

## CITY PLANS PANEL

THURSDAY, 7TH AUGUST, 2014

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

Councillors P Gruen, D Blackburn,  
S Hamilton, T Leadley, E Nash, M Ingham,  
J Lewis, C Campbell, C Gruen, A Castle,  
D Cohen and M Rafique

### 27 Chair's opening remarks

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

### 28 Declarations of Disclosable Pecuniary Interests

Councillor Nash declared a disclosable pecuniary interest in application 13/04885/OT, Land at Regent Street/Skinner Lane, through being a Committee Member of the Co-operative Society as the proposals related to a mixed use development, which included a food store (minute 33 refers)

Councillor Leadley brought to the Panel's attention that in respect of application 13/05423/OT, land off Bradford Road East Ardsley, he knew the agricultural tenant of the land (minute 32 refers)

### 29 Apologies for Absence

Apologies for absence were received from Councillors Walshaw, G Latty and R Procter, with Councillors Rafique, Castle and Cohen substituting for their respective colleagues

### 30 Minutes

**RESOLVED** - That the minutes of the City Plans Panel meeting held on 17<sup>th</sup> July 2014 be approved

### 31 Matters arising from the minutes

With reference to minute 20 of the City Plans Panel meeting held on 17<sup>th</sup> June 2014, it was confirmed that the North Bar Stone had been located. Regarding its future and the need for it to be removed before development commenced, a request was made for for the feature to be put back as soon as practicable

**32 Application 13/05423/OT - Outline application for means of access from Bradford Road and to erect residential development - Land off Bradford Road East Ardsley WF3**

Further to minute 177 of the City Plans Panel meeting held on 10<sup>th</sup> April 2014, where Panel considered a position statement on an outline application for means of access from Bradford Road and to erect a residential development, Members considered a further report of the Chief Planning Officer setting out the formal application

Plans, photographs and drawings were displayed at the meeting

The South Area Planning Manager presented the report and outlined the reasons for refusal of the application of the 13.50 hectare PAS site, as set out in the report before Panel. In relation to the first reason, a minor amendment was recommended to Panel to include reference to policy GP5, T2, the Street Design Guide SPD and Neighbourhoods for Living. It was noted that in respect of the third reason for refusal, which related to highways matters, that further detailed plans had been submitted very recently and although some issues remained outstanding, it was possible these could be resolved at a later stage

When Panel had considered the site in April 2014, concerns had been raised about the coalescence of communities; however it was felt that a reason for refusal on these grounds could not be sustained, in view of the UDP Inspector's comments about land separating local communities and the applicant's agreement to address this concern at Reserved Matters stage, through the proposed layout

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

- the likelihood of an appeal being lodged if the application was refused; that the S106 Agreement was not disputed and could be signed at this stage
- that additional information in respect of highways had been submitted to Officers over several months, with increased dialogue in the days before the meeting
- the travelling times on public transport from the site to Leeds and Wakefield, included in the report, with concerns these were not accurate
- that the location of the site was highly accessible

The Panel then heard representations from two speakers who were supporting the Officer's recommendation to refuse the application and who provided information which included:

- the current pressure on infrastructure, including health and education facilities
- the impact of additional traffic on the roads and in terms of additional carbon emissions
- concerns about suitable access to the site for emergency vehicles

- no additional bus routes were being incorporated into the proposals and that residents of the proposed development would need to rely heavily on cars for daily journeys
- concerns about the proposed highways measures to accommodate the development
- the need for a holistic approach to development in the area
- the lack of accommodation for older people
- that the development was not sustainable and would lead to coalescence of East Ardsley and West Ardsley

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

- highways issues
- the local concerns raised about sustainability and lack of infrastructure which supported the argument that the application was premature
- that the application was not in line with Interim PAS policy
- the comments of the agent regarding the S106 Agreement and that the reason for refusal relating to this could be expected to fall away if the S106 was signed
- alternative uses for the site, particularly for education use in view of an additional high school being required for the area in the future

**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 Leeds Unitary Development Plan Review (2006) and contrary to Paragraph 85, bullet point 4 of the National Planning Policy Framework. The suitability of the site for housing needs to be comprehensively reviewed as part of the preparation of the ongoing Site Allocations Plan. The location and/or size of the site means that the proposal does not fulfil the exceptional criteria set out in the interim housing delivery policy approved by the Leeds City Council's Executive Board on 13<sup>th</sup> March 2013 to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan. Furthermore, the ongoing Site Allocations Plan identifies other potential sites which are directly related and share a boundary with the application site which if allocated will need to be comprehensively planned, including any infrastructure requirements, which may be prejudiced if not considered together, with reference to policy GP5, T2, the Street Design Guide SPD and Neighbourhoods for Living

2 The proposal is contrary to the Core Strategy which seeks to concentrate the majority of new development within and adjacent to the main urban areas 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 East Ardsley which is consistent with this size, function and sustainability

credentials. 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. doctors surgeries, schools, roads. As such the proposal is contrary to Core Strategy Policy SP1

3 The Local Planning Authority considers that the applicant has so far failed to demonstrate that the local highway infrastructure is capable of safely accommodating the proposed access and absorbing the additional pressures place 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 Policies GP5, T2, T2B and T5 of the adopted UDP Review

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, education, Greenspace, public transport, travel planning and off site highway works contrary to policies of the Leeds Unitary Development Plan Review (2006) and related Supplementary Planning Documents and contrary to policies of the Draft Leeds Core Strategy and the National Planning Policy Framework. The Council anticipates that a Section 106 Agreement covering these matters will be provided prior to any appeal Inquiry but at present reserves the right to contest these matters should the Section 106 Agreement not be completed to cover all the requirements satisfactorily

**33 Application 13/04885/OT - Outline application for retail (A1) and gym (D2) development with demolition of existing building and new pedestrian and vehicle access - Land at Regent Street/Skinner Lane LS9**

Having declared a disclosable pecuniary interest in this matter, Councillor Nash left the meeting

Councillor Leadley also left the meeting at this point

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

Officers presented the report which sought approval in principle of an outline application for a mixed use development on a long-standing, vacant site on the north-eastern edge of Leeds City Centre, with the proposals being for two retail units, comprising discount food store and bulky goods and a 24 hour gym

Regarding the design of the food store, Members were informed that a store design suitable for a prominent edge of City Centre site and which was in keeping with the surrounding buildings, would be sought

In terms of opening hours and hours of delivery, Members were informed that the gym operator required 24 hour opening, which was a fundamental element of their business model. Having considered this; the proximity of the gym to the entrance of the nearby residential accommodation and the low level of gym use at late night/early morning hours, Officers were of the view that there would be no adverse impact on the amenity of nearby residents from the gym use

Opening hours of the food store as set out in condition no 21 of the draft conditions appended to the submitted report were reported, although a request had been received for one additional hour of trading on Sundays and Bank Holidays, i.e. 10.00 – 17.00 and the same opening hours as normal trading days for Bank Holidays. While this could be accommodated, Officers had concerns about the delivery hours sought, these being 07.00 – 23.00 and had proposed a draft condition limiting these to 08.00 – 20.00, Monday to Saturday and no deliveries on Sundays and Bank Holidays unless agreed in writing by the LPA

Details of the representations received to the proposals were outlined in the report before Panel with Members being informed that the request made by West Yorkshire Combined Authority (Metro) for the provision of a real-time display to be provided in the foyer of the food store had been put to Aldi, the proposed food store operator. Aldi had stated their other stores did not provide this facility and there was limited space around the foyer and beyond the checkout areas to accommodate this, so considered the request to be unreasonable. Members were informed that all other measures set out in the travel plan had been agreed

An error in paragraph 10.1.3 of the submitted report was highlighted, with this being clarified to Members, that based on the retail impact assessment submitted by the applicant, on balance, it was considered that the proposed food store was unlikely to have significant adverse impact on the existing centre at Lincoln Green due to the diversity of their retail offers

At this point Councillor Cohen brought to the Panel's attention that Aldi was a customer of the company which he worked for

Members commented on the application, with the main issues relating to:

- highways, with particular concerns being raised about the level of congestion currently experienced at the junction of Skinner Lane and that little was being provided by way of highway improvement works as part of the proposals. The Transport Development Services Manager stated that widening works along the front of the site to accommodate a right-hand turn lane were proposed and in terms of the wider area, a full traffic assessment had been carried out which showed that the proposals were acceptable. Concerns continued to be raised about highway issues with better reassurances sought on the impact of the proposals and the need for a contribution towards

any highways remediation works which were required. Confirmation was given that as part of the deferral and delegation to Officers, the highway impacts as reported would be verified, prior to the grant of permission

- streetscene; that ground floor active uses were welcomed but that further work should be required to make the area attractive as well as encouraging footfall and that a meaningful pedestrian access on to Regent Street should be provided. Members were informed that Officers had specified that the windows of the foodstore should not be covered by adverts or vinyl stickers
- the need for the standard employment and training wording to be used in relation to the S106 Agreement
- the need for a good quality and imaginative landscape scheme to be provided
- delivery timings; the impact of these on residential amenity and whether the service area could be re-sited to the rear of the building. Members were informed there would be the opportunity to amend the illustrative layout at the Reserved Matters stage. Members considered it appropriate that local Councillors were involved in the next stages of the scheme of development
- the impact of the proposals on small businesses in the area. Officers advised that policy required consideration of the impact on local centres, rather than all retail businesses in the immediate area. Discussion on the impact of the proposals continued with some concerns continuing to be raised about the impact on local, independent retailers and the shops at the Lincoln Green local centre
- the comments of Yorkshire Water as set out in the report
- the need to value Lady Beck within the scheme and make a feature of it. Members were informed this could be considered as part of a Reserved Matters application
- the need for further work on the layout of the car park
- the need for a Real-Time display to be provided
- the view there was not a need for a 24 hour gym
- that the site was in a Ward regarded as being deprived, with particular health inequalities and that the opportunity for local people to purchase cheap, fresh food was important in tackling this issue

The Panel considered how to proceed

**RESOLVED** - To defer and delegate the application to the Chief Planning Officer for approval in principle, subject to the specified conditions set out in the submitted report, the removal of draft condition 20 to allow Pure Gym to operate 24 hours a day, an amendment to draft condition 21 to allow the retail units to open 10am – 5pm on Sundays and 8am – 10pm on Bank Holidays, an amendment to draft condition 22 to specify delivery hours of 07.00 – 20.00 Monday – Saturday and no deliveries on Sundays and Bank Holidays (and any others which he might consider appropriate) and following the completion of a Section 106 Agreement to cover the following matters:

- the provision of a Real-Time display in the food store - £5,000
- public transport contribution prior to occupation - £45,133
- travel plan implementation and monitoring fee prior to occupation - £2500
- employment and training opportunities for local people in City and Hunslet, or any adjoining Ward
- management fee payable within one month of commencement of development - £1500

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 and to note that the Reserved Matters application should be considered by Panel in view of the many issues raised about the layout appearance and landscaping shown on the illustrative scheme

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

Thursday 28<sup>th</sup> August 2014 at 1.30pm in the Civic Hall, Leeds