

CITY PLANS PANEL

THURSDAY, 15TH OCTOBER, 2015

PRESENT: Councillor J McKenna in the Chair

Councillors P Gruen, R Procter,
S Hamilton, T Leadley, N Walshaw,
C Campbell, A Khan, K Ritchie,
S McKenna, E Nash and B Anderson

39 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves. The Chair extended a warm welcome to a group of planning students who were attending the meeting, with their lecturer, from Leeds Beckett University

40 Exempt Information - Possible Exclusion of Press and Public

RESOLVED - That the public be excluded from the meeting during consideration of the following parts of the agenda designated exempt on the grounds that it is likely, in view 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 as designated as follows:

The appendices to the main reports referred to in minutes 48 and 49 under Schedule 12 of the Local Government Act 1972 and the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that these contain information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that if this information was in the public domain it would be likely to prejudice the affairs of the applicant. Whilst there may be a public interest in disclosure, in all the circumstances of the case, maintaining the exemption is considered to outweigh the public interest in disclosing this information at this time

41 Late Items

There were no late items

42 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests

43 Apologies for Absence

Apologies for absence had been received from Councillors, Ingham, Taylor, Latty and Blackburn, with Councillors S McKenna, Nash and B Anderson substituting for their respective colleagues

44 Minutes

RESOLVED - That the minutes of the City Plans Panel meeting held on 3rd September 2015 be approved

45 Application 14/03735/FU - Student residential accommodation building comprising 110 studio flats, communal facilities and retail unit, landscaping and car parking - 46 Burley Street LS3 - Appeal Decision Summary

Further to minute 128 of the City Plans Panel meeting held on 12th February 2015, where Panel resolved to refuse planning permission for a student residential scheme, Members considered a report of the Chief Planning Officer outlining the Inspector's decision to the appeal lodged by the applicant

Members were informed that the appeal, which was dismissed by the Inspector, raised important issues relating to space standards and amenity, issues which Panel had voiced concerns about on this and other schemes, In this case the size of the internal space being proposed – 20sqm for the smallest flats – whilst being considered suitable by the applicant for daily living, was not accepted by the Panel, and the Inspector found the living conditions to be unacceptable on amenity grounds but gave no weight to space standards as the Council had not gone through a Local Plan process yet to adopt the national technical space standards

An application for costs from the Council was rejected, with the Inspector noting that Panel had visited the site and had not acted unreasonably in adding a second reason for refusal to that proposed by Officers

The Panel discussed the appeal decision, with the main comments relating to:

- the strategic significance of the decision
- the work which had been undertaken to achieve the Leeds Standard; its application to residential developments undertaken on behalf of the Council and that developers were encouraged to adopt this same standard to their schemes
- the work done by City Plans Panel on this issue
- the need to be clear on the Council's aspirations regarding space standards and the need for consistency of approach to this element across the three Plans Panels
- the costs application

Regarding space standards, the Deputy Area Planning Manager advised that whilst there was the Leeds Standard this was not adopted planning policy and that the only standard the LPA could have was the recently introduced national standard, with work having commenced on the process of adopting this. Concerns were raised that the Leeds Standard also included issues relating to energy and environmental issues which should be taken into account when considering applications

RESOLVED - To note the appeal decision and that a briefing note comparing the national standard with the Leeds Standard be provided to all Panel Members

46 Application 15/03519/FU - Proposed alterations and two storey extension, change of use to units 51-59, new restaurant, change of unit of units 41-49, associated public realm works, highway works, infrastructure for hotel and retail units - Merrion Hotel Wade Lane LS2

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

Officers presented the report which sought approval to alterations and extensions to the Merrion Hotel, Wade Lane LS2, to form an upgraded, 134 bedroom hotel, with a new 491sqm A3 Use Class restaurant, together with new shop fronts to the existing retail units, with flexible A1, A2, A3 and A4 uses being sought. The proposals would also require the demolition of the octagonal building, a former public house.

The issue of land levels across the site had been dealt with by the use of steps, balustrades, planters and the provision of an outdoor seating area for the restaurant.

A new drop off area would be provided to the front of the footway on Wade Lane with a Traffic Regulation Order (TRO) being introduced to control parking in this area.

Improved pedestrian access along Wade Lane would also be created as part of this scheme by widening of the footpath.

In terms of the existing disabled car parking bays fronting onto Wade Lane, Members were informed that these would be retained.

The Panel considered the application, with the main issues being raised relating to:

- access for coaches dropping off at the hotel; the need to ensure modern coaches which were longer could be accommodated and the possibility of creating additional space by moving the existing bus stop and shelter towards Merrion Street
- employment opportunities arising from the scheme. Members were informed that details of the likely number of jobs which would be created could be provided
- that the scheme would regenerate a tired part of the city centre
- the design of the scheme; concerns from some Members that this was uninspiring and required improvement; but a general recognition that it was an improvement on the existing situation and addressed a need in this area of Leeds
- the landscaping proposals and that further planting should be considered
- the historic nature of this area and that artwork within the scheme reflecting this should be considered

Officers provided the following responses:

- that a TRO was proposed to accommodate a time restricted drop off point that could be used by coaches as well as private vehicles/taxis

- in terms of design, it was accepted that the finished scheme would not be iconic but the proposals were considered to be appropriate and would enhance the area; would sit comfortably with the work already undertaken to improve the external appearance of the Merrion Centre and would create activity and vibrancy in this area which was currently lacking
- on the landscaping/public realm, the scheme responded to the constraints of the site and it was considered that one feature tree was more preferable

The Chair invited a representative of the applicant to address the Panel on the inclusion of art within the scheme. Members were informed that the applicant - a national chain of hoteliers - sought to reflect the local area in their buildings. Images of proposed decorative elements in the hotel rooms depicting landmark buildings in Leeds were distributed for Members' information. The Panel was also informed that concept designs for the interior of the hotel referenced the local area

Discussions continued on the design of the extension with some concerns that this did not reflect aspirations for securing the best design for buildings in the city. The Deputy Area Planning Manager advised that the detailing of the scheme, which he considered to be a key factor, could be controlled by planning condition

RESOLVED - To defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions appended to the submitted report (and any others which he might consider appropriate), and following completion of a Section 106 Agreement to cover the following additional matters:

- a Travel Plan monitoring and evaluation fee of £2500.00
- Employment and training opportunities for local people
- £6000 contribution for a Traffic Regulation Order for a new drop off area to Wade Lane

In the circumstances where the Section 106 Agreement has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer

47 Merrion Centre mosaic

Officers took this opportunity to inform Members that the mosaic which had been situated on the northeast face of the Merrion Centre had been relocated to the College of Art - which was fitting as the artist had been the Principle of the College - and was now in a more prominent position

Tributes were paid to City Plans Panel Members for insisting this work of art be returned to the College of Art and to the students who had worked hard to restore this historic feature

48 Application 15/03167/FU - Residential and commercial development comprising 72 dwellings, A1/A2/B1 flexible space at ground floor, associated covered parking area and landscaping - Land at David Street Holbeck LS11

Draft minutes to be approved at the meeting to be held on Thursday, 5th November, 2015

Further to minute 175 of the City Plans Panel meeting held on 16th April 2015, where Panel considered pre-application proposals for a mixed use development in Holbeck Urban Village, Members considered a further report setting out the formal application. Appended to the report was an appendix which contained detailed financial information which Panel had resolved to consider in private

Plans, photographs, drawings, graphics and artist's impressions were displayed at the meeting

Officers presented the report which sought approval for a major mixed used scheme, comprising 72 dwellings; commercial space and retail space: car parking and landscaping on a brownfield site within the setting of several listed buildings and the Holbeck Conservation Area

Key details of the proposals were outlined and included:

- parking provision; the inclusion of a covered parking area in the middle of the site providing cycle storage and 46 car parking spaces although 17 of these were required to be retained for existing tenants of adjacent offices
- the highly sustainable location of the site
- the accommodation would cater for families
- the energy efficient features of the scheme
- the landscaping and public realm features of the proposals
- vehicular and pedestrian access routes
- the retention and repositioning of the popular Wonderwood feature
- the palette of materials which was predominantly red brick with Corten steel features
- the massing of the proposals which was considered to be appropriate for this site, particularly in view of the mix of building heights in the area
- space standards and that the proposals exceeded space standards set out in both the Leeds Standard and the national standard

The Panel discussed design elements of the scheme, with the main issues being raised relating to:

- air quality issues. Members were informed that additional ventilation measures would be provided to the internal car park, with these being controlled by condition
- building heights with concerns that a precedent could be set for future developments. Officers advised that the proposals were for a 7 storey building fronting David Street with the lower, 3 – 4 storey town houses next to the Round Foundry site. The street views which had been provided and which showed the development in the existing context were outlined to Members. Whilst the listed Matthew Murray House adjacent to the site and modern offices on the opposite side of David Street, were lower in height, it was the view of Officers that the height of that building did not need to be retained in the proposed scheme. The wider area comprised a variety of building heights, including

buildings of a similar scale or taller than that proposed, and it was considered that the views of the proposed scheme in this wider context were acceptable

- car parking, particularly around safety and security. The Chair invited the applicant's architect to address Members with the Panel being informed that the car park was fully secure; that it had four access points which would be controlled by the residents; that the building would be managed constantly and that the car park would be covered by CCTV
- the chimney features of the building; their prominence and differing views about the success of these in the overall scheme. The applicant's architect advised that the shape and size of the chimney features reflected the capacity of the lifts they encased and provided a reference to the history of the area
- privacy issues to the town houses. Members were informed that the use of landscaping and changes in levels would create a 'zone' along the front doors of the town houses to indicate the areas which were not public realm

Having resolved to discuss the financial information in private, the public were asked to withdraw from the meeting at this point

The Chair welcomed a representative of the District Valuer who was attending for this application and the following one (minute 49 refers)

Members were advised that the affordable housing requirement on this site was for 4 units. The applicant indicated this was not financially viable, with 3 units being offered. Members were asked to consider this offer, which was not policy compliant, and if in agreement to indicate whether this provision should be on-site or be a commuted sum

The representative of the District Valuer explained the process which had been adopted in assessing the financial viability of the scheme and outlined his conclusions

A detailed discussion took place with the main issues considered relating to:

- the range of abnormals used to consider costings
- the requirement for quality schemes
- the likely popularity of the development and related assumptions about the level of developer risk and return on investment being sought
- the need for 4 units (3.6 of average value) to be provided

At this point, the public were re-admitted to the meeting

Members continued to discuss the proposals with further points being raised in respect of:

- the small difference between what was required under policy and what was being offered with concerns this showed a degree of poor judgement on behalf of the applicant
- car parking levels with concerns that 29 spaces was insufficient

- the affordable housing contribution and that Officers should be asked to negotiate a contribution of 5% of the total number of units proposed, with some preference for this being, subject to discussions with Housing and Ward Members, in the form of a commuted sum with the proceeds going to the local or adjacent Wards

Members considered how to proceed

RESOLVED - To defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions set out in the submitted report (and any others which he might consider appropriate), and further discussions on the affordable housing provision, with 5% being sought on site or in lieu of this, Officers to negotiate an equivalent off site contribution in discussion with Housing colleagues in the local area and following completion of a Section 106 Agreement to cover the following additional matters:

- affordable housing provision of 5% either on site or equivalent off site sum
- access and maintenance of publicly accessible public realm areas
- a Travel Plan monitoring and evaluation fee of £2500.00
- a contribution to the sustainable travel fund of £36,500.00 as detailed in the Travel Plan
- employment and training opportunities for local people

In the circumstances where the Section 106 Agreement has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer

49 Application 14/06918/OT - Outline application (all matters reserved except for partial means of access to, but not within, the site) for circa 335 residential units and 149 sqm of ancillary retail (Class A1) - Woodside Quarry Clayton Wood Road West Park LS16

Prior to consideration of this matter, Councillor R Procter left the meeting

Plans, including those from the 2010 application, photographs and drawings were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented a report which sought approval for an outline application for the redevelopment of a large brownfield site – a former quarry - which had been granted outline planning in 2010 for a residential scheme, but had not been brought forward for development due to a number of issues, including the cost of remediation works

The current proposals were for an outline application for circa 335 residential units with a small – 149sqm of ancillary Class A1 retail space. Members were informed that around 275 dwellings was the likely maximum number of dwellings for the site, mainly in the form of 2 – 2.5 storey housing

A 10m ecological buffer would be created with an area at the southern end of the site being safeguarded for possible use for a multi-storey car park to serve a potential rail halt

In terms of access arrangements, these were similar to what had been agreed in the previous scheme, with, as in the 2010 permission, the access off Silk Mill Way going through Ancient Woodland with the loss of 25 trees

Brief details of some of the quarry treatments which would be required to enable the site to be made developable were outlined for Members' information

Members were informed that the site had not been able to be successfully marketed to volume house builders and that the site was causing some anti-social issues in the area. Despite the Council's interim affordable housing policy which had lowered the affordable housing provision on this site from 25% to 15% the site had not come forward during that time. The adoption of the Core Strategy and the introduction of CIL set the requirements of the site at 35% affordable housing and CIL at £90 per sqm. As part of the S106 package, a hopper bus service to serve Horsforth train station and off peak destination including Holt Park was proposed; the scheme would also preserve the Great Crested Newt colony which was currently living on the floor of the quarry and would be relocated to a new facility which had already been created, and would pay out the full CIL contribution

The Chair invited representatives of the owners of the site and their marketing team to address the Panel, with further information being provided on issues which included:

- the level of expenditure incurred on bringing the site forward
- that the site was a stalled site and had significant technical challenges
- that some level of interest had been generated however the S106 requirements of the 2010 permission were proving to be an obstacle
- that the current level of affordable housing being proposed for the site which equated to 19 units, was more manageable when taking into account the other obligations and the remediation works
- that the Great Crested Newt colony could only be relocated in Summer, so if outline permission was granted and Reserved Matters could be secured in Spring 2016, it was hoped the remediation works could commence around October 2016

The Panel discussed the proposals and commented on the following key issues:

- the indicative layout with concerns that this was too dense
- the grassed area to be set aside for a possible rail halt and how residents would be advised this open area might be a temporary feature only
- the need to retain land for a rail halt and that the provision of such a feature would add value to the property price
- the highway implications of the proposals, particularly the cumulative impact of increased vehicles on the wider area

- the route of the hopper bus and where the stops would be located
- the need to ensure safe access to schools over busy roads
- the cumulative impact of the proposals on Horsforth station
- the absence of a review mechanism of the S106. On this matter a representative of the owner's marketing team advised that to incentivise the site, prospective developers required a level of certainty about the commitments associated with a scheme, with Members being informed that it would not be possible for developers to take the site forward if the full extent of the commitments were not known up front

In relation to the hopper bus, Members were informed that a 15 minute frequency was proposed, In terms of the bus route, this would go to Holt Park and the route could be changed if required. On the impact on Horsforth Station, it was reported that some improvements were already taking place e.g. the provision of cycle lockers

The Transport Development Manager advised that to enable safe access to schools, pedestrian crossings would be provided across the Ring Road

In terms of the impact of the scheme on off site junctions, this had been assessed and whilst there would be impacts it was not felt that the scheme in its own right required works at the roundabout and the impact of this scheme was less than the previous, agreed scheme, albeit this had been required to fund off-site highway improvements. Concerns were raised that highway improvement works should not be funded solely by the developer in view of the existing highway problems and that future infrastructure requirements should be identified through the Site Allocations Plan (SAP) process

Having resolved to consider the financial information in private, the public withdrew from the meeting at this point

The Panel heard from a representative of the District Valuer who had assessed the financial viability statement provided on this application and who proceeded to outline his approach when considering the information which had been provided

A detailed discussion took place on this aspect of the submitted report, with the key issues raised relating to:

- CIL charges
- possible ways of maximising the level of affordable housing provision by re-examining the level of public transport contributions
- the need for a S106 review mechanism to be in place

The Panel's legal adviser reminded Members that the site was a brownfield site and that the issue of the sustainability of the site had to be considered, particularly in view of appeals which were scheduled for early 2016

At this point, the public were re-admitted to the meeting

The Head of Planning Services summarised the discussions and stated that Members acknowledged the particular challenges the site posed and were keen for development to commence. A two year time limit for submission of Reserved Matters had been considered to be appropriate although Officers expected close working to take place around progress on marketing the site and pre-application discussions

In terms of the S106 and the affordable housing contribution, Officers had been asked to look at the contributions being made to see whether some of these could be altered, with more money being put towards affordable housing (for example reducing the metocard contribution) and that the gap between what had been offered and the higher level suggested in the District Valuer's report needed to be bridged. Furthermore a review mechanism of the S106 was required to test out aspects of the Agreement to relate to two parts, firstly the hopper bus and to see how the site was progressing and whether the bus was being used or the money could be directed to affordable housing. Secondly, to review the profit being generated by the sale of the open market housing and to assess whether this then allowed some kind of profit sharing arrangement between the developer and the Council (over and above the 18% profit level agreed by the DVS and the developers). Any extra profit could be used by the Council to add to affordable housing, with further discussions on this to take place

Further comments were made regarding the indicative layout plan with the suggestion being made that the site should be designed around the principle of a stand-alone site. The matter of land being set aside for a rail halt was also discussed further with a requirement for the land to be safeguarded for this possible use for 25 years, rather than the 13 year being proposed, as this longer time period would tie in with the proposed electrification of the Harrogate/Leeds line

The issue of works relating to Rights of Way and their diversion was also highlighted to Members

RESOLVED - To defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions in the submitted report (and any others which he might consider appropriate), further discussions as indicated above on the level of affordable housing provision; having regard to Panel's views on this; a review of the mix of units and the nature of the package of contributions as indicated in the report before Panel; together with works relating to Rights of Way; the reserving of land for a rail halt for a period of 25 years and for two elements of a review mechanism to be included within the S106 Agreement

In the circumstances where the Section 106 Agreement has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer

50 PREAPP/15/00587 - City Reach - Site south of Kirkstall Road Burley fronting the River Aire (former Yorkshire Chemicals Site)

Prior to consideration of this matter, Councillors Nash and P Gruen left the meeting

Plans, graphics and artist's impressions were displayed at the meeting. A Members site visit had taken place earlier in the day

The Panel considered a report of the Chief Planning Officer setting out pre-application proposals for a mixed use scheme comprising private sector residential for sale, private rented sector residential and student housing with ancillary ground floor active uses, small scale retailing, café/restaurants and bars at the former Yorkshire Chemicals Site, Kirkstall Road fronting the River Aire

The strategic context of the site was outlined to Members, with the site being opposite the Otter Island residential development, approved by City Plans Panel in 2014 and now being implemented. Members had also visited this development earlier in the day. The site was located in an area in transition and formed part of a wider allocation in the emerging Site Allocations Plan which included a requirement for a school

Members were informed that the proposals to be presented showed buildings which were one storey higher adjacent to the river than set out in the Officer report before Panel

The Panel then received a presentation from representatives of the developer

The main points outlined in the presentation included:

- the credentials of the applicant and their global experience of financing, developing and operating residential developments
- the vision to create a new community of 1000 new homes in three different sectors across the site, supported by retail and leisure facilities in an environment which people would choose to live in
- that the private rented sector would help meet the demands of the changing urban demographic and would enable younger professionals to remain in Leeds
- the proposals would bring a stalled, brownfield site back into use
- that reference would be paid to the Kirkstall Road Renaissance Plan; that the river would be used as an asset with the aim being to open river access to everyone
- good pedestrian connectivity would be created
- that the site was in a highly sustainable location
- that a range of apartment sizes would be provided, including family-sized accommodation
- on site, basement car parking was proposed of around 530 car parking spaces, with vehicular access being from Kirkstall Road
- general public open space would be provided, with around 40% of the site being given over to public open space

The Panel discussed the proposals, with the following matters being raised:

- the mix of residential accommodation proposed and whether any problems were envisaged. Members were informed that the scheme would be highly managed and that it was likely that

the student accommodation would be sold to a student housing provider

- the ownership of the bridge across the site. Members were informed that it was in the ownership of the proposed applicant with the intention being to retain and repair it in view of its importance in creating cohesive communities
- wider links from the site
- car parking levels and whether sufficient was being proposed. Members were informed that the car parking would be fully managed and that a more flexible approach to this was being proposed. Furthermore, no parking was being proposed for the student accommodation. Cycle storage would be provided on the site and a car club was also proposed

On the specific questions posed in the report, the Panel provided the following responses:

- that further details were required on whether the scheme could be developed without prejudicing the provision of a school on the wider SAP site
- that the city centre high rise approach to residential development was acceptable on this site
- that the overall scale and articulation in the heights of the buildings, with the taller flanks and the lower centrally located buildings with central focal point was an acceptable approach in the context of the existing area
- regarding the amount and location of publicly accessible open space and the pedestrian linkages to these spaces, more information was required on the proposed quality and nature of the proposed spaces and linkages
- that Members shared the SAP requirement to retain, if not the existing, then a replacement river crossing to improve/enhance north-south connectivity

Additionally, achieving connectivity particularly to the adjoining area of greenspace to the east of the site was stressed as being an important part of the proposals as they developed

RESOLVED - To note the report, the presentation and the comments now made

During consideration of this matter, Councillors Campbell, Ritchie and Walshaw left the meeting

51 PREAPP/15/00600 - Centenary House North Street Sheepscar LS2

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

The Panel considered a report of the Chief Planning Officer setting out pre-application proposals for a change of use and extension of Centenary House, North Street Leeds to form 79 residential apartments with an A4 drinking establishment or alternative use to the North Street frontage

The Panel also received a presentation on the proposals on behalf of the developer, with the main issues being outlined which included:

- the current state of the building and the length of time it had been on the market
- that many of the consulting rooms from the initial use as the Leeds Public Dispensary remained and would easily convert to flats
- that the two storey waiting room void would be reinstated and would form a glazed atrium which would provide internal, communal space
- that two extensions were proposed; one a roof top extension and the other a 5/6 storey curved extension towards the Inner Ring Road
- the inclusion of a pocket park on the hard surfaced frontage area, although details on the landscaping had not been finalised
- that a taxi drop off point and disabled parking would be provided

The Panel discussed the proposals and commented on the following matters:

- the size of the apartments. Members were informed that only one unit was below the Leeds Standard and this by 1sqm
- the target market for the apartments, with the developer's representative stating that the accommodation was for private occupancy and was not a student-led development
- the proposed use of the ground floor retail unit. Members were informed that this might not necessarily be a bar as interest had now been expressed from other quarters

In response to the points raised in the report, the Panel provided the following comments:

- that the proposed uses were acceptable in principle
- that the proposed alterations and extension, subject to detailed design and provision of an appropriate landscape scheme have an acceptable impact upon the listed building and wider townscape
- that subject to the provision of mechanical ventilation and suitable noise mitigation by way of acoustic glazing, that the amenities offered to occupiers of the building would be acceptable
- that the mix of residential accommodation proposed was acceptable
- that subject to the provision of suitable details of measures to service the building and how sustainable transport facilities would be provided, that limited car parking provision was acceptable at the site
- that subject to the issues listed above being resolved and no other significant issues arising that when submitted, the planning and listed building applications can be determined on a delegated basis

RESOLVED - To note the report, the presentation and the comments now made

During consideration of this matter, Councillor Leadley left the meeting

52 Date and Time of Next Meeting

Thursday 5th November 2015 at 1.30pm in the Civic Hall, Leeds