CITY PLANS PANEL

THURSDAY, 21ST MAY, 2020

PRESENT: Councillor J McKenna in the Chair

Councillors D Blackburn, C Campbell, P Carlill, D Cohen, A Garthwaite, C Gruen, A Khan, E Nash, P Wadsworth, N Walshaw, G Latty and P Gruen

141 Chair's Opening Remarks

The Chair welcomed everyone to this first “remote meeting” of City Plans Panel which was being broadcast live via webcast.

The Chair explained that internet connectivity may be an issue for some participants and suggested it may be appropriate to appoint a Vice Chair who could assume the Chair should the Chair loose connectivity.

The Chair proposed that Councillor Caroline Gruen be nominated as the Vice Chair, the proposal was seconded, upon been put to the vote the motion was passed.

142 Appeals Against Refusal of Inspection of Documents

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

143 Exempt Information - Possible Exclusion of Press and Public

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

144 Late Items

There were no late items of business identified.

145 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests made at the meeting

146 Apologies for Absence

There were no apologies for absence.

147 Minutes of the Previous Meeting

The minutes of the previous meeting held on 12th March 2020 were submitted for comment/ approval.

Commenting on Minute No. 137 - Application No.19/01666/FU – Mixed use development to land at Kirkstall Hill, Kirkstall, Leeds, LS5 3BH – Referring to the Members comments section, Members expressed the view that the

highway network within the area was already at full capacity and could the issue of highway infrastructure be looked at further.

RESOLVED – That, with the inclusion of the above, the minutes of the previous meeting held on 12th March 2020 be accepted as a true and correct record.

148 Matters Arising from the Previous Meeting

There were no issues raised under Matters Arising.

149 Application No.17/08262/OT - Outline planning application for a residential development with all matters reserved save for the two principle accesses off Westerton Road and Haigh Moor Road, (but not to include access within the site), three points of access at Upper Green Avenue, Sandringham Drive and Hill Top Lane, associated works, public open space provision and accessibility and qualitative improvements to local greenspace at land off Haigh Moor Road and Westerton Road, West Ardsley, Leeds, WF3.

With reference to the meeting of 30th January 2020 and the decision to defer determination of the application to allow the Chief Planning Officer to prepare and bring back to Panel detailed reasons for refusal based on the following:

- The narrowness and nature of the access roads leading to the entrances to the sites
- The lack of information on the mitigation that is required to address the impact on the local highway junctions
- The failure of the site to meet the Core Strategy accessibility standards for housing development

Site photographs and plans were displayed and referred to throughout the meeting.

The Chief Planning Officer now submitted a report which set out the detailed reasons for refusal based on the issues raised by Panel. The report explained that Members were not supportive of the original Officer recommendation of approval and in line with paragraph 6.3 of the Council's Planning Code and Good Practice, where a decision by Members differs from the Planning Officer's recommendation, the Chief Planning Officer should provide provisional reasons for refusal, with an explanation of the implications of such action, Sections, 3, 4 and 5 of the submitted report refer.

The Planning Case Officer also explained that since the last Panel meeting representations had been received from the applicant's agent which raised various matters relating to material considerations; which are summarised as follows:

- It is regarded that the resolution is unreasonable and of significant concern given the implications such a decision has on the implementation of the recently adopted Development Plan;

- The decision sends a wrong signal to those within the development industry and undermines several years of working with the Council to adopt a sustainable strategy for this site;
- Contact with the housebuilding industry is ongoing and serious concerns over investment in Leeds is raised due to this application disregarding the clear aims of the Development Plan;
- The matters motioned to form the basis of the refusal have all been clearly identified at the Examination in Public of the SAP

The Planning Case Officer also referred to additional comments received since the agenda was published particularly from local members, and reiterated that new comments, including those from West Ardsley Access Group, who had raised concerns about the lack of opportunity to address the Panel at this meeting, did not raise any new material considerations.

In addition, Officers reported that further information had been received from the applicant, which sought to address concerns raised by Members regarding the accessibility of the site in regards to Policy T2 of the Core Strategy. The additional information had included 2 technical notes responding to the three points referenced in paragraph 1.7 of the submitted report.

The information received included agreement for the applicant to make further contributions, secured through the proposed Section 106 agreement, for improvements to the local bus services. The applicant had discussed the existing bus services within the area with West Yorkshire Combined Authority (WYCA) which has outlined potential improvements that could be made to the local bus services, and their costs, that would improve the overall accessibility of the site and wider area.

WYCA consider the site as effectively 2 parcels of land (north and south of Haigh Woods). The detailed accessibility in terms of access to services (including transport) across the individual parcels is considered to be varied due to the linear layout of the application site. The majority of the parcels of land are extensions to existing housing areas so it is considered that these parts of the site will be outside the desired walking distances to bus services (400 metres). It was therefore considered by WYCA that there are limited opportunities to improve this from a bus operating perspective. However, the sites are located between the main bus corridors on the A650 and Dewsbury Road.

The bus service frequencies in the area between these corridors is currently considered to be low and there is a desire to facilitate some enhancements but this is reliant on demand and funding being available through developments such as the proposed. The services that operate are done on a commercial basis (routes 117, 425) and through the Combined Authority (route 48).

The 117 service presents the best opportunity to improve the service level, although this is based on the current demand levels and the 425 is desirable

for improvement too. These services are currently operated on a commercial basis by Arriva and on an hourly basis. As commercial services, any enhancement would require further discussions with Arriva, but WYCA anticipate that to enhance the 117 service from an hourly service to half hourly service for the section between Leeds and the site, would require 2 to 3 buses. This would equate to an annual contribution of £300,000 to £450,000 per annum based on current standard costs. However, in the circumstances it would be expected that Arriva would cover some of this cost and require a lower contribution. It is considered by WYCA that £150,000 per annum for five years would be a proportionate requirement from the applicant to improve the frequency of the 117 service; however, the monies would potentially be used to improve the 425 also.

In terms of infrastructure, with respect to the Northern parcels of land, although ideally improvements would be sought to the bus stops, the existing residential frontages and lack of footpath width prevent further bus shelters being provided. However, with respect to the Southern Parcel, WYCA have suggested that the applicant funds 2 new bus shelters with real time displays (total £46,000) that would improve the existing stops with stops 16091 and 50378 (virtual stop as 16091 is a two direction stop) moved south and incorporated into the frontage at the new access point onto Haigh Moor Road.

The applicant had confirmed that they would fund the new bus shelters with a contribution of £46,000.00 and contribute £750,000 towards the bus service improvements (£150,000 set over 5 years), which would fully satisfy WYCA's request for bus stop and service improvements.

Members raised the following questions to officers:

- Would work on the development be phased
- What was the contribution towards public transport
- In terms of further contributions towards public transport, who had been involved in those discussions
- Would there be any net gain in terms of the local greenspace and biodiversity
- Is it intended that Panel will hear representations from the applicant or other parties at the meeting today.
- Could the frequency of the bus service be increased
- Could the Travel Plan contribution support other modes of transport in addition to the bus services
- Were there any proposals to introduce cycles lanes
- Could officers confirm that any refusal of development on this site would not alter the baseline level of traffic in the area which will not stagnate
- If this application was to be refused, would there be reputational damage to the local authority in terms of the SAP strategy
- The application site is in a remote location, the public transport contribution is £150k per year, what do you actually get for that amount of money

- Referring to paragraph 5.3 of the submitted report, Members queried who was responsible in deciding the matters relating to accessibility, were extensively covered through the SAP process

In responding to the issues raised, Planning Officers said:

- Planning Officers confirmed the development works could be phased and conditioned as part of the Reserved Matters Application
- The public transport contribution was £150k per year for a 5 year period
- The extra measures (Contributions) were instigated by the developer and discussed with Officers from WYCA
- Members were informed that a Biodiversity Management Plan would be prepared to assist in managing the private woodland and also improve biodiversity for the site and wider area
- Referring to the Plans Panel Speaking protocol, the Head of Legal Services said speaking rights were only permissible on one occasion unless, in the opinion of the Chair, significant new information had been produced raising new material planning considerations. It was the opinion of the Chair that on this occasion no significant new information raising new material planning considerations had been introduced.
- Members were informed that the bus service was a commercial operation and would need to be commercially deliverable and also support the needs of the local transport network
- Highway Officers confirmed that the Travel Plan Fund could be used to incentivise other sustainable travel modes
- Highways Officers confirmed that cycle lanes could be introduced within the site but this had not been discussed with the developers at this stage
- Officers confirmed that traffic density was due to wider development growth across the city but particularly in the outer areas
- The Chief Planning Officer suggested that Members need to reflect the adopted policy but to also be mindful of local issues
- The Highway Officer confirmed that the public transport contribution would provide the equivalent of one bus per day, frequency of the bus to be determined, for a one year period, but other options would also be available
- Members were informed that it was the Planning Inspectors who examined the Site Allocations Plan that determine the accessibility of the site, having considered all the objections submitted to them.

In offering comments Members raised the following matters:

- This site is allocated for housing development within the adopted Site Allocation Plan (SAP) and this puts constraints on the Panel when determining applications on sites allocated within the SAP. If the Panel are going to refuse any such developments, robust, defensible reasons must be brought forward in order to defend the decision at appeal. The applicant has now offered further contributions which address some of

the outstanding issues Members raised and which now cast doubt on some of the reasons for refusal

- The SAP had identified a lot of sites across the city suitable for housing development, but it needs to be emphasised that not all sites initially put forward were acceptable
- Any development of this site requires further consultation with the applicant, Ward Members and local representatives of the community
- There still remains concerns about the road network in the area

The Chair requested the Area Planning Manager to summarise the discussion.

The Area Planning Manager explained that although Members had previously resolved that the application be deferred to allow the Chief Planning Officer to prepare and bring back to panel detailed reasons for refusal, the additional information and the offer from the applicant must also now be considered and taken into account.

Members were requested to further consider the application in light of the additional information and determine whether, in light of the further clarification and additional information (and increased offer from the applicant) they wished to support the Officer Recommendation (2) to grant permission, subject to the required planning obligations and conditions outlined in the first officer report (at Appendix 1), as set out in Recommendation (2) at the head of this report.

Alternatively, if Members were still minded to refuse the application (recommendation 1), they consider the impact such a refusal may have upon the delivery of the SAP sites across the city and whether in light of the additional information and offer received and implications of each refusal reason outlined in the report, they wish to support this recommendation or instead amend or withdraw one or more reasons for refusal.

It was proposed and seconded that the application be approved, subject to the required planning obligations and conditions outlined in the submitted report (Recommendation No.2)

Upon been put to the vote, 9 Members were supportive of the proposal, 3 were against and there was 1 abstention.

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 as outlined in the Officer's First Report dated 30th January 2020) and to include within the Construction Environmental Management Plan (Condition No.24), the setting up of Construction Consultative Committee, to include the applicant, Ward Members and local representatives of the community and (any others which he might consider appropriate) and also the completion of a Section 106 Agreement to include the following obligations

- Provision of 15% affordable housing;
- £816,000- improvements to M62 Junction 28 with a 10% uplift provision;
- £87,000 – improvements to A650/Common Lane; and
- £111,000 – improvements to A650/A6029 Rein Road.
- Travel Plan Fund £148,005
- £750,000.00 bus service improvements
- £46,000.00 two additional bus stops

In the event the Section 106 Agreement having not been completed within three months of the panel resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

150 Date and Time of Next Meeting

RESOLVED – To note that the date and time of the next meeting would be announced in due course.