

CITY PLANS PANEL

TUESDAY, 10TH MARCH, 2015

PRESENT: Councillor J McKenna in the Chair

Councillors P Gruen, R Procter,
D Blackburn, S Hamilton, T Leadley,
E Nash, N Walshaw, M Ingham, J Lewis,
C Gruen and J Procter

144 Chair's opening remarks

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

145 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 appendix to the main report referred to in minute 149 under Schedule 12A Local Government Act 1972 and the terms of Access to Information Procedure Rule 10.4 (3) and on the grounds it contains information relating to the financial or business affairs 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

146 Late Items

There were no formal late items, however the Panel was in receipt of supplementary information in respect of Application 12/02571/OT land between Wetherby Road, Skeltons Land and York Road and Application 15/00651/FU – River Aire at Leeds Weir, which had been circulated to Members in advance of the meeting and had been published on the Council's website (minutes 149 and 150) refer

147 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interest

148 Apologies for Absence

Apologies for absence had been received from Councillor G Latty, with Councillor J Procter substituting for him. Apologies had also been received from Councillor Campbell

149 Application 12/02571/OT - Outline application for means of access and erection of residential development (circa 2000 dwellings), retail, health centre, community centre and primary school development, with associated drainage and landscaping - Land between Wetherby Road Skeltons Lane and York Road LS14

Further to minute 120 of the City Plans Panel meeting held on 29th January 2015, where Panel considered a position statement on an outline application for a major, residential-led development on the Northern Quadrant of the East Leeds Extension, Members considered a further report of the Chief Planning Officer setting out the formal application. Appended to the report were minutes of the City Plans Panel's previous discussions on the proposals, together with details of the S106 proposals and the delivery triggers for the payment of the planning contributions. An exempt appendix which contained financial information was also appended to the report

Plans, drawings, photographs and a schedule setting out the key milestones of the proposals were displayed at the meeting. It was noted that Members had last visited the site ahead of the meeting on 29th January 2015

Officers presented the report and outlined the main issues in respect of:

- East Leeds Orbital Route (ELOR) – that the Council had obtained funding for the whole of ELOR from the West Yorkshire Transport Fund; that it was anticipated that the road would be open by 2021 and that if the application was approved, only 250 dwellings could be constructed on the site by 2021
- affordable housing – that the policy requirement was for 15% affordable housing; that Members had required a higher level; that now 12% affordable housing had been guaranteed through a correction in the cost of ELOR; funding proposed for Metrocards being redirected, in line with Members' comments at the meeting in January 2015; funding from off-site public transport works and a further contribution from the developers of £557,371. In addition to this, there was provision for further excesses through the roof tax payments which could take the level of affordable housing to be achieved on the site to 14%
- highways – that a key concern raised in the consultation process had been the proposed closure of Red Hall Lane at the eastern end and that a sum of money had been put aside to address any unforeseen highway impacts arising from this closure, as well as unforeseen impacts elsewhere arising from the development
- the split between the amount of social rented dwellings and sub market dwellings in the affordable housing provision; in a 40/60 split; that the Core Strategy reversed these amounts however a more pragmatic approach was being proposed to this site and that 60% submarket and 40% social rent was being recommended to Panel

- that in the event Panel was minded to approve the scheme and that the S106 had not been signed before 6th April, when CIL came into effect, there were implications for the scheme under the CIL regulations

The Panel then heard from an objector who was representing local residents and who set out local concerns about the scheme which included:

- the sustainability of the development
- the design of ELOR
- the extent of the greenspace provision
- proposed road closures
- the impact of increased traffic in the area
- the location of the Country Park

The Panel then heard from representatives of the applicant who provided information which included:

- the quantum of open space being provided
- that the location of the Country Park was appropriate and accessible
- that ELOR would lead to environmental enhancements
- that sustainable transport measures were being provided

In response to questions from the Panel it was confirmed:

- that the segregated cycling facilities formed part of ELOR and would be delivered alongside the road
- that if approval was granted it was hoped that one of the house builders could start on site within a year
- that the first components to be provided would be the roundabouts which would be in place prior to house building commencing
- that the Country Park would form part of a wider Council strategy to create a green edge around the east of the City; that it would provide amenity for every resident on the site; was within walking distance and to re-site the Country Park to the west side of ELOR would reduce the number of dwellings delivered on site
- that, subject to outline approval of the whole site, a planning application for the Country Park was likely to be submitted in 2016
- that the local centre would be marketed prior to it being built; that it would not comprise solely of retail but could include accommodation for older people, as well as health and community facilities, however a critical mass of around 500 people was needed initially

At this point, having resolved to consider the financial viability information in private, the public withdrew from the meeting

A representative of Sanderson Weatherall, who had been engaged by the Council to independently assess the financial viability appraisal submitted

by the applicant was in attendance and in addition to presenting his appraisal responded along with Officers to comments and questions from the Panel

The main areas of discussion related to:

- land values
- profit levels
- the level of affordable housing being offered
- the cost of ELOR
- the level of the roof tax and how this figure had been arrived at
- the collection of the roof tax and implications for using those contributions which were collected late in the development
- building costs and that further information sought from one of the proposed house builders had not been provided
- the viability of the scheme if it complied with all policy requirements

At this point, the public were readmitted to the meeting

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

- the housing mix as set out in the submitted report and whether this did comply with the Core Strategy. Members were informed that the housing mix would form part of the assessment of Reserved Matters, if the scheme was granted outline approval. The Executive Member for Neighbourhoods, Planning and Personnel, sought an amendment to details of the housing mix in the submitted report, for the avoidance of doubt
- education provision; concerns that insufficient details had been provided; the need to properly consider secondary education provision, particularly due to the high number of pupils living in the Inner East area who were transported daily to high schools in Wetherby and Boston Spa and the cost implications of this. Concerns were also raised about primary provision. It was reported that Ward Members were supportive of off-site provision at the start of the development but that this must be in the right location and subject to consultation with Ward Members
- highways issues and concerns about the traffic implications for areas around the site during the construction process and prior to the provision of ELOR
- greenspace provision; where the aspiration of a Country Park had emanated from; that due to its location it would only benefit people living on the eastern most part of the site and that further work was required in respect of the landscape buffer to be provided along the northern edge of the site. It was accepted at this late stage why further consideration of the siting of the Country Park would be problematic, however if outline approval was granted, safe and accessible routes to the Country Park must be an important factor when considering Reserved Matters applications

- viability issues and that the full policy requirements should be met, with 15% affordable housing being provided; that this should be achievable and that developers had already benefitted from a reduction in the affordable housing levels as part of this site had originally been in the 35% zone
- the high level of consultation by the developers on this scheme and the need for this to be formalised through the process
- the provision of ELOR; that whilst developers had indicated at appeal they could provide this, they had not done so and that the Council were now promoting this, with a letter of comfort being provided by the Council to give certainty
- that a mixed-use local centre was required which would include much needed health facilities
- the need to ensure the sum set aside for local traffic re-routing was sufficient
- the importance of the housing mix
- the need for timescales to be provided in respect of the roof tax payments and for Ward Members to be involved
- that at the more detailed stages of the planning process, information on local traffic movements; build out rates; construction methodology and the proportion of older people's accommodation would need to be provided
- provision of water butts, particularly in view of comments by Yorkshire Water about sewer capacity and that Cock Beck was known to flood. Officers advised that this would be picked up at Reserved Matters stage
- the need for all parties to work together to see if reductions could be made to the cost of ELOR which could lead to increased affordable housing

The Panel considered how to proceed

It was felt that the recommendation within the submitted report was at variance with Members' views

A suggestion was made for further information to be provided to Members of the mechanism for reaching a level of 15% affordable housing in due course and that if this could not be agreed, the matter should be referred back to Panel. The impending implementation of CIL was noted, as was Members' views that 15% affordable housing was required on this site and that an amendment to the recommendation to specify 15% affordable housing was proposed and supported

The Head of Planning Services and the Panel's legal adviser sought clarification of what was being proposed, for the avoidance of doubt

RESOLVED - To defer and delegate approval to the Chief Planning Officer on the grounds set out in the submitted report, subject to an amendment to the affordable housing provision which should be on-site at a guaranteed level of 15%, in a 60/40 split and in the event this could not be agreed upon, that a further report be submitted to Panel and to note this could be after 6th April when the CIL regulations would come into force

150 Application 15/00651/FU - Variation of condition 18 of previous approval 14/01511/FU for minor material amendment relating to use of external facing materials at River Aire at Leeds Weir (Crown Point)

Plans, photographs and graphics were displayed at the meeting

The Panel considered a report of the Chief Planning Officer on proposals for a variation of condition 18 of the previously approved application for flood defences and the replacement of the existing Leeds and Knostrop Weirs with moveable weirs, as part of the Leeds Flood Alleviation Scheme. A further update report on the application had been circulated prior to the meeting, with Members also having regard to this supplementary document

The application sought approval for the use of concrete for the external facing material for the piers at Leeds Weir, which although this material had been proposed to be used originally, in approving the scheme, Members had required stone be used to construct the piers, with this being controlled by condition

The Deputy Area Planning Manager presented the report and advised Members that the applicant had appointed a contractor however further consideration of the use of stone had taken place with the following issues being raised with Planning Officers:

- the increased construction requirements if stone was used
- there would be an increased maintenance liability
- significant health and safety risks with that maintenance
- significant increase to the cost of the project and a delay to the implementation of the scheme of over 2 months

It was reported that that use of concrete was considered to be the most appropriate engineering solution

In terms of the character of the area, this was varied, with different buildings constructed from a range of materials and from a planning perspective, the main consideration was the impact of the proposals on the character and appearance of the Conservation Area

Conservation colleagues had confirmed that the historic significance of the weir was based on its use and location rather than its detailed construction and that the Canals and Rivers Trust was satisfied with the proposals and that English Heritage and the Environment Agency did not object to the proposals

The Panel discussed the application and commented on the quality of the concrete to be used and the possibility of matching the colour of the concrete to the heritage weir. The Chair invited a representative of the applicants to respond to the issue of the colour of the concrete, with Members being informed it would be possible to colour match the concrete, although when wet, algal growth would occur and over time, the concrete would colour naturally

RESOLVED - To grant approval for variation of condition 18 to allow the use of high quality concrete (option 4) as an external facing material, with the colour of the concrete to match the heritage weir and subject to agreement of a sample panel

151 Date and Time of Next Meeting

Draft minutes to be approved at the meeting
to be held on Thursday, 26th March, 2015

Thursday 26th March 2015 at 1.30pm in the Civic Hall, Leeds