of the submitted application
- boundary treatments to the closest residential dwellings
- a lack of clarity on what Members were being asked to consider

The Head of Planning Services stated that in assessing the application he was of the view that Members were being asked to consider whether the access points were acceptable and by implication, to accept a floorspace limitation, with the Highways Officer advised that the transport assessment was based on 87000 sq m

The Panel considered how to proceed

**RESOLVED** - That determination of the application be deferred for one cycle and that the Chief Planning Officer be asked to submit a further report which provides greater precision on the application, including details about the width of the landscaping strip around the nearby houses to form a buffer to the industrial units and highway impacts of the proposals, including further details in respect of an access through Nepshaw Lane and why this was not being provided; more information on phasing, concerns about the widths of 'notional' planting generally and not just around the houses; the need to address concerns at safeguarding residents; concerns at the joining of Gildersome and Morley settlements; the need to settle the location of the access points and the strategic need for the smaller units

**96 Application 14/04270/OT - Outline application for residential development for circa 135 dwellings, including means of vehicular access from Moseley Wood Rise and pedestrian/emergency link from Cookridge Drive - Land rear of 92 - 174 Moseley Wood Gardens Cookridge LS16**

The Head of Planning Services withdrew from the meeting at this point

Plans, photographs and drawings were displayed at the meeting. A Members site visit had taken place in November 2014, when Panel had considered a larger residential development on the site

Officers presented the report which sought approval for outline approval for a residential development of up to 135 dwellings and access on a Protected Area of Search (PAS) site rear of Moseley Wood Rise, Cookridge LS16

Members were informed that the proposals, which were now for only part of the site were for predominantly detached and semi-detached dwellings with driveways and rear gardens

Receipt of a further 17 letters of objection was reported, together with a further representation from the local MP, which was outlined to Members. The Panel was also informed that the Coal Authority had responded and had no objection to the proposals

If minded to approve the application, a further condition was proposed requiring off-site highway works to Moseley Wood Rise to be carried out prior to any development on site

Members were informed that the site met the requirements of the interim PAS policy and that the principle of development was established by Panel in April 2014, when a position statement on a larger residential development was presented to Members

Details of the travel planning arrangements of the scheme were outlined with Officers being of the view that these matters and the reduced level of development now proposed for the site overcame some of the issues associated with the larger development, which Panel had refused

Officers from the Council's Geotechnical Section and Flood Risk Management were in attendance and provided detailed information in respect of drainage, which was a particularly contentious issue on this site, with Members being informed that the biggest influencing factor was a sewer which was discharging into the eastern corner of the site, with this first appearing on a 1959 map. This sewer had uncontrolled/unrestricted discharge on to the site; the water was not escaping easily and the ground was soaking up the water

Much additional information from Cookridge Residents' Action Group (CRAG) and from the applicant had been received and considered by Officers, however it was felt that the applicant's drainage proposals were more than sufficient to deal with the land drainage issues on the site, although it was accepted that there was always the possibility of flooding in the district if storms were in excess of what the scheme had been designed for

In terms of school places, Children's Services had indicated that local schools could be expanded, albeit by the use of temporary accommodation, to accommodate the likely number of primary school age children from the

development and the applicant had made a commitment to education provision within the S106 Agreement

On the timescale for the development, Members were informed that the applicant was seeking a 2 year outline permission for commencement and the submission of Reserved Matters

Prior to Members hearing representations from a geotechnical expert and from a local Ward Member, reference was made to additional information which had been sent directly to Members by CRAG, with the Chair being asked if additional copies could be circulated to Members. The Chair declined. Members then considered the representations which were made and which included:

- the drainage problems on the site
- the inadequacy of the site investigations
- geological issues
- the accuracy of the ground water levels as reported to Panel
- that the full picture of future drainage on the site had not been explored
- that the proposals were premature
- that the Council had in excess of a 5 year housing land supply
- that alternative brownfield sites existed in the area
- the extent of development in the Adel and Wharfedale Ward
- the size of the site and that the interim PAS policy did not apply
- the unsustainability of the site
- the topography of the site and that it was disadvantageous for many social groups
- the potential loss of bus services
- that an Equality Impact Assessment had not been carried out

The Panel questioned the speakers closely on aspects of their representations, particularly sustainability and drainage, with Members being informed of the need for the groundwater drainage conditions to be properly investigated prior to considering a suitable drainage scheme

Members then heard representations on behalf of the applicant, with information being provided which included:

- that the emergency link was no longer a requirement
- that with the adoption of the Core Strategy, affordable housing at 35% would now be provided
- that a detailed drainage scheme would be brought back at Reserved Matters stage
- that 6 months of testing and recording had been carried out on the site in respect of drainage issues

In view of the different expert opinions on the issue of drainage, Members pressed Officers on whether the development could proceed safely in respect of drainage and water issues. The Council's Flood Risk Manager stated that the application was in outline; that additional information had been sought of the applicant and provided and that a land drainage system was now proposed which was conditioned and that on this basis, he was content with what had been provided. The Geotechnical Officer in attendance stated that the proposed drainage system would drain the surface soils

Members discussed the application, with the key issues relating to:

- drainage and the responses provided by Officers
- the extent of development and issues of sustainability
- access arrangements
- the need for the S106 Agreement to be signed without delay

The Panel considered how to proceed

**RESOLVED** - To defer and delegate to the Chief Planning Officer for approval subject to conditions to cover those matters set out in the submitted report, an additional condition requiring off-site highway works to Moseley Wood Rise to be carried out prior to any development on site (and any other conditions which he might consider appropriate) and the completion of a Section 106 agreement to cover the following:

- affordable housing at 35% on site (47 units on current indicative masterplan, split 60%/40% between Social Rent and Submarket)
- public transport contribution £1226 per dwelling
- off-site highways works for crossing on Green Lane and build out on Cookridge Drive and 20mph scheme for the existing surrounding roads
- education contribution of £643,115.09 – equivalent of £4763 per dwelling
- greenspace contribution (the current layout results in an indicative contribution of £1097)
- travel plan measures including car club contribution of £4,000 monitoring fee of £2675 and £10,000 penalty should travel plan targets not be achieved
- bus stop contribution of £30,000 and Metro Card contribution - £64,226.25
- local employment and training initiatives during the construction of the development
- public access to public open space and biodiversity and ecology enhancement management plan
- indexed linked contributions

In the circumstances where the Section 106 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

Following consideration of this matter, the Head of Planning Services resumed his seat in the meeting

Councillor Cohen left the meeting at this point

## 97 Election of Chair

Having previously announced his intention to vacate the chair for this item, Councillor J McKenna withdrew from the meeting

Councillor Walshaw was nominated and appointed to chair the meeting for the next item

**98 Applications 14/04516/LA and 14/04517/LI - Refurbishment and improvement works to the Kirkgate Market Halls, alterations to create a new daily covered market (including events space) and the establishment of a day-night market area and minor improvements to paving and loading to the outdoor market and related Listed Building application for refurbishment and improvement works to the Kirkgate Market Halls, including reconfiguration of stall layout, upgrades to the existing drainage, sprinkler and ventilation system and creation of a new butcher's unit - Kirkgate Market - Vicar Lane/George Street LS2**

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

Officers presented the report which sought approval for planning permission and Listed Building approval – subject to referring the application to the Secretary of State, Communities and Local Government – for refurbishment and improvements to the historic Kirkgate Market

Details of the proposals in respect of Butcher's Row; Fish and Game Row; the 1904 Hall; the proposed Covered Daily Market; the 1976 and 1981 halls; the blockshops and the central core were outlined

If minded to approve the applications, Members were informed that items 3 and 10 of condition three of the Listed Building application should be removed since they do not require listed building consent. Members were also informed that in respect of the Changing Places toilet, this would only be available when the market was open

Further representations were reported from Friends of Kirkgate Market

The Panel heard representations from an objector who attended the meeting and raised concerns which included:

- the negative social impacts the proposals would have
- the likelihood of higher rents being imposed
- loss of traders
- gentrification of the market
- the need to put people at the heart of the proposals
- issues within the Equality Impact Assessment (EIA)

Members then heard from the applicant's agent who provided information on the Statement of Community Involvement; the EIA and the much needed investment the proposals would bring

The Panel discussed the proposals, particularly the hours the Changing Places toilet would be available. Members were informed there was a requirement for someone to be nearby in the event of an emergency and that it was hoped that in the future working with partners could bring about longer opening hours for this facility

**RESOLVED -**

Application 14/04516/LA

That the application be granted subject to the conditions set out in the submitted report and any other conditions considered necessary by the Chief Planning Officer

Application 14/04517/LI

To agree the contents of the report for the Listed Building application and to refer the final decision to the Department of Communities and Local Government for determination with a recommendation to apply the conditions set out in the submitted report, with the removal of points 3 and 10 of condition three and any other conditions considered necessary by the Chief Planning Officer

Following consideration of this matter, Councillor J McKenna resumed the Chair

Councillor J McKenna in the Chair

**99 Application 14/05976/OT - Outline application for mixed use scheme comprising (B1) offices, residential and/or hotel (C3/C1) and a flexible range of supporting uses at ground floor (A1-5, D1 and D2) with basement car parking; public open space and modifications to the site access junctions (reference 14/05976/OT) - Former Yorkshire Post Site - Wellington Street - Position Statement**

Further to minute 52 of the City Plans Panel meeting, where Panel considered pre-application proposals for the redevelopment of the former Yorkshire Post Building, the Panel considered a further report of the Chief Planning Officer setting out the current position in respect of the

Plans, photographs and graphics, including a fly-through of the proposed scheme were displayed at the meeting

Officers presented the report and outlined key aspects of the proposals, which included:

- pedestrian routes
- wider connections from the site
- parking provision, with a basement car park being proposed
- building heights
- creation of views
- that 40% of the site would be POS, and be south west facing

Members recognised the improvements which had been made to the scheme since it was first presented in September 2014 and commented on the following matters:

- that in terms of design, the existing buildings along Whitehall Road should be taken into account
- that the site could support an iconic building and that a taller scheme could be considered
- the possibility of retaining the clock and reusing it within the new development
- the historic nature of the site and the possibility of artwork to reflect that history being incorporated within the site

In response to the specific points raised in the report, the Panel provided the following responses:

- that Members considered that the information now presented gave greater clarity over the pedestrian network within the site

and the way it linked in to the surrounding network of proposed and existing routes and streets

- that Members were happy with the proposed series of pedestrian routes within the site
- that Members consider that the material now presented has provided enough clarity over the heights and massing of the buildings for these to be considered acceptable

**RESOLVED** - To note the report and the comments now made

**100 PREAPP/14/00934 - Low Fold East Street LS9 - Proposal for residential development at Low Fold East Street LS9 - Pre-application presentation**

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

Members considered a report of the Chief Planning Officer outlining pre-application proposals for a residential development by an applicant who had undertaken a similar development in Leeds

The Panel received a presentation from the developer who outlined the scheme, with the following details being provided:

- that the proposals were for a radical approach to family housing on a brownfield site
- that a unique 'European' contemporary design will be used
- that the scheme would be community focussed, with an emphasis being placed on the quality of design
- the sustainability credentials of the scheme
- the layout of the proposals, with town houses being located along the river; these being south facing
- larger flat/apartment buildings being sited along the road to provide a buffer to the noise of the environment
- the POS provision which would include publicly accessible areas; semi-private spaces for residents and private rooftop terraces
- the provision of either an elevated roof garden or view of the river beyond for each house
- the wider connections from the site
- car parking provision, with 240 spaces being provided under raised decks
- the delivery of 311 homes in a mix of house types and creating a mixed community

- the provision of a pedestrian bridge to link the South Bank area and 3 % affordable housing

Members discussed the proposals, with the following matters being raised:

- the energy efficient aspects of the proposal
- the inclusion of back to backs within the scheme
- the proposed materials and the need for further information on this
- the need to ensure the proposals did not add to existing road congestion and the need to consider the use of river taxis
- the importance of the delivery of the bridge link

In relation to the specific issues raised in the report, the following responses were provided:

- that Members agreed that the proposed use of the site for a residential scheme and the mix of dwellings proposed would be appropriate
- that on the quality of the homes proposed, these were considered to be very good in respect of space standards, energy efficiency and sustainable construction, however, further consideration was required of the proposed finishing materials
- that the balance of private amenity space, communal residents' amenity space and public realm provision was appropriate for the mix of dwellings proposed however in respect of affordable housing provision, the 3% proposed was considered to be an initial offer and needed to be justified against the Council's normal affordable housing policy
- on privacy and overlooking, there was a need to explore the balance between the gaps created through the design of the scheme
- that given the wide road infrastructure between the site and the scale of the nearby 14 storey Echo flats, that the scale of the proposed development was considered to be appropriate at this gateway location

- to note Members' views on the necessity of the bridge to connect the development to surrounding communities and facilities
- that subject to the agreement of Transport Development Services (to ensure there would be no adverse impact on highways safety or amenities) that the proposed level of car parking was considered to be acceptable
- the need for a affordable housing provision at an acceptable level

**RESOLVED** - To note the report, the presentation and the comments now made

#### **101 Date and Time of Next Meeting**

22<sup>nd</sup> January 2015 at 1.30pm in the Civic Hall, Leeds