

## CITY PLANS PANEL

THURSDAY, 11TH APRIL, 2013

**PRESENT:** Councillor N Taggart in the Chair

Councillors P Gruen, D Blackburn,  
M Hamilton, S Hamilton, G Latty,  
T Leadley, J McKenna, N Walshaw,  
J Hardy, T Murray and J Procter

### 97 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves

### 98 Exempt Information - Possible Exclusion of Press and Public

**RESOLVED** - That the public be excluded from the meeting during consideration of the following part 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 report referred to in minute 106 under Schedule 12A Local Government Act 1972 and the terms of Access to Information Procedure Rule 10.4(3) and on the grounds it contains information relating to the financial or business 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

### 99 Late Items

Although there were no formal late items, the Panel was in receipt of the following additional information which had been made available prior to the meeting:

Preapp/12/01073 – Land off Spofforth Hill Wetherby LS22 – a revised copy of the location plan showing the full extent of the site (minute 109 refers)

### 100 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests

## **101 Apologies for Absence**

Apologies for absence were received from Councillor R Procter who was substituted for by Councillor J Procter

## **102 Minutes**

**RESOLVED** - That the minutes of the City Plans Panel meeting held on 14<sup>th</sup> March 2013 be approved

## **103 Matters arising from the minutes**

With reference to minute 81 of the City Plans Panel meeting held on 14<sup>th</sup> March 2013 – Application 12/03402/FU – Land at Grimes Dyke – clarification was sought on the level of affordable housing provision within the S106 Agreement. The Head of Planning Services stated that this would be provided in line with the levels set out in the policy which was in place at the time

## **104 Application 12/03400/OT - Land at Royds Lane Rothwell LS26 and Application 12/03401/OT - Land at Fleet Lane Oulton LS26**

The Chair referred to the two applications in LS26, which were on the agenda for determination. He stated that it had become clear that the public who had made representations on the applications were not aware of the policy change made by Executive Board on 13<sup>th</sup> March 2013, which related to housing development on Protected Area of Search(PAS) land. As both sites were PAS land, it was felt appropriate in this case to withdraw both of the reports from the agenda to enable time for reconsideration or resubmission of representations, with the expectation that both applications would be able to be considered at the May meeting

The Head of Planning Services stated that the applicants were agreeable to deferring consideration of the applications for one month

**RESOLVED** - That the applications be withdrawn from the agenda and be submitted to next possible meeting

## **105 Application 12/03459/FU - Multi-level development up to 17 storeys with 609 residential apartments, commercial units (class A1 to A5, B1,D1 and D2) car parking, associated access, engineering works, landscape and public amenity space - Land at Whitehall Road and Globe Road LS12**

Further to minute 60 of the City Plans Panel held on 17<sup>th</sup> January 2013 where Members considered two reports relating to a large, mixed-use development on land at Whitehall Road and Globe Road LS12 and deferred

determination of the application to enable further negotiations to take place between Officers and developers, the Panel considered a further report

The Head of Planning Services introduced the application, referred to the discussions and agreement by Members at the previous meeting of the design of the proposed scheme and stated that the presentation to Panel would now concentrate on the S106 offer

Plans and graphics were displayed at the meeting

Members were informed of an additional representation which had been received which related to highways matters. Panel was informed that the scheme had been fully assessed by Highways Officers who were satisfied on this

Details of the phasing of the scheme were provided which would see in the first phase, the construction of the buildings along Whitehall Road and the public open space. The second phase would relate to the development of the eastern half of the site, south of Globe Road and the last phase would see the construction of the tower building north of Globe Road

As Members had expressed concerns about the lack of affordable housing being provided in the previous Section 106 offer, a revised offer had been put forward which would see 30 units being delivered in phase 1 as part of either the Government-sponsored scheme or the applicant's own equity share scheme. However this would not meet the Council's definition of affordable housing because it would not be available in perpetuity; it would represent sub-market value housing for the first occupiers

In terms of the other S106 contributions, the public transport and Holbeck Urban Village contributions would be phased over the 3 stages of development and could also be used for education and affordable housing if required. As the general Panel view had been to prioritise other requirements, the provision of a bridge had been omitted from the proposal but the landing point for it would be reserved. A financial viability assessment had been submitted to justify the current unviability of the scheme and the level of Section 106 contributions on offer. However, if the development was not implemented within 18 months of approval, it would be financially re-appraised and if viable, a further affordable housing contribution would be required in line with the policy in operation at that time

**RESOLVED** - To note the report and the comments now made

**106 Application 12/03459/FU - Multi-level development up to 17 storeys with 609 residential apartments, commercial units (class A1 to A5, B1, D1 and D2), car parking, associated access, engineering works, landscape and public amenity space - Land at Whitehall Road and Globe Road LS12**

With reference to the discussions set out above, Panel considered a report of the Chief Planning Officer which provided information concerning the viability of the proposed application. Appended to the report was a copy of the full viability statement which had been submitted to Officers

An Officer from the Council's Asset Management Team was in attendance to respond to queries and comments and the Chair invited the applicant's representatives to remain in the room to respond to questions and comments from the Panel

Detailed financial information was provided, with Members seeking clarification on figures within the viability statement and commenting on the following matters:

- the likelihood of the scheme being built
- the current market for city centre residential units
- the viability assessment and whether this reflected the current position in respect of city centre living
- whether proof of viability was checked post construction
- a contribution towards the provision of the proposed bridge

The proposed S106 offer was discussed with the possibility of some of funds being set aside for an extended period – up to 15 years (the funding to be index linked) – to establish a pot of money which contributions from other nearby developments could add to, in order to provide the bridge

In respect of the affordable housing contribution, the possibility of reassessing the viability for this after each phase of the development was suggested

At this point the applicant's representatives were asked to withdraw from the meeting to enable Panel to discuss the issues in private

Members discussed the information provided and considered how to proceed

**RESOLVED** - To note the report, the information provided and the comments now made

**107 Application 12/03459/FU - Multi-level development up to 17 storeys with 609 residential apartments, commercial units (class A1 to A5, B1, D1 and D2), car parking, associated access, engineering works, landscape and public amenity space - Land at Whitehall Road and Globe Road LS12**

With reference to the discussions set out in minutes 106 and 109 above, Panel further considered this application

The Chair invited the applicant's representatives to address the issue raised regarding reviewing the affordable housing contribution after each phase of the development

Members were informed that the applicant was unable to agree to this as the costs were not spread across the whole of the site, but mostly incurred during the construction of the first phase. However, it would be possible to agree a review mechanism for when the scheme was 90% complete to assess the actual profits from the development

Panel considered how to proceed

**RESOLVED** – That determination of the application be deferred to the next meeting to enable:

- further information to be provided on the possibility of setting aside £100,000 (to be index linked and for a period of up to 15 years) from the S106 funding being provided, to be made available for the provision of a bridge
- further information on a mechanism for reviewing the affordable housing provision in light of possible changed circumstances during the implementation of the development

**108 Preapp/10/00300 - Alterations and amendments to the approved Eastgate and Harewood Quarter development scheme at land bounded by New York Road (Inner Ring Road A64) to the north, Bridge Street and Millgarth to the East, George Street and Dyer Street to the South and Vicar Lane and Harewood Street to the West LS2**

Councillor J Procter joined the meeting at this point

Further to minute 50 of the City Plans Panel meeting held on 13<sup>th</sup> December 2012, where Panel considered a preapplication presentation in respect of proposals for the Eastgate and Harewood Quarter, Members considered a report of the Chief Planning Officer and received a presentation from the applicant's representatives

Plans, graphics, precedent images and a sample of the proposed car park cladding were displayed at the meeting

Members were informed of the latest revisions to the first phase of the scheme which related to the Harewood retail and leisure block; John Lewis and the car park

Images of the proposed twin arcades which would help link the scheme to the Victoria Quarter were shown as were the designs for the buildings along Eastgate and George Street

In terms of timescale, public consultation on the revised scheme would take place on 16<sup>th</sup> – 20<sup>th</sup> April, with a view to the application being determined by Panel in August 2013

Details of the community engagement and employment opportunities and training arising from the scheme were provided

Members were informed there would be engagement with the Council and other key organisations and with tenants at an early stage, once they had signed up for the scheme

Whilst the whole of the city was a target for employment creation, Wards which should be focussed upon would be identified, with a list of possible wards being displayed at the meeting, with Members being informed that a skills package would be put in place which would include an interview guarantee

A range of methods would be used to inform people about the opportunities the development would create, including road shows, job fairs and working with schools, based on schemes elsewhere in the country

Members were informed that the recruitment programme for Highcross in Leicester had reached over 30,000 people, with in excess of 2,000 jobs being created, 72% of which were taken up by people who had been unemployed and that work was still being undertaken with local colleges to assist in recruitment when new businesses opened. A similar scheme would be put in place for recruitment and training for the Eastgate and Harewood Quarter development

Members commented on the following matters:

- the Wards listed; that Moortown and Chapel Allerton had not been included

- the design of the car park, with mixed views on this; that as a stand-alone building it was good but concerns that it did not sit well alongside the John Lewis building; that it was too dominant and the cladding material did not look sufficiently robust; the need to better understand how the effect on the car park was achieved, i.e. by shadow or colours and whether the car park was the same height as the John Lewis store
- whether it was the intention of the applicant to build and operate the car park
- the jointed appearance of the proposal and that the car park could be split from the John Lewis store and that the buildings did not provide the overall gateway development
- the proposed new arcades, the design of which were well received and the roof treatment which was welcomed and which would provide an element of consistency between other roofs and arcades in the City
- the Vicar Lane frontages, with concern that there was an overuse of terracotta and the need for a better understanding of how this would look and the detailing of it
- that originally a bridge was proposed over Eastgate and whether this would remain in the revised scheme
- the lack of a pedestrian entrance to John Lewis from Eastgate; that this street was well used and was a route for many buses in the city, therefore an entrance at this point was required, to contribute to the continued vitality of Eastgate. The view that the Leicester John Lewis, which had been visited by Panel, had been designed for car owners, with no pedestrian entrance being located at the rear of the building, with concerns being raised about the similar approach being adopted towards pedestrians on this scheme
- that The Core on The Headrow was not as effective as it could be due to inadequate pedestrian access
- the design of the John Lewis building and that this had the potential to be something special

The following responses were provided

- concerning the bridge, that the façade and structure of the John Lewis building would enable a bridge to be provided in the future if that was required
- that the applicant would build and operate the car park
- the elevations of the buildings on Vicar Lane and Eastgate and the concerns which had been raised about the use of terracotta, with the applicant's architect being of the view that how the graphics were appearing to Members on screen did not fully reflect the appearance of the buildings and that the intention on Vicar Lane was to provide a complex brick façade with elements of terracotta
- that the applicant was keen to provide pedestrian access into John Lewis from Eastgate but that John Lewis would consider this at phase 2 of the scheme, with pedestrian access being from the Harewood Arcades in the first phase of the development. On this point the Chief Planning Officer stated that a pedestrian entrance to John Lewis off

Eastgate had been a feature of all the previous applications and that Members views were sought on this issue

In response to the specific issues raised in the report, Panel provided the following responses:

- regarding the acceptability of the introduction of new covered arcades, their entrances and layout and the covered space on the proposed Blomfield Street, Members liked these elements, particularly the curve on the new arcades
- on the design approach to the facades, including the location and extent of active frontage of the Harewood buildings to George Street and Eastgate and wrapping the corners of Harewood Street and Blomfield Street, Members were reasonably satisfied on this as shown but required further details. The Chief Planning Officer informed Panel that further work was being undertaken to relate the market to this development and stated that in terms of the elevations shown at the meeting, this was work in progress
- in respect of the design approach to the facades, including the level of active frontage, of the John Lewis building, the nature and visibility of the John Lewis west facing signage zone and the proposed delayed provision of a customer entrance to the John Lewis store from Eastgate, to note Members requirements for a pedestrian access from Eastgate into the store to be operational from day one. In terms of the signage, the Chief Planning Officer stated that John Lewis desired large rooftop signs, which Officers had concerns about. On the matter of signage, whilst understanding the principle of this, Members required further details to be provided. A request was also made for graphics to be provided which also showed the market in relation to the development
- on the proposals for the car park in respect of its height, layout, access and egress arrangements, façade treatment and proposals for addressing the future need to accommodate part of the City Centre NGT loop, the range of views were noted. The Chief Planning Officer advised that further work would be carried out on the access and egress arrangements and that it should be assumed that NGT would happen
- regarding the approach to employment and training, that for clarity, priority Wards should either be listed alphabetically or by area of severity, rather than the random mix which had been presented to Panel and that Moortown and Chapel Allerton Wards should also be included
- regarding any other comments Members wished to make, that the car park and John Lewis store were adjacent to the arts quarter with West Yorkshire Playhouse and The Northern Ballet being sited close by and that possibly some reference to the arts could be included around that part of the site

**RESOLVED** - To note the report, the information provided and the comments now made

**109 Preapp/12/01073 - Proposed residential development comprising circa 375 houses with associated access, parking, public open space and landscaping - Land off Spofforth Hill, Wetherby LS22**

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

Officers presented a report of the Chief Planning Officer on pre-application proposals for a residential development on land at Spofforth Hill Wetherby LS22, which bordered North Yorkshire and which was designated PAS land and met criteria i) and iii) of the Council's recently implemented policy on housing development on PAS land. Members also received a presentation on behalf of the applicant who provided the following information:

- that although the proposals were for around 350-375 dwellings on this site, in total the proposals could realise 700 dwellings in total, with the proposed off-site affordable housing contribution providing an additional 350 properties on Easel sites
- that the application would be in outline
- that the site had relatively good access to Wetherby Town Centre, pedestrian and cycle ways and benefitted from a regular bus service
- that several options had been drawn up for vehicular access into the site. Of these, option 2 had attracted concerns from local residents regarding impact on their amenities; option 3 relied upon a roundabout being constructed which would be on land in the Harrogate district, with the preferred option being option 4 which was presented at the consultation process and provided good traffic calming measures
- that two, three, four and five bed properties were proposed together with some single bed dwellings
- that just 1% of people on the housing waiting list were in the Wetherby area, therefore the proposal was to reduce the affordable housing provision on the Wetherby site, which current policy required at 35% of the total units, to 15% provision on site and then provide a financial contribution in lieu of the rest of the affordable housing requirement to be spent on affordable housing provision on Easel sites
- that to provide the 35% affordable housing on the Spofforth Hill site would result in 126 affordable homes; at 15% this would provide 54 affordable homes but the off-site contribution would provide up to 334 affordable homes in East Leeds
- that the proposals were estimated to create 100 construction jobs and around 200 indirect jobs as well as a £5m New Homes Bonus for the Council

Members commented on the following matters:

- the appropriateness of allowing discussions about Easel sites, particularly as what was suggested in the submitted report was the provision of a commuted sum for the provision of off-site housing
- that little information had been provided in the presentation about the outline application
- the need to ensure that if this proposal was accepted, that it would not tie the Council's hands in any way



- the proposed access options with concerns at the seeming reluctance to consider the third option which would require Harrogate Council to be approached about the siting of the roundabout which appeared to Members to be the better option
- the consultation and level of attendance to events
- land ownership
- a lack of information in the submitted report about the traffic impact of the development on the surrounding network, particularly as the junction at Bridgefoot was at capacity
- that a roundabout would be needed to serve any development
- the need for any S106 financial contributions to be spent locally
- the extent of the tree loss which would be necessary for a development on this site, with concerns that this had not been properly explained and that 33 trees were likely to be affected and that urgent work was needed on the TPO trees
- the Council's policy on housing development on PAS sites; as set out in the submitted report, the criteria for this and the relevance of criteria ii)
- the likely house prices of a property in the Wetherby and East Leeds areas and whether these would be considered to be affordable to the average family
- whether it was important to retain some non-urban land between the Leeds and Harrogate boundaries in this location
- that the site had broad support for housing development from Ward Members and Town Councillors but there were many detailed issues associated with the proposals, particularly highways; that it was not clear why Harrogate Council should not be approached regarding the roundabout; that the presentation to Wetherby Town Council did not fully explain the options presented to Panel and that there were concerns locally about rat running
- that the report referred to a commuted sum and that the Council should be unencumbered by this and should be able to spend the money how it wished in terms of providing affordable housing, with details needing to be provided to Panel if this was pursued as part of a formal application
- that the site coming forward for development at this time was premature
- the need for Plans Panel Members to be made aware of the implications of the new policy relating to PAS sites

The following responses were provided:

- that Highways Officers had not considered option 3 but they were concerned about this in terms of adequate visibility being able to be achieved due to the presence of a lodge opposite the site
- that two consultation events on the proposals had been held, with 400 people attending the second event with highways issues being the main concern together with car parking facilities in Wetherby Town Centre and vehicle speeds on Spofforth Road

- that pedestrian access out of the site could be considered further to see if a lesser footway could be accepted which would lead to greater retention of trees
- that criteria ii) of the policy relating to housing development on PAS sites related to relatively small sites which could not offer anything else but were well allied to other sites and in these circumstances development could be considered acceptable
- that the average selling price for a 3/4 bed property on Easel was around £135,000 whereas for Wetherby this would be around £180,000
- that if 15% affordable housing was accepted on the Wetherby site this would include a range of houses in various tenures
- that there would be some planting required against the district boundary
- that the new PAS land policy could be reported to a future meeting of Joint Plans Panel

In respect of the particular issues raised in the report, the following responses were provided by the Panel:

- concerning the acceptability of the principle of residential development on this particular PAS site in light of the recent interim policy agreed by Executive Board on 13<sup>th</sup> March 2013, that Development Plan Panel would be considering housing allocation sites and account should be taken of the deliberations on these issues by Development Plan Panel and Executive Board
- in relation to the applicant's approach to affordable housing which sought to provide a mix on site and a proportion off-site aimed at brownfield sites within a regeneration area such as Easel, that further information on this was required in terms of what would be delivered, how this would be done and financial information to evidence what was being proposed
- concerning the vehicular access arrangements and the consequential impact on trees, that as many trees as possible should be saved, that the option for a roundabout on land within Harrogate should be pursued along with an evaluation of other alternative options. On this point the Chief Planning Officer stated that the options would be considered in detail

**RESOLVED** - To note the report, the information provided and the comments now made

During consideration of this matter, Councillor Gruen and Councillor Latty left the meeting

**110 Preapp/12/01233 - Reserved Matters for the erection of a ten storey office building with basement car park and rooftop plant room - Doncaster Monkbridge Former Works Whitehall Road Lower Wortley LS12**

Plans photographs and graphics were displayed at the meeting

Officers presented the report of the Chief Planning Officer which related to pre-application proposals for reserved matters for a 10 storey office development at the former Doncaster Works, Whitehall Road which would form the third phase of the development which had already seen the erection of one block, with the second phase to commence shortly

The development would provide flexible office space; a 69 space basement car park, including disabled parking spaces and 109 cycle spaces to a BREEAM 'excellent' standard on a site which was ready for development

The Panel then received a presentation on the proposals on behalf of the applicant

Members welcomed the proposals and were impressed with the scheme as presented

**RESOLVED** - To note the report, the presentation and the comments now made and to agree that the formal application could be deferred and delegated to the Chief Planning Officer for consideration, unless any significant issues arose whereby a further report should be presented to Panel

#### **111 Preapp/1300067 -Outline proposals for office development - Sweet Street Holbeck LS11**

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

Officers presented a report of the Chief Planning Officer relating to pre-application proposals for an office development on a vacant brownfield site at Sweet Street which was classed as a city centre location. Members also received a presentation on behalf of the applicant

Members were informed that the proposals were for a part 6 storey and part seven storey B1 office development with 64 basement car parking spaces. In terms of height, the development would be subservient to the nearby Manor Mills and The Mint developments

The site was in a sustainable location with good access to the motorway network and public transport. A BREEAM 'excellent' rating would be sought for the scheme

A double-height feature entrance would be situated on Sweet Street, with the 6 storey office block above and the 7 storey block set back by 3m

Flexible floor space on a floor by floor basis could be provided or the whole development let to a single occupier, depending on demand

Members' concerns about the width of the footpath could be addressed by providing a wider footpath on the northern boundary

A publicly accessible courtyard would be provided and details of the possible contents of a S106 agreement were outlined. The Central Area Planning Manager explained the funding formula in place for the HUV contribution and indicated that funds would be available to be spent on public realm improvements in the area

Members commented on the following matters:

- the adjacent building which was in a poor state. Members were informed this was in the ownership of the Council and that the Chief Planning Officer would raise this with the Asset Management Team

- landscaping and the need for tree planting along Sweet Street
- the location of plant in the development
- the need for good pedestrian links, especially to Manor Mills
- that photovoltaic cells sited on the roof could be considered

The Chief Planning Officer welcomed the return of office developments and stated this indicated the growing confidence in the office market within Leeds

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

During consideration of this matter, Councillor J Procter left the meeting

**112 Preapp/13/00304 - Proposed development of 79 residential apartments, 1115 sqm of commercial floorspace (A3/A4) and new public space - 14-28 The Calls LS2**

Plans, photographs and graphics were displayed at the meeting. Members noted that a previous scheme on this site had been agreed by City Centre Panel in 2010, however revised proposals to include an element of residential accommodation were now being presented

Officers presented a report of the Chief Planning Officer outlining pre-application proposals for a mixed use riverside development at The Calls and Members received a presentation on behalf of the applicant

Members were informed that key elements of the previously approved scheme had been retained but that the intention was to improve on the existing scheme with better pedestrian routes and improved views through to the river and provide apartments on the scheme, with nearly all of these residential units benefitting from a riverside view. Deep balconies which would provide a liveable area, rather than just for storage, would be included

A more shallow floor plate would be used which would enable a larger area of public open space (POS) to be provided. Steps had been introduced down to the POS which was considered to be an improvement on the permitted scheme

A quality landscaping scheme would be provided which would include hard and soft landscaping

Main materials would comprise stone at lower levels and red brick above

If the formal application was granted planning permission, it was hoped to commence on site in 2014

Members broadly supported the scheme and welcomed the wider balconies being proposed

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

- that Members agreed that the principle of the development was acceptable

- that the larger public space was beneficial to the scheme but that as part of the justification for the demolition of 14-16 and 18 The Calls, that as many open views towards the river should be achieved
- that Members agreed that the overall architectural approach was acceptable, subject to sensitive design and that the larger, usable balconies were appropriate

Safety issues were raised as a request was made for the entrances to The Calls to be gated. The Chief Planning Officer stated that safety was considered as part of the previous scheme but that the options for waterfront safety would be looked at again as part of a deliverable scheme

**RESOLVED** – To note the report, the presentation and the comments now made

During consideration of this matter, Councillors Leadley, Walshaw and M Hamilton left the meeting

### **113 Date and Time of Next Meeting**

Thursday 9<sup>th</sup> May 2013 at 1.30pm in the Civic Hall, Leeds