



Report of the Chief Planning Officer

PLANS PANEL EAST

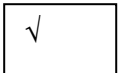
Date: 5 August 2010

Subject: 30 APPLICATIONS (AS LISTED BELOW) TO VARY CONDITIONS RELATING TO NUMBER OF UNITS, AFFORDABLE HOUSING, GREENSPACE, EDUCATION PROVISION, PUBLIC TRANSPORT PROVISION AND LAND CONTAMINATION, AND TO EXTEND THE TIME LIMIT OF APPLICATIONS FOR RESIDENTIAL DEVELOPMENT AT 10 SITES IN BEESTON HILL AND HOLBECK

APPLICANT	DATE VALID	TARGET DATE
Dept Of Environment & Neighbourhoods, Leeds City Council	17 & 24 June 2010	16 & 23 September 2010

Electoral Wards Affected:

Beeston Hill & Holbeck
City & Hunslet



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

- 1. Folly Lane -**
10/02786/LA
10/02785/LA
10/02947/EXT
Outline application number 08/03012/LA.
Removal of condition 3 and variation of conditions 4, 5, 6
Removal of condition 7
Extension of time application
- 2. Holbeck Towers**
10/02780/LA
10/02779/LA
10/02887/EXT
Outline application number 08/03018/LA
Removal of conditions 3 and 5 variation of conditions 4, 6, 18,19
Removal of condition number 7
Extension of time application
- 3. 1 – 21 Coupland Rd**
10/02772/LA
10/02770/LA
10/02956/EXT
Outline application number: 08/04065/LA.
Removal of condition 3 and variation of conditions 4,5, 6
Removal of condition 7
Extension of time application
- 4. 1 – 4, 2 – 20 St Luke's Green –** Outline Application number 08/04066/LA
10/02774/LA
Removal of condition 3, variation of conditions 4, 5 and 6

- | | |
|--------------|-------------------------------|
| 10/02773/LA | Removal of condition 7 |
| 10/02957/EXT | Extension of time application |
- 5.** 15 – 44 Coupland Place – Outline Application number: 08/04067/LA.
- | | |
|--------------|--|
| 10/02769/LA | Removal of condition 3 and variation of conditions 4, 5, 6 |
| 10/02768/LA | Removal of condition number 7 |
| 10/02958/EXT | Extension of time application |
- 6.** Malvern Rise – Outline Application number: 08/04272/LA.
- | | |
|--------------|--|
| 10/02778/LA | Removal of conditions 3 and 5 variation of conditions 4, 6 |
| 10/02777/LA | Removal of condition number 7 |
| 10/02952/EXT | Extension of time application |
- 7.** Waverley Garth – Outline Application number: 08/04274/LA.
- | | |
|--------------|---|
| 10/02783/LA | Removal of condition 3, variation of conditions 4, 5 and 6. |
| 10/02782/LA | Removal of condition 7 |
| 10/02955/EXT | Extension of time application |
- 8.** 165 – 183 & 131 – 159 Malvern Road – Outline app number: 08/04276/LA.
- | | |
|--------------|--|
| 10/02776/LA | Removal of condition 3 and variation of conditions 4, 5, 6 |
| 10/02775/LA | Removal of condition number 7 |
| 10/02954/EXT | Extension of time application |
- 9.** 53 to 133 Bismarck St, 1 to 75 Bismarck Dr – Outline App No.08/04334/LA.
- | | |
|--------------|--|
| 10/02788/LA | Removal of condition 3 and 5, variation of 4, and 6. |
| 10/02787/LA | Removal of condition 7 |
| 10/02951/EXT | Extension of time application |
- 10.** 10 - 64 Fairfax Rd Outline Application number: 08/4335/LA.
- | | |
|--------------|--|
| 10/02784/LA | Removal of condition 3 and variation of conditions 4, 5, 6 |
| 10/02781/LA | Removal of condition number 7 |
| 10/02949/EXT | Extension of time application |

RECOMMENDATION:

DEFER AND DELEGATE to the Chief Planning Officer for approval of all applications listed above, subject to the specified conditions set out in the appendix to this report and following the expiry of the consultation time period (10 August 2010) relating to the additional site notices which have been posted as set out in section 6 of this report.

1.0 INTRODUCTION:

- 1.1 As part of a £160m social housing PFI project for Little London, Beeston Hill and Holbeck, outline planning permission was granted for residential development of these sites following consideration at the Plans Panel meeting of 23 October 2008. A position statement was brought to the Plans Panel East meeting on 9 September 2009 regarding the progression of the reserved matters schemes.
- 1.2 The project has now been developed in much greater detail and has reached the stage where two rival bidders have drawn up schemes for each of the sites. At the next stage of the project, a successful bidder will be selected, and that bidder will submit detailed Reserved Matters schemes, likely to be in November 2010. The

proposals are all for social housing and will be affordable housing managed and owned by the Council.

- 1.3 Two consortia have been short listed by the Council for the Little London, Beeston Hill and Holbeck social housing PFI project, these are Sustainable Communities for Leeds and Regenter. In advance of choosing the successful bidder, the Council wish to amend the conditions attached to the outline consents in light of changes to the nature of the project.
- 1.4 Outline permission was granted on 12 sites, however only 8 of the sites are now progressing to the detailed planning application stage. There are 10 applications submitted for variation of conditions as two sites may be subject of a future scheme but are not progressing at this stage (Waverley Garth & Malvern Rise). The original proposal included private homes for sale; this revised scheme only includes provision for council homes.
- 1.5 There are now a number of conditions which are no longer wholly relevant or no longer match the scope of the project and these applications seek to vary these conditions and extend the time period for implementation. These applications are all brought to Plans Panel for consistency as the outline permissions were granted by Plans Panel.

2.0 PROPOSAL:

- 2.1 These applications broadly relate to 5 different conditions attached to the outline consent;
- affordable housing,
 - number of dwellings across the sites,
 - education facilities,
 - greenspace provision
 - public transport provision.

- 2.2 The Holbeck Towers site, also includes proposals to vary the contamination conditions 18 and 19 as this site will be developed in a phased manner.

Condition 3 - Affordable housing

- 2.2 All of the applications involve either the removal or variation of the affordable housing condition. The affordable housing condition attached to the outline permissions is set out below and seeks to provide 15% affordable dwellings on private sites and a total of 350 dwellings on the remaining sites which were to be developed by the Council.

- 2.3 *No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the provision of a total of 350 new affordable social rent units on the application sites set out within Schedule 1 below; and a minimum of 15% provision of affordable housing on the site in Schedule 2 in accordance with the requirements of policies H11, H12 and H13 of the Leeds Unitary Development Plan Review 2006. The scheme shall identify the location and type of affordable housing and the mechanism and timetable for the delivery of its construction and affordability. The affordable housing shall be provided in accordance with the approved scheme. In the interests of providing affordable housing in the area*

- 2.4 The majority of these s73 applications involve the removal of this affordable housing condition on the basis that the private development element of the scheme has been removed and the whole of the sites are to be developed for Council homes and which will have rental levels at the same level as social rents applied to all other Council owned rented housing in Leeds. The Right to Buy (RTB) scheme for tenants who have spent either 2 years or 5 years as a public sector tenant, to be able to buy their homes at an affordable discounted rate will be available. If homes bought within the first 5 years of the sale under the RTB scheme they will need to pay back the discount on a sliding scale and within the first 10 years of completion of the RTB sale, the owner is required to offer the right of first refusal to the Council at market value. These measures act as a disincentive to RTB homeowners selling on their Council homes at a profit and will help ensure a continuous supply of affordable housing.
- 2.5 On two sites (Waverley Garth and Malvern Rise) which are not part of the PFI reserved matters project and are to be developed separately for private housing, and for the Holbeck Towers site which is to be developed in two phases (part council housing and part reserved for a future phase of private development) the matter of affordable housing has been considered within the department and discussed with Environments and Neighbourhoods. On these sites the Council's standard affordable housing condition could be applied, however as there is such a significant provision of affordable/ social housing across the other 8 sites (inc Phase 1 Holbeck Towers), it is proposed to remove this requirement in order to aid the regeneration of the wider area.

Condition 4 - Total number of dwellings across the sites

- 2.6 All of the applications propose to vary condition 4 relating to number of units to be delivered. The current wording of this condition is as follows;
- 2.7 *No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a development scheme for the application site and the sites listed in Schedules 1 and 2 below. The development scheme shall identify the number of dwellings to be built on each site (which shall not exceed in total 700 dwellings) and the timescale for delivery. In the interests of highway and pedestrian safety and the proper planning of the area.*
- 2.8 The redevelopment project no longer includes Cambrian Street and Meynell Heights, and Waverley Garth and Malvern Rise are subject to demolition only at this stage but will potentially be developed at a later date. Schedules 1 and 2 as referred to in the current condition are no longer correct, and the maximum number being 700 dwellings is no longer accurate. The reason for this maximum number of units is based on the transport assessment for the works.
- 2.9 The total number of dwellings across the PFI sites will be 275 and these are the sites included in Schedule 1 – Holbeck Towers (phase 1), Fairfax Road, Coupland Road, Coupland Place, Bismarck Street/ Drive, Folly Lane, Malvern Road and St Luke's Green. The revised wording proposed is set out below;
- 2.10 *Development of the sites listed in Schedule 1 shall not exceed 275 units, unless otherwise agreed in writing with the Local Planning Authority. In the interests of highway and pedestrian safety and the proper planning of the area.*
- 2.11 Schedule 1 sites would be as follows;

Folly Lane - Application number: 08/03012/LA, 10/02947/EXT.
Holbeck Towers (phase 1) - Application Number: 08/03018/LA, 10/02887/EXT.
Coupland Road - Application number: 08/04065/LA, 10/02956/EXT.
St Luke's Green - Application Number: 08/04066/LA, 10/02957/EXT.
Coupland Place - Application number: 08/04067/LA, 10/02958/EXT.
Malvern Road - Application number: 08/04276/LA, 10/02954/EXT.
Bismarck Drive/ Street - Application number: 08/04334/LA, 10/02951/EXT.
Fairfax Road - Application number: 08/4335/LA, 10/02949/EXT.

Condition 5 - Education facilities

- 2.12 All applications propose variation of this condition, as the schedules referred to have now altered. The current wording of this condition is as follows;
- 2.13 *No development shall be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the provision of additional educational facilities generated by the application site and the sites listed in Schedules 1 and 2, and the educational facilities, if required, shall be provided in accordance with the approved scheme. To ensure that the educational needs of the area are met.*
- 2.14 In addition to the schedules changing since the outline permission was granted, it should also be noted that the provision of educational facilities will only be a requirement on sites which deliver more than 50 dwellings and it is anticipated that this would only be the case on the larger sites – Bismarck Dr/St and Holbeck Towers. The revised condition 4 set out above will restrict development across all of the sites to no more than 275 dwellings.
- 2.15 In relation to the larger sites (Bismarck Dr/ Street and Holbeck Towers Phase 1) where the number of units is likely to exceed the threshold of 50 dwellings for education provision, it is proposed to waive this condition based on the significant clearance of units which will take place and the fact that this would therefore not place any greater pressures on educational requirements, and also based on the funding of the project which is funded by Homes and Communities Agency which cannot be allocated to financial contributions such as Education Provision.
- 2.16 For the private development sites (Waverley Garth, Malvern Rise and Holbeck Towers Phase 2), the following condition is proposed to secure educational provision;
- 2.17 *If more than 50 units are to be developed on the site, a scheme for the provision of additional educational facilities generated by the application site shall be submitted and approved in writing by the LPA and the educational facilities shall be provided in accordance with the approved scheme. To ensure that the educational needs of the area are met.*

In relation to Holbeck Towers, a phasing condition is required for the submission of a plan identifying phase 1 and phase 2 of the site, as this is not determined until the preferred bidder has been chosen.

Condition 6 – greenspace provision

- 2.18 It is proposed that condition 6 is amended for all of the sites, as the schedules which are referred to in this condition have changed since the time which outline was granted. The current wording of this condition is as follows;

- 2.19 *No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the provision of greenspace and leisure facilities on the sites set out in Schedules 1 and 2 and/or the enhancement of existing greenspace in the Beeston Hill and Holbeck Land Use Framework area, pursuant to Policies N2 and N4 of the Leeds Unitary Development Plan Review 2006. The scheme shall include details of the extent, location and maintenance of such greenspace and leisure facilities and details of timescales for delivery, and the greenspace/leisure facilities shall be provided and/or enhanced in accordance with the approved scheme. To ensure provision of greenspace and leisure facilities in the area.*
- 2.20 The proposed wording for the sites which are to be developed as part of the PFI project is as follows ;
- 2.21 *No development shall commence until there has been submitted to and approved by the Local Planning Authority a scheme for the provision of greenspace and leisure facilities for the application site and the sites listed in Schedule 1 and/or the enhancement of existing greenspace in the Beeston Hill and Holbeck land use framework area, pursuant to Policies N2 and N4 of the Leeds Unitary Development Plan Review 2006. The scheme shall include details of the extent, location and maintenance of such greenspace and leisure facilities and details of timescales for delivery, and the greenspace/ leisure facilities shall be provided and/ or enhanced in accordance with the approved scheme. To ensure provision of greenspace and leisure facilities in the area.*
- 2.22 For the sites which are to be developed separately – phase 2 Holbeck Towers, Waverley Garth and Malvern Rise, the following greenspace condition is proposed to replace the current condition.
- 2.23 *No development shall commence until there has been submitted to and approved by the Local Planning Authority a scheme for the provision of greenspace and leisure facilities and/or the enhancement of existing greenspace in the Beeston Hill and Holbeck land use framework area, pursuant to Policies N2 and N4 of the Leeds Unitary Development Plan Review 2006. The scheme shall include details of the extent, location and maintenance of such greenspace and leisure facilities and details of timescales for delivery, and the greenspace/ leisure facilities shall be provided and/ or enhanced in accordance with the approved scheme. To ensure provision of greenspace and leisure facilities in the area.*

Condition 7 - Public Transport Improvements Contribution

- 2.25 The s73 applications propose to remove condition 7 relating to public transport provision. Condition 7 as attached to the extant permissions is as follows;

No development shall be commenced until there has been submitted to and approved in writing by the Council, a scheme including a timetable, for the provision of public transport improvements in accordance with the Council's adopted Supplementary Planning Document - Public Transport Improvements and Developer Contributions August 2008, or any document replacing or amending it. The improvements shall be completed in accordance with the approved scheme. To enhance public transport provision.

- 2.26 The public transport improvements contribution is only a requirement for sites which deliver over 50 dwellings, and therefore within the Beeston Hill and Holbeck area this is only relevant for the Bismarck site and Holbeck Towers. Therefore for the

smaller sites these are expected to be developed below the threshold of 50 units, and condition 4 will limit the total development across all of the schedule 1 sites to no more than 275 units. Therefore the public transport contribution condition is proposed to be removed from the smaller sites on the basis that condition 4 restricts the overall level of development.

2.28 The 2 PFI sites within the Beeston Hill and Holbeck area which are considered likely to achieve more than 50 units are Bismarck Street/ Drive and Holbeck Towers. Development on these sites would be above the threshold set out in the Public Transport Improvements and Developer Contributions SPD. The applications request that the condition is removed on the basis that the scale of development has been reduced from that previously being considered at the time the outline applications were submitted, and now proposes a maximum of 275 units to be built across the sites (based on reserved matters schemes currently being worked on and likely to be submitted later this year). The project as a whole will see the demolition of 585 units in Beeston Hill and Holbeck and this is set out in the supporting statement submitted with each application. The project is funded by Homes and Communities Agency funding and the provisions of this funding preclude the money being spent on financial contributions.

2.29 For the private sites that are excluded from the PFI project (Waverley Garth, Malvern Rise and Holbeck Towers Phase 2), an amended condition is proposed that that;

'If more than 50 units are to be developed on the site then a scheme including a timetable, for the provision of public transport improvements in accordance with the Council's adopted Supplementary Planning Document - Public Transport Improvements and Developer Contributions August 2008 (or any document replacing or amending it) shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. The improvements shall be completed in accordance with the approved scheme. To enhance public transport provision.'

Holbeck Towers - Conditions 18, 19 - Contamination

2.29 The Holbeck Towers site will be developed in two phases - phase 1 will be developed as part of the PFI project for Council houses and Phase 2 will be a future phase for private development.

2.30 To reflect this situation, the contamination conditions which require the submission of contamination reports need to be split so that this information can be provided and dealt with to correspond to the phasing of development. The following conditions are proposed in application 10/02780/LA:

2.31 *Development shall not commence on phase 1 or phase 2 of the site until potential contamination of that respective phase has been investigated and appropriate reports have been submitted to and approved in writing by the Local Planning Authority. Such investigations shall include as a minimum the preparation of a desktop study. The desktop study shall address the historical use and development of the site and its surroundings, the environmental setting, the potential for contamination to be present and the possible environmental risk it presents. If potentially significant risks are identified then an intrusive investigation involving characterisation of contamination and site ground conditions shall be undertaken and submitted to the Local Planning Authority for approval. The site investigation report shall explain the methodology employed, an interpretative discussion of*

results and findings, a conceptual site model, a risk assessment and recommendations for further investigation/remediation.

To ensure that the presence of land contamination at the site has been determined and that the environmental risks it presents have been assessed.

- 2.32 *Should the approved site investigation report conclude that remedial works are necessary for either phase 1 or phase 2, development shall not commence on that respective phase until a remediation statement has been submitted to and approved in writing by the Local Planning Authority. The remediation statement shall demonstrate how the works will render that phase of the development site 'suitable for use' and shall describe the works in relation to the development hereby permitted. It shall include full details of any works to be undertaken, proposed site clean-up criteria, site management procedures and how the works will be validated.*

To enable the Local Planning Authority to determine whether the proposed remediation works will make the site 'suitable for use' and to ensure that contamination will not present any significant environmental risks.

Extension of time applications

- 2.33 In addition to the s73 applications, there is also an application submitted for each of the 10 sites to extend the time period for implementation of the reserved matters schemes (once approved) for a further 5 years.
- 2.34 The extension of time applications are made on the basis that the project is phased and requires 5 years to allow for development to commence on all 12 sites (inc Little London sites being considered by the West Plans Panel). The applicant advises that there is a long procurement process and a 5 year phasing process for the new build means that the planning condition which requires the commencement of development within 2 years of approval of reserved matters would expire before works can commence on some sites.

3.0 SITE AND SURROUNDINGS:

1. Folly Lane

- 3.1 This is a 0.39 hectare site on Folly Lane. It is the southern part of a triangular piece of land which is now grassed over but previously had housing on it. This housing was demolished in the 1990's. The area is characterised by two storey gabled terrace houses built from a mix of buff and red engineering brick, with concrete roof tiles. The site is bound by Lady Pitt Lane to the west, properties on Brett Gardens to the north, Folly Lane to the south and Bismarck Street to the east. An electricity sub station forms part of the site to the south east of 25 Brett Gardens.

2. Holbeck Towers

- 3.2 This site was occupied by a series of five, ten storey tower overlooking the Holbeck Moor and close to the M621, which have recently been demolished. The site to be redeveloped is 2.29 ha in total including the residential blocks, parking courts, garaging, soft landscaping and a small retail unit.

3. 1- 21 Coupland Road

- 3.3 A 0.23 ha site currently occupied by three storey flats and maisonettes. The area is characterised by two and three storey gabled terrace houses and maisonettes built from red brick, with concrete roof tiles. The Coupland road site in part is also a

parking court serving existing dwellings. The site is adjacent to the very substantial Shaftsbury House building which was previously a Council-owned hostel but is now being converted to 172 flats and live/work units and is to be known as The Green House.

4. 1 – 4, 2 – 20 St Luke's Green

- 3.4 The St Luke's Green development consists of two residential sites totaling 0.3 ha in size. The site is currently occupied by three storey maisonette housing in red brick with small front gardens, rear yards and rear access alleyway. St Luke's Road runs to the east of the site and St Luke's Green cuts through the centre of the two sites.

5. 15 - 44 Coupland Place

- 3.5 A 0.15 hectare site currently occupied by 3 storey red brick flats and maisonettes which front onto Beeston Road. Immediately to the south are a shop and a fish and chip shop at the corner of Beeston Road and Malvern Road.

6. Malvern Rise

- 3.6 This is a 0.86 ha sloping site on Malvern Road to the west of Beeston Road. At present the site is occupied by three storey red brick maisonettes and flats (47 units). To the west of the site is an open area with a portable building on it used as a youth centre, and St Luke's Church, and to the east is the Malvern pub. The site is surrounded by similar three storey housing.

7. Waverley Garth

- 3.7 This site is an L-shaped block of three storey terraced units which are a mix of one and two-bedroom flats. Waverley Garth runs to the rear of these units providing access to a central courtyard area and to further units which lie outside the application site boundary. The site is a 0.75 ha site with a number of trees, particularly along the Coupland Street frontage.

8. 165 – 183 & 131 – 159 Malvern Road

- 3.8 This site comprises two areas on Malvern Road to either side of Beeston Road (0.35 ha site area in total). The sites are occupied by three storey red brick maisonettes and flats (40 units). These sites are generally surrounded by similar residential property.

9. 53 to 133 Bismarck St, 1 to 75 Bismarck Dr

- 3.9 This proposal comprises one large site and one smaller triangular site, the two being split by Bismarck Drive. The area is characterised by two and three storey gabled terrace houses built from red engineering brick, with concrete roof tiles. The dwellings include a series of terraces which are of the undesirable ground floor flats with maisonettes over design; the remainder of the properties includes terraced houses and flats.

- 3.10 A series of Public Rights of Way run to the west and south of the larger site. St Francis of Assisi Primary School lies to the south west of the larger site and to the south east is Leeds City Council One Stop Shop. New Bewerley Community School is situated to the North East of the site on Bismarck Drive.

10. 10 - 64 Fairfax Road

- 3.11 This is a 0.72 ha site currently occupied by a two storey development of 40 one-bedroom flats. The site is on Fairfax Road on the south side of Cemetery Road. The main group of dwellings is arranged in a crescent around a small area of greenspace. To the west lies Holbeck Cemetery.

4.0 RELEVANT PLANNING HISTORY:

4.1 Outline planning permission was granted for residential development on these sites following consideration at the Plans Panel meeting of 23 October 2008. Although permission was granted on 12 sites, changes to the nature and scope of the project are such that only 8 of these sites are now progressing to the detailed planning application stage.

4.2 The outline permissions are:

Folly Lane - 08/03012/LA
Holbeck Towers -: 08/03018/LA
Cambrian Street -: 08/03019/LA (not part of the current PFI project)
Coupland Road - 08/04065/LA
St Luke's Green - 08/04066/LA
Coupland Place - 08/04067/LA
Malvern Rise - 08/04272/LA (not part of the current PFI project)
Waverley Garth - 08/04274/LA (not part of the current PFI project)
Malvern Road -: 08/04276/LA
Bismarck Street - 08/04334/LA
Fairfax Road - 08/04335/LA
Meynell Heights 08/04333/LA (*Refurbishment only*)

These were issued in December 2008

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The two short listed bidders have been participating in a detailed process of discussion and negotiation with planning and highways officers and the reserved matters schemes for the 8 Beeston Hill and Holbeck sites being brought forward as part of the PFI project were presented to Plans Panel East on 9 September 2009.
- 5.2 The submission of these s73 and extension of time limit applications are to facilitate bringing the schemes forward once reserved matters details have been approved.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The applications were advertised by way of site notices posted on 23 June 2010 and 7 July. The time period for responses expires on 14 July and 28 July. During the consideration of the applications changes have occurred relating to the proposed removal of the following conditions;

Holbeck Towers Outline application number 08/03018/LA
10/02780/LA **Removal** of conditions 3 and 5, affordable housing and education provision (previously variation applied for)
Malvern Rise – Outline Application number: 08/04272/LA.
10/02778/LA **Removal** of condition 5 education provision (previously variation applied for)
Waverley Garth – Outline Application number: 08/04274/LA.
10/02783/LA **Removal** of condition 3 affordable housing provision (previously variation applied for)

53 to 133 Bismarck St, 1 to 75 Bismarck Dr – Outline App No.08/04334/LA.

10/02788/LA **Removal** of condition 5 (previously variation applied for).

6.2 The above 4 applications have been re advertised by way of site notices and any representations which are received prior to the Plans Panel meeting will be reported verbally. No representations have been received to date regarding any of the applications.

7.0 CONSULTATIONS RESPONSES:

None relevant

8.0 PLANNING POLICIES:

Unitary Development Plan Review 2006 Policies

SA1 Securing the highest environmental quality

SP3: New development should be concentrated within or adjoining the main urban areas and should be well served by public transport.

GP5: General planning considerations.

GP7: Planning obligations including education provision.

BD5: Consideration to be given to amenity in design of new buildings

H4: Residential development on non-allocated sites.

H11: An appropriate proportion of affordable houses to be provided.

LD1: Criteria for landscape design.

N1: Public open space provision

N2 and N4: Provision of green space in relation to new residential developments.

R2: Area based regeneration initiatives

T2: Seeks to ensure that developments will not create or materially add to problems of safety, environment or efficiency on the highway network.

T24: Requires parking provision to reflect detailed guidelines.

Supplementary Planning Guidance/Documents

Beeston Hill and Holbeck Land Use Framework

Affordable Housing – SPG3;

The sites are within the city centre affordable housing zone and inner area, where the requirements for affordable housing provision are;

City Centre Zone – 15% provision, 40% social rent and 60% sub market housing.

Inner Area Zone – 15% provision, 100% sub market housing.

Greenspace relating to new housing developments — SPG4

Contributions for School improvements – SPG 11

Neighbourhoods for Living – SPG13 (2003)

Public Transport Improvements and Developer Contributions – SPD August 2008

Street Design Guide – SPD adopted

National Planning Policy Guidance

PPS1 Delivering Sustainable Development.

PPS3 Housing.

PPG13 Transport.

PPG17 Planning for Open Space, Sport and Recreation.

Circular 11/95 – The use of conditions in planning permissions

9.0 MAIN ISSUES

1. Variation and removal of condition 3 - affordable housing provision

2. Variation of condition 4 – total number of units to be delivered
3. Variation of condition 5 – provision of educational facilities
4. Variation of condition 6 – provision of greenspace and leisure facilities
5. Removal of condition 7 – public transport improvements
6. Proposed extension of time limit for implementation
7. Contamination conditions – Holbeck Towers

10.0 APPRAISAL

1. Affordable housing, condition 3

- 10.1 The proposal to remove the affordable housing condition for sites within schedule 1 (ie the PFI projects) does not raise any concerns as the scheme will be 100% valuable social housing, so there is no need to control the delivery of any affordable housing. However it is considered that as this permission will go with the land, a condition should be added to require that the site is developed for 100% affordable housing, unless otherwise agreed in writing with the Local Planning Authority.
- 10.2 For the sites which could be subject to private development (Holbeck Towers Phase 2, Waverley Garth and Malvern Rise) the standard affordable housing condition could be applied. However it is considered that there should not be a requirement for affordable housing provision on these sites which have now been excluded from the PFI project on the basis that the other 8 sites (inc phase 1 of Holbeck Towers) will provide an overprovision of affordable housing (100% council homes) within the Beeston Hill and Holbeck Area, and by removing this requirement from the remaining private sites this will assist the future development of these sites and achieving the regeneration of the area.
- 10.3 It is considered that the removal of this condition from the private development sites would not conflict with the requirements of policy H11 of the UDP Review 2006 as an appropriate proportion of affordable housing will have been delivered within the area through the PFI schemes.

2. Total number of units, condition 4

- 10.4 A condition was attached to the outline to restrict the development of over 700 units across all of the sites, on the basis of the transport assessment for the sites. The scope of the scheme has now significantly altered as sites are no longer coming forward for development and some sites are refurbishment rather than redevelopment. It is expected that only 275 units will be delivered and therefore the condition is proposed to be altered on this basis and this is considered acceptable and raises no highway/ traffic concerns as there is a significant reduction in numbers.
- 10.5 For the sites which will potentially be privately developed (Holbeck Towers phase 2, Waverley Garth and Malvern Rise), these sites would be subject to a reserved matters application and the number of units could be assessed at that time. If Highways were concerned that too many units were proposed then this matter could be negotiated through the reserved matters application. But in any case, since there is a significant reduction from the 700 limit originally proposed, it is considered unlikely this issue will arise. Condition 4 is proposed to be removed from these applications.

3. Education provision

- 10.6 A calculation for education provision has already been provided by Education Leeds relative to each of the preferred bidders reserved matters schemes. This requirement is only applicable for sites which deliver over 50 units and therefore

within Beeston Hill and Holbeck will only be relevant for the Bismarck Drive/ Street site and Holbeck Towers. For these sites, a condition will be retained to require a scheme for the provision of additional educational facilities if more than 50 dwellings are proposed.

- 10.7 Within Beeston Hill and Holbeck only the Bismarck Street/ Drive Site and the Holbeck Towers sites are expected to individually deliver more than 50 dwellings which is the threshold for education provision. Each of these sites has a higher number of existing units than will be replaced on the site through the reserved matters schemes which are progressing towards reserved matters applications and have been considered by Members at pre application stage. It is likely that there will be a net reduction of approx 8 units on Bismarck St/Dr site (77 to be demolished and 69 proposed in redevelopment) and around 200 on the Holbeck Towers site (300 demolished, between 86 – 106 proposed in redevelopment), based on the pre application schemes from both preferred bidders.
- 10.8 Whilst there may be differences in the types of dwellings provided – ie more family housing, the indicative figures provided from Education Leeds are considered to be low in terms of required contributions towards education provision (£23,000). It is considered that in this instance there will be a considerable reduction in the number of dwellings in the area and this should be noted in terms of likely impact on education requirements.
- 10.9 The relevant sites which could deliver more than 50 dwellings are part of a regeneration scheme providing valuable council housing within the area and no profit would be made from the development. The Beeston Hill/ Little London PFI project is based on Homes and Communities Agency funding, however a requirement of this funding is that it cannot be used towards planning contributions and therefore the education contribution would have to come out of Environment & Neighbourhoods budget.
- 10.11 It is considered to be reasonable to waive the requirement for education provision for the Bismarcks Drive/Street site and Holbeck Towers phase 1 site which are both PFI sites, in order to assist in the provision of council housing and regeneration of the area, given the combined factors of the overall net reduction of units in the area which mean that the developments would be unlikely to result in additional pressures on education provisions in the area and as the schemes will not deliver a profit. It is considered that there would not be a conflict with the requirements of SPG11 – contributions for schools improvements.
- 10.11 For the sites which are subject to private development, it is proposed to amend the education condition as follows;
'if more than 50 units are to be developed on the site, a scheme for the provision of additional educational facilities generated by the application site shall be submitted and approved in writing by the LPA and the educational facilities shall be provided in accordance with the approved scheme. To ensure that the educational needs of the area are met.'

4. Greenspace

- 10.12 The greenspace condition will still remain on all applications subject to the s73 variation of conditions applications, but would simply be amended to reflect the updated sites referred to as schedule 1 as the scheme for improvements for the schedule 1 sites is likely to come forward by way of environmental improvements delivered within the area. However for the Holbeck Towers Phase 2, Malvern Rise/ or Waverley Garth sites which may be developed privately, the condition would be a

stand alone condition requiring a future developer to submit a scheme for greenspace provision.

- 10.13 It is considered that this approach is in accordance with SPG4 Greenspace relating to new housing developments guidance and will ensure the provision of greenspace and leisure facilities.

5. Public Transport Improvements

- 10.14 Within Beeston Hill and Holbeck only the Bismarck Street/ Drive Site and the Holbeck Towers sites will individually deliver more than 50 dwellings which is the threshold for public transport improvement contributions. Each of these sites has an existing higher number of existing units than will be replaced on the site through the reserved matters schemes which are progressing towards reserved matters applications and have been considered by Members at pre application stage. It is likely that there will be a net reduction of approx 8 units on Bismarck St/Dr site (77 to be demolished and 69 proposed in redevelopment) and around 200 on the Holbeck Towers site (300 demolished, between 86 – 106 proposed in redevelopment), based on the pre application schemes from both preferred bidders.
- 10.15 Whilst the Public Transport Improvements SPD advises that the existing use should not fully discount trips generated from the sites, it is considered that in this instance this is a considerable reduction that should be noted.
- 10.16 The SPD takes into account matters of viability, and whilst this case has not been put forward as part of the applications to remove this condition, the relevant sites which could deliver more than 50 dwellings are part of a regeneration scheme providing valuable council housing within the area and clearly no profit would be made. It is considered that a viability appraisal would be unnecessary and futile. The Beeston Hill/ Little London PFI project is based on Homes and Communities Agency funding, however a requirement of this funding is that it cannot be used towards planning contributions and therefore the public transport contribution would have to come out of Environment & Neighbourhoods budget.
- 10.17 It is considered to be a reasonable and pragmatic to waive the requirement for a public transport improvement contribution for the Bismarcks Drive/Street site and Holbeck Towers site in order to assist in the provision of council housing and regeneration of the area, given the combined factors of the overall significant net reduction of units in the area and as the schemes will not deliver a profit. The Public Transport Improvements and Developer Contributions SPD also states at para 1.3 that '*only those developments which have a significant local travel impact will be subject to the requirement for paying a contribution towards public transport enhancements.*' It is considered that there would not be a 'significant local travel impact' and therefore there is no conflict with the requirements of the SPD.
- 10.18 In relation to the private sites (Waverley Garth, Malvern Rise and Holbeck Towers Phase 2) the condition will be amended to require a scheme for public transport provision should the development of the site be for more than 50 dwellings, this is in accordance with the threshold in the SPD.

6. Extension of time limit for implementation of reserved matters

- 10.19 The extension of time applications are made for all ten sites on the basis that the project is phased and requires 5 years to allow for development to commence on all 12 sites (inc Little London sites being considered by the West Plans Panel). The procurement process and phasing process for the new build means that the existing planning condition attached to the outline permissions which requires the

commencement of development within 2 years of approval of reserved matters would expire before works can commence on some sites.

- 10.20 It is considered that the applicant has provided a reasonable explanation of the need for the extension of the time limit for implementation of the reserved matters schemes, once approved. There are considered to be no concerns regarding this extension which will secure the regeneration of 12 sites within the Beeston Hill and Holbeck area. The extension is also proposed for applications which could potentially be developed by a private developer (Holbeck Towers phase 2, Waverley Garth and Malvern Rise), and this raises no concerns.

7. Contamination conditions – Holbeck Towers

- 10.21 For the Holbeck Towers site which will be developed in two phases, the s73 application proposes (10/02780/LA) to vary conditions 18 and 19 to allow for contamination matters to be dealt with in a phased manner. The revised conditions will also be updated to reflect the standard conditions which are now used for contamination matters and have altered since the original permissions were granted. The revision is considered to be reasonable and practical and has been agreed with the Land Contamination Officer as an acceptable approach to the development.

11.0 CONCLUSION

- 11.1 The proposed removal and variation of conditions as set out in this report are considered to be acceptable and would still comply with the relevant policies within the UDP Review 2006 as well as the relevant Supplementary Planning Guidance. These matters have been assessed on the basis of the detailed knowledge of this project and the way the sites will be developed and it is considered that all of the proposed variations and removal of conditions as set out at the start of this report are acceptable together with the proposed extension of time limits for implementation.
- 11.2 It is considered that the applications will assist in securing the delivery of the regeneration schemes and should be supported.

Background Papers:

Application and history files, see 2008 and 2010 application references at start of report.
Certificate of Ownership – certificate A signed for all sites

Beeston Hill & Holbeck report – Appendix 1; Recommended conditions

1. Folly Lane - 10/02786/LA 10/02785/LA 10/02947/EXT	Outline application number 08/03012/LA. Removal of condition 3 and variation of conditions 4, 5, 6 Removal of condition 7 Extension of time application
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1. Approval of reserved Matters
2. Time limit – 2 years for submission of RM, 5 years for implementation
3. 100% Council housing to be developed
4. Total number of units across schedule 1 sites- 275
5. Greenspace provision
6. Scheme for highways improvements
7. Training and employment
8. Materials
9. Surfacing materials
10. Finished floor levels
11. Boundary treatment
12. Tree retention
13. Landscape scheme
14. Landscape implementation
15. Aftercares scheme
16. Contaminated Land information
17. Amended remediation statement
18. Verification Reports
19. Importing soil
20. Unexpected contamination
21. Drainage
22. Separate means of foul and surface drainage
23. No development within 3m of a sewer
24. Porous surfacing
25. Hours of works
26. Minimising Dust
27. Wheel washing
28. Construction traffic management
29. Travel Plan
30. Noise Pollution
31. Reason for approval;

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and the Leeds Unitary Development Plan Review 2006 (UDPR).

SA1: Securing the highest environmental quality.

SP3: New development should be concentrated within or adjoining the main urban areas and should be well served by public transport.

GP5: General planning considerations.

BD5: Consideration to be given to amenity in design of new buildings.

H1: Provision for completion of the annual average housing requirement identified in the Regional Spatial Strategy.

H3: Delivery of housing land release.

H4: Residential development on non-allocated sites.

LD1: Criteria for landscape design.

N1: Public open space provision.

N2 and N4: Provision of green space in relation to new residential developments.

N12: Development proposals to respect fundamental priorities for urban design.

N13: Building design to be of high quality and have regard to the character and appearance of their surroundings.

N23: Incidental open space around new built development.

R2: Area based regeneration initiatives.

S8: Neighbourhood Shopping.

T2: Seeks to ensure that developments will not create or materially add to problems of safety, environment or efficiency on the highway network.

T24: Requires parking provision to reflect detailed guidelines.

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance

- | | |
|-------------------|---|
| 2. Holbeck Towers | Outline application number 08/03018/LA |
| 10/02780/LA | Removal of conditions 3 and 5 variation of conditions 4, 6, 18,19 |
| 10/02779/LA | Removal of condition number 7 |
| 10/02887/EXT | Extension of time application |
1. Reserved Matters
 2. Time limit – 2 years for submission of RM, 5 years for implementation
 3. Phasing plan
 4. 100% Council housing to be developed on phase 1 site.
 5. Total number of units across schedule 1 sites- 275
 6. Greenspace provision - phase 1
 7. Greenspace provision – phase 2
 8. Education provision on phase 2 site if more than 50 units are to be developed
 9. Public transport improvements on phase 2 site if more than 50 units to be developed
 10. Scheme for highways improvements
 11. Training and employment
 12. Materials
 13. Surfacing materials
 14. Finished floor levels
 15. Boundary treatment
 16. Tree retention
 17. Landscape scheme
 18. Landscape implementation
 19. Aftercares scheme
 20. Contaminated Land information (relevant to each phase of development)
 21. Amended remediation statement (relevant to each phase of development)
 22. Verification Reports
 23. Importing soil
 24. Unexpected contamination
 25. Drainage
 26. Separate means of foul and surface drainage
 27. No development within 3m of a sewer
 28. Porous surfacing
 29. Hours of works
 30. Minimising Dust
 31. Wheel washing
 32. Construction traffic management
 33. Travel Plan
 34. Noise Pollution
 35. Reason for approval – see above.

3. 1 – 21 Coupland Rd Outline application number: 08/04065/LA.
10/02772/LA Removal of condition 3 and variation of conditions 4,5, 6
10/02770/LA Removal of condition 7
10/02956/EXT Extension of time application
1. Approval of reserved Matters
 2. Time limit – 2 years for submission of RM, 5 years for implementation
 3. 100% Council housing to be developed
 4. Total number of units across schedule 1 sites- 275
 5. Greenspace provision
 6. Scheme for highways improvements
 7. Training and employment
 8. Materials
 9. Surfacing materials
 10. Finished floor levels
 11. Boundary treatment
 12. Tree retention
 13. Landscape scheme
 14. Landscape implementation
 15. Aftercares scheme
 16. Contaminated Land information
 17. Amended remediation statement
 18. Verification Reports
 19. Importing soil
 20. Unexpected contamination
 21. Drainage
 22. Separate means of foul and surface drainage
 23. No development within 3m of a sewer
 24. Porous surfacing
 25. Hours of works
 26. Minimising Dust
 27. Wheel washing
 28. Construction traffic management
 29. Travel Plan
 30. Noise Pollution
 31. Reason for approval – see above

4. 1 – 4, 2 – 20 St Luke's Green – Outline Application number 08/04066/LA
10/02774/LA Removal of condition 3, variation of conditions 4, 5 and 6
10/02773/LA Removal of condition 7
10/02957/EXT Extension of time application

1. Approval of reserved Matters
2. Time limit – 2 years for submission of RM, 5 years for implementation
3. 100% Council housing to be developed
4. Total number of units across schedule 1 sites- 275
5. Greenspace provision
6. Scheme for highways improvements
7. Training and employment
8. Materials
9. Surfacing materials
10. Finished floor levels
11. Boundary treatment
12. Tree retention
13. Landscape scheme
14. Landscape implementation
15. Aftercares scheme
16. Contaminated Land information
17. Amended remediation statement
18. Verification Reports
19. Importing soil
20. Unexpected contamination
21. Drainage
22. Separate means of foul and surface drainage
23. No development within 3m of a sewer
24. Porous surfacing
25. Hours of works
26. Minimising Dust
27. Wheel washing
28. Construction traffic management
29. Travel Plan
30. Noise Pollution
31. Reason for approval – see above

5. 15 – 44 Coupland Place – Outline Application number: 08/04067/LA.
10/02769/LA Removal of condition 3 and variation of conditions 4, 5, 6
10/02768/LA Removal of condition number 7
10/02958/EXT Extension of time application

1. Approval of reserved Matters
2. Time limit – 2 years for submission of RM, 5 years for implementation
3. 100% Council housing to be developed
4. Total number of units across schedule 1 sites- 275
5. Greenspace provision
6. Scheme for highways improvements
7. Training and employment
8. Materials
9. Surfacing materials
10. Finished floor levels
11. Boundary treatment
12. Tree retention
13. Landscape scheme
14. Landscape implementation
15. Aftercares scheme
16. Contaminated Land information
17. Amended remediation statement
18. Verification Reports
19. Importing soil
20. Unexpected contamination
21. Drainage
22. Separate means of foul and surface drainage
23. No development within 3m of a sewer
24. Porous surfacing
25. Hours of works
26. Minimising Dust
27. Wheel washing
28. Construction traffic management
29. Travel Plan
30. Noise Pollution
31. Reason for approval – see above

6. Malvern Rise – Outline Application number: 08/04272/LA.
10/02778/LA Removal of conditions 3 and 5 variation of conditions 4, 6
10/02777/LA Removal of condition number 7
10/02952/EXT Extension of time application

1. Approval of reserved Matters
2. Time limit – 2 years for submission of RM, 5 years for implementation
3. Education provision if more than 50 units are to be developed
4. Greenspace provision
5. Public Transport Provision is more than 50 units are to be developed
6. Scheme for highways improvements
7. Training and employment
8. Materials
9. Surfacing materials
10. Finished floor levels
11. Boundary treatment
12. Tree retention
13. Landscape scheme
14. Landscape implementation
15. Aftercares scheme
16. Contaminated Land information
17. Amended remediation statement
18. Verification Reports
19. Importing soil
20. Unexpected contamination
21. Drainage
22. Separate means of foul and surface drainage
23. No development within 3m of a sewer
24. Porous surfacing
25. Hours of works
26. Minimising Dust
27. Wheel washing
28. Construction traffic management
29. Travel Plan
30. Noise Pollution
31. Reason for approval – see above

7. Waverley Garth – Outline Application number: 08/04274/LA.
10/02783/LA Removal of condition 3, variation of conditions 4, 5 and 6.
10/02782/LA Removal of condition 7
10/02955/EXT Extension of time application

1. Approval of reserved Matters
2. Time limit – 2 years for submission of RM, 5 years for implementation
3. Education provision if more than 50 units are to be developed
4. Greenspace provision
5. Public Transport Provision is more than 50 units are to be developed
6. Scheme for highways improvements
7. Training and employment
8. Materials
9. Surfacing materials
10. Finished floor levels
11. Boundary treatment
12. Tree retention
13. Landscape scheme
14. Landscape implementation
15. Aftercares scheme
16. Contaminated Land information
17. Amended remediation statement
18. Verification Reports
19. Importing soil
20. Unexpected contamination
21. Drainage
22. Separate means of foul and surface drainage
23. No development within 3m of a sewer
24. Porous surfacing
25. Hours of works
26. Minimising Dust
27. Wheel washing
28. Construction traffic management
29. Travel Plan
30. Noise Pollution
31. Reason for approval – see above

8. 165 – 183 & 131 – 159 Malvern Road – Outline app number: 08/04276/LA.
10/02776/LA Removal of condition 3 and variation of conditions 4, 5, 6
10/02775/LA Removal of condition number 7
10/02954/EXT Extension of time application

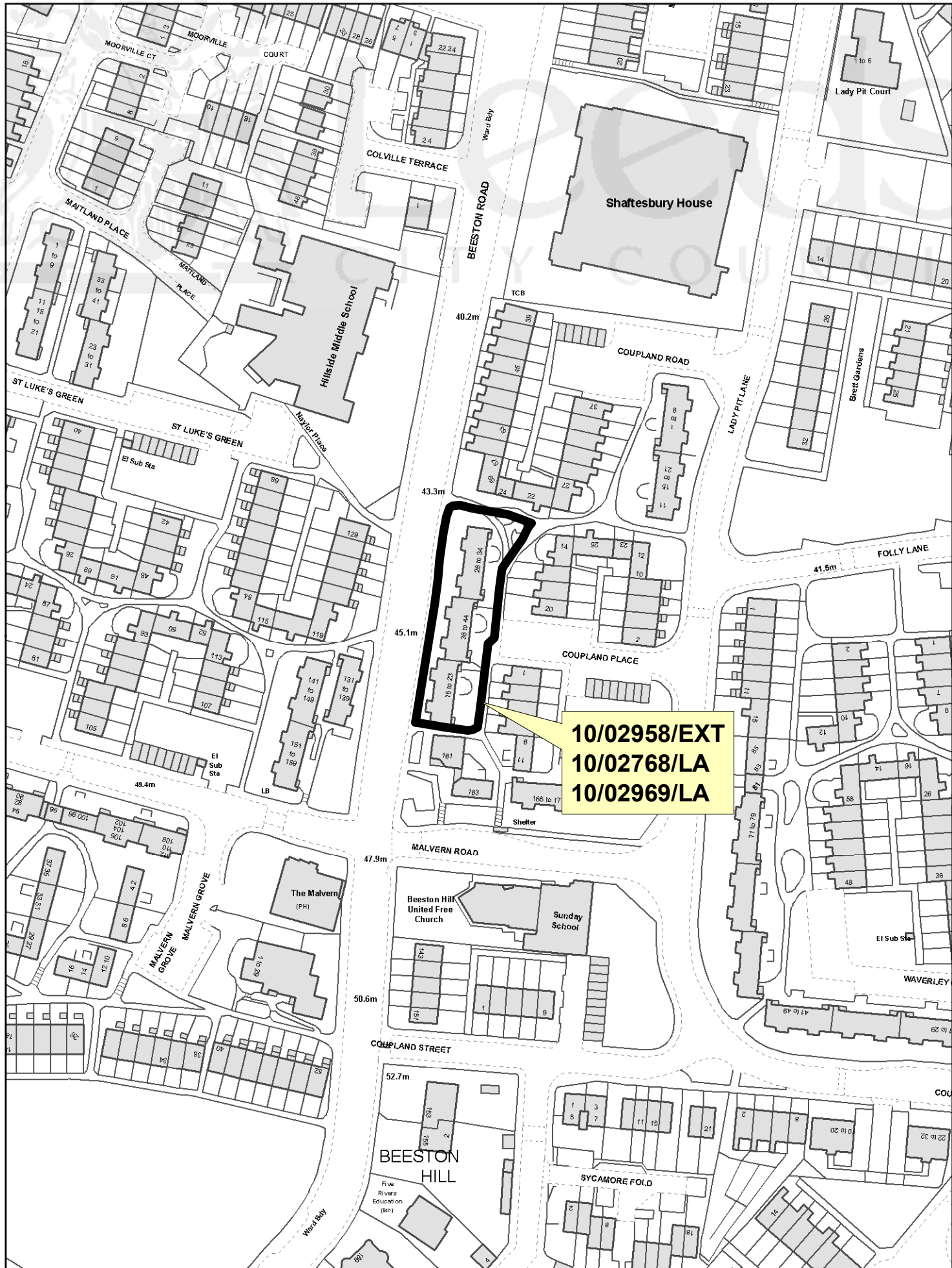
1. Approval of reserved Matters
2. Time limit – 2 years for submission of RM, 5 years for implementation
3. 100% Council housing to be developed
4. Total number of units across schedule 1 sites- 275
5. Greenspace provision
6. Scheme for highways improvements
7. Training and employment
8. Materials
9. Surfacing materials
10. Finished floor levels
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12. Tree retention
13. Landscape scheme
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15. Aftercares scheme
16. Contaminated Land information
17. Amended remediation statement
18. Verification Reports
19. Importing soil
20. Unexpected contamination
21. Drainage
22. Separate means of foul and surface drainage
23. No development within 3m of a sewer
24. Porous surfacing
25. Hours of works
26. Minimising Dust
27. Wheel washing
28. Construction traffic management
29. Travel Plan
30. Noise Pollution
31. Reason for approval – see above

9. 53 to 133 Bismarck St, 1 to 75 Bismarck Dr – Outline App No.08/04334/LA.
10/02788/LA Removal of condition 3 and 5, variation of 4, and 6.
10/02787/LA Removal of condition 7
10/02951/EXT Extension of time application

1. Approval of reserved Matters
2. Time limit – 2 years for submission of RM, 5 years for implementation
3. 100% Council housing to be developed
4. Total number of units across schedule 1 sites- 275
5. Greenspace provision
6. Scheme for highways improvements
7. Training and employment
8. Materials
9. Surfacing materials
10. Finished floor levels
11. Boundary treatment
12. Tree retention
13. Landscape scheme
14. Landscape implementation
15. Aftercares scheme
16. Contaminated Land information
17. Amended remediation statement
18. Verification Reports
19. Importing soil
20. Unexpected contamination
21. Drainage
22. Separate means of foul and surface drainage
23. No development within 3m of a sewer
24. Porous surfacing
25. Hours of works
26. Minimising Dust
27. Wheel washing
28. Construction traffic management
29. Travel Plan
30. Noise Pollution
31. Reason for approval – see above

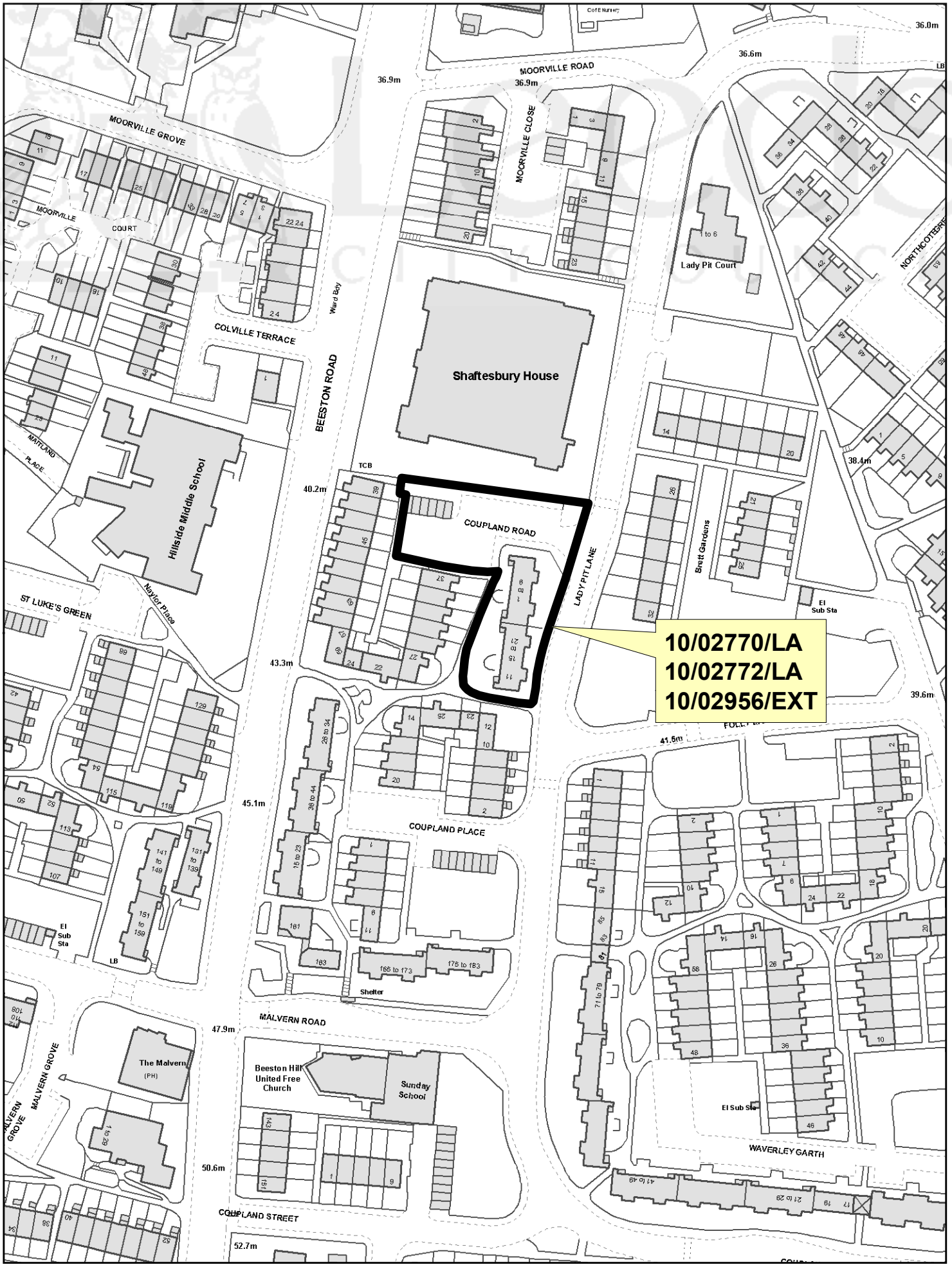
10. 10 - 64 Fairfax Rd Outline Application number: 08/4335/LA.
10/02784/LA Removal of condition 3 and variation of conditions 4, 5, 6
10/02781/LA Removal of condition number 7
10/02949/EXT Extension of time application

1. Approval of reserved Matters
2. Time limit – 2 years for submission of RM, 5 years for implementation
3. 100% Council housing to be developed
4. Total number of units across schedule 1 sites- 275
5. Greenspace provision
6. Scheme for highways improvements
7. Training and employment
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16. Contaminated Land information
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18. Verification Reports
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23. No development within 3m of a sewer
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25. Hours of works
26. Minimising Dust
27. Wheel washing
28. Construction traffic management
29. Travel Plan
30. Noise Pollution
31. Reason for approval – see above



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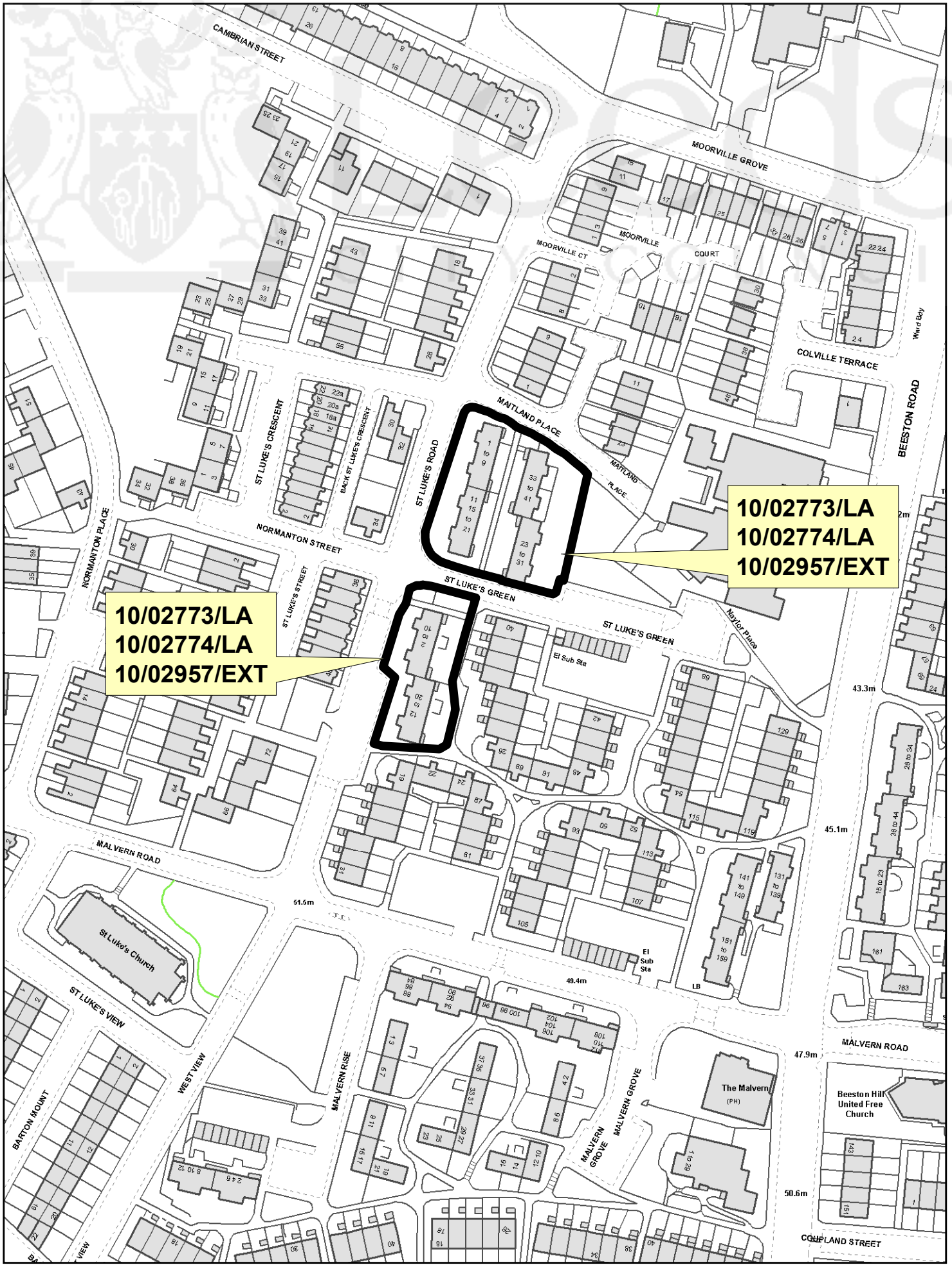




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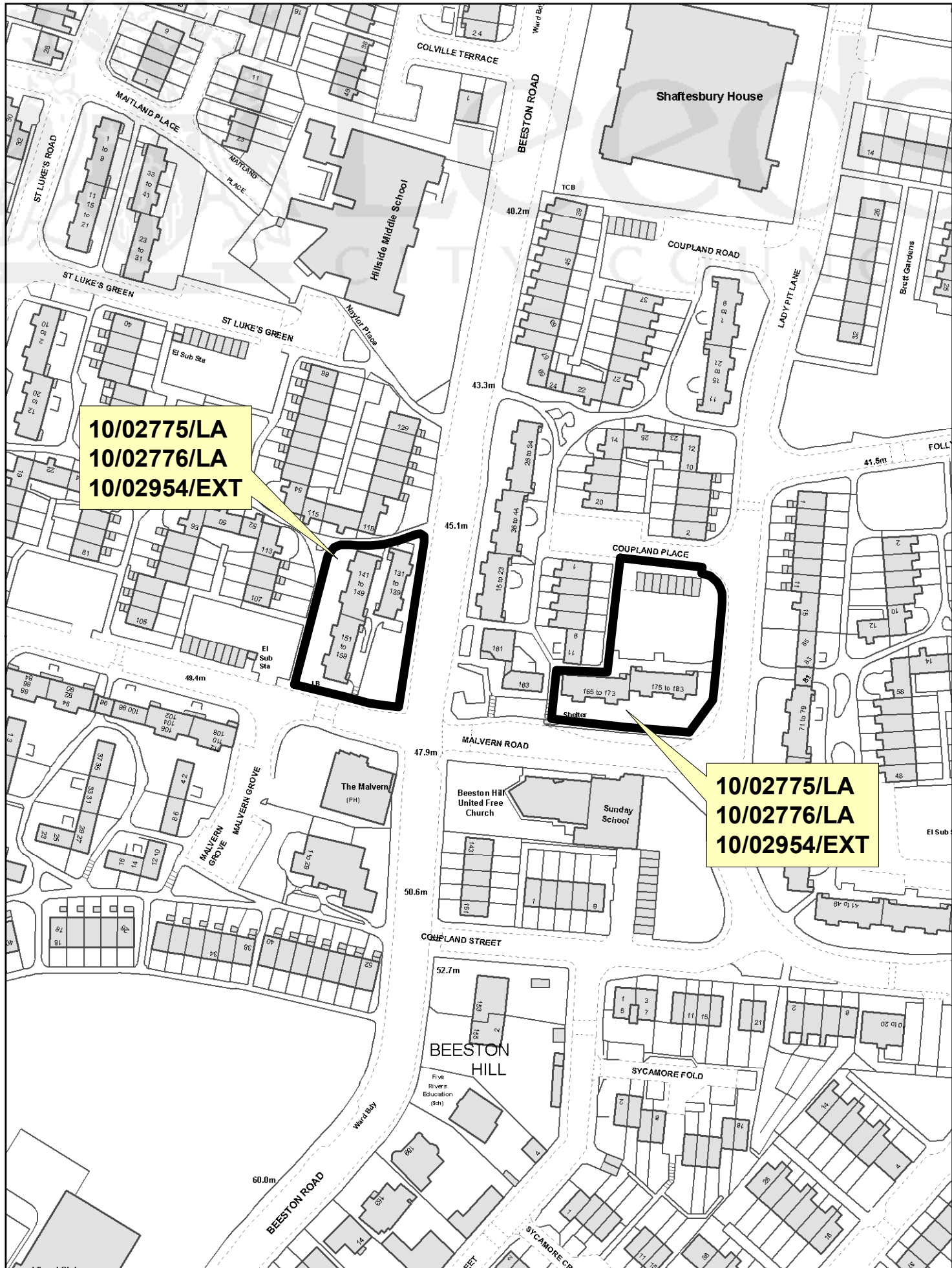


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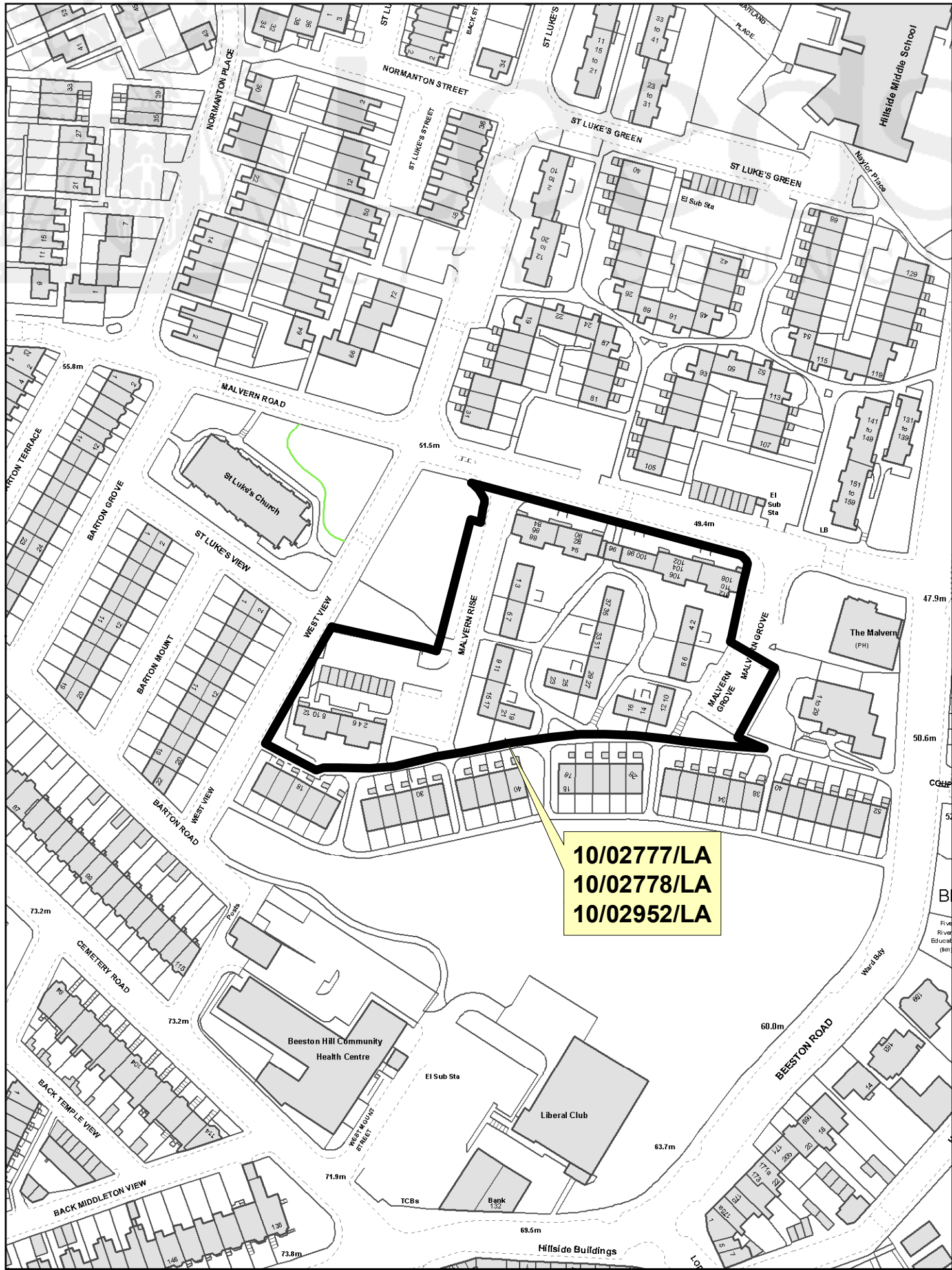
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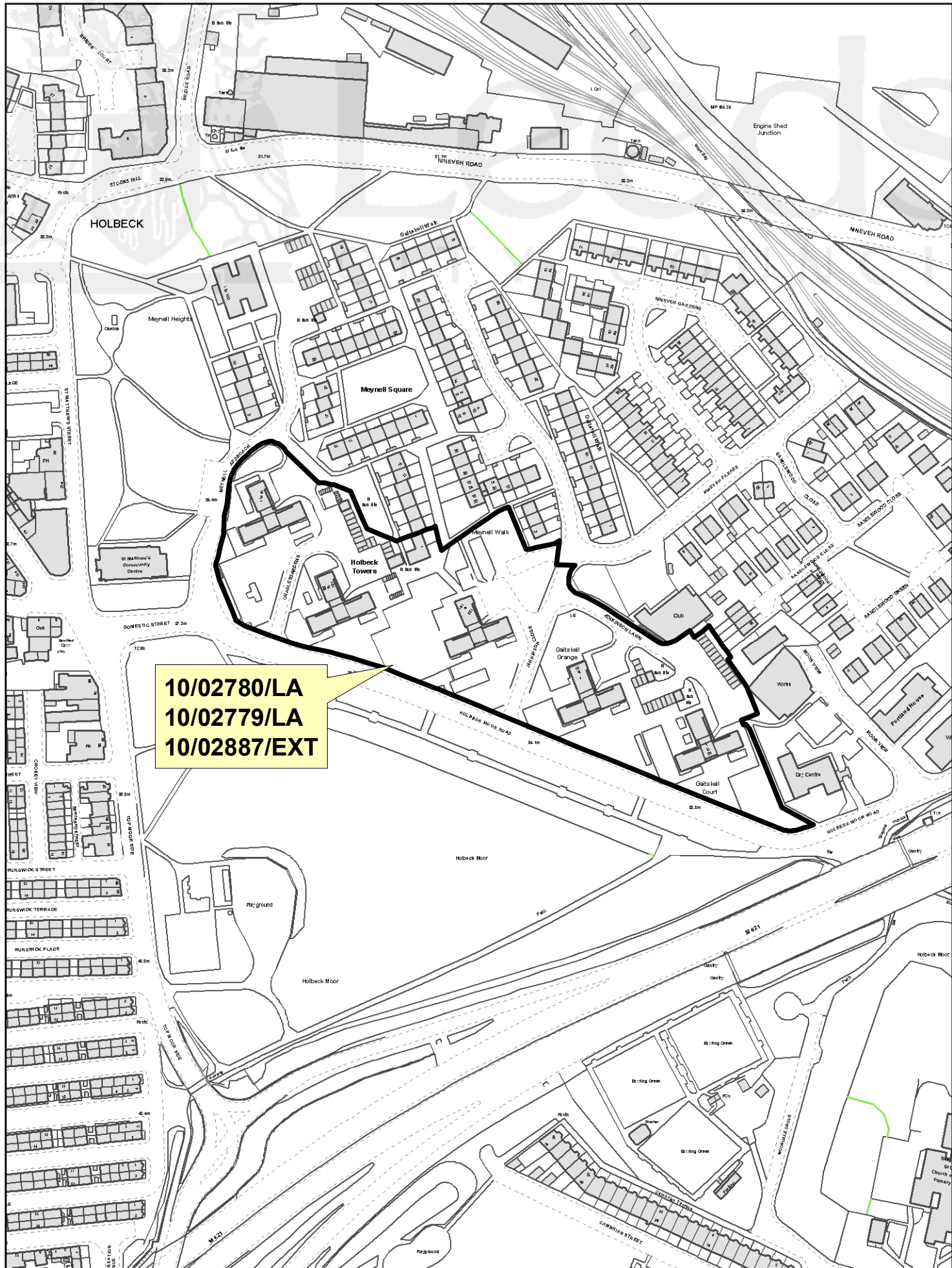




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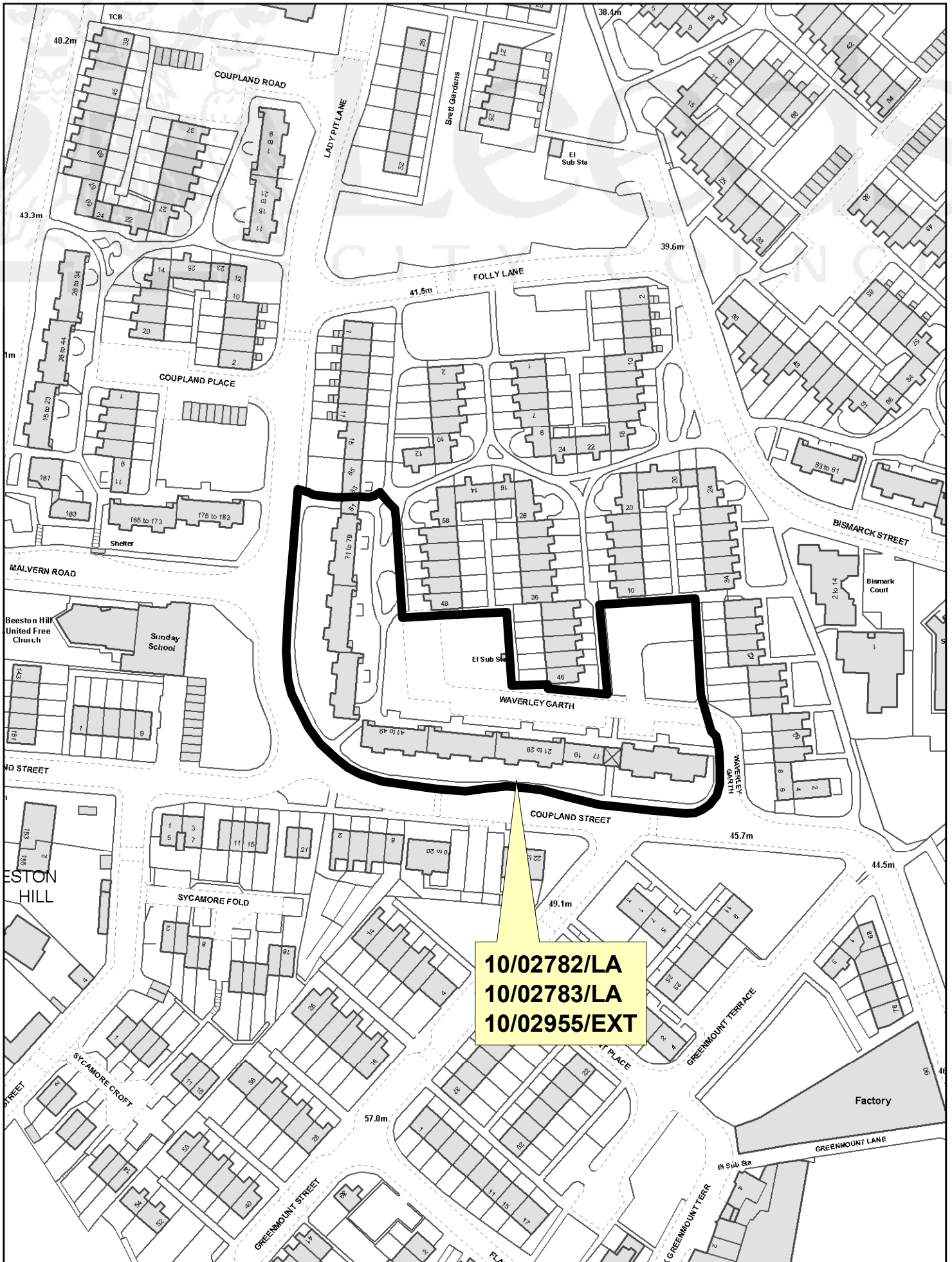




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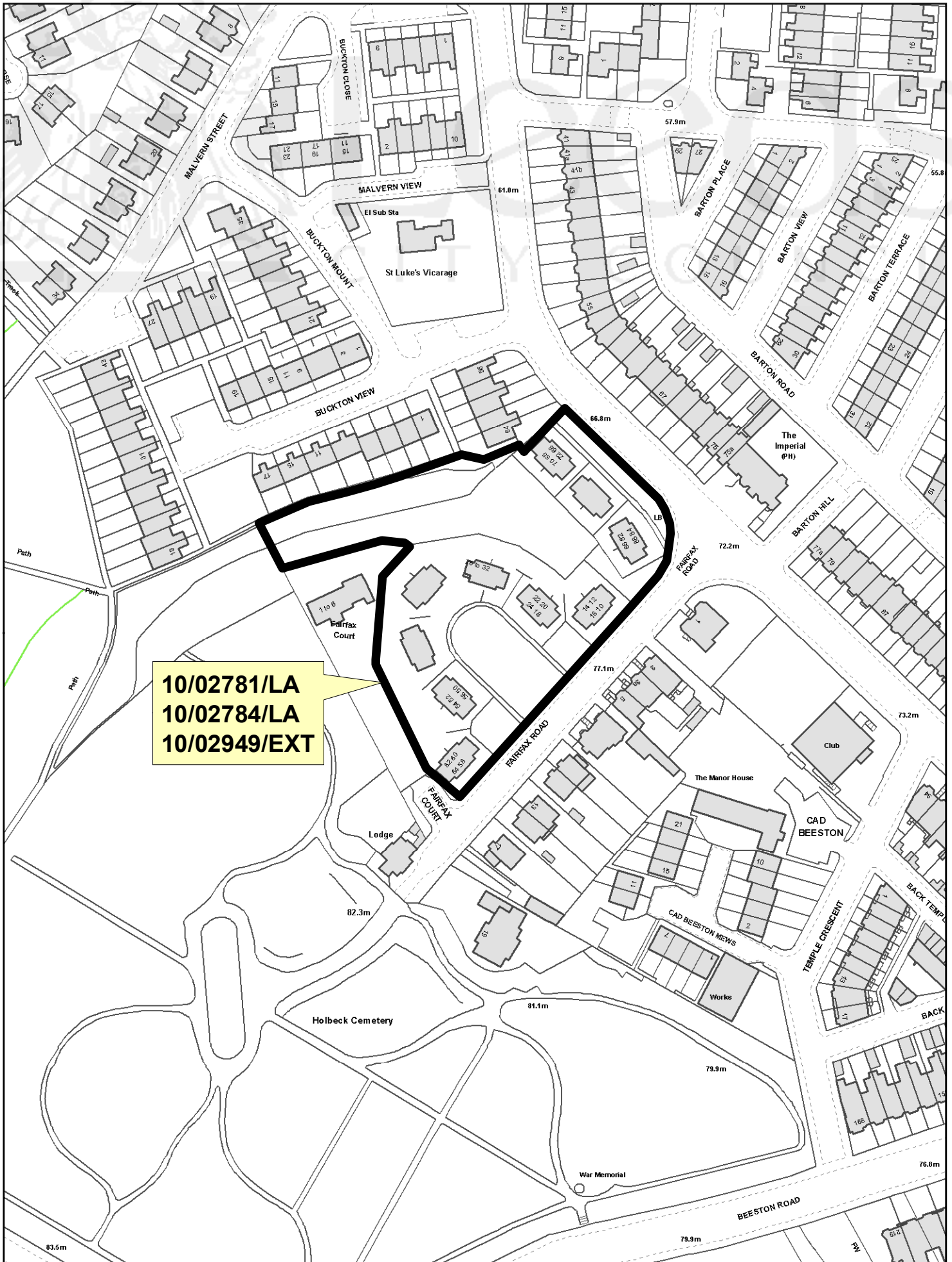




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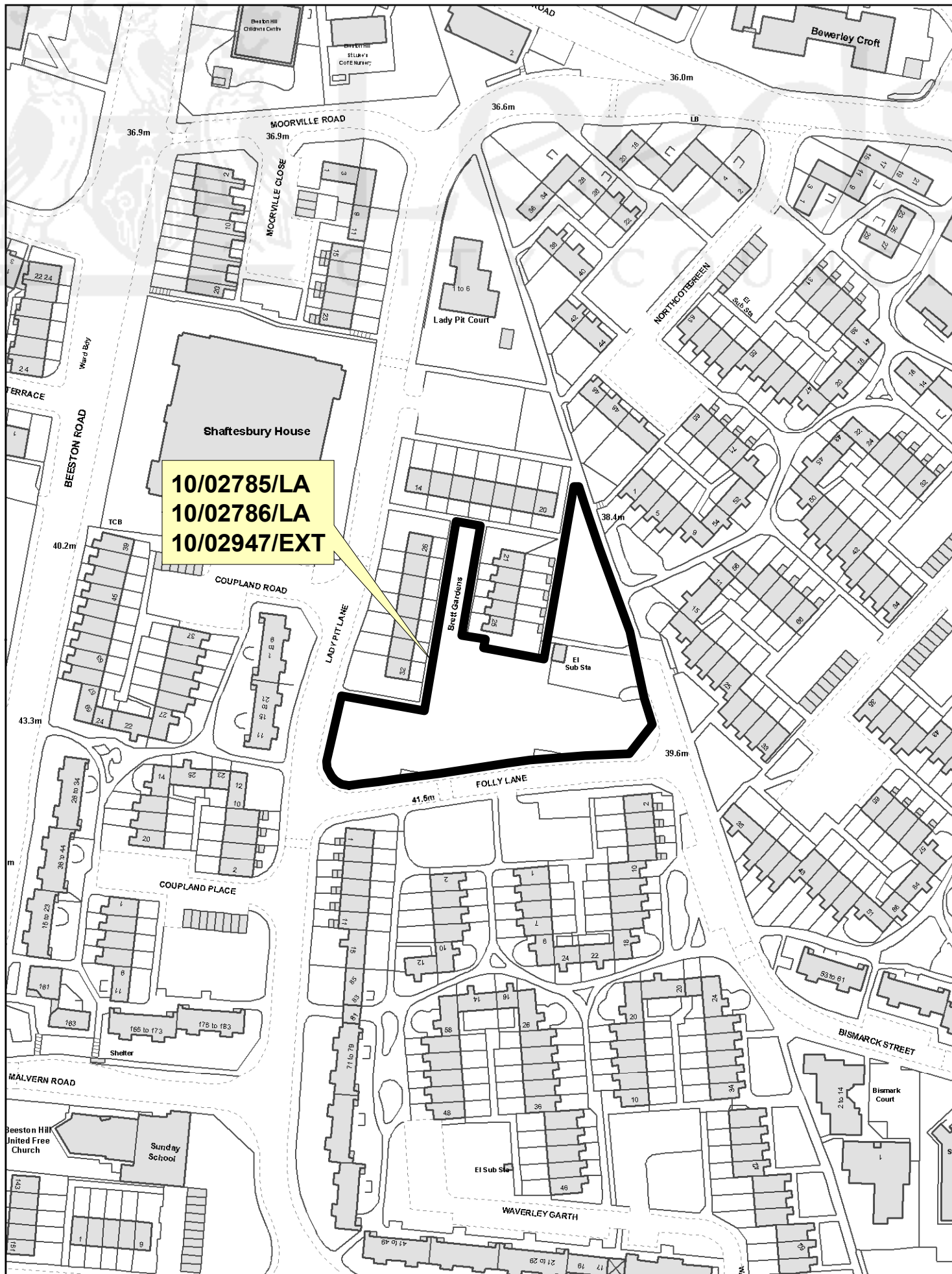
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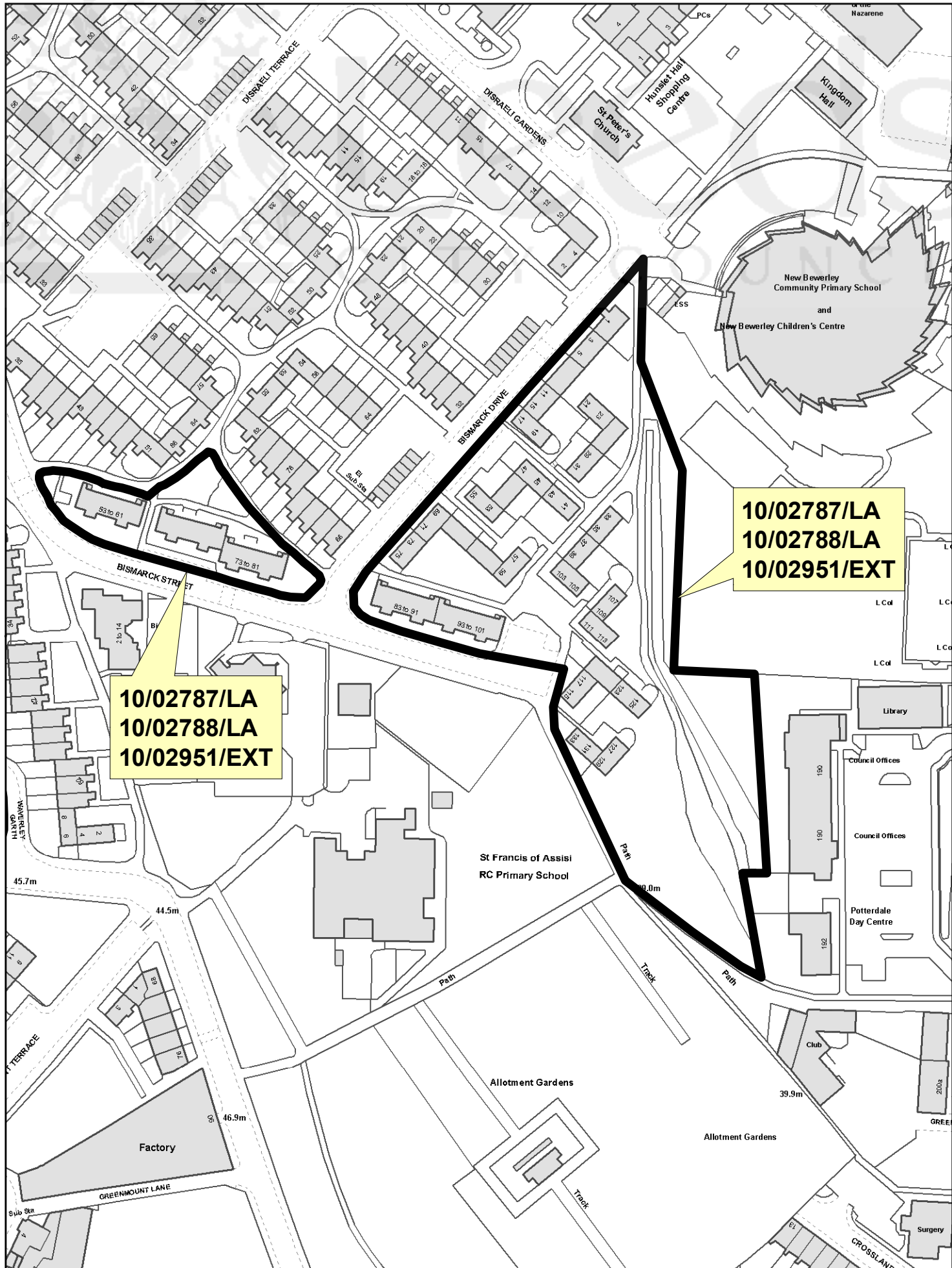
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EAST PLANS PANEL

