

CITY PLANS PANEL

THURSDAY, 28TH AUGUST, 2014

PRESENT: Councillor J McKenna in the Chair

Councillors P Gruen, R Procter,
S Hamilton, G Latty, T Leadley, E Nash,
N Walshaw, J Lewis, C Campbell, C Gruen,
M Coulson and R Finnigan

35 Chair's opening remarks

The Chair welcomed everyone to the meeting, especially the large number of public who were in attendance necessitating holding the meeting in the Council Chamber. For the benefit of the public, the Chair asked Members and Officers to introduce themselves

36 Late Items

There were no late items

37 Declarations of Disclosable Pecuniary Interests

Councillor Nash declared a disclosable pecuniary interest in application 13/05134/OT – land at Breary Lane East Bramhope, through being a Committee Member of the Co-operative Society as the proposals included a convenience store (minute 41 refers)

Councillor Campbell brought to the Panel's attention that in respect of the same application, he had commented on the proposals but stated that he had an open mind on the application and would listen to the arguments before reaching a decision (minute 41 refers)

38 Apologies for Absence

Apologies for absence were received from Councillor Blackburn and Councillor Ingham, with Councillor Finnigan and Councillor Coulson attending as substitutes

39 Minutes

RESOLVED - That the minutes of the City Plans Panel meeting held on 7th August 2014 be approved

40 Application 14/01211/OT - Outline application for mixed use development comprising residential development (C3) up to 700 houses, including Extra Care residential accommodation (C2); retail and community uses (A1 to A5); health care (D1) and education uses (D1); car parking; means of access; infrastructure; open space; landscaping and other associated works including demolition of existing house and agricultural building - Land at East Scholes Ls15

Further to minute 126 of the City Plans Panel meeting held on 12th December 2013, where Panel considered pre-application proposals for a major residential-led development at East Scholes, Members considered the formal application

Plans, photographs and graphics were displayed at the meeting

Officers presented the report of the Chief Planning Officer setting out the application for up to 700 homes, including Extra Care accommodation, retail; community uses, healthcare facilities; education facilities; parking; access; other associated works including demolitions on a circa 32 hectare PAS site located close to the Green Belt and a Conservation Area

The residential accommodation which would be sited across the whole site, would comprise up to 700 homes in a range of sizes. The average density for the residential element of the proposals would be 22 units per hectare. Affordable housing at a level of 15% would be provided with this being either on-site or off-site

In terms of education provision, the full education contribution would be required and a range of options for providing additional primary school places could be considered, however Officers were of the view that the focus should be on provision of a one-form entry primary school on the site

Highways works were outlined and the vehicular access arrangements into the site were explained. Members were informed that public transport from the site was currently limited to journeys to the City Centre and Cross Gates

In respect of public open space, a range of pocket parks, open areas etc were proposed with a total of 4 ha of the site being given over to POS

The S106 contributions were also outlined to the Panel

The Officer's recommendation to Panel was to refuse the application, with possible reasons being included in the report before Members. The Panel was informed it would need to consider whether the application was in accordance with the Development Plan; that the site was allocated as a PAS site and that N34 was applicable in this case. Reference was also made to the Council's Interim PAS Policy and the criteria which had been adopted to enable some of the smaller, sustainable PAS sites to be released early for the development. In respect of this application, the site did not meet the adopted criteria and it was considered to be premature

The Panel was provided with information on the 5 year land supply, with Members being informed Leeds could demonstrate a 5.8 year land supply, with details being given on how this was made up, which included brownfield and greenfield sites, regeneration schemes, windfall sites and smaller PAS sites that met the interim PAS policy

Information regarding the poor sustainability credentials of the site was provided and significant highways concerns were highlighted

The positive aspects of the scheme were also outlined to Members, in that the layout of the proposals was broadly acceptable, although improved buffers to the Green Belt and the Conservation Area would be required. The economic benefits of the proposals in terms of job creation and provision of much needed facilities were also highlighted

Minor amendments to the report in terms of referencing the Barwick and Elmete and Scholes Village Design Statements in the Policy Section of the report, the level of primary school contributions required which was reported as being £2,080,625 for primary, £1,254,045 and the figure for Metrocards, which would £462 per dwelling

Members were also informed that a Utilities assessment had been undertaken and was found to be satisfactory and that the Council's drainage team was content with the proposals

The receipt of an additional letter of representation was reported

In view of the significant number of representations received to this application, the Chair on this occasion allowed the applicant's agent 6 minutes and two objectors 3 minutes each in which to address the Panel

The applicant's agent made representations to the Panel and answered Members' questions, which included:

- the Government's position on new residential development
- that level of new homes required in Leeds
- the build out rates, with the going rate being stated as 35-50 properties per annum and that development could be undertaken by two house builders simultaneously
- that the development would play a role in supporting the long-term function and vitality of this part of the City
- the provision of affordable housing, particularly in view of the high numbers of people currently on housing waiting lists
- the demographics of the area and the need to retain families of working age in this area
- the choice of homes which would be available in the development
- a commitment to maximise school places in the Scholes area
- the new health and retail facilities which would be provided
- an acceptance that further work was needed on the public transport proposals
- the extent of employment which would be created from the development
- the extent of investment and the New Homes Bonus for the Council

The Chair thanked the agent for his presentation and his clarification on aspects of the application, particularly that the development could be undertaken by two house builders simultaneously

The Panel then heard from two local objectors to the proposals, who outlined their concerns which included:

- the unsustainability of the scheme
- the significant highways issues associated with it and the need for the East Leeds Orbital Route (ELOR) to be in place
- the impact the construction period would have on local residents and the local roads
- flooding and drainage issues
- poor public transport in the area
- education provision and that surrounding schools had little or no capacity
- the impact the proposals would have on the character of the area
- the extent of the development and that it would alter the settlement hierarchy of Scholes
- that the proposals were not policy compliant
- the lack of an infrastructure plan and concerns that the provision of facilities would be dependent upon house sales
- that the Council had demonstrated it had a 5.8 year land supply

The Chair thanked both speakers for their presentations and their clarification of the local concerns

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

- the five year land supply; the components of this and the build out rates, with responses on these matters being provided by the Data and GIS Team Leader within City Development
- the willingness of the Council to encourage development; the preference for a brownfield first approach but considering each site on its merits; the early release of some smaller PAS sites by the Council and the need to have a plan-led approach to larger development, through the Site Allocations process
- the likely cost of an affordable dwelling on the site with concerns it would be beyond the reach of most, if not all, people currently on the housing list
- the need for infrastructure to be provided up front, rather than being dependent upon house sales for its delivery, the timescales for development and concerns that much needed facilities to support housing developments did not always come forward, as proposed
- that the scheme did not accord with policy and was not sustainable

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 be premature, being contrary to Policy N34 of the adopted UDP Review (2006) and contrary to Paragraph 85, bullet point 4 of the NPPF. The suitability of the site for housing purposes as part of the future expansion of Scholes needs to be comprehensively reviewed as part of

the preparation of the ongoing Site Allocations Plan and Neighbourhood Plan. The location of the site and its substantial scale means that the proposal does not fulfil the criteria set out in the interim housing delivery policy approved by the Leeds City Council's Executive Board on 13th March 2013 to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan. It is anticipated that the Site Allocations Plan work 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 village in a plan-led way

2 The proposal is contrary to the Draft 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 Scholes which is consistent with its size, function and sustainability credentials. Furthermore, the Draft 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 had not yet been established through the Site Allocations Plan, and the Draft 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, road and public transport improvements. As such the proposal is contrary to Policy SP3 of the adopted UDP Review and Policy SP1 of the Draft Core Strategy. In advance of the Site Allocations Plan, the proposal represents such a substantial expansion of the existing settlement that it is likely to adversely impact on the character, sustainability and identity of Scholes contrary to Policy SG2 of the adopted UPD Review, Policy SP1 of the Draft Core Strategy and guidance on the core planning principles underpinning the planning system as set out in the NPPF

3 The development of this substantial site for residential purposes has poor sustainability credentials and does not meet the minimum accessibility standards set out in the Draft Core Strategy in terms of the frequency of bus services to give access to employment, secondary education and town/city centres. In the absence of any planned or proposed improvements it is considered that the proposal is contrary to Policy T2 of the adopted UPD Review (2006), Policy T2 of the emerging Core Strategy and to the sustainable transport guidance contained in the NPPF and the 12 core planning principles which requires that growth be actively managed to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable

4 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 access points and absorbing the additional pressures place on it by the increase in traffic, cycle and pedestrian movement which will be brought about by the proposed development. The proposal is therefore considered to be contrary to Policies GP5, T2, T2B and T5 of the adopted UDP Review, Policy T2 of the emerging Core Strategy 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

5 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, education, greenspace, public transport, travel planning and off site highway and drainage works contrary to the requirements of Policies H11, H12, H13, N2, N4, T2, GP5 and GP7 of the adopted UDP Review and related Supplementary Planning Documents and contrary to Policies H5, H8, P7, P9, T2, G4 and ID2 of the Draft 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 of the requirements satisfactorily

(Following consideration of this matter, Councillor R Procter left the meeting)

41 Application 13/05134/OT - Outline application for residential development (up to 380 dwellings), a convenience store and public open space - Land at Breary Lane East, Bramhope

(Having declared a disclosable pecuniary interest in this matter, Councillor Nash withdrew from the meeting)

Plans, photographs 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 proposals for a major residential development of up to 380 dwellings, with convenience store and public open space on a PAS site at Breary Lane East, Bramhope

The application was outlined with details being provided in respect of the access arrangements, including emergency vehicle access; the transport assessment with concerns that the impact of the development had been underestimated in the assessment provided by the applicant; relocation of bus stops and that Metro had concerns about this aspect of the proposals and education provision, with the site being offered for a school being designated for a different use

Although the proposals would bring some benefits, it was the view of Officers that these were not outweighed by the concerns which existed with the development and because of this, Officers were recommending refusal of the application, with reasons for refusal being included in the report before Panel

Details of the Council's five year housing land supply were outlined, as on the previous application considered by Panel (minute 40 above refers). Members were informed that one difference in respect of this application was around land availability. The site was located in a housing market characteristic area and there were other suitable sites which were coded green and amber in the Site Allocations DPD map

The Panel considered the application and raised concerns about the siting of some of the greenspace within the Green Belt. To address this, the Chief Planning Officer proposed an amendment of reason for refusal 1 to include the words "...without development in the Green Belt therefore leading to the loss of Green Belt in conflict with section 9 of the NPPF"

Members discussed this approach being adopted for all applications but whilst noting Members' concerns, it was felt by the Chair and Chief Planning Officer that each case had to be considered on its merits

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 this site for housing development would be premature being contrary to Policy N34 of the adopted Leeds Unitary Development Plan Review (2006) and contrary to Paragraphs 85 bullet point 4 of the National Planning Policy Framework. The suitability of the site for housing purposes needs to be comprehensively reviewed as part of the preparation of the ongoing Site Allocations Plan. The location and size of the site means that the proposal does not fulfil the criteria set out in the interim housing delivery policy approved the Leeds City Council's Executive Board on 13th March 2013 to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan. It is anticipated that the Site Allocations Plan work 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 provisions and where that would be best 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 Bramhope in a plan-led way, without development in the Green Belt therefore leading to the loss of Green Belt in conflict with section 9 of the NPPF

2 The Local Planning Authority considers that the applicant has so far failed to demonstrate that the proposals can be accommodated safely and satisfactorily on the local highway network. The proposal is therefore considered to be contrary to Policies GP5 and T2 of the adopted UDP Review and Policy T2 of the emerging Core Strategy and the sustainable transport guidance contained in the NPPF which requires development not to create or materially add to problems of safety on the highway network

3 The Local Planning Authority considers that the proposed development does not provide a suitable means of access into the site and

that as such the proposals would be detrimental to the safe and free flow of traffic and pedestrian and cycle user convenience and safety. For these reasons the application does not comply with Policies GP5, T2, TDB and T5 of the adopted Leeds Unitary Development Plan (Review) 2006, Policies T2 of the emerging core strategy and guidance contained within the adopted Street Design Guide SPD

4 The site does not meet the minimum accessibility standards for residential development as set out in the Council's emerging Core Strategy. The applicant has so far failed to offer suitable mitigation and as such it is considered that the proposal is contrary to Policy T2 of the emerging Core Strategy and to the sustainable transport guidance contained in the NPPF and the 12 core planning principles which requires that growth be actively managed to make the fullest possible use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable

5 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, education, greenspace, public transport, travel planning and off site highway works, contrary to the requirements of Policies H11, H12, H13, N2, N4, T2, GP5 and GP7 of the adopted UDP Review (2006) and related Supplementary Planning Documents and contrary to Policies H5, H8, T2, G4 and ID2 of the Draft 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

6 From the information submitted, the Local Planning Authority is not satisfied that the development of the scale indicated can achieve satisfactory standards of design, landscaping and residential amenity and provision of on-site Greenspace, contrary to Policies GP5, N2, N4 and N12 of the adopted UDP Review (2006) and related Supplementary Planning Documents and contrary to Policies P10, P12 and G4 of the Draft Leeds Core Strategy and guidance in the NPPF

7 It has so far not been demonstrated that part of the site is not required for the provision of a school, contrary to Policy SG3 of the adopted UDP Review (2006) and Policy P9 of the Draft Leeds Core Strategy

42 Date and Time of Next Meeting

Thursday 18th September 2014 at 1.30pm