

## **CITY PLANS PANEL**

**THURSDAY, 29TH JUNE, 2017**

**PRESENT:** Councillor C Gruen in the Chair

Councillors P Gruen, G Latty, T Leadley,  
N Walshaw, C Campbell, A Khan,  
A Garthwaite, B Selby, C Macniven,  
E Nash, and B Anderson

A Member site visit was held in connection with the following proposals:  
Application No.16/05981/OT – Residential proposal for land at Dunningley Lane, Tingley, PREAPP/17/00138 – Residential proposal for land at Flax Place, Leeds 9 and PREAPP/16/0009 & PREAPP/1700154 – Mixed use proposal for land at Kirkgate and Crown Street, Leeds 2 and was attended by the following Councillors: C Gruen, P Gruen, T Leadley, C Campbell, A Garthwaite, C Macniven and E Nash

### **1 Appeals Against Refusal of Inspection of Documents**

There were no appeals against the refusal of inspection of documents

### **2 Exempt Information - Possible Exclusion of Press and Public**

There were no items identified where it was considered necessary to exclude the press or public from the meeting due to the nature of the business to be considered.

### **3 Late Items**

There were no late items of business.

### **4 Declarations of Disclosable Pecuniary Interests**

Although not a disclosable pecuniary interest, Councillor T Leadley required it to be recorded that he had an interest in Agenda Item No.8. Outline application for residential development for up to 770 dwellings and convenience store together with creation of new areas of public open space and drainage attenuation works to land at Dunningley Lane, Tingley, WF3 1SJ (Application No. 16/05981/OT). Councillor Leadley informed the Panel that he had previously made a number of representations about the use of this site. (Minute No. 8 refers)

### **5 Apologies for Absence**

Apologies for absence were received from Councillors: D Blackburn, J McKenna and R Procter.

Councillors: C Gruen and B Anderson substituted for J McKenna and R Procter

## **6 Minutes of the Previous Meeting**

The Minutes of the previous meeting held on 18<sup>th</sup> May 2017 were submitted for consideration and approval.

Referring to Minute No. 176 Councillor T Leadley requested an amendment to Resolution (i) to include the following additional bullet point:

- Tenants occupying the affordable units to have the same access rights (to space and equipment) as other tenants

**RESOLVED** – With the inclusion of the above, the minutes of the previous meeting held on 18<sup>th</sup> May 2017, were accepted as a true and correct record

## **7 Matters Arising**

Application No.16/07938/OT – Variations to the planning consent to land between Barrowby Lane and Manston Lane, Thorp Park, Leeds, LS15 8ZB (Minutes No. 175 refers) – Following the decision to approve the above variations to the planning consent, Councillor P Gruen suggested that there were a number of actions which required progressing in respect of monitoring arrangements and for the City Council's Asset Management Section to discuss with the applicant "the Local Centre Support contribution". Councillor Gruen requested to be kept informed of any developments.

Officers confirmed Councillor P Gruen would be kept up to date with developments.

PREAPP/17/00098 – Pre-application presentation for a proposed outline residential development at Sweet Street, Holbeck, Leeds, LS11 9AA (Minute No.178 refers) – Referring to the ownership of adjacent land and its proposed future use, Councillor C Campbell asked if any discussions had taken place with the Council's Asset Management Section and the developers.

In responding officers confirmed that the need for the Asset Management Section to engage with the developer had been raised

## **8 Application No. 16/05981/OT - Outline application (all matters reserved except for partial means of access to, but not within the Site) for residential development up to 770 dwellings and convenience store together with creation of new areas of public open space and drainage attenuation works to land at Dunningley Lane, Tingley, WF3 1SJ.**

The Chief Planning Officer submitted a report which set out details of an outline planning application (All Matters Reserved except for partial means of access to, but not within the site) for residential development up to 770

dwelling and convenience store together with creation of new drainage attenuation works to land at Dunningley Lane, Tingley, WF3 1SJ.

The Chief Planning Officer reported that the application was now the subject of an appeal against non-determination.

Addressing the report the Chief Planning officer said that in order to contest the appeal, the putative reasons for refusal, as recommended by officers and included in the submitted report, were being put forward for Members consideration:

It was also reported that until a revised Transport Assessment and supporting access information was received and assessed, the appealed scheme was considered to be unacceptable on highway grounds and this was reflected in the outstanding holding direction issued by Highway's England, which was currently in place until August 2017.

In response to Members comments and questions, the following were discussed:

- There were a significant number of objections
- The application was premature
- There were strong reasons for refusal on highway grounds and this was reflected in the outstanding holding direction issued by Highway's England
- Lengthy planning history previously intended for industrial use
- Isolated location
- No near-by school provision
- Unreasonable behaviour by the applicant
- It was suggested that an award of costs be sought, if the appeal was determined in favour of the city council

Responding to the issue of seeking an award of costs, the Chief Planning Officer said due consideration would be given to this issue at a later date.

**RESOLVED** – Had Members been in a position to determine the application it would have been refused for the following putative reasons:

1. The proposal is contrary to policy SP1 of the adopted Core Strategy which sets out the spatial development strategy for Leeds, being based on the Leeds settlement hierarchy and which aims to concentrate the majority of development within and adjacent to the main urban area and major settlements where it can benefit from existing services, adequate levels of accessibility and priorities for urban regeneration. The appeal site is isolated from existing patterns of development and is neither located within, nor forms an extension to, the Main Urban Area, a Major Settlement or a Smaller Settlement. The proposed location for the residential development is not considered to be a sustainable.

2. Development in this unsustainable, remote location is contrary to paragraph 70 of the NPPF which in part provides that decisions "...ensure an integrated approach to considering the location of housing, economic uses and community facilities and services". The proposal is also contrary to paragraph 38 of the NPPF which seeks that, where practical "...key facilities such as primary schools and local shops should be located within walking distance of most properties". The appeal site lies outside the Main Urban Area, in a location which is unacceptably remote from local services. The sustainability-related measures promoted are insufficient to offset or outweigh this important deficiency. The proposed location is not sustainable for residential development.

3. There is insufficient information submitted with the application to demonstrate that an acceptable level of accessibility can be achieved for the scale of development proposed. The appeal site does not meet the accessibility standards for housing to be located within a 5 minute walk to a bus stop that offers a direct service to a major public transport interchange at a 15 minute frequency as set out in the adopted Accessibility Standards of the Core Strategy. The proposal is contrary to policies SP1, T2 and H2 of the Leeds Core Strategy and policy GP5 of the adopted UDP Review and guidance in the NPPF.

4. The appeal site is allocated as a Protected Area of Search (constituting safeguarded land for the purposes of the NPPF, paragraph 85, etc.) through (saved) Policy N34 of the UDP Review. The release of this PAS site for housing would be contrary to Policy N34. Development of the PAS site would unacceptably undermine the plan led system and be contrary to paragraph 85 (bullet 4) of the NPPF which states that "*planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review, which proposes the development*".

5. Development of the appeal site would predetermine decisions relating to the scale and phasing of new housing development and the designation of safeguarded land for homes and jobs beyond the plan period that is set out within the (highly advanced) Submission Draft/Site Allocations Plan (SAP). The proposal would have a prejudicial, pre-determinative effect on decision-taking with regards to directing new development through the SAP and community involvement in the plan-making process. The appeal site accounts for 18% of the total housing site allocations for the Outer South West HMCA. The development is considered to be unacceptably premature, contrary to the Planning Practice Guidance.

6. The proposal fails to demonstrate that the local highway infrastructure, including the proposed site access off A653 Dewsbury Road and off A654 Thorpe Lane, and the wider highway network which will be affected by additional traffic as a result of this development, is capable of safely accommodating these impacts and adequately accommodating the attendant increase in traffic, cycle and pedestrian movements generated by the proposed development. The proposal is contrary to Policy T2 of the Core Strategy, Policy GP5 of the 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, environment or efficiency on the highway network.

7. In the absence of a suitable Section 106 agreement the proposed development fails to provide necessary contributions and/or obligations for the provision and delivery of affordable housing, housing for independent living, greenspace, travel planning, public transport enhancements, local facilities and off site highway works, without which the proposed development would fail to meet directly (and fairly and reasonably) related needs of the City and of prospective residents, contrary to the requirements of Policy GP5 of the adopted UDP Review, related Supplementary Planning Documents, Policies H5, H8, P9, T2, G4 and ID2 of the Leeds Core Strategy and the NPPF.

**9 PREAPP/16/00090 - Pre - Application Presentation for Retrospective demolition of 101-104 Kirkgate, the demolition of 10-11 Crown Court, and the construction of a new mixed-use building at 101 - 104 Kirkgate, Leeds, LS2 7DJ & PREAPP/17/00154 for Residential development with A3/leisure and parking at Car Park, Crown Street, Leeds**

The Chief Planning Officer submitted a report which sets out details of a Pre-application proposal (PREAPP/16/00090) for retrospective demolition of 101 -104 Kirkgate, the demolition of 10-11 Crown Court and the construction of a new mixed-use building at 101-104 Kirkgate, Leeds 2 for residential development with A3/leisure and parking at car park, Crown Street, Leeds.(PREAPP/1700154)

Site photographs and plans were displayed and referred to throughout the discussion of the application.

The applicant's representative addressed the Panel, speaking in detail about the proposal and highlighted the following:

- 101-104 Kirkgate was a cleared site located on the south side of Kirkgate, facing the junction of Kirkgate and New York Street. The site was vacant following the emergency demolition of 101-102 Kirkgate in 2010, and the recent fire and subsequent emergency demolition of Hills Furniture at 103-104 Kirkgate.
- Crown Street car park is a rough surfaced long-established use car park to the rear of the Kirkgate frontage properties, between the railway viaduct, Waterloo House and Crown Street. The site lies within the designated City Centre, the Prime Shopping Quarter, a Secondary Shopping Frontage, the City Centre Conservation Area, the Lower Kirkgate Townscape Heritage Initiative and Lower Kirkgate Planning statement area, and within the setting of a number of Listed Buildings, including:
  - Grade I Corn Exchange
  - Grade II\* First White Cloth Hall

- Grade II\* Waterloo House
  - Grade II 3-7 Crown Street
  - Grade II 23 Kirkgate
  - Grade II Westminster Buildings
  - Grade I Kirkgate Market
- The scheme consists of two new buildings with public realm. At 101-104 Kirkgate and 10-11 Crown Court (at the rear), a part 4, part 5 storey building in red-brick and vertical metal cladding is proposed, with A3 café/bar at basement level, A1 retail and A3 café/bar units at ground floor, with flats above. The scheme proposes the demolition of the existing 10-11 Crown Court.
  - The proposal also includes the re-development of the Crown Street car park, with a new red-brick part 4/5/6/7 storey residential building, with ground floor A1 retail/A3 café/restaurant units.
  - Across the two buildings, 80 flats are proposed in total, consisting of:
    - 6 studio flats ranging between 36sqm and 60sqm, - 26 one-bed flats ranging between 50sqm and 60sqm, - 43 two-bed flats ranging between 60sqm and 70sqm - 5 three-bed flats 82sqm.
  - The buildings would be constructed to exceed current Building Regulations by 20% in terms of carbon emissions. On site low carbon energy usage would be achieved by air source heat pumps.
  - 28 car parking spaces including 3 disabled bays are proposed at basement level below the Crown Street car park building. This basement would also include provision for 74 cycle parking spaces. The car park would be accessed via Pine Court (one-way in) and egressed via the Waterloo House access road. Bin storage would also be located inside the building, accessed from the Waterloo House access road. All refuse and recycling would be managed by private collection.
  - The flats were intended for the Private Rented Sector – Built to rent operator

In response to Members questions, the following were raised:

- Members sought clarification on litter bin storage
- Clarification was sought around the public access/ residents security arrangements
- Members sought clarification around access to the greenspace/ active space, would the public be able to access this space
- Would trees, grass, benches and litter bins be provided in the greenspace/ active space
- Members queried the purpose of a small building adjacent to the rear of the White Cloth Hall

- The apartment block fronting 101 to 104 Kirkgate was not in keeping with the rest of the street and was considered too high
- Members queried the proposed roof scape to the Kirkgate frontage suggesting that it should better fit in with existing buildings

In responding to the issues raised, the applicant's representatives said; bin storage areas were located in each core and managed by private collection, access to the public areas of the building (including greenspace/active space) would be from 7.00am until 8.00pm, the small building adjacent to the White Cloth Hall was a new stair core for No.97, further consideration would be given to the height and design of the apartment block and to the overall roof scape.

In offering comments Members raised the following issues:

- Members welcomed the fact that the buildings would be constructed to exceed current Building Regulations by 20% in terms of carbon emissions and that all apartments would meet National Space Standards.
- Members welcomed the provision of 5% on site affordable housing
- Clarification around the public access arrangements and how they were managed was important
- Further consideration of the height and design of the apartment block fronting 101-104 Kirkgate was required.

In drawing the discussion to a conclusion Members provided the following feedback;

- Members were supportive in principle, to the demolition of 10 -11 Crown Court and replacement with a modern building
- Members were supportive in principle, to a modern design on the location of 101-104 Kirkgate, however, the height and appearance of the proposed development should be more sympathetic to the existing buildings within the area ("building on what was already there")
- That subject to testing of key street views, Members were supportive of the emerging design of the building proposed on the car park
- Members welcomed the proposed size of the apartments and the provision of 5% on site affordable housing
- Members were supportive in principle to the proposed highways and transportation matters, including the approach to car parking and servicing

In summing up the Chair said Members were supportive of the proposal, this was an important historic part of the city and redevelopment and restoration of the area was welcomed.

## **RESOLVED –**

- (i) To note the details contained in the pre-application presentation

- (ii) That the developers be thanked for their attendance and presentation

**10 PREAPP/17/00138 - Pre-Application Presentation for a 8-14 storeys of 300 flats with landscaping, parking and associated works to Land Off Flax Place, Richmond Street And Marsh Lane, Cross Green, LS9 8HG**

The Chief Planning Officer submitted a report which sets out details of a Pre-application proposal for a development of 8-14 storeys of 300 flats with landscaping, parking and associated works to land off, Flax Place, Richmond Street and Marsh Lane, Cross Green, LS9 8HG.

Site photographs and plans were displayed and referred to throughout the discussion of the application.

The applicant's representative addressed the Panel, speaking in detail about the proposal and highlighted the following:

- The site was located within the defined City Centre but was not allocated for a specific use on the Local Development Framework (LDF) Policies Map.
- The site lies within the boundary covered by the emerging Aire Valley Leeds Area Action Plan (AVLAAP) which is being prepared in accordance with Core Strategy Spatial Policy 5 and will form part of the LDF when adopted.
- The draft AVLAAP identified the site for housing use under Policy AVL6. This allocation was not subject to a specific objection following consultation on the draft plan which was subject to Examination in Public in January 2017 with main modifications consultation ending on 8th June 2017 and could therefore be afforded significant weight.
- The proposed development seeks to provide a predominantly residential development across two stepped blocks of 8 to 14 storeys in height housing some 300 apartments. These are currently proposed to be the following mix; 11 studio apartments, 147 one bedroomed apartments, 130 two bedroomed apartments and 12 three bedroomed apartments.
- To the front of the site where it meets East Street and Richmond Street a convenience shopping A1 Use Class retail unit is also proposed.
- The landscape scheme features include public open spaces around the buildings and roof top terracing for more private resident's usage.
- Car and cycle parking is proposed with the added opportunity to provide City Car Club space/s within the site.



- The flats were intended for the Private Rented Sector – Built to rent operator

In response to Members questions, the following were raised:

- Was the building energy efficient
- Had consideration been given to the provision of balconies
- The two blocks appeared to be relatively close together leading to possible light issues for residents, could consideration be given to the use of lighter material in order to reflect light
- Use of lighter materials may lead to graffiti issues at lower levels
- Welcome the affordable housing provision on site
- Lack of school and health care provision in the area

In responding to the issues raised, the applicant's representatives said; the building would achieve an energy rating of; Code for Sustainable Homes Level 4 and would include thick walls to provide good insulation properties, photovoltaic cells would be located on the roof and connectivity to the district heating system was achievable. On the issue of balconies, it was suggested that the proposed large glazed floor to ceiling windows would provide more light for residents and this could not be achieved through the provision of balconies. Lighter materials would be considered, a suggestion that darker material be used on the base of the buildings to avoid graffiti issues was welcomed. (Material samples could be provided at the formal application stage). On the issue of school provision, it was reported that the application would include a Community Infrastructure Levy (CIL) contribution which could be put forward towards this type of infrastructure improvement. The applicant's representative also advised that they were willing to consider alternative uses for the proposed commercial retail space such as a healthcare facility if there was a demand for this.

In offering comments Members raised the following issues:

- Members welcomed the fact that all apartments met National Space Standards.
- Treatment of the outside space was important including public access and connectivity through the site to neighbouring communities.
- Consultation was needed with local community groups

In drawing the discussion to a conclusion Members provided the following feedback;

- Members were of the view that the principles of the development were appropriate
- Members were supportive of the emerging scale, massing and design of the development
- Members were generally supportive of the emerging landscaping scheme and highlighted the need for public access through the scheme and connectivity to neighbouring communities

- Members were supportive to the approach to car and cycle parking provision and arrangements.
- Members welcomed the flexibility of the developer around the use of the commercial units

In summing up the Chair said Members were supportive of the proposal and welcomed the submission of a formal application

**RESOLVED –**

- (i) To note the details contained in the pre-application presentation
- (ii) That the developers be thanked for their attendance and presentation

**Date and Time of Next Meeting**

**RESOLVED –** To note that the next meeting will take place on Thursday, 20<sup>th</sup> July 2017 at 1.30pm in the Civic Hall, Leeds.