

CITY PLANS PANEL

THURSDAY, 16TH MARCH, 2017

PRESENT: Councillor J McKenna in the Chair

Councillors R Procter, D Blackburn,
T Leadley, N Walshaw, C Campbell,
A Khan, A Garthwaite, J Heselwood,
C Macniven, S Hamilton, S McKenna and
B Anderson

A Member site visit was held in the morning in connection with the following proposals: Application No.16/02988/OT – Lane Side Farm, Churwell and PREAPP/17/00047 – West Yorkshire Playhouse and was attended by the following Councillors: J McKenna, A Garthwaite, C Campbell C Macniven, B Anderson, D Blackburn, S Hamilton and T Leadley.

134 Chair's Opening Comments

In opening the meeting, the Chair announced that Agenda Item No. 11 – Application No.16/05226/OT – Outline Planning Application for 874 dwellings and a 66 bed Care Home, A first form entry Primary School , a new Local Centre including Convenience Store, 5 Retail Units and infrastructure at Rudgate Village, Thorp Arch Estate, Wetherby had been withdrawn from the agenda and would not be considered at the meeting today.

135 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents

136 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

137 Late Items

There were no late items of business

138 Declarations of Disclosable Pecuniary Interests

Although not a disclosable pecuniary interest, Councillor T Leadley required it to be recorded that he declared an “other interest” in Agenda Item No. 10 (Application No. 16/02988/FU – Outline application for up to 550 houses including means of access to land at Lane Side Farm, Victoria Road,

Churwell, Morley, LS27 7PA) having spoken about the application at recent public meetings. (Minute No. 144 refers)

139 Apologies for Absence

Apologies for absence were received from Councillors: P Gruen. G Latty and B Selby.

140 Minutes of the Previous Meeting

With reference to Minute No.129 of the previous meeting and the section dealing with Members comments and questions; third to last bullet point, Councillor Leadley asked if the sentence could read as follows “some Members were opposed to the demolition of the building”

RESOLVED – That with the inclusion of the above, the minutes of the meeting held on 2nd February 2017, were approved as a true and correct record.

141 Matters Arising from the Minutes

There were no issues raised under matters arising.

142 Application No. 16/01115/FU - Mixed Use Development Across Three Buildings, comprising Residential Apartments (Use Class C3), Flexible Office (Use Class B1) or Food and Drink (Use Class A3) D1 (Clinics and Health Centres) Undercroft Parking and Associated Landscaping at Granary Wharf Car Park, 2 Canel Wharf, Holbeck, LS11 5PY

With reference to the meeting of 9th June 2016 and the decision to approve the application subject to the completion of a Section 106 legal agreement to include a requirement to provide 5% of affordable housing on-site.

The Chief Planning Officer submitted a report which set out details of a request from the applicant to provide a commuted sum in lieu of on-site affordable housing provision, to enable a Private Rental Sector (PRS) model of housing to be delivered on the site. The commuted sum would be paid on occupation of the first residential unit. It was reported that all other material considerations remained as previously reported.

In response to Members comments and questions the following were discussed:

- The use of a commuted sum may be appropriate in some instances
- Discussions with potential investors was proving difficult on this site for the delivery of a PRS model with on-site affordable units
- Concerns were raised as to how the commuted sum was calculated
- Concern that if there was no on-site social/ affordable housing provision, certain groups of tenants would be excluded from the City Centre

- PRS models appeared to work in London with on-site affordable units
- Could Housing Leeds take on the management of the affordable housing units
- It was noted that the loss of the existing car park use was agreed at the Plans Panel meeting on 9th June 2016
- A wind impact assessment had been undertaken and demonstrated that there would be no safety concerns raised by the proposal
- An electric charging point should be provided for the car club space

In summing up the Chair said there appeared to be a number of concerns with the approach to affordable housing provision where further clarification was required and that deferral of the application may be appropriate in this instance.

RESOLVED – That determination of the application be deferred for further clarification as to how the commuted sum is calculated, further information on why on-site affordable housing provision was not possible in this case and if it would be feasible / acceptable for Housing Leeds to take on the management of the on- site affordable housing units.

143 Application No. 16/07741/FU - Erection of Part 7, Part 11 and Part 18 Storey Student Accommodation Building and Commercial Unit (Use Class A3 or A4) and Alterations to Public Realm and Associated Landscaping work to Land at St Albans Place and Belgrave Gardens, LS2 8DQ

The Chief Planning Officer submitted a report which sets out details of an application for the erection of part 7, part 11 and part 18 storey student accommodation building and commercial unit (Use Class A3 or A4) and alterations to public realm and associated landscaping work to land at St Albans Place and Belgrave Gardens, Leeds, LS2 8DQ.

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

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

- Principal of the development
- Living conditions
- Townscape and heritage considerations
- Public realm and trees
- Transport and servicing issues
- Wind issues
- Proposed completion date Autumn 2019

In response to Members comments and questions the following were discussed:

- Loss of the existing car park
- Public realm maintenance contribution
- Would benches and waste bins be included as part of the landscaping scheme
- The proposed public realm is a huge improvement
- Size of the apartments was small but the provision of high quality communal facilities were noted
- The quality of the architecture was supported

In responding to the issues raised, the Chief Planning Officer/ applicant's representatives confirmed: the selling off of the car park was an Executive Board decision and other public car parks were available in the area and some on street public parking was also available. The ownership of the public realm remained with the City Council, the contribution was for additional maintenance costs. In terms of the provision of benches and bins, benches were already included as part of the landscaping proposal, waste bins could be added by condition.

RESOLVED –

- (i) That the application be deferred and delegated to the Chief Planning Officer for approval subject to the conditions specified in the submitted report (and any others which he may consider appropriate) and following the completion of a Section 111 of the Local Government Act 1972 appending a draft section 106 agreement to include the following obligations:
 - Use of residential accommodation for use solely by students in full-time higher education;
 - Contribution of £18,000 towards loss of income from on-street pay and display parking bays;
 - A travel plan monitoring fee of £3,880
 - Public realm maintenance contribution of £19,443.92
 - Contribution of £3,600 for off-site tree planting
 - Local employment and training initiatives;
 - Details of wind mitigation features and commuted sum for maintenance in perpetuity; and
 - Section 106 management fee of £2250.
- (ii) That in the event of the Section 106 having not been completed within 3 months of the resolution to grant planning permission, the final determination of the application be delegated to the Chief Planning Officer.

144 Application No. 16/02988/OT - Outline Planning Application for Residential Development of up to 550 Houses Including Means of Access to Land at Lane Side Farm, Victoria Road, Churwell, Morley, LS27 7PA

The Chief Planning Officer submitted a report which set out details of an outline application for residential development of up to 550 houses including means of access to land at Lane Side Farm, Victoria Road, Churwell, Morley, LS27 7PA.

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

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

- The application site extends to 24.02 hectares positioned to the east of Victoria Road between the settlements of Morley and Churwell
- The proposal is for outline planning permission for the residential development of the 24.02 hectare site to deliver circa 550 dwellings that would provide a combination of 2,3 and 4 bedroom units comprising a mixture of terraced, semi-detached and detached dwellings
- A single vehicular access to the site is proposed from Victoria Road. This primary access is located towards the south-west corner of the site onto Victoria Road. It comprises a standard junction with a right turn lane from Victoria Road into the site and a 6.75metre width carriageway within the site that is widened to 7.3m for the initial length from Victoria Road. A second vehicle access was to be provided off Victoria Road to be used in the event of an emergency.
- The inclusion of satisfactory road safety audits on the primary and secondary access
- The outline application seeks determination of the; principle of the development and the means of access into the site only.

The Panel then heard from Councillor R Finnigan, (Morley Ward Member) who spoke against the application, suggesting development on greenbelt sites was not acceptable when brown field sites were available. He said the application had attracted in excess of 1000 objections many raising concern over access arrangements, traffic congestion, the possible lack of school places and Health Care provision may be affected.

Councillor Finnigan suggested that the development may create up to 1000 vehicle movements each day resulting in out of peak time congestion problems, it would also lead to high pollution levels particularly in the Chapel Hill area.

In responding Officers' clarified that the application was not a greenbelt site, on the issue of a lack of school places, a representative of Children's Services said there was sufficient capacity in the area but parents requesting a school within a reasonable walking distance may be disappointed. If the development was to proceed, a review of the primary provision would be required after the

provision of 240 homes which would be controlled through the planning permission

The Panel also heard from the applicant's representative who reported that the application was submitted in accordance with the site allocation plan. It was further reported that as part of the Section 106 Agreement a contribution towards off site highway works was to be made, together with the reservation of a parcel of land for a new two form entry primary school, should it be required.

In response to Members comments and questions the following were discussed:

- Access into the site was not ideal, a second access point required pursuing
- Parents not receiving the offer of a school place within a reasonable walking distance was "unpalatable"
- The location of the proposed new primary school was an important factor
- An off-site highway improvement scheme may reduce congestion in the area
- It was suggested that the 5 year housing supply target was too high, and that it required reducing

In responding to the last bullet point, the Head of Legal Services drew Members attention to section 8.14 of the submitted report which states;

Accordingly, the Council is now in the position that it does not have a 5 year housing supply and the policies within the Unitary Development Plan and Core Strategy that are relevant to the supply of housing are considered to be out of date. Paragraph 14 of the NPPF is, therefore, now particularly relevant, which states the following:

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

Approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

— any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

— Specific policies in this Framework indicate development should be restricted."

It is important to note that an 'out of date' policy does not become irrelevant and it is therefore the case that an assessment must be made in respect of the weight to be attached to such policies in the planning balance of decision making overall.

In summing up the Chair said that he accepted there remained mixed views about the proposal but a decision was required

At this point in the discussion Councillor Campbell moved an amendment requiring the application be deferred and delegated to the Chief Planning Officer for approval in principle (subject to the completion of a Section 106 Agreement) and following the provision of a revised site access plan to conform to Planning Policy Guidelines

In offering advice the Head of Legal Services clarified that the Panel were considering an outline planning application for the principle of development together with full detailed permission for the means of access both of which required determination, and all other details being dealt with under the Reserved Matters Application.

The Head of Legal Services cautioned that Councillor Campbell's proposed amendment "altered the essence of the application by seeking a deferral of the means of access"

Upon being put to the vote, the amendment was lost (by majority decision)

Voting on the substantive motion, the recommendation of the Chief Planning Officer as detailed in the submitted report – The motion was won (by majority decision)

RESOLVED -

- (i) That the application be deferred and delegated to the Chief Planning Officer for approval subject to the conditions specified in the submitted report (and any others which he might consider appropriate) the inclusion of satisfactory road safety audits on the primary and secondary access and the completion of a S106 agreement to secure the following:
 - Affordable Housing – 15% (with a 60% social rent and 40% submarket split);
 - An Off-site Highway Works contribution of £1.5M;
 - Reservation of a parcel of land of no less than 1.8 hectares to accommodate the provision of a new two form entry primary school and should it be required, the provision of the new school on the application site or, alternatively, within the catchment of the site to be delivered prior to the occupation of the 241st dwelling;
 - Public open space on site of the size to comply with Core Strategy Policy G4;

- Provision of a Sustainable Travel Fund of £338,167.50;
- Improvements to two bus shelters (ref 11354 and 10328) to provide for an upgrade to have real time passenger information displays to the sum of £40,000;
- Travel Plan Review fee of £4,750.

(ii) That in the event of the Section 106 having not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

145 Application No. 16/05226/OT - Outline Planning Permission for Circa 874 Dwellings, A 66 Bed Care Home, A First Form Entry Primary School, A New Local Centre Including a Class A1 Convenience Store (Up To 420M2), A 5 unit Parade of Small Retail Units (Up To 400M2), Class D1 Uses (Up To 750M2), Onsite Open Space, Including Areas for both Public Access and Biodiversity Enhancements, Together with Associated Highway and Drainage and Infrastructure at Rudgate Village, Thorp Arch Estate, Wetherby.

It was noted that this application had been withdrawn from the agenda.

146 PREAPP/17/00047 - Proposed Extension on the Front of the Existing Building to Create a New Front Entrance to the Theatre (The Size of the Proposed New Extension is 800M2) at the West Yorkshire Playhouse, St Peters Street, LS2 7UP

The Chief Planning Officer submitted a report which sets out details of a pre application proposal to build an extension on the front of the existing building to create a new front entrance to the Theatre (The size of the proposed new extension to be 800 M2) at the West Yorkshire Playhouse, St Peters Street, LS2 7UP.

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

The applicant's representative addressed the Panel, speaking in detail about the proposal and highlighted the following:

- The principal aim is to create a new entrance and presence to the St Peters Street face of the existing building, via the siting of an extension that would sit along the length of the north and partly west sides of the host building. The extension would also occupy an area currently used as surface parking for 18 spaces by the Playhouse staff.
- It is proposed to undertake internal works to reconfigure the layout to improve legibility and accessibility. The new extension and reconfigured spaces would be largely extending ancillary spaces and uses, such as café and theatre information area/s focused on supporting the principal role of the building as a theatrical venue.

- Design, Massing, Scale and Layout
- Landscaped Areas
- Lighting and signage treatment
- Sustainable Transport
- It is estimated that full works (internal and external) would take approximately 12 months to complete

In response to Members comments and questions, the following were discussed:

- Members queried if any discussions had been taking place with neighbouring properties in respect of parking, landscaping and connectivity matters. Co-ordination was required between all stakeholders to deliver a high quality public realm
- Members noted that full re-seating of the theatre was proposed and asked if consideration could be given to “extra leg room”.
- The inclusion of a larger lift was welcomed

In responding to the issues raised, the applicant’s representatives confirmed that discussions had taken place and dialogue was continuing with Leeds City College, representatives from the Caddick Development, the City Council Highway Department and all other major stakeholders. Commenting on the re-seating of the theatre “space issues” were being considered.

In drawing the discussion to a conclusion Members provided the following feedback;

- It was the view of Members that the emerging scale, massing and design of the proposals were very good.
- With regard to the emerging landscape proposals Members requested that dialogue continued with neighbouring properties
- In offering comment Members welcomed the front facing extension.

In summing up the Chair said Members were supportive and impressed with the scheme and welcomed the continuing dialogue with neighbouring properties.

RESOLVED –

- (i) To note the details contained in the pre-application presentation
- (ii) That following the submission of the formal application, final determination of the application be delegated to the Chief Planning Officer for approval subject to any conditions deemed necessary or required by the Chief Planning Officer
- (iii) That the developers be thanked for their attendance and presentation

147 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Thursday 6th April 2017 at 1.30pm in the Civic hall, Leeds.