

## CITY PLANS PANEL

THURSDAY, 3RD JANUARY, 2019

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

Councillors D Blackburn, T Leadley,  
N Walshaw, C Campbell, A Khan,  
A Garthwaite, E Nash, P Carlill, C Gruen,  
J Goddard, B Anderson, D Cohen and  
P Wadsworth

A Member's site visit was held in connection with the following applications: Application No. 18/06677/FU – M621 Junction 7, Park and Ride facility, and Application No. 18/03744/FU – Melbourne Street, Leeds and was attended by the following Councillors: J Mckenna, N Walshaw, A Khan, A Garthwaite, P Carlill, C Gruen, J Goddard, C Campbell, D Cohen, P Wadsworth, T Leadley and D Blackburn.

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

There were no appeals against the refusal of inspection of documents.

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

That, in accordance with Regulation 4 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during consideration of the following parts of the agenda designated as exempt on the grounds that it is likely, in view of the nature 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 so designated as follows:-

Appendix No.2 to Planning Application 18/02481/FU report was deemed exempt from publication in accordance with Access to Information Rule 10.4 (3) as it included information which provided financial viability information concerning the business affairs of the applicant. It was considered that it was not in the public interest to disclose this information as it would be likely to prejudice the applicant's commercial position. (Minute No. 119 referred)

### **111 Late Items**

There were no late items of business identified.

### **112 Declarations of Disclosable Pecuniary Interests**

There were no declarations of any disclosable pecuniary interests.

### **113 Apologies for Absence**

There were no apologies for absence.

#### **114 Minutes of the Previous Meeting**

The Minutes of the previous meeting held on 6<sup>th</sup> December 2018 were submitted for comment / approval.

Members requested a minor change to the wording of Minute No. 101 to include the provision of Birch Trees within the landscaping proposals. A further amendment was required to Minute No. 104 stating that “the applicant suggested a condition could be added which could limit the amount of retail floor space to be used prior to the completion of the MLLR”

**RESOLVED** – That, with the inclusion of the above, the minutes of the previous meeting held on 6<sup>th</sup> December 2018 be accepted as a true and correct record.

#### **115 Matters Arising from the Minutes**

There were no issues raised under Matters Arising.

#### **116 Application No. 18/06677/FU - The development of a Park and Ride facility with car parking for up to 1,200 cars; associated single storey terminus building, landscaping, CCTV, lighting, fencing and associated infrastructure at Land Adjacent to the M621 Junction 7 Roundabout, Bordered By Hunslet Cemetery to the West by, the A61 and the Motorway/ A61 Circulatory to the East and North, and the Middleton Residential Area to the South.**

(Prior to consideration of the following item Councillor E Nash informed the meeting that she had assiduously avoided as far as possible, getting into debates about this proposal at residents meetings and she had not responded to articles in the local newspaper. However, in the interest of openness and transparency, she would not participate in the discussion or any subsequent vote on this application. Councillor Nash then withdrew from the meeting)

The Chief Planning Officer submitted a report which set out details of an application for the development of a Park and Ride facility with car parking for up to 1,200 cars; associated single storey terminus building, landscaping, CCTV, lighting, fencing and associated infrastructure at land adjacent to the M621 Junction 7 Roundabout, bordered by Hunslet Cemetery to the west, by the A61 and the Motorway/ A61 circulatory to the east and north, and the Middleton Residential Area to the south.

Members visited the site prior to the Meeting. Site photographs and plans were displayed and referred to throughout the discussion of the application.

Planning Officers together with the applicant’s representatives addressed the Panel, speaking in detail about the proposal and highlighted the following:

- Site/ location/ context
- Site boundary
- The proposal to create a Park and Ride facility with car parking for 1200 cars
- Single storey terminal building, vehicle shelters and CCTV monitoring
- Access arrangements
- Dedicated cycle ways and footways
- Landscaping proposals, new tree planting to protect the setting to the nearby cemetery
- Proposals for off-site highway works

The Panel heard from Rob Chesterfield – Stop the Park and Ride in Stourton (SPARS) who was objecting to the proposal.

Mr Chesterfield said that there was a lot of concern that the issues raised by residents of the Stourton and Middleton areas and referred to in paragraph 8.4 of the submitted report had not been heard. A petition containing 3000 signatures opposing the scheme had also been prepared and submitted to the Council. Referring to the consultation on the scheme Mr Chesterfield said consultation had been low key, some public meetings had been arranged but notification about the meetings was poor and as a result attendance was low. Mr Chesterfield said it was the view of SPARS that the site before Members was not the right location for a large park and ride facility and that it would not improve traffic congestion.

Questions to Mr Chesterfield – None

The Panel heard from Martin Fitzsimmons (Will Contacts Spencer) who was also objecting to the proposal.

Mr Fitzsimmons suggested that investigations as to the suitability of the site had not been fully completed. The site was located on an area of wetland with Stourton Beck running through the site. It was suggested there would be a high risk of flooding. Earlier proposals on the use of the site (1985) suggested the land was not suitable for any building works. Mr Fitzsimmons said he was supportive of a Park and Ride facility but not in this location.

Questions to Mr Fitzsimmons – None

The Panel then heard from John Leggett (Applicants Agent) who was supportive of the application.

Mr Leggett said he was supportive of the planning officer's recommendation for approval of the application. The site was designated in the Aire Valley Leeds Area Action Plan for a bus based Park and Ride facility. Approval of the scheme would allow extensive landscaping of the area. Commenting on the consultation process Mr Leggett said extensive consultation had taken place since 2017 resulting in the developers working with local resident groups to mitigate their concerns. The aim of the Park and Ride facility was to take traffic off the motorway, it was understood there were some concerns over

safety but suitable conditions would be included within any planning consent. Mr Leggett said Park and Ride facilities such as the one proposed enjoyed strong support across the city.

#### Questions to Mr Leggett

- How would possible flooding of the site be addressed

In responding Mr Leggett said that a full drainage assessment would be undertaken and a system designed to ensure the site would drain correctly

Members raised the following questions to officers:

- Referring to the site plans on pages 47 – 48 of the submitted report Members suggested there was very little detail provided
- A number of Members expressed the view that this was a wide open site with a large parking area, what was being done to break up the site. Members required further details about the landscape proposals and in particular details of the boundary treatment to the cemetery
- Would disabled toilets and changing facilities be incorporated within the terminal building
- Would appropriate measures be put in place to reduce traffic speed for vehicles exiting the motorway to access the south side of the facility, the submitted plans did not provide sufficient detail
- What security/ crime prevention measures for the site were proposed

In responding to the issues raised, the applicant's representative and council officers said:

- The City Centre Team Leader accepted the site plans had been poorly copied and provided very little detail, however the site visit undertaken earlier in the day would have provided an opportunity for Members to understand the site and surroundings in sufficient detail
- Members were informed that a landscape strategy had been submitted but further revised plans were required to understand the contouring and levelling of the site.
- Members were informed that Building Regulations required that toilet facilities would be provided. A further condition could be added to ensure changing facilities were also provided.
- The Highway officer confirmed that a full transport assessment had been undertaken and as a result a traffic light controlled gyratory system would be introduced
- Members were informed that security/ crime prevention measures were set out within section 4.4 of the submitted Transport Assessment, which include 24/7 CCTV coverage of the site, a permanent staff presence whilst the facility was in operation, the provision of height restriction barriers at vehicle entrances and the provision of "A-Frame" barriers on the new footpaths/ cycle ways together with additional lighting.

In offering comments Members raised the following issues:

- Members were supportive of the principle of the Park and Ride scheme at this location
- Concern was expressed that the level of detail provided for the landscaping and terminal building design was insufficient and that determination of the application should be deferred to await the submission of final detailed designs of the scheme
- Some Members wanted to see an improvement to the design of the terminal building such as the incorporation of a green wall and the inclusion of a changing places facility
- Mixed views were expressed about the provision of a café facility and a clock tower on the terminal building, some Members were supportive of these elements others were not of the same view

In summing up the Chair thanked all parties for their attendance and contributions, he said Members appeared to be generally supportive of the principle of the application but it had been made clear in the discussion that Members required a better understanding of the proposed highway works, and had concerns about the details of the landscape proposals, particularly details of the boundary treatment to the cemetery and concerns were also expressed about the design of the terminal building.

**RESOLVED** – That determination of the application be deferred for one cycle (24th January 2019) to await the submission of further detailed designs of the scheme

**117 Application 18/05017/FU - Removal of condition 50 (MLLR delivery) of approval 16/07938/OT, on land Between Barrowby Lane and Manston Lane, Thorpe Park, Leeds**

With reference to the previous meeting and the decision to defer determination of the application for one cycle (3<sup>rd</sup> January 2019) to await the submission of a further progress report on the delivery of the Manston Lane Link Road (MLLR).

The Chief Planning Officer now submitted a further update report which set out details of an application which sought the removal of condition No.50 (MLLR delivery) of approval 16/07938/OT, on land between Barrowby Lane and Manston Lane, Thorpe Park, Leeds.

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

Planning Officers together with the applicant's representatives addressed the Panel, speaking in detail about the proposal and highlighted the following:

- The report before Members was an update report, the application was last considered by Panel on 6<sup>th</sup> December 2018

- Ground works were now complete, eliminating the danger of finding more mine entries
- The biggest threat to further delays in the programme of works would be poor weather conditions
- A new proposed completion date of 30<sup>th</sup> April 2019 (back stop date) was considered achievable by the developers
- Monitoring/ update reports would be provided on a monthly basis
- A suggestion to impose a condition preventing the cinema element from opening in late February/ early March was considered by officers to be unreasonable but restrictions on other retail and leisure floorspace was considered a sensible solution
- Some weekend working had taken place resulting a clawback of 1.5 weeks

The Panel then heard from Councillor Peter Gruen, Local Ward Councillor

Councillor Gruen informed Members that the developers of the site, Scarborough Developments had worked well overall but correspondence continued to be received from local residents concerned at the delay in completion of the MLLR. The original completion date was 21<sup>st</sup> December 2018, following delays to the programme a new backstop date of 28<sup>th</sup> February 2019 was suggested. It was now understood that the completion date had now slipped to 30<sup>th</sup> April 2019. Councillor Gruen said the programme had slipped 4 months in a period of 2 months with mine entries, poor weather conditions and complications with the bridge contractors all put forward as causes for delays in completion of the scheme.

Questions to Councillor P Gruen

- The new back stop date of 30<sup>th</sup> April 2019, was it achievable
- In your opinion what were the causes for the delay
- Was it too late for a more robust monitoring process

In responding to the issues raised, Councillor P Gruen said:

- I hope the MLLR can be completed by that date, but a realistic incentive needs to be set for the developer
- Members had already been made aware that mine entries, poor weather conditions and complications with the bridge contractors all contributed to delay of the scheme, but also certain sections of the scheme were prioritised over others resulting in other sections of the MLLR not being delivered at the same rate.
- Councillor Gruen suggested that it was late in the day for a more robust monitoring process but it was hoped that through the monitoring process reassurance could be provided. Pressure needs to be kept on the contractors to complete the job

Questions to the Developer

- Was the monitoring regime sufficient
- Could any reassurance be provided around the remaining work programme
- In terms of the frequency of the updated progress of works (monitoring reports) could these be provided on a 3 weekly basis in order to keep Panel informed

In responding to the issues raised, the applicant's representative and council officers said:

- Members were informed that the monitoring regime was sufficient, meetings were held every 4 weeks, on site with contractors and LCC Highway officers in attendance
- Members were informed that a number key issues were complete: works to cap the mines entries and the railway bridge were now finished, the only foreseeable delays may arise as a result of poor weather
- Officers confirmed that updated progress of works (monitoring reports) would be provided every 3 weeks with Panel Members being kept informed

In offering comments Members raised the following issues:

- The developers were dismissive of the issues around timing and the delivery of the MLLR but were now doing all they could to progress the scheme
- There must be robust monitoring arrangements in place, this was an exercise in lessons learnt

In summing up the Chair thanked Local Ward Members and the applicants for their attendance and contributions. The Chair suggested delays in the completion of the MLLR was disappointing but the main issues which had caused the delay had now been completed and it was hoped that the completion date of 30<sup>th</sup> April would be achieved.

**RESOLVED** – That the application be deferred and delegated to the Chief Planning Officer for approval subject to the conditions specified in Appendix 2 of the submitted report and with an amendment to Condition No.50 requiring an updated programme of works be submitted to the Local Planning Authority on a 3 weekly basis (and any others which he might consider appropriate) and the completion of a Deed of Variation to the existing Section 106 Agreement, so the obligations apply equally to the varied permission (Appendix 2 referred). The obligations to be contained in the Deed of Variation are to secure the following:

- No non-B1 development, nor any B1 office development of 37,000sqm or greater shall be first brought into use until all land (currently identified for indicative purposes in the Expansion Layout) reasonably necessary to deliver the best strategic route through the development to accommodate both strategic

(ELOR) traffic while also serving the development including the associated junction alterations has been dedicated as public highway.

- Ecological mitigation contribution of £5,000 at first occupation of any development and every subsequent year for 9 years (total of £50,000 index linked).
- Delivery of agreed Public Transport Strategy (including provision of 2 x bus shelters with associated Real Time Information)
- Public Access to Thorpe Park and the provision of 50 parking spaces within Thorpe Park to be utilised by visitors to the playing pitches within Green Park.
- Compliance with the Local Employment Strategy.
- At first occupation of any retail development and for two subsequent years a contribution of £20,000 that can be used to mitigate against any adverse retail impact in designated local centres.
- Ensure compliance with the Travel Plan and secure a Travel Plan Review Fee of £20,000.
- Delivery of the playing pitches and changing rooms at Green Park within 3 months of an implementable consent for the works and further phased (index linked) contributions for the delivery of the remainder of Green Park.

In the event of the Section 106 Agreement not having 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.

**118 Application No. 18/03744/FU for the erection of 100 apartments in two buildings between 5 and 7 storeys, 3 commercial units (A1,A2,A3,B1,D1), 3 no. car parking spaces on land located between Melbourne Street and Lower Brunswick Street, Leeds**

The Chief Planning Officer submitted a report which set out details of an application for the erection of 100 apartments in two buildings between 5 and 7 storeys, 3 commercial units (A1,A2,A3, B1 and D1), 3 car parking spaces on land located between Melbourne Street and Lower Brunswick Street, Leeds.

Members visited the site prior to the Meeting. Site photographs and plans were displayed and referred to throughout the discussion of the application.

Planning Officers together with the applicant's representatives addressed the Panel, speaking in detail about the proposal and highlighted the following:

- Site/ location/ context
- Site layout
- The erection of 2 buildings between 5 and 7 storeys in height, separated by a central area of open space



- 100 apartments in total all meet the requirements of the Nationally Described Space Standards with the exception of a single studio apartment (33 sqm)
- 3 commercial units located at ground floor level
- Rooftop garden areas
- Areas of public realm throughout the site
- Public open space
- Footpaths widened/ tactile paving
- Car parking/ cycle parking / refuge storage areas
- Materials – Brick / light coloured masonry cladding/ glass
- 5% affordable housing controlled through a Section 106 Agreement along with the standard fallback clauses

Members raised the following questions:

- Referring to the affordable housing provision, Members sought clarification with regard “the standard fall back clauses”
- As part of the proposal could Lower Brunswick Street be resurfaced with cobble sets
- Referring to the plant room at ground floor level, Members queried how this would appear at street level
- The provision of 11 trees across the site, could assurances be provided that planters would not be used and what species of trees were to be used
- Would it be possible to increase the size of the studio apartment on the 5<sup>th</sup> floor studio to make it compliant with space standards

In responding to the issues raised, the applicant’s representative and council officers said:

- Members were informed that applicants were required through the legal agreement to work with a registered provider to deliver the affordable housing provision on site. If a registered provider could not be attracted to deliver the affordable units on site then a commuted sum would be sought to deliver off site affordable housing, this was known as the fall back position
- Referring to the possible resurfacing of Lower Brunswick Street the Planning case officer said that “missing cobble sets” would be replaced and this would be agreed/ controlled through the use of a 278 Agreement
- Members were informed that “dummy glass” would be used to screen the plant room at the lower levels
- Members were informed that the full landscaping details were to be controlled by planning condition but the views of Members about the use of planters would be made known to the applicant. Details of tree species would be notified to Members in due course.
- The Architect confirmed that attempts had been made to make all apartments space standard compliant but it could not be achieved in one instance

In offering comments Members raised the following issues:

- It was the general view of Members that this was a good scheme
- One Member suggested this was an imaginative design
- One Member said that one of the apartments was below the required space standards, the Council had a policy and it should adhere to that policy

Commenting on the latter point the Chief Planning Officer said the application was for 100 apartments with only one of those apartments being below the national space standards and the reasons for this were set out in the submitted report. In this case the officer advice was that the benefits of the proposal outweighed this short fall and the application should be supported.

In summing up the Chair thanked all parties for their attendance and contributions, he suggested the majority of Members appeared to be supportive of the application.

**RESOLVED** – That the application be deferred and delegated to the Chief Planning Officer for approval subject to the conditions specified in the submitted report (and any others which he might consider appropriate) and following the completion of a Section 106 agreement to include the following obligations:

- Provision of 5% (5 units) affordable housing units with standard fall back clauses
- £24,750 Residential Travel Plan fund
- £2,500 Travel Plan Review Fee
- £10,000 for new bus stop on North Street
- £8,000 for amendment to existing 'No Waiting' TRO's in the area.
- Control over public realm maintenance and 24 hour accessibility
- Local Employment Initiatives
- Any other obligations which arise as part of the application process.

In the event of the Section 106 having 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.

(Under the provision of Council Procedure rule 16.5 Councillor Campbell required it to be recoded that he was not supportive of the application)

**119 Application No.18/02481FU - Two residential blocks at 17 and 21 storey's high, comprising of 463 flats with linked podium, car parking, landscaping and associated facilities At Doncaster Monk Bridge Whitehall Road, Lower Wortley Leeds LS12 1BE**

The Chief Planning Officer submitted a report which set out details of an application for two residential blocks at 17 and 21 storey's high, comprising of

463 flats with linked podium, car parking, landscaping and associated facilities at Doncaster Monk Bridge, Whitehall Road, Lower Wortley, Leeds, LS12 1BE.

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

Planning Officers addressed the Panel, speaking in detail about the proposal and highlighted the following:

- Site/ location/ context
- Masterplan
- The erection of two residential blocks; 17 and 21 storeys in height, 463 residential apartments specifically built for rental purposes (PRS)
- Accommodation to include: 70 Studio Apartments, 162 X 1 bedroom apartments, 208 X 2 bedroom apartments and 23 X 3 bedroom apartments (All in accordance with National Space Standards)
- 102 car parking spaces available at ground floor and basement level, 448 cycle parking spaces and 48 motor cycle spaces
- Access off Whitehall Road
- Entrance areas/drop off areas/ loading bays/ refuse strategy
- Landscaping/ public realm areas
- Communal amenity space
- Materials – brick/ glazing
- Wind mitigation measures

(At this point the meeting went into closed session to receive information about the financial viability of the scheme)

The meeting returned to open session

The Panel then heard from Andrew Steer (Director, for and on behalf of City Island Management Limited) who were objecting to the scheme.

Mr Steer informed Members that the City Island development was 14 storeys in height, the proposed Monk Bridge development was far higher ranging in height between 17 and 21 storeys. The proposed new development was not in keeping with the surrounding area, residents occupying City Island would experience a loss of; light, privacy and views over the city.

Mr Steer suggested the submitted report did not grapple with the issues raised in a meaningful way and the proposal would impact significantly on the residents of City Island who were of the view this was a gross overdevelopment of a small site.

Questions to Mr Steer - None

Members raised the following questions:

- Had adequate consultation taken place

- Were Officers aware of the sunlight study that had been produced
- Was there a need for a sustainable travel plan fund contribution for this particular application
- What was the distance between this development and the City Island development
- The proposed development would include 23 x 3 bedroom apartments (Family accommodation) what was the nearest school provision
- In this case could the sustainable travel plan fund be used to fund more affordable housing provision

In responding to the issues raised, the applicant's representative and council officers said:

- Members were informed that adequate consultation had taken place, the proposal had been advertised by site notice and in the press as per the statutory requirements
- The City Centre Team Leader was aware of the sunlight assessment undertaken by the applicant looking at potential impact throughout the year concluding that there was no effect to City Island. At a distance of 110m from City Island officers had no reason to question the conclusion.
- The City Centre Team Leader said the inclusion of a sustainable travel plan fund contribution was a crucial part of the City Council's overall transport strategy
- Members were informed that the distance between this development and the City Island development was 110m
- The City Centre Team Leader confirmed that the Ruth Gorse Academy was the nearest secondary school provision to the development. It was also stated that the Community Infrastructure Levy (CIL) contribution would be the appropriate way to fund further education provision in this case
- The Chief Planning Officer confirmed that affordable housing provision could be "topped up" by using the sustainable travel plan fund in this case. Members would be making a recommendation to apply the council's planning policies in a flexible manner due the financial viability considerations in this particular case. This would not signal an intention to change the policy. Officers could consider with the applicant whether additional affordable housing provision can be achieved on site in this way.

In offering comments Members raised the following issues:

- Members were generally supportive of the application suggesting that it was a good scheme

In summing up the Chair thanked all parties for their attendance and contributions suggesting Members appeared to be supportive of the application.

**RESOLVED** – That the application be deferred and delegated to the Chief Planning Officer for approval subject to the conditions specified in Appendix 1 of the submitted report (and any others which he might consider appropriate) and with a recommendation that funding from the sustainable travel fund be used to provide affordable housing units on site if possible, and following the completion of a Section 106 agreement to include the following obligations:

- Provision of 16 affordable units (3.45%) plus a commuted sum of £132,063 (subject to further consideration as resolved above)
- Sustainable Travel Plan Fund contribution of £94,592.50 (subject to further consideration as resolved above)
- Travel Plan together with monitoring fee of £4,315;
- City Car Club contribution of £20,000 to create car club space within the site;
- Traffic Regulation Order contribution £7,500
- Use of local employment skills in construction

In the event of the Section 106 Agreement having 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.

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

**RESOLVED** – To note that the next meeting will take place on Thursday 24<sup>th</sup> January 2019 at 1.30pm in the Civic Hall, Leeds.