

## **CITY PLANS PANEL**

**THURSDAY, 14TH MAY, 2015**

**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 and C Gruen

### **177 Chair's opening remarks**

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

### **178 Late Items**

There were no formal late items, however the Panel was in receipt of supplementary information in respect of the following applications:

14/07273/FU and 14/07274/LI – Burley House 12 Clarendon Road  
(minute 184 refers)

15/00415/FU – Low Fold South Accommodation Road LS10 (minute 185 refers)

The information had been circulated in advance of the meeting and had been published on the Council's website

### **179 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interest

### **180 Apologies for Absence**

Apologies for absence had been received from Councillor R Procter, with Councillor Flynn substituting for her

### **181 Minutes**

**RESOLVED** - That the minutes of the City Plans Panel meeting held on 16<sup>th</sup> April 2015 be approved, subject to an amendment to minute 173 – Pre-application/Position Statement – Kirkstall Forge Development to include the following:

- the new station at Kirkstall Forge with concerns being raised this would only serve passengers travelling between Leeds and Bradford and therefore would not serve the wider community

## **182 Comments by the Head of Planning Services**

With reference to the pre-application proposals at Kirkstall Forge considered by Panel on 16<sup>th</sup> April 2015, the Head of Planning Services informed Members that at the national Place-making Awards, Kirkstall Forge won the award for mixed-use redevelopment and was also highly commended in the Northern England Regional Place-making category

Members were also informed about the latest position in respect of appeals on PAS applications. It was reported that the Inspector's decision to dismiss the appeal on the Kirklees Knowl site was now the subject of a high court challenge, with a date being awaited for the hearing and that the decision on the Grove Road site at Boston Spa would be delayed, with a date on or before 10<sup>th</sup> September 2015 being given by the Secretary of State's Office for the issuing of this decision

In respect of the applications at Leeds Road Collingham; Breary Lane, Bramhope; East Scholes and Bradford Road East Ardsley, a suggestion had been made by the Council for these to be co-joined, however the applicants had objected to this. The Planning Inspectorate have decided to co-join the appeals in two separate Inquiries and the intention was to appoint the same Inspector for the both hearings and deal with them consecutively

In relation to another site – Haigh Road West Ardsley - agreement had been reached to deal with this appeal by written representations, however in this case, the main focus of the appeal was around character, rather than the Council's 5 year land supply

Members discussed the proposed approach in relation to the time these would take, with the Head of Planning Services stating that overall, the process should be shorter than dealing with the four appeals separately as the issue of the 5 year land supply would be dealt with once for the two Inquiries

## **183 Application 13/03846/FU - Residential development of 156 dwellings and associated works - Land to the rear of Sandgate Drive Kippax**

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

Officers presented a report of the Chief Planning Officer on an application for a residential development, comprising 156 dwellings and associated works on a PAS site to the rear of Sandgate Drive Kippax

Members were informed that the site was well vegetated; there were existing residential dwellings, mainly bungalows to the south; more sparse vegetation to the east and to the north of the site lay the Green Belt and open agricultural land

The proposals had been revised since they were first submitted, which initially was for 166 dwellings. Improved relationships between the existing

residential development had reduced the number of dwellings across the site to 156

Half of the site would be retained as green, open areas and whilst there would be tree loss, mitigation planting was proposed

Details were provided of the walking distances from the site to the nearest schools together with the proposed housing mix and form of the two storey houses

Reference was made to the Executive Board's decision in February 2015 to withdraw the Council's Interim PAS Policy, and allow work to commence on the Site Allocations Plan (SAP), with Members being informed that the SAP did not propose to allocate this site for housing but to retain it as PAS

In respect of highways issues, the applicant had sought to put forward a scheme but Officers in Highways were not satisfied with the proposals

A further representation was reported which expressed concern about the timing of the Plans Panel meeting, i.e. through the day and that insufficient time had been available to consider the revised plan

As the applicant's agent had decided not to speak at Panel, the Chair advised there would be no public speaking on this application

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

- the impact of the proposals
- the inadequacy of the access arrangements
- the SAP process; the work of Development Plan Panel on this and the need to consider sites in the correct context
- the need for significant investment in infrastructure for Kippax
- the work being undertaken on a Neighbourhood Plan for Kippax to shape future development
- whether, in view of the withdrawal of the Council's Interim PAS Policy, any applications on PAS sites should be approved

The Panel considered how to proceed

**RESOLVED** - That the application be refused for the following reasons:

1 The Local Planning Authority considers that the release of the site for housing development would undermine the plan led system, being contrary to policy N34 of the adopted UDP Review (2006) and contrary to Paragraph 85, bullet point 4 of the NPPF, at a time when the Secretary of State has concluded on the basis of examined evidence that Leeds has an identified 5 year housing supply in an up to date Core Strategy. The suitability of the site for housing purposes as part of the future expansion of Kippax needs to be comprehensively reviewed as part of the preparation of the ongoing Site Allocations Plan and Neighbourhood Plan. There are no tangible reasons to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan. The Site Allocations Plan will identify which sites will be brought forward for development in the life of the Plan together with the infrastructure which will be needed to support sustainable growth, including additional schools provision and where that would best be located. It is considered that releasing this site in advance of that work would not be justified and would prejudice the comprehensive planning of future growth and infrastructure of the settlement in a plan-led way

2 The proposal is contrary to the Adopted Core Strategy which seeks to concentrate the majority of new development within and adjacent to the main urban area and major settlements. The Site Allocations Plan is the right vehicle to consider the scale and location of new development and supporting infrastructure which should take place in Kippax which is consistent with the size, function and sustainability credentials of a smaller settlement. Furthermore, the Core Strategy states that the priority for identifying land for development will be previously developed land, other infill and key locations identified as sustainable extensions which have not yet been established through the Site Allocations Plan, and the Core Strategy recognises the key role of new and existing infrastructure in delivering future development which has not yet been established through the Site Allocations Plan, e.g. educational and health infrastructure, roads and public transport improvements. As such, the proposal is contrary to Policy SP1 of the Core Strategy and guidance on the core planning principles underpinning the planning system as set out in the NPPF

3 The Local Planning Authority considers that the applicant has so far failed to demonstrate that the local highway infrastructure, including the wider network which will be affected by additional traffic as a result of this development, is capable of safely accommodating the proposed development and absorbing the additional pressures placed on it by the increase in traffic, cycle and pedestrian movements which will be brought about by the proposed development. The proposal is therefore considered to be contrary to Policy T2 of the Core Strategy, Policy GP5 of the adopted UDP Review and the sustainable transport guidance contained in the NPPF which combined requires development not to create or materially add to problems of safety on the highway network

4 In the absence of a signed Section 106 agreement, the proposed development so far fails to provide necessary contributions for the provision of affordable housing, greenspace, travel planning and off site highway, drainage and flood alleviation works contrary to the requirements of Policy GP5 of the adopted UDP Review and related Supplementary Planning Documents and contrary to Policies H5, H8, P9, T2, G4 and ID2 of the Leeds Core Strategy and guidance in the NPPF. The Council anticipates that a Section 106 agreement covering these matters could be provided in the event of an appeal but at present reserves the right to contest these matters should the Section 106 agreement not be completed or cover all the requirements satisfactorily

**184 Applications 14/07273/FU and 14/07274/li - Change of use of offices to 16 self-contained students flats and extension of existing annex to form nine self-contained students flats and Listed Building consent application for internal and external alterations - Burley House 12 Clarendon Road Woodhouse LS2**

Plans, photographs, including historic images and drawings were displayed at the meeting. A Members site visit had taken place earlier in the day. A supplementary report which set out proposed conditions accompanied the main report

Officers presented the report which related to a conversion of a Grade II Listed Building previously used for offices, to form 16 self-contained student flats and the extension of an existing annex to form a further 9 self-contained student flats at Burley House, Clarendon Road which was sited in a Conservation Area

On the conversion of the Listed Building, Members were informed that work had been undertaken to try, through the conversion, to reinstate the existing room forms and characteristics of the original building. The applicant had agreed to retain the timber panelled lobby area and board room, with the existing skirting boards; doors and cornicing being repaired and retained. The windows would also be repaired and restored to a timber finish

Details of the accommodation being proposed were outlined, with Members being informed that two of the units in the main building were smaller than would usually be supported at 22 – 23sqm. However, as the scheme would retain the original form of the Listed Building and when considering the floor to ceiling heights of the rooms, the number and size of windows and the internal arrangements for normal residential functions, it was the view of Officers that on balance the level of amenity afforded to future residents of these two units would be acceptable

In terms of the new build element, the applicant's architect had updated the drawings to re-order the living arrangements, with the bedroom space now at the back of the units and living space at the front

The design of this element was a deliberately discrete, low scale, flat roofed, modern building which would be of red brick with vertical detailing to compliment the styles of the neighbouring properties

If minded to approve the application, an additional condition was proposed to control the height of the wall and secure an appropriate visibility splay adjacent to the proposed vehicle access

The Design Team Manager informed Members that the inclusion of a flat roof on the new build extension was considered to be appropriate in this case in order to retain the view of the historic host building. Members were also informed that the proposal would retain the Listed Building in viable use

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

- the ownership of the disused shelter close to the site and whether the annex could be constructed if the shelter was retained
- the window treatment to the main building and the possibility of providing double glazed units to windows which required replacing rather than repairing
- the size of the smallest two flats; whether a mezzanine floor could be considered for the sleeping area; whether the windows could be realigned to the small flat on the top floor to create additional light or for a duplex arrangement to be considered
- the extent of the retention of original features and whether this would include the front entrance and the fireplace

- uncertainty about the form of the flat roof to the modern building; concern that the new extension looked large and was sited closer to the main building than the current extension, so masking much of the wall
- that further design details - possibly vertical elements - should be introduced to the new extension to lessen its impact. The possibility of the brickwork of the host building being cleaned was raised and the need to select carefully the shade of brickwork for the new extension, to ensure it complemented the Listed Building
- that realigning the first floor windows on the new annex so that they were aligned with those on the ground floor would be one way of introducing verticality into the external appearance and should be considered
- the need to ensure the space between the ground floor flat facing the annex is used to create a pleasant outlook for the occupier of that unit

The Chair invited a representative of the applicant to address points raised by Members, with the following information being provided:

- that the shelter, a former garage on the site in the 1930s, was not in the applicant's ownership but was possibly in the ownership of the NHS; that this structure would be retained and would not be affected by the proposed new annex. Members remained to be convinced on this matter and stated this would need further consideration
- the smaller studio flats; that the escape stair would be removed to the second floor flat which would provide additional light. In response to the suggestion that a duplex arrangement could be considered, although being willing to explore this, it was felt little space would be gained by doing this due to the need to take a staircase up through two units

In response to the other points raised by Members, Officers provided the following information:

- regarding window repairs on the host building, that for windows which needed replacing, that discussions could take place with the Council's Conservation Officer and that replacement window units could be double glazed in the interests of sustainability
- on the possibility of providing a mezzanine floor to help address the issues of the living space in the two smallest units, the Deputy Area Planning Manager advised this might not be possible due to the height restrictions
- that along with the features previously mentioned, the front entrance would be retained as would the fireplace

In summing up the comments of the Panel, the Chair stated that the proposals had been well received but that issues remained regarding double glazing to replacement windows in the Listed Building; the size of the two smallest flats and how these could be dealt with; the brick work on the new build element to match that of the Listed Building

The Head of Planning Services advised that these issues could be

dealt with under delegated powers and recommended condition 22 of application 14/07273/FU be reworded, following discussions with the applicant to link it to the work on the Listed Building

**RESOLVED** - To defer and delegate to the Chief Planning Officer for approval of planning permission and listed building consent in principle, subject to the appropriate resolution of the internal layout of the 1<sup>st</sup> floor flats in the new build annex; issues relating to double glazing of replacement windows; resolving the size/layout of the two smallest flats; further details of the method of construction of the annex to ensure retention of the adjacent shelter and subject to the conditions included in the supplementary report; additional conditions in respect of the brickwork of the new build annex to match the Listed Building; an additional condition to control the height of the wall and secure an appropriate visibility splay adjacent to the proposed vehicle access; the rewording of condition 22 of application 14/07273/FU, as set out above (and any other conditions which he might consider appropriate)

**185 Application 15/00415/FU - 312 dwellings including new open space and associated works - Low Fold South Accommodation Road Hunslet LS10 - Position Statement**

Further to minute 100 of the City Plans Panel meeting held on 11<sup>th</sup> December 2014, where Panel considered pre-application proposals for a residential development at Low Fold, the Panel considered a further report of the Chief Planning Officer setting out the current position on the formal planning application for these proposals. A supplementary report providing an update on highways issues, flood risk and noise, air quality and industrial odour implications was considered alongside the main report

Plans, graphics, precedent images and sample materials were displayed at the meeting

Officers presented the report and outlined the context of the application in relation to other developments and proposals in the surrounding area

Members were informed that although a new bridge link did not form part of the application, the developer was keen to provide this as it would provide good links to New Dock and had the potential to unlock other development sites in the vicinity. In order to provide this, a lower level of affordable housing was proposed than the 5% which would be expected on this site. The view of Officers was that a lower level of affordable housing could be justified on this site in view of the development benefits which would flow from the provision of the bridge link

The scheme proposed 312 dwellings - 160 of them being flats – in a series of 20 individual blocks in a mixed palette of materials. Detailed landscaping proposals had been provided which were key to place making

Detailed design issues were highlighted and included:

- access routes
- landscaping, including a ‘fold’ feature which would be in some parts a decorative function and in others, a practical one, i.e. forming a seating area
- connectivity
- car parking

- sustainability features
- the provision of a new type of back to back dwelling which included a lightwell in each house, running through the building to provide good levels of natural light
- materials, which would include fibre cement panels; metal cladding; mesh cladding; blackened timber cladding and natural coloured timber cladding

In terms of the information provided in the supplementary report, it was confirmed that, in principle and subject to a phased approach to the development, the Environment Agency would be willing to withdraw their objection to the scheme, subject to appropriate conditions

In relation to air quality, noise and industrial odour, the Council's Environment Protection Team was satisfied with the modelling assessment submitted by the applicant in relation to stack emissions from the nearby Allied Glass works and subject to conditions to address issues of potential noise nuisance and air pollution, Officers were of the view that the amenities of the future residents would be adequately protected

On the issue of highways, a range of measures had been set out which would be required if the bridge was not provided. In terms of deliveries and how these would be managed, Members were informed that a layby at the bottom of the service road would be used for on-line retailers/supermarket drop offs and would not impact on the highway network

No visitor car parking would be provided on the site; there would be a need to carry out a survey in respect of off-site car parking and then re-survey as part of a Section 106 Agreement, with additional Traffic Regulation Orders to be funded by the applicant if these were required to address issues of inappropriate parking. In terms of residents parking, basement car parks would be sited under each block, with residents purchasing their parking space at the time they purchased their home, with it being envisaged people would purchase the parking space which was nearest to their home. On the issue of the basement car parking, an error in the submitted supplementary report was corrected, with Members being informed that 45m was the worse case scenario for travel distances between a basement car parking space and the car park exits

In terms of disabled access, steps had been removed from several locations to provide level access/circulation within the site. However steps did not feature on the north western pedestrian route due to the challenge of dealing with the steep site gradients. The applicant had been requested to explore alternative solutions to providing acceptable level access, including a possible connection through the adjacent Rose Wharf site

In view of the range of materials proposed and the non-standard construction process, the Chair allowed the applicant and the scheme architect to address the Panel

Members were provided with information of the following matters:

- the construction process using the Passivhaus principles whereby the units were constructed off site
- the technological process involved in assembling the materials which meant that the amount of material waste on site was reduced



- the timber panelling; that a company in Scandinavia would produce the larch panelling and it would have a 60 year guarantee
- the lightwells which would be 2-3m deep and 4-5m long
- the importance of the connection of this development with Leeds Dock and that the bridge was key in achieving this

Members discussed the proposals and commented on the following matters:

- the lightwells; how these would work; the amount of light they would let in and possibility of producing a model to better understand this element
- whether the basement space would incorporate laundry and/or gym facilities. The applicant stated this space would be required for car parking
- the possibility of introducing retail or leisure uses into the development. The applicant stated that the amenity space would include a 400m running track and informal gym space but that in this location there would be little through traffic and any retail facility would only serve the people on the site and was therefore unlikely to be viable
- concerns about the cladding proposed and the need to know the guarantees the applicant would agree to in respect of the materials
- the security of what was a large, open site; the need to consider personal safety and whether CCTV would be installed. Members were informed that natural surveillance would be the main deterrent; there were no open spaces which were not overlooked and there would be a caretaker on site. The need to see how the management agreement was drawn up was raised. Members were informed that a Community Interest Company would be established to enable residents to take responsibility for their community
- the reduced level of affordable housing being proposed and that in a development of this size, 8 units was not sufficient and concerns that Members were continually being asked to agree to reduced levels of affordable housing
- the lack of visitor parking and the need for a sum of money to be set aside and used if TROs were required. The Transport Development Services Manager stated there were concerns that some visitors would park on East Street or Richmond Hill and that a pot of money may need to provide physical measures and not solely TROs to resolve any adverse highway impact
- the possibility of incorporating some visitor parking at the southern end of the development
- the need to use the black cladding carefully and possibly as a defining instrument to avoid areas of the site looking bleak
- the distance of schools and health facilities from the site, with the Deputy Area Planning Manager stating that the nearest primary and high schools were a ten minute walk, albeit across

East Street, with shops, a medical practice and a pharmacy also within a ten minute walk

- the treatment to the banking alongside the river and the need to ensure the area was stable and that works carried out were in accordance with the Leeds FAS
- the need for more work to be carried out on some of the blocks of flats and that better drawings were required, in particular to the East Street elevation
- the lateness of the supplementary report and the important information it contained in respect of the issue of the bridge link and the importance of the bridge, especially for residents in the nearby Burmantofts and Richmond Hill Ward as this would provide an improved pedestrian connection into the City Centre

The Deputy Area Planning Manager apologised for the lateness of the supplementary report but stated that discussions on the scheme had been ongoing up until the day before the meeting. In terms of the bridge, the applicant's position had not changed since they first presented the scheme to Members in December 2014. Officers had now concluded that the bridge was not essential in planning terms as there were options to improve connectivity without it. However, it was a material planning consideration that the bridge was being offered but with a reduced level of affordable housing and it would be for Panel to reach a decision on this matter

The Transport Development Services Manager stated that the bridge had a strategic purpose in respect of other development sites and had significant benefits for the site in terms of off road cycling and pedestrian routes to the City Centre as well as to other sites, however this was a plan-led requirement rather than a strategic transport-led requirement

The Chief Planning Officer outlined the issue regarding the bridge and noted that many Members had expressed strong views about the level of affordable housing being proposed. The developer was clear what his preferred position was but that would result in a trade off in respect of the affordable housing units. Officers had concluded that with some improvements for crossing East Street the bridge was not essential for the site. However, it would provide the opportunity to plan a larger part of Leeds, i.e. to re-model the South Bank and then create further development and so the bridge was a defining feature which could provide confidence to developers

In response to the specific issues raised in the report, Members provided the following comments:

- that a residential scheme was appropriate for this edge of City Centre brownfield site
- that the proposed mix of house and flat units was appropriate for this edge of City Centre location
- that in general the proposed layout, heights, design and architectural treatment were acceptable however it was noted there were some concerns about the materials proposed
- that the proposal would provide appropriate high quality landscaped public realm, a good standard of private amenity space, biodiversity opportunities and appropriate landscaped riverside setting

- that on balance in the context of a densely built edge of City Centre location, the proposal would give appropriate space between buildings and that the new dwellings would feature an appropriate level of amenities in terms of daylight; sunlight; outlook and privacy
- that the proposal represented a highly sustainable development in terms of its wider environmental benefits, in particular its energy efficient construction and ability to generate on-site renewable energy
- that the provision of a river bridge in lieu of a 2.5% reduction in the normal affordable housing requirement in this case was not agreed to by the majority of the Panel. The possibility of reserving some land for a bridge to be provided in the future which could be funded from a range of developments was suggested

The Chair invited representatives of the applicant to comment on this issue. Members were informed that the offer of 5% affordable housing and the off-site highway works remained; that the site was a challenging one; that what was being proposed was a product which had not been delivered before and that the scheme would set many precedents around how to develop a brownfield site. The importance of creating a development where people wanted to live was stressed and that the South Bank regeneration would add to the attraction of this City Centre development. In terms of affordable housing, the numbers suggested were based on 3 bed houses but that more affordable housing could be delivered on the site albeit in smaller units

In view of these comments, the Chief Planning Officer asked if Members wished Officers to discuss affordable housing numbers in a different mix, with the Chair noting there was opportunity for further negotiation on the affordable housing. The high quality of the proposals was also noted

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

During consideration of this matter, Councillor J Lewis, Councillor C Campbell; Councillor C Gruen; Councillor P Gruen, Councillor Flynn and Councillor Latty left the meeting

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

Thursday 11<sup>th</sup> June 2015 at 1.30pm in the Civic Hall, Leeds