

## CITY PLANS PANEL

THURSDAY, 23RD JULY, 2015

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

Councillors P Gruen, D Blackburn,  
S Hamilton, G Latty, T Leadley,  
N Walshaw, M Ingham, C Campbell,  
A Khan, K Ritchie and E Taylor

### 13 Chair's opening remarks

The Chair welcomed everyone to the first meeting in the new committee room and with the new technology, and asked Members and Officers to introduce themselves for the benefit of the public. The Chair referred to the members of the National Planning Casework Unit, who were attending for part of the meeting and hoped they would find the discussions interesting

### 14 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 14/07352/OT – Low Moor Farm Albert Drive Morley, that he had been the Chair of Morley Town Council Planning Committee which had considered the application and had made representations on it (minute 18 refers)

Councillor P Gruen brought to the Panel's attention that he was a Director of the Ruth Gorse Academy Trust and that he had declared this at all Board meetings and had not taken part in discussions relating to the proposed new Academy, in order that he could fully participate in the planning discussions (minute 19 refers)

Councillor S Hamilton also brought to the Panel's attention that she was a Governor at Hillcrest Primary Academy (minute 19 refers)

### 15 Apologies for Absence

There were no apologies for absence

### 16 Minutes

**RESOLVED** - That the minutes of the City Plans Panel meeting held on 11<sup>th</sup> June 2015 be approved

### 17 Matters arising from the minutes

With reference to minute 12 of the meeting held on 11<sup>th</sup> June 2015, the Chair stated that instead of a meeting being held on that day, the Panel had

visited a number of schemes it had granted planning approval for and had found the visits positive and extremely useful

Members had visited a completed development - the new library at Leeds University; a commercial scheme at Whitehall Road/Wellington Street on the MEPC site which was currently under construction and the new College of Building site at Black Bull Street which was operational

In relation to the new Leeds University library, the work of City Plans Panel in requesting alterations and improvements to the original proposals was acknowledged. Members commented on the scheme, particularly the chimney with concerns that the Panel had not been made aware of the nature of the public art being proposed and should have been. In terms of the changes sought by Panel on this scheme, Members considered this demonstrated well the point that developers should not be given automatic planning permission on brownfield sites

## **18 Application 14/07352/OT - Land at Low Moor Farm Albert Drive Morley LS27**

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

The Head of Planning Services presented the report which sought approval for outline planning permission – for principle of residential development and means of access on a 7.6ha site of land designated as Protected Area of Search (PAS) land at Low Moor Farm, Albert Drive Morley LS27

Members were informed this was the first application to be determined after the withdrawal of the interim PAS policy, with details being given of previous PAS sites which had been granted approval for residential development, including a site in Morley at Owlars Farm and those which had been refused

Members were informed that the masterplan for the site indicated up to 185 dwellings, although the applicant had stated this could now be up to 200, although Officers would need to consider this in detail at the Reserved Matters stage

Officers had requested that the applicant consider the possibility of burying the existing power line which ran across the site and caused some constraints, with the applicant indicating a willingness to investigate this if outline planning permission was granted

In terms of the Council's 5 year land supply, Members were advised this site formed part of this and that the draft Site Allocations Plan (SAP) had been recently approved by Executive Board for public consultation, with this site being included as a Phase 1 site. Other Phase 1 sites in the vicinity of the subject site were outlined, for Members' information

The Panel then heard representations from Councillor Finnigan, a Ward Member, who outlined his concerns in respect of the proposals, which included:

- the level of development on greenfield sites which far outweighed that of brownfield sites in Morley
- that the land formed a green corridor between Morley and Dewsbury Road

- education provision and the chronic shortage of school places for local children
- highways issues, particularly the proposed access from Albert Drive
- the impact of the proposals on existing residents of Albert Drive, especially in terms of their parking provision which was on-street
- the impact of developing the other Phase 1 sites in this area, particularly on education provision

Following questions from the Panel additional information was provided by Councillor Finnigan which related to:

- the high level of representations on the LDF from residents in Morley
- that the site should be considered as a Phase 3 site in the SAP due to the issues associated with congestion on Dewsbury Road; existing on-street parking by local residents and the lack of education provision to cater for the likely numbers of pupils the development of this site would generate
- that a more realistic target for residential development was 50,000 through the life of the plan which was consistent with the number of completions being achieved
- drainage and flooding issues associated with the site and concerns about the removal of natural greenery and replacement by an artificial process, ie a balancing pond and drainage infrastructure to be sited on neighbouring Green Belt land
- the expansion of the primary school closest to the site – Morley Newlands – to a three form entry primary school to help address some of the current issues around the lack of school places locally
- that in terms of the NPPF, the development of the site was not sustainable

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

- the length of time – around 12 months – the applicant had been discussing the proposals with Planning Officers
- that the site was located within the major settlement of Morley and could deliver up to 200 dwellings
- that the site was included in the emerging SAP; was in the South Leeds Regeneration Priority Programme Area and formed part of the Council's 5 year land supply
- that a range of house sizes would be provided
- that in terms of drainage, a robust SUDS solution had been devised and a balancing pond proposed beyond the red line boundary
- that the latest transport assessment which had been submitted recently showed that up to 200 dwellings could be accommodated on the site, with access from Albert Drive

- that the site was not unduly constrained by the overhead power lines
- there was a commitment to a S106 Agreement which complied with all the planning obligations sought by Officers and which would include 15% affordable housing

Following questions from the Panel additional information was provided by the applicant's representative together with the applicant's highways representative, which related to:

- the access road; its width and that traffic calming measures would be introduced as part of the scheme
- that the application was policy compliant
- that a range of sites would be needed to meet the housing target, including PAS sites and both old and new allocations, with the subject site being considered positively having regard to existing policy, plans and guidance
- the extent of the buffer zone which would be provided around the power line if this could not be buried
- parking provision; that this would be on-site and would comply with the Council's parking requirements

The Panel discussed the application, with the main issues raised relating to:

- the interim PAS policy which had been in place when the application was lodged. The Head of Planning Services stated this was not now a material planning consideration, with this view being supported by the Panel's Legal Services adviser
- education provision. Concerns were expressed that a representative from Children's Services was not in attendance, with the Chair requesting that for future, large scale residential applications, an Officer from Children's Services should attend to respond to detailed questions about school places and capacity. The Head of Planning Services advised that education contributions now formed part of the CIL charge, with contributions being pooled to enable the Council to address the issues. In terms of primary provision, the numbers of places available locally up to 2019 were less than projected demand. Members were informed that Children's Services were seeking a maximum contribution for education and this now formed part of the CIL which would be clarified at Reserved Matters stage and be payable once development commenced. Members stressed the importance of the overlap between Planning and Children's Services and that parents purchasing a property on a new development should have a realistic expectation that their children should be able to attend a local primary school
- highways and access. Concerns were raised about the proposed access arrangements, the width of Albert Drive which was made narrower at certain points due to existing on-street parking; the impact of the traffic calming measures on existing

residents and that Albert Drive also served existing dwellings in the Newlands, together with the proposed circa 200 new homes. The Transport Development Services Manager stated that on-street parking was essential to existing residents on Albert Drive and that a scheme which was appropriately designed and would allow areas for two-way passing would have to be submitted by the applicant. A suggestion was made to remove the existing grass verges on Albert Drive and provide off-road parking spaces instead. In terms of numbers accessing off a single road, the Street Design Guide specified this could be up to 300 dwellings. Strategically as more sites were brought forward, financial contributions would be sought to address strategic areas which could include the junction at Dewsbury Road. In relation to the two other PAS sites in close proximity to the subject site, Members were informed if these were to be developed they would not be accessed from Albert Drive. The Head of Planning Services advised that the traffic calming measures and formalisation of parking would be dealt with as part of condition no. 24 as set out in the submitted report. The location of the nearest bus stops to the site were clarified for Members' information

- drainage – concerns were raised about the extent of development and possible impacts on future drainage of the site. The Head of Planning Services stated that a permeability test would need to be carried out and that the scheme proposed measures which would allow a controlled run off rate of surface water
- other matters:-
- concerns were raised about the use of Green Belt land to facilitate the development but this would involve the tree planting which was appropriate development in the Green Belt
- the likely cost of burying the power lines and that if this was possible, no reduction in planning contributions should be sought to offset the cost of that work
- clarity on the CIL charge. This was stated as being £45 per sqm, with around 90 – 100 sqm being the average size of a three bed dwelling, with the CIL charge being levied on every house
- the timing of the application with concerns the consideration of the development was premature and should await the second round of the SAP
- that the cumulative impact of the proposals had to be considered
- how the 5 year land supply had been arrived at with reference to the Housing Market Characteristic Areas\*<sup>1</sup>

The Panel considered how to proceed. If minded to approve the

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<sup>1</sup>\* Following approval of these minutes at the meeting on 13<sup>th</sup> August 2015, a subsequent amendment to this point was agreed at the meeting held on 3<sup>rd</sup> September 2015 (minute 35 refers)

application, Officers were requested that any alteration to the S106 contributions should be brought back to Panel for consideration

**RESOLVED** - To defer and delegate to the Chief Planning Officer for approval subject to conditions to cover those matters outlined in the submitted report (and any others which he might consider appropriate) and the completion of a S106 Agreement to secure the following:

- affordable housing – 15% (with a 60% social rent and 40% submarket split)
- public open space on site to comply with Core Strategy Policy G4
- improvements to bus stop 11042 at a cost of £20,000 to comprise the provision of a shelter and real time passenger information
- the provision of raised kerbs and a bus clearway to bus stop 11042 on Wide Lane
- travel plan including monitoring fee of £2,925
- residential Metrocards (bus and rail) at a cost of £605.00 per dwelling
- employment and training initiatives (applies to the construction phase)
- upgrade Peter Lane to a bridleway
- the management and retention of buffer planting within the Green Belt for the foreseeable future in accordance with Saved UDP Policy N24

In the circumstances where the S106 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

## **19 Application 15/02470/FU - Land at Black Bull Street LS10**

Further to minute 174 of the City Plans Panel meeting held on 16<sup>th</sup> April 2015, where Panel considered a pre-application presentation for a new secondary free school at Black Bull Street, Members considered a further report of the Chief Planning Officer setting out the formal application

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

Officers presented the report which related to the provision of a new secondary free school – The Ruth Gorse Academy – on land at Black Bull Street

Members were updated on the following issues:

- drainage – with the applicant continuing to negotiate on the issue of the water discharge rate which Yorkshire Water were not satisfied with. Members were informed this matter would be controlled by condition
- connectivity, with a commuted sum of £22,000 being offered towards the future provision of a new East-West pedestrian and cycle connection along the southern boundary of the site (to be

delivered in conjunction with any redevelopment of the site to the south), with this to be considered by Highways Officers

- the off-site highways package – that this was now acceptable
- the construction management plan – that this remained under review and could be controlled by condition
- school bus provision – that Highways Officers were satisfied with the proposed layout

In respect of the boundary treatments, some revisions had been made in light of Members' comments with railings and brick piers being proposed to the Chadwick Street boundary. Mesh fencing would be provided to the MUGA but would be set back from the pavement, with nine new street trees to be planted on Black Bull Street

Members noted the design alterations to the Hub in view of the concerns expressed about the visual impact of the initial proposals

The Panel discussed the application. The Chair invited the Principal of the Ruth Gorse Academy and the applicant's highways representative to respond to queries and comments from the Panel. A detailed discussion took place with the main points being raised relating to:

- the speed of traffic on Black Bull Street and measures to slow traffic speed. Concerns were raised about the incidents of speeding along this road which Members had witnessed on their site visit with a request being made this matter be formally referred to Highways and West Yorkshire Police. The Transport Development Services Manager confirmed this matter would be taken up and enforcement action commenced
- concerns about the potential conflict between pedestrians and road users in this area
- the need for traffic laybys to be surfaced in a different colour or raised to ensure the location of the pedestrian flow was highlighted. The Transport Development Services Manager advised that although this was not part of the application, it could be investigated
- the Park and Stride initiative and an explanation of this
- the NGT proposals and how this could affect the parking on Chadwick Street, particularly if the NGT scheme was not implemented. Members were informed that the majority of on-street parking on Chadwick Street would be removed, apart from the existing laybys. With the implementation of NGT, Chadwick Street would become one way, south bound
- the concerns raised by West Yorkshire Combined Authority (WYCA) regarding bus dropping off and picking up and the extent of parent drop off/pick up points being provided. Members were informed by the applicant's highways representative that WYCA and Highways were satisfied with the proposals for bus drop off/pick up points and that in terms of parents transporting their children to and from school by car, surveys of the likely catchment area for the school showed low car ownership levels compared to other areas of Leeds. Additionally 80% of the students were likely to be in receipt of the pupil premium. Concerns were reiterated about the

problems caused by parents picking up/dropping of their children at school, regardless of the levels of pupil premium at schools. The amount of space being provided for the school buses to park up was also questioned

- the level of car parking for staff and visitors with concerns this remained too low and that whilst it was aspirational to have car free/ low car staffing, it was not realistic
- wider highways issues, particularly concerns about potential gridlock to the City Centre and beyond if vehicle congestion began to build up on Black Bull Street
- the number of developments which had recently been completed around the site and the need to be clear on what the wider highways strategy was for the area
- the need for the status of Black Bull Street to be downgraded over time
- the extent of community use for the facilities, with the Principal outlining the proposed opening times and the range of facilities, particularly sports facilities which could be used by the wider community

Whilst welcoming the alterations which had been made to the scheme since it was last presented to Panel, concerns about highways and pedestrian/student safety were reiterated. A suggestion was made to defer determination of the application for further highways information. Concerns were raised about the tight timescales involved, if the building of the school was to proceed. A further suggestion was made that a report on the detailed highways issues to be controlled by planning condition be presented to Panel prior to their approval and the commencement of the building works

The Panel considered how to proceed

**RESOLVED** - To defer and delegate to the Chief Planning Officer for approval in principle, subject to the resolution of the following detailed matters:

- surface water drainage discussions with Yorkshire Water
- agreement of the commuted sum calculation towards the east-west pedestrian link at the southern end of the site
- the travel plan including measures regarding pupil pick up and drop off
- confirmation that all off-site highways works are acceptable
- confirmation that the construction management plan is acceptable
- confirmation that the concerns of WYCA regarding relocation of bus stops and school bus provision can be addressed

and the specified conditions set out in the submitted report (and any others which he might consider appropriate) and following the completion of a Section 106 Agreement to cover the following matters:

- travel plan monitoring fee - £2,000
- local bus stop improvement - £20,000
- community use of facilities



- public access to east-west link across the northern end of the site
- commuted sum towards the future delivery of an east-west pedestrian route to the south of the site (sum to be agreed)
- co-operation with local jobs and skills initiatives

In the circumstances where the Section 106 Agreement 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. Additionally that a further report which addressed the highways issues and concerns raised by Members be submitted to Panel for consideration, prior to building works commencing on the site

**20 Application 15/02217/OT - Variation of conditions 4, 23, 28, 29 and 30 of approval 14/05483/FU - mixed use development at Thorpe Park relating to reconfiguration of proposed gross retail floorspace within the approved foodstore unit - Thorpe Park LS15**

The Panel considered a report of the Chief Planning Officer seeking the variation of several conditions attached to approval 14/05483/FU to introduce greater flexibility to allow the 9000sqm of gross retail floorspace within the approved foodstore unit to be reconfigured to provide up to 2000sqm of gross convenience good floorspace and 7000sqm for non-food operators

Members were reminded of the background to the scheme where retail elements and more recently housing elements had been introduced into the long term proposals for Thorpe Park. Reference was also made to the recent applications at the site considered by Panel at its meeting held on 11<sup>th</sup> June 2015, (minutes 8 and 9 refer)

The application before Panel proposed a shift in the level of retail to allow for greater flexibility to counteract the severe decline in the food retail sector and was a response to what had been negotiated with a major anchor store. The application did not seek to increase the overall level of retail floorspace on the site

The proposal was acceptable in highways terms. As the application was a departure from the Development Plan, if approved in principle, it would need to be referred to the Secretary of State. In respect of representations to the proposals, one objection had been received from Hammerson's on behalf of John Lewis, which was detailed in the report before Panel

Updated health checks had been received on the various centres within the Thorpe Park catchment area, with these indicating these centres remain vibrant and healthy

Officers had considered the points raised on behalf of John Lewis about the sequential test but were of the view this matter had been satisfactorily addressed

Members were updated on key developments in respect of the scheme and the Manston Lane Link Road (MLLR). The first phase of office development would commence later this year and be completed in the first quarter of 2016. The legal agreement had been completed between the Council and Network Rail for the link road and railway bridge. Work on the

MLLR was expected to commence in the first – second quarter of 2016 with completion by the first half of 2017; subject to detailed planning permission the retail and leisure proposals were expected to start by the middle of 2016 and be completed by mid 2017, with Green Park to follow

The Head of Planning Services referred the Members' site visit earlier that day to the Victoria Gate site where Members had been informed that in January 2016, the John Lewis store would be handed over to the company's shop fitters, with the due opening date for this store being in September 2016, before the Thorpe Park retail elements had been completed. In view of this, it was felt that Panel could draw its own conclusions on the issues raised in the objection from Hammerson's

The possible impact of the revised retail proposals at Thorpe Park on Seacroft Town Centre was raised, with Officers being of the view that Seacroft Town Centre had below the national average of vacant units; was dominated by Tesco and as this application proposed a lesser amount of convenience goods floorspace it was considered that this town centre could withstand the projected level of impact from the Thorpe Park proposals

**RESOLVED** - To defer and delegate approval to the Chief Planning Officer subject to satisfactory outcome from the consideration of the cumulative retail impact, with a report back to Panel in the event this was not the case and to refer the application to the Secretary of State for the Department of Communities and Local Government under the Town and Country Planning (Consultation) (England) Direction 2009 as a departure from the Statutory Development Plan; the suggested conditions set out in the submitted report (and any others which he might consider appropriate) and a Section 106 Agreement to cover the terms of the original agreement and to cover any consequential variations in respect of amended Manston Lane Link Road trigger points

In the circumstances where the Section 106 has not been completed within 3 months of the determination of the Secretary of State to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer

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

Thursday 13<sup>th</sup> August 2015 at 1.30pm in the Civic Hall, Leeds