

## CITY PLANS PANEL

THURSDAY, 11TH MARCH, 2021

**PRESENT:** Councillor J McKenna in the Chair

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

### **100 Appeals Against Refusal of Inspection of Documents**

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

### **101 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.

### **102 Late Items**

The minutes of the previous meeting held on 25<sup>th</sup> February 2021 were accepted as a late item (Minute No.106 referred)

### **103 Declarations of Disclosable Pecuniary Interests**

Although there were no Declarations of Disclosable Pecuniary Interest made at the meeting, Councillor P Wadsworth required it to be recorded that he had an interest in Agenda Item No. 8 (Leeds Bradford Airport Application) because he was a member of Rawdon Parish Council, who had commented on the application, he was also a Member of the Airport Joint Consultative Committee. Councillor C Campbell also declared an interest as a Member of the Airport Joint Consultative Committee and a Member of Otley Town Council who had also commented on the application.

### **104 Apologies for Absence**

There were no apologies for absence.

### **105 Minutes of the Previous Meeting**

The minutes of the previous meeting held on 25<sup>th</sup> February 2021 were submitted for comment/ approval.

**RESOLVED** – That the minutes of the previous meeting held on 25<sup>th</sup> February 2021 be accepted as a true and correct record.

## **106 Matters Arising from the Minutes**

There were no issues raised under Matters Arising.

## **107 Planning Application NO.20/02559/FU - Leeds Bradford Airport, Whitehouse Lane, Yeadon**

Prior to discussion of this item, the Chair sought to clarify the following procedural issue:

In accordance with the Protocol for Public Speaking at Plans Panel there was no further opportunity for third parties to address the Panel as in my opinion as Chair, the further report raises no significant new information giving rise to new material planning considerations.

The Chair then invited the Panel's Legal Services Officer to clarify the role of Members in considering the information before them today

The Legal Services Officer said that it was a matter of public record that Members had already approved in principle subject to a number of matters being considered and satisfactorily resolved. The specific conditions were the focus of the report, to be read together with the previous report. Both will collectively form the basis of the decision made. If there were any concerns or issues it was for Members as decision makers to seek advice from Officers and thereafter decide on the weight to attach to those issues, with weight being a matter of planning judgement for the decision maker. No weight should be given to any non-material matters raised either at the meeting or in previous correspondence.

It was also clarified that the Protocol for Public Speaking at Plans Panel stated that individuals would only be entitled to speak at Panel on one occasion unless significant new information raising new material planning considerations had been raised. The report does not do that, rather it clarifies matters in scope of the same material matters. Therefore, no further speaking rights are triggered.

The Chair then invited the Planning Case Officer to present the report.

The Planning Case Officer made reference to the meeting of 11<sup>th</sup> February 2021 and the decision to approve the application in principle, subject to the conditions specified in the submitted report and subject to further considerations of conditions and/or obligations relating to the following:

- Future of/ demolition of existing terminal
- Linking of the new terminal delivery to the commencement of changes to the flight regime
- Level of Contribution to the new railway station and public transport enhancements
- Positioning of Taxi rank in relation to new terminal

- Charging for taxis using new terminal
- Extent of landscaping and mature/semi mature tree planting
- Review of cycle paths to, from and through the airport
- Further off site highway measures – contributions to Horsforth Roundabout/ Dynsley Arms improvements
- Improvements to carbon offsetting in terms of planting beyond the airport boundary
- Increase in the employee transport modal shift percentage

and being further considered by Panel following further discussions with the applicant.

The Planning Case Officer reported that further discussions had taken place with the applicant, the scheme now having additional contributions over and above what was previously reported. Members were informed that the report provided further information and conclusions in responding to the specific issues raised by the Panel, Pages 12 – 17 of the submitted report referred.

Members were made aware that since the last Panel report, there had been a number of further representations received in respect of the proposals. These were presented in summary as a verbal update to Panel including further comments from Friends of the Earth.

The Friends of the Earth comment that:

- Nowhere in the previous panel report was there mention of the Climate Change Committees report from December 2020 providing recommendations on the sixth carbon budget
- Members had been advised to ignore emissions from international aviation
- Paragraph 631 of the Spurrier decision has not been taken into account

Officers commented in relation to these points are as follows:

In terms of the Committee for Climate Change, this report formed part of the discussion at the last plans plan. The Committee on Climate Change issued a report in December 2020 which recommended that there should be no net expansion at UK airports.

In terms of the legal status of the report, The Committee on Climate Change was an advisory body established under the Climate Change Act 2008. Its remit is to advise the government on climate change, including carbon budgeting. At this stage, the report is a recommendation to the government and no more than this. The government needs to consider the report and consult with the devolved administrations before accepting the conclusions and recommendations of the report. If wishing to follow the recommendations a carbon budget would then be laid before Parliament. However, the government does not have to adopt the recommendations in the report and the range of matters to be considered in setting the carbon budget is wide and

includes economic and fiscal matters. Once passed through parliament, the government would then need to incorporate into national legislation and/or guidance before any real significance could be afforded to it.

The report was a material planning consideration in determining the Application and the weight to be given to a material consideration was a matter for the decision-maker having regard to its status at the time the decision is made. In considering the weight to be given, the decision-maker should also consider the government's policies and guidance – which clearly state that essentially, international aviation emissions are to be dealt with at a National and International level. Paragraphs 78-91 and paragraphs 206-214 of the Chief Planning Officer's first Report sets out this position in full.

In terms of international aviation, Members had not been previously advised to ignore emissions. On the contrary officers had advised Members that it is a material consideration but in determining the weight to be given, Members also had to take into account National Policy.

In terms of the case of Spurrier, the paragraphs of greatest relevance to this application are in fact referred to in the previous report. Para 631 which is the para quoted in the Friends of Earth letter, is not, as this relates specifically to the Airport National Policy Statement which is not applicable to this application.

The additional representations raise no new issues from those matters contained in the original report. Some additional suggested conditions had been received but again they were either already covered in the existing conditions or were not considered necessary by officers.

It was also reported that there had also been a representation from Outer North West Community Committee setting out those conditions they would wish to be considered (Paragraph No.49 of the submitted report referred).

The planning case officer also updated the conditions in relation to the report to state that conditions 52 and 53 should be combined, additional conditions for a badger survey, healthy airports obligations, terminal to achieve BREEAM excellent and submission of details for the meet and greet building, bus station and other public transport infrastructure, private hire car access to the one hour car park

In addition there should be additional clauses to the Section 106 Agreement to cover off site planting contribution and cycle path implementation.

In conclusion Members were informed that officers considered that the scheme was acceptable in all matters as outlined in the previous report (copy included as an appendix to the submitted report) and the scheme had now additional contributions over and above what was previously reported.

In discussing the outstanding issues, Members considered:

- The partial demolition of the existing terminal building (20%) was not satisfactory and that further discussions should take place about the demolition of the building and its future use.
- On the issue of linking the new terminal delivery to the commencement of changes to the flight regime. Members remained of the view that there should be no change to the flights regime until the new terminal was open.
- A small number of Members considered the level of contribution to the new railway station and public transport enhancements was insufficient and that further contributions be sought. Other Members were generally satisfied with the level of contribution negotiated
- The Positioning of Taxi rank in relation to new terminal was a significant concern for Members and that further discussions with the applicant should take place.
- On the issue of charging for taxis using the new terminal, Members were generally supportive of the proposal to permit all (non-official airport) taxis and private hire vehicles to have unrestricted access to the 1 hour free car park and allowing multiple trips within the same hour.
- Members were generally satisfied with the extent of landscaping and mature/semi mature tree planting, there was however, a desire to see more trees planted locally.
- A number of Members expressed concern that the cycle path should not pass through the car park, other Members were generally satisfied with the proposed improvements to the cycle links within the vicinity of the airport including funding cycle links from Victoria Road along the western part of Whitehouse Lane, with cycle lanes provided within the car park linking Whitehouse Lane to the new terminal.
- A small number of Members were of the view that further off site highway contributions to Horsforth Roundabout/ Dynsley Arms improvements was justified given the possible impact on the highway network, but it was generally accepted that the peak travel to and from the airport was not within the peak times at the above two locations.
- Members were generally supportive of the proposals for carbon offsetting; £30,000 for tree planting beyond the airport boundary.
- Members were supportive of the proposals to increase the employee transport modal shift percentage.

In offering comments Members were of the view that further discussions were necessary in respect of the following:

- There should be no change to the flights regime until the new terminal was open.
- The hackney carriage taxi rank remained a concern and that further discussion were required with a view to incorporating a rank at the new terminal frontage.
- Further discussions were required on a Climate Change Action Plan.

It was moved by Councillor Walshaw and seconded by Councillor Garthwaite that the application be deferred for further discussions around a Climate Change Action Plan looking at Scope 1, 2 and 3 emissions.

An amendment was moved by Councillor Cohen and seconded by Councillor Nash proposing that the recommendation put forwarded by the Chief Planning Officer be supported and the application be deferred and delegated to the Chief Planning Officer for approval subject to two further additional planning conditions requiring that: (i) there shall be no change to the flights regime until the new terminal is open and (ii) that an hackney carriage taxi rank be incorporated at the new terminal frontage.

At this point Councillor P Gruen moved a further amendment to Councillor Cohen's motion to also include a third additional planning condition requiring that (iii) further negotiations take place on the extent of demolition. It was also suggested that the additional conditions to be finalised by the Chief Planning officer in consultation with the Chair and nominated Vice Chair

Both Councillor Cohen and Councillor Nash agreed to incorporate the additional condition within their amended motion.

The Chair sought the advice of the Legal Officer with regard to the order in which the motions should be heard.

Members were advised that the amended motion put forward by Councillor Cohen should be dealt with first.

The amended motion of Councillor Cohen that the application be deferred and delegated to the Chief Planning Officer for approval subject to the inclusion of three further additional planning conditions requiring that: (i) there shall be no change to the flights regime until the new terminal is open, (ii) the hackney carriage taxi rank to be incorporated at the new terminal frontage and that (iii) further negotiations take place on the extent of demolition. The additional conditions to be finalised by the Chief planning Officer in consultation with the Chair and nominated Vice Chair.

Upon being put to the vote, the amended motion was passed 9 votes to 5 and therefore became the substantive motion.

Upon being put to the vote, the substantive motion was carried 9 votes to 5

## **RESOLVED –**

- (A) That the application be deferred and delegated to the Chief Planning Officer for approval subject to the conditions specified in the submitted report and presented verbally to Members to cover conditions 52 and 53 should be combined, additional conditions for a badger survey, healthy airports obligations, terminal to achieve BREEAM excellent and submission of

details for the meet and greet building, bus station and other public transport infrastructure, private hire car access to the one hour car park. In addition there should be additional clauses to the Section 106 agreement to cover off site planting contribution and cycle path implementation and with the inclusion of three further planning conditions requiring that: (i) there shall be no change to the flights regime until the new terminal is open, (ii) the hackney carriage taxi rank to be incorporated at the new terminal frontage and that (iii) further negotiations take place on the extent of demolition and following the completion Section 106 agreement with the Head of Terms being detailed within paragraph 41 of the submitted report and presented verbally to Members for off-site planting and cycle path implementation. The additional conditions to be finalised in consultation with the Chair and nominated Vice Chair.

- (B) That the application be referred to the Secretary of State in relation to inappropriate development within the Green Belt.

**108 Application No. 20/02958/FU - Student Accommodation proposal at Sheepscar Street South**

With reference to the meeting of 19<sup>th</sup> November 2020 and the decision to defer and delegate determination of the application to the Chief Planning Officer for approval, subject to the reporting back to Panel with further details on the elevational treatment which would inform the conditional discharge phase of the scheme. The Chief Planning Officer now submitted a report which set out details of the revised façade treatment, as described in Section 2 of the submitted report. The report sought Members views on the proposed alternative elevational treatment, paragraph 3.2. of the report referred

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

The Planning Group Manager reminded Panel of the concerns raised previously and the proposed revisions to the scheme:

- Site / location / context
- Uniformity of the long elevation (“Monotonous brown block”)
- Response to Members concerns – Three distinct brick types in different colours
- Recessing/ deep reveals
- Brick detailing/ coursing
- Abutment treatment
- Alternative brick coloured gable ends
- Visual impact of the revised treatment

The planning Group Manager suggested the proposed changes represented a positive improvement and broke up the uniformity of the long elevation.

In offering comments, Members were of the view that the proposed changes were positive, resulting in a much improved scheme.

The Chair reported that Panel were invited to provide feedback to the following question, which was set out in paragraph 3.2 of the submitted report

“Do Members agree that the revised elevational treatment is appropriate to the design of the building and the surrounding context, subject to the submission of large-scale materials samples and 1:20 construction details of typical external details at planning condition stage”

Members were supportive of the proposals for the revised elevational treatment.

**RESOLVED** – To support the proposals for the revised elevational treatment

**109 Application No. 20/04145/FU - Demolition of the existing buildings and construction of a new building for residential (Use Class C3) purposes incorporating communal areas for residents use, along with servicing, car parking, cycle parking, landscaping, highways and associated works, at Land off Foundry Street And Saxton Lane, Leeds, LS9 8HE.**

The Chief Planning Officer submitted a report which set out details of an application which sought the demolition of the existing buildings and construction of a new building for residential (Use Class C3) purposes incorporating communal areas for residents use, along with servicing, car parking, cycle parking, landscaping, highways and associated works, at Land off Foundry Street and Saxton Lane, Leeds, LS9 8HE.

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

The Planning case officer addressed the Panel, speaking in detail about the proposal and highlighted the following:

- Site / location / context
- The site is located within the defined City Centre and within the boundary of the Aire Valley Leeds Area Action Plan and identified for housing
- Re-use of brownfield land and a major investment on the East Street corridor
- Access is provided into the east of the site via Foundry Street, with direct access into the north of the Site from Saxton Lane.
- Demolition of existing building
- The proposal is for a three stepped building, with a middle section of 20 storeys and two side sections of 17 and 15 storeys.
- Residential apartments to upper levels, 204 build to rent apartments: 110 x one bedroom apartments, 69 x two bedroom apartments, 24 x three bedroom apartments and 1x four bedroom apartment

- Lobby/reception area, communal space, a bin store, maintenance workshop and plant room and cycle storage located at ground floor level
- The area around the building is proposed surface car parking (11 undercroft spaces including 1 disabled space) plus a car club parking space, a sub-station and a loading bay and further cycle storage, set within a hard and soft landscaped scheme.
- Serviced from Saxton Lane
- Landscaping and planting
- Materials pallet; brick tones/ metal cladding with bronze tones
- Wind mitigation measures: baffles/ canopy's
- Amenity space / roof gardens
- Photovoltaic Panels
- Viability report from District Valuer
- Affordable housing provision 3.43% (7units)

Members raised the following questions to officers/ applicants representatives:

- How would noise insulation between the apartments be addressed
- Were 11 car parking spaces sufficient
- Were there any proposals for new/ enhanced health facilities or schools within the area
- Had any public consultation taken place within the local area.
- The wording of Policy H9 as set out in the submitted report – “All new dwellings should comply with minimum space standard” was the word should correct
- The pedestrian and walking routes around the building, for safety reasons, it was important that these areas were well lit.
- A number of Members expressed disappointment at the amount of affordable housing (7 units)

In responding to the issues raised, officers said:

- Noise insulation between the apartments was the subject of building regulations control
- Officers confirmed 11 spaces were sufficient, the site was in a sustainable location with access to the many amenities offered by the City Centre which would be within easy walking distance, including the bus and coach stations.
- Members were informed that the Primary Care Network were currently in the process of mapping the area to establish future need. It was also understood that there were also proposals to replace the Burmantofts Health Centre. No comments had been sought from Children Services in respect of school provision for the area. The Planning Group Manager advised that in line with the Council's adopted Community Infrastructure Levy (CIL) arrangements a redevelopment of this site was not required to provide a planning obligation towards local school provision since such infrastructure provision was not identified in the

site allocation plan for this site and the CIL payment from the development could be put towards future education provision in the area

- The applicant's representative confirmed that a consultation event was held in October 2019 which had a small number of attendees, there was also a leaflet drop to approximately 900 properties
- Officers confirmed that "all new dwellings must comply with minimum space standard"
- Members were informed that as part of the development a lighting and landscape scheme was required. The LCC Highways Officer confirmed the front entrance would open onto a major highway where street lighting was to a high standard. The Planning Group Manager advised Members that a contribution of £51k was included within the Section 106 for improvements to pedestrian connectivity
- The Planning Group Manager explained that costs associated with developing a brownfield city centre site were high and could lead to viability issues. Members were informed the proposed affordable housing provision of 3.43% had been the subject of a viability assessment as allowed for by the Council's adopted Policy and had been independently verified by the District Valuer

In offering comments Members raised the following issues:

- A small number of Members expressed disappointment at the affordable housing provision
- In general Members were satisfied with the design of the building
- Members welcomed the connectivity to the City Centre
- Members were of the view that a high quality lighting scheme was important
- A number of Members were of the view that the landscape scheme/ greenspace provision required enhancement
- One Member welcomed the provision of a four bedroom apartment suggesting young people welcomed shared accommodation

It was moved and seconded that the application be approved subject to the conditions specified in the submitted report and following the completion of a Section 106 Agreement.

Upon being put to the vote, the motion was passed 11 votes to 2

## **RESOLVED –**

- (i) That the application be deferred and delegated to the Chief Planning Officer for approval, subject to the conditions specified in Appendix 1 of the submitted report (and any others which the Chief Planning Officer considers appropriate) and subject to the completion of a Section 106 agreement to secure the following obligations:

- Employment and training of local people
- The provision of publicly accessible areas
- The provision of affordable units at 3.43% of the total provision, equating to 7 units, resulting in a contribution of £705,187.00
- The provision of a travel plan fee of £3,845.00
- Provision of one Leeds City Council Car Club provider parking space with electric vehicle charging point
- Residential Travel Plan Fund which includes a contribution towards pedestrian connectivity of £51,051.00
- A contribution for Traffic Regulation Orders to address potential overspill parking of up to £10,000.00.
- A management fee

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

**110 Pre-application presentation PREAPP/20/00267- Change of use and extension to an existing department store and other ground floor adjacent units, to repurpose the basement, ground and first floors for flexible commercial uses, and to repurpose the second and third floors and add a 4th and 5th floor extension for student accommodation at the former Debenhams, 115 - 125 Briggate, Leeds, LS1 6LX**

The Chief Planning Officer submitted a report which set out detail of a pre-application presentation which proposed a change of use and extension to an existing department store and other ground floor adjacent units, to repurpose the basement, ground and first floors for flexible commercial uses, and to repurpose the second and third floors and add a 4th and 5th floor extension for student accommodation at the former Debenhams, 115 - 125 Briggate, Leeds, LS1 6LX.

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

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

- Site / location / context
- The site is located within the defined City Centre
- The proposed alterations would complement rather than compete with the character and appearance of the heritage assets and would allow this city centre site to continue to be in active use.
- Former Department Store consisting of two separate buildings no 115 – 120 Grade II Listed Building and 121 Briggate a 1930s building, a street fronting Café at 7-9 Kirkgate and Hairdressers to 7 Fish Street
- The proposal - To create basement, ground and first floor E Use Class commercial uses and student accommodation to the second and third

upper floors and in a new two storey roof extension (replacing the existing roof extension).

- The student accommodation would be in the form of 124 bedspaces in 90 studio flats (ranging from 20 to 28m<sup>2</sup>) and 17 double sized-duel occupancy studios, termed as “Two dios” (ranging from 32 to 54m<sup>2</sup>), with 4 shared communal spaces.
- New commercial spaces at ground floor level
- Courtyard space in the heart of the building
- Creation of outdoor and indoor amenity space (Wellbeing garden)
- Plant room, set back on roof

In offering comments, Members raised the following issues:

- Members were generally supportive of the proposals
- Further design details were required in particular for the proposed window treatment to the upper two floors and the proposal to match the ziggurat window detailing below
- More details were required around the communal facilities and the quality of the living space
- Careful consideration needs to be given to the internal layout for both buildings (The relationship with the listed building and the new build element)
- Could the development be “future proofed” to accommodate other uses, should the demand for residential use, be not required in future
- Members were of the view that some “quality retail” at ground floor level be retained
- Consider the use of internal bins stores and how that is managed

In offering comments on the officers’ questions in the report:

- Members were supportive in principle to the proposed use of the site for student accommodation to the upper floors and Use Class E commercial uses to the ground and first floors, with the resulting loss of potential retail space.
- Subject to the submission of further details, Members considered the living conditions within the student accommodation to be acceptable.
- Subject to further design considerations for the top two floors, Members were generally supportive of the emerging design principles.

The Chair thanked the developers for their attendance and presentation suggesting that Members appeared to be generally supportive of the development.

## **RESOLVED –**

- (i) To note the details contained in the pre-application presentation

- (ii) That the developers be thanked for their attendance and presentation

**111 Date and Time of Next Meeting**

**RESOLVED** – To note that the next meeting will take place on Thursday, 8<sup>th</sup> April 2021 at 1.30pm (Remote Meeting)