

CITY PLANS PANEL

THURSDAY, 27TH APRIL, 2017

PRESENT: Councillor J McKenna in the Chair

Councillors P Gruen, R Procter,
D Blackburn, G Latty, T Leadley,
N Walshaw, C Campbell, A Khan,
A Garthwaite, J Heselwood, S McKenna
and J Pryor

A Member site visit was held in the morning in connection with the following proposals: Application No.16/05226/OT – Thorp Arch Estate and Application Nos: 16/07322/RM & 16/07323/RM – Whitehall Riverside, Whitehall Road, Leeds, LS1 4AW and was attended by the following Councillors: J McKenna, C Campbell, D Blackburn, J Pryor, S McKenna, N Walshaw, A Khan, P Gruen and T Leadley.

156 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents

157 Exempt Information - Possible Exclusion of Press and Public

That, in accordance with Regulation 4 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during consideration of the following parts of the agenda designated as exempt on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:-

Application Nos:16/06877/FU & 16/06878/LI – Partial demolition of 17 Wellington Street and total demolition of 49 Aire Street, change of use and seven storey extension with new basement to remaining building to form Restaurant and Café use (A3) on ground and first floor and 22 Apartments at 17 Wellington Street, Leeds, LS1 4DL – Appendix No.3 of the report by the Chief Planning Officer was deemed exempt from publication in accordance with Access to Information Rule 10.4 (3) as it included financial information concerning the business affairs of the applicant and it was considered that it was not in the public interest to disclose this information as the public interest in maintaining the exemption outweighed the public interest in disclosing the information. (Minute No. 166)

158 Late Items

Although there were no formal late items, However the Chair did accept the inclusion of supplementary information in respect of Application No. 16/05198/FU (Agenda Item No.9) – Minute No. 164 referred.

159 Declarations of Disclosable Pecuniary Interests

There were no declarations of any Disclosable Pecuniary Interests made at the meeting.

160 Apologies for Absence

Apologies for absence were received from Councillors: C Macniven and B Selby

Councillors: S McKenna and J Pryor were in attendance as substitutes

161 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meeting held on 6th April 2017 were accepted as a true and correct record.

162 Matter Arising

There were no issues raised under matters arising.

163 Application No. 16/05226/OT - OUTLINE PLANNING APPLICATION FOR CIRCA 874 DWELLINGS; A 66 BED CARE HOME; A 1 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 750 TO LAND AT THORP ARCH ESTATE, WETHERBY

The Chief Planning Officer submitted a report which set out details of an outline planning application for circa 874 dwellings; a 66 bed Care Home, a one form entry Primary School, a new Local Centre including a Class A1 Convenience Store (up to 420M2), a 5 Unit Parade of small Retails Units (up to 400M2), Class D1 uses (up to 750M2) to land at Thorp Arch Estate, Wetherby.

The Chief Planning Officer reported that the application was now the subject of an appeal against none determination, a parallel application had also been submitted.

Addressing the report the Chief Planning officer said that in order to contest the appeal the following reasons recommending refusal of the application were being put forward for Members consideration:

1. The Local Planning Authority considers that the applicant has so far failed to demonstrate that the local highway infrastructure, including the

wider network and specifically Thorp Arch bridge and the junction of Bridge Road / High Street in Boston Spa, which will be affected by additional traffic as a result of this development, is capable of safely accommodating the proposed development and absorbing the additional pressures placed on it by the increase in traffic which will be brought about by the proposed development. The proposal is therefore considered to be contrary to Policy T2 of the Core Strategy, Policy GP5 of the adopted UDP Review and the sustainable transport guidance contained in the NPPF which combined requires development not to create or materially add to problems of safety, environment or efficiency on the highway network.

2. The Local Planning Authority considers that there is insufficient information submitted with the application to demonstrate that an acceptable level of accessibility can be achieved for the scale of development proposed. In the absence of such information and measures, as may be secured, there is a danger that future residents will be overly reliant on the private car. The proposals are therefore considered to be contrary to policies SP1, T2 and H2 of the Leeds Core Strategy and policies T2 and GP5 of the adopted UDP Review and guidance in the NPPF.
3. In the absence of a signed Section 106 agreement the proposed development fails to provide necessary contributions and/or obligations for the provision and delivery of affordable housing, housing for independent living, greenspace, travel planning, public transport enhancements, local facilities and off site highway works, without which would result in an unsustainable form of development that fails to meet the identified needs of the city and prospective residents, contrary to the requirements of Policy GP5 of the adopted UDP Review and related Supplementary Planning Documents and contrary to Policies H5, H8, P9, T2, G4 and ID2 of the Leeds Core Strategy and guidance in the NPPF.

Further issues highlighted included the following:

The receipt of a further submission from TAG (Thorp Arch Trading Estate Action Group) was reported. The Group were supportive of the recommendation for refusal, but raised additional concerns about the land containing mixed contaminants, including industrial waste and vulnerable materials (Site of a former Royal Ordnance Filling Factory) leading to a level of uncertainty and risk.

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

- Significant number of objections
- Principle of the development
- Layout and form of development
- Impact on the local highway network

- Impact on Thorp Arch Bridge
- Former Royal Ordinance factory site, remedial works required
- The appropriateness of the approach to dealing with contaminated land
- Ecology
- School provision in the area
- Guidance around Care Home provision in isolated areas
- Well founded reasons for refusal
- Support the officer recommendation of refusal

Responding to the issue of school provision in the area the Chief Planning Officer said that High Schools were located at Boston Spa and Wetherby, on the issue of Care Home provision, it was reported there was no policy on where a Care Home should be located.

RESOLVED – Had Members been in a position to determine the application it would have been refused for the following reasons:

- 1 The Local Planning Authority considers that the applicant has so far failed to demonstrate that the local highway infrastructure, including the wider network and specifically Thorp Arch bridge and the junction of Bridge Road / High Street in Boston Spa, which will be affected by additional traffic as a result of this development, is capable of safely accommodating the proposed development and absorbing the additional pressures placed on it by the increase in traffic which will be brought about by the proposed development. The proposal is therefore considered to be contrary to Policy T2 of the Core Strategy, Policy GP5 of the adopted UDP Review and the sustainable transport guidance contained in the NPPF which combined requires development not to create or materially add to problems of safety, environment or efficiency on the highway network.
- 2 The Local Planning Authority considers that there is insufficient information submitted with the application to demonstrate that an acceptable level of accessibility can be achieved for the scale of development proposed. In the absence of such information and measures, as may be secured, there is a danger that future residents will be overly reliant on the private car. The proposals are therefore considered to be contrary to policies SP1, T2 and H2 of the Leeds Core Strategy and policies T2 and GP5 of the adopted UDP Review and guidance in the NPPF.
- 3 In the absence of a signed Section 106 agreement the proposed development fails to provide necessary contributions and/or obligations for the provision and delivery of affordable housing, housing for independent living, greenspace, travel planning, public transport enhancements, local facilities and off site highway works, without which would result in an unsustainable form of development that fails to meet the identified needs of the city and prospective residents, contrary to the requirements of Policy GP5 of the adopted UDP Review and related Supplementary Planning Documents and contrary to

Policies H5, H8, P9, T2, G4 and ID2 of the Leeds Core Strategy and guidance in the NPPF.

164 APPLICATION NO. 16/05198/FU - DEMOLITION OF EXISTING BUILDINGS AND ERECT MULTI LEVEL DEVELOPMENT COMPRISING 224 APARTMENTS AND COMMERCIAL UNITS AT THE RADIUS, SPRINGWELL ROAD, HOLBECK, LEEDS, LS12 1AW

The Chief Planning Officer submitted a report which set out details of an application for the demolition of existing buildings and the erection of a multi-level development comprising 224 Apartments and Commercial Units at the Radius, Springwell Road, Holbeck, Leeds, LS12 1AW.

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 site lies at the junction of Whitehall Road, Springwell Road and Springwell Street, in an inner city part of Leeds, which is located in an area of transition just outside the boundary of the city centre. The site is also located along the Whitehall Road corridor, which is the main vehicular route, heading south-west from Leeds Train Station.
- The proposal is for a new residential apartment block, stepping up in height from 4 storey up to 16 storeys, with ground floor commercial units.
- The proposal comprises of 224 apartments, some with external roof terrace (45 x Studio apartments, 95 x one bed apartments, 69 x two bed apartments and 15 x three bed apartments)
- 53 parking spaces
- Package of off-site highway works
- Affordable housing contribution
- Wind survey/ wind mitigation measures
- Community Infrastructure Levy

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

- Clarification around the design of the wind baffle/ deflectors
- Affordable housing provision 5% the applicant was willing to engage with a Social Registered Landlord
- Good design and layout
- The building was an elegant design
- Welcomed the provision of trees
- The changing nature of the area and the significant regeneration opportunities along Whitehall Road

In responding to the issues raised, the Chief Planning Officer reported that an additional condition would be added requiring the submission of design details of the wind baffles, referring to the issue of affordable housing it was confirmed that the applicant was willing to engage with the Council's Housing Growth Team and commit to a 3 month period within which to secure agreement with a Social Registered Landlord or Housing Leeds delivery of the affordable housing provision on site. Failing this it was proposed to offer a financial contribution for the delivery of affordable housing off site. The arrangements would be secured through a Section 106 Legal Agreement.

(The Chief Planning Officer reported that the general issue of Affordable Housing provision with Private Rented schemes and how a Commuted Sum was calculated would be the subject of a Members Workshop to be arranged in the near future)

Members welcomed the suggestion of such a workshop.

Members also welcomed the suggestion for a future Panel visit to Whitehall Road to be informed of the wider regeneration proposals for the area.

In summing up the Chair suggested that the majority of Members appeared to be supportive of the proposal.

RESOLVED - That the application be deferred and delegated to the Chief Planning Officer for approval, subject to the conditions specified in the submitted report with an additional condition requiring the submission of design details of the wind baffles together with any others which the Chief Planning Officer considers appropriate and following the completion of a Section 106 Agreement to secure the following:

- Affordable Housing: to undertake a 3 month exercise to explore provision on-site, in the event of that failing then to accept a commuted sum of £634,474 towards off site affordable housing provision in lieu of on-site affordable housing provision to be paid on occupation of the first residential unit. The retention of the building as a Private Rented Scheme (Build To Rent) for a minimum period of 10 years from first occupation. To secure payment of an additional sum of £240,800 on the sale of the first of any unit to be sold within 10 years of the occupation of the building
- The employment and training of local people
- Contribution of £15,000 Traffic Regulation Order (including Car Club space)
- Contribution of £5,000 loss of revenue for lost parking space for Car Club space
- £15,000 Car Club Fund for residents
- £38,900 sustainable Travel Fund
- £3,120 Travel Plan Monitoring fee

In the event of the Section 106 not been completed within 3 months of the Panel resolution to grant planning permission, the final determination of the application be delegated to the Chief Planning Officer.

165 APPLICATION NOS; 16/07322/RM AND 16/07323/RM - RESERVED MATTERS APPLICATION FOR OFFICE BLOCK, (PURSUANT TO OUTLINE PLANNING PERMISSION 13/02619/OT) AND RESERVED MATTERS APPLICATION FOR MULTI-STOREY CAR PARK WITH GROUND FLOOR A3 CAFÉ/D2 GYM, (PURSUANT TO OUTLINE PLANNING PERMISSION 13/02619/OT) TO LAND AT WHITEHALL RIVERSIDE, WHITEHALL ROAD, LEEDS, LS1 4AW

The Chief Planning Officer submitted a report which set out details of a Reserved Matters Application for Office Block (Pursuant to outline planning permission 13/02619/OT) and Reserved Matters Application for Multi- Storey Car Park with ground floor A3 Café/ D2 Gym (pursuant to outline planning permission 13/02619/OT) to land at Whitehall Riverside, Whitehall Road, Leeds, LS14 1AW

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 was in accordance with outline planning permission 13/02619/OT
- Phase one relates to an 8 storey office building identified as No. 2 Whitehall Riverside, which would face both the riverside and Whitehall Road, occupying the full depth of the site.
- Phase two would consist of a 10 storey multi-storey car park facing Whitehall Road and accessed from the western service road
- The materials for the office building would consist of gold/bronze coloured metal cladding and glass
- The multi-storey car park would consist of bronze metal/ grey, metal/timber louvres
- Public realm space would include soft landscaping with tree planting
- Wind Consultants had advised that the proposal would not lead to adverse safety issues

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

- Was the number of disabled parking bays (3) adequate
- Wind implications
- Provision of electric car charging points
- Had a flood assessment been carried out

- Employment opportunities would be available for local people during construction
- Good design
- Attractive proposal, good use of Riverbank
- Opportunities for further enhancement of the Riverbank

In responding to the issues raised, the Chief Planning Officer said the number of disabled parking bays was in accordance with design standards (5%), further wind testing would be carried out during phases 3 and 4 of the development, electric car charging points was provided at 10% and the flood risk assessment and mitigation works had been agreed at the outline planning permission stage.

On the issue of opportunities for further enhancement of the Riverbank, the Chief Planning Officer said the Chamber of Commerce had established a Group with a view to enhancing water front opportunities, it may be appropriate to use this Group to make Members views known.

In summing up the Chair said Members appeared to be very pleased with this application.

RESOLVED –

- (i) That approval be granted in respect of Reserved Matters Application 16/07322/RM (Office block)
- (ii) That approval be granted in respect of Reserved Matters Application 16/07323/RM (Multi-storey car park with ground floor A3 café/D2 gym)

166 APPLICATION NOS: 16/06877/FU & 16/06878/LI - PARTIAL DEMOLITION OF 17 WELLINGTON STREET AND TOTAL DEMOLITION OF 49 AIRE STREET, CHANGE OF USE AND SEVEN STOREY EXTENSION WITH A NEW BASEMENT TO REMAINING BUILDING TO FORM RESTAURANT AND CAFE USE (A3) ON GROUND AND FIRST FLOOR AND 22 APARTMENTS AT 17 WELLINGTON STREET, LEEDS, LS1 4DL

With reference to the meeting of 2nd February 2017 and the decision to defer determination of the application to allow further discussions with the developers and officers on the Aire Street proposal

The Chief Planning Officer submitted a report indicating that further discussions had taken place and the proposal had been subsequently revised.

Officers reported that the scheme still involved the partial demolition of the rear Wing, however, it was now proposed to retain both the boundary wall with No.19 Wellington Street and the detailed historic façade of the rear wing as it fronts Aire Street. The scheme still proposed the full removal of an internal staircase of the Grade II listed building as well as demolition of the

standalone building to the rear, No.49 Aire Street which was a curtilage listed building.

In addition the applicant had submitted a financial viability appraisal in support of the proposal which had been independently reviewed by the District Valuer.

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:

- Members had already expressed support for the principle of the development
- Concern had been previously expressed around the level of demolition
- The impact on the character and visual amenity of the host site and surrounding area
- The scheme would allow an important listed building to be brought into use
- The level of harm caused by the demolition of part of the heritage asset was outweighed by the public benefits of the proposal
- The design of the seven storey building would be a high quality, contemporary addition which would sit comfortably within the context of the host listed building, street scene and the City Centre Conservation Area
- The Financial viability appraisal demonstrated that the proposal would not be viable without the demolition works

(At this point in the meeting, the Panel moved into closed session to receive a submission from the District Valuer)

(Back in open session)

In response to comments and questions, the following was discussed:

- Affordable housing provision 5% (one single unit) the applicant was willing to engage with a Social Registered Landlord
- Was there a record of the Listed Buildings that had been demolished in the city
- Clarification around the Community Infrastructure Levy (CIL) provision
- The new extension was a good design

In responding to the issues raised, the Chief Planning Officer reported that the applicant was willing to engage with a Social Registered Landlord to secure the management of the affordable housing provision, on the issue of a record of Listed Buildings that had been demolished, it was reported that Historic England "kept a watching brief" and reviewed the Buildings Register accordingly and a CIL contribution only applied to the new build element.

RESOLVED - That the application be deferred and delegated to the Chief Planning Officer for approval, subject to the conditions specified in Appendix No.1 of the submitted report together with any others which the Chief Planning Officer considers appropriate and following the completion of a Section 106 Agreement to secure the following:

- The employment and training of local people
- Affordable housing provision at 5% (one single bedroom unit)
- The provision of a free car club trial for the sum of £3,200.00

In the event of the Section 106 not been completed within 3 months of the Panel resolution to grant planning permission, the final determination of the application be delegated to the Chief Planning Officer.

167 Date and Time of Next Meeting

RESOLVED – To note that the next meeting would take place on Thursday 18th May 2017 at 1.30pm in the Civic Hall, Leeds