

## **NORTH AND EAST PLANS PANEL**

**THURSDAY, 10TH MARCH, 2022**

**PRESENT:** Councillor C Gruen in the Chair

Councillors E Nash, N Sharpe, M Midgley,  
B Anderson, G Almass, E Flint, A Lamb  
and R. Stephenson

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

There were no appeals against refusal of inspection of documents.

### **63 Exempt Information - Possible Exclusion of the Press and Public**

There were no exempt items.

### **64 Late Items**

There were no late items.

### **65 Declaration of Interests**

In relation to Agenda Item 8, Cllr Lamb informed the Panel of the following: As per his register of interests he is a member of Wetherby Town Council and the Director and deputy chair for Better Wetherby Partnership. However, he had had, no involvement in the comments that either of those organisations had made. He had studied the Councillors Code of Conduct carefully and was coming to the meeting with an open mind on all matters before the Panel, such that he was confident he could take part in the meeting in his role as a member of the Panel.

### **66 Apologies for Absence**

There were no apologies.

### **67 Minutes - 10th February 2022**

**RESOLVED** – That the minutes of the meeting held on 10<sup>th</sup> February 2022, be approved as a correct record.

### **68 Matters arising**

In relation to minute 59 Appeal Decision Summary for Grove Park Care Home, Grove Lane, Meanwood, LS6 2BG Cllr Nash informed the Panel that she had been the councillor who had visited the site on her own and had voted against the approval.

Cllr Nash said that the Panel visits were an important part of the planning process. She explained that she had not been part of the site visits earlier in the day as she had already visited the site at Wetherby twice previously and she had also visited the site at Buslingthorpe Lane when it had been to this

Panel previously. It was noted that Cllr Nash had attended the sites with officers.

- 69 19/07024/FU, Demolition of existing industrial buildings, repair and retention of existing boundary wall, and redevelopment of site with five multi-storey apartment blocks providing 371 dwellings (comprising 132 x 1 - beds, 198 x 2 beds and 41 x 3 beds) with associated ancillary community facilities; children's play area, public and private open spaces; basement under - croft and surface level car parking; landscaping; upgrading of vehicular and pedestrian accesses off Buslingthorpe lane; internal roads and footpaths; and other infrastructure, Hilltop Works, Buslingthorpe Lane, Leeds, LS7 2DB.**

The report of the Chief Planning Officer set out a position statement to inform Members of a proposal for the demolition of industrial buildings, repair and retention of existing boundary wall, and redevelopment of the site with five multi-storey apartments blocks providing 371 dwellings with associated ancillary community facilities at Hilltop Works, Bustlingthorpe Lane, Leeds, LS7 2DB.

Members had attended a site visit earlier in the day. Slides and photographs were shown at the meeting.

Members were informed of the following points:

- The site has been largely vacant for a significant number of years and has fallen into disrepair. A small section of the site at the eastern end is still in economic use as a car repair garage. Members were advised that this a small proportion of the site and it is considered that to develop this site would be beneficial to the wider area and the Conservation Area in particular.
- The proposal had originally been for 449 units but has since been reduced to 371 units comprising of:
  - 132 x 1 bed units
  - 198 x 2 bed units; and
  - 41 x 3 bed units
- The scheme proposes a children's play area, public and private open space, basement under-croft and surface level car parking, landscaping, upgrading of vehicular and pedestrian access off Buslingthorpe Lane, internal roads and footpaths.
- The proposal is for a series of 5 blocks of units:
  - Blocks A and B to be 10 storeys stepping down to 6 storeys towards the Eastern boundary
  - Block C and D to 8 storeys with Block D stepping down to 7 storeys to the east
  - Block E to be 6 storeys
- Two access points to the site are proposed. Surface car parking has been minimised by providing basement car parking facilities that will span the underneath of the blocks. Bike storage and bin storage will also be provided in the basement area.
- The proposal is to retain the high stone wall on the Buslingthorpe Lane frontage and rebuild the chimney to its original full height. Members

were advised that some of the proposed apartments would be 5-10 metres from the wall, therefore, it was proposed that openings would be retained within the wall and railings added to let in light.

- Aside from the heritage assets referenced above, to demolish all buildings on site including the original Hilltop Mill Building and the cottages to the western end of the site.
- All blocks to house PV cells on the roofs and the reduced height blocks have provision for useable amenity space on the roofs.

Seth Williams and Gerald Jennings attended the meeting on behalf of the applicant and provided the Panel with the following information:

- The developers have engaged fully with the community and ward members and undertaken a substantial amount of consultation, including holding public exhibitions. This consultation has helped in drawing up the proposed scheme.
- This is a derelict brownfield site which is in a rundown condition. It provides significant opportunity for development which could benefit the wider community and the conservation area.
- Information shows that there is demand for a housing mix of 1,2,3, bed units in this location
- The site is located in an elevated position with greenery in the background. The design would reflect key views and was intended to not interfere with the surroundings.
- The proposals include a play area and informal landscaping.
- To future proof the site energy efficiency has been looked at with the proposals for solar panels, electric charging points and infrastructure to link to the District Heating Network in future.
- The developers would retain some of the heritage assets including the chimney and the boundary wall, they would also maintain these assets. This is estimated at a cost of £1m.
- There was an acknowledgement that concerns had been expressed on a number of points, including highways access, viability, scale and the provision of amenity space. However, this was to be balanced against ensuring development of the site to bring about regeneration and enhancement after the long period during which the site has been empty.

Responding to questions from Members, the Panel were provided with further information:

- The District Valuer was in attendance at the meeting and provided information in relation to the viability appraisal summarised in the submitted report. It was noted that 4 different scenarios had been considered when assessing the viability of the site. This scenario was considered to be the best.
- Members were advised that 7% profit would be a challenge. However, the developers were committed to retaining the heritage assets of the site as far as possible and as already outlined.
- Members had wondered why town houses had not been proposed in this location. They were informed that this had not been considered for

this location. The topography and sustainable location meant the site was most conducive to apartments.

- It was noted that the proposed scheme did include 41 x 3 bedroom apartments and that there were proposals for larger 2 bedroom 4 person units.
- There was no objection to a 'claw back' mechanism if the site proved to be more profitable than expected.
- The developers had looked at energy efficient savings including electric charging points, heating systems, solar panels. The suggestion of e-bikes was agreed to be a good idea for this site and bike storage was to be provided.
- The mill building and the cottages were thought to be in such poor condition that it would take considerable amounts of money to restore.
- Access points are restricted due to visibility issues.
- The chimney would be restored to its original height and would be a landmark feature. It was noted that Heritage England had not been consulted yet regarding the viability appraisal.
- Members were advised that the location of the play area and the amenity space in the central location were still open to discussion and suggestions. Members were of the view that any play area should have good quality equipment and allow children to use their imagination. Members were advised that consultation had been undertaken with the wider community on the amenity space, discussion had also been had with Meanwood Valley Urban Farm. It was noted that the play area and the central amenity space would not be enclosed and could be used by the wider community. The inclusion of playspace had arisen as a result of public suggestion during consultation.
- Only the roof space would provide private amenity space for the residents. The roof space would be planted to enhance the space.
- Members raised concerns that the design of the scheme was not welcoming to look at. The developers were of the view that the chimney in the central location was a character feature and the separation between the blocks opened up the area to the greenery beyond.
- Members raised concerns that one of the blocks was sited too close to the boundary wall which was to be retained. They were of the view that this would block light from the apartments. The Panel were advised that the boundary wall, although a significant height, would be restored with openings and railings at the points close to the apartments to allow an open view from the apartments. It was noted that this could be done without impact on the heritage asset.
- Members were advised by the District Valuer of market value for the development as:
  - 1 Bedroom 1 person apartment at £72,000
  - 1 Bedroom 2 person apartment at £178,000
  - 2 Bedroom 3 person apartment at £200,000
  - 2 Bedroom 4 person apartment at £230,000
  - 3 Bedroom 4 person apartment at £261,000
  - 3 Bedroom 5 person apartment at £296,000

- The developers agreed to consider suggestions of greening amenity space with green walls, fruit trees, edible gardens.
- The developers also agreed to consider reusing some of the materials from the old mill and cottage buildings which were to be demolished but confirmed that it would not be possible or cost-effective to refurbish these historic elements of the site.
- A daylight assessment had been undertaken to ensure that the amenity space provided the residents with daylight as set out in guidance.
- 294 parking spaces would be provided as agreed as sufficient with Highways Officers. It was noted that the developers would contribute to traffic regulation orders on Scott Hall Drive to avoid overspill parking from the development.
- The Panel were advised that this site had no relationship with the rest of the allocated site and there is no overarching masterplan, as the neighbouring land is under different ownership. It was noted that the developer had tried to engage with the other landowners, however, it had not been possible.
- Members noted that if the developer was to achieve market value as suggested, the site could potentially make £75m, if all the units sold. Members were of the view that if this amount was to be made affordable housing on this site should be achievable.

Members general comments included:

- Disappointment with the design, layout and massing of the scheme
- Disappointment with the lack of amenity greenspace
- Disappointment that the developers had not considered town houses in this location, as Members were of the view that this would be better as they were not in a city centre location and would provide more private amenity space, and suit families better.

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

**1: Do Members agree that the form of the proposed development being wholly apartments is an acceptable form of development?**

Members had concerns about the scale and massing of the proposed blocks and considered that the applicant should investigate whether housing could be provided on the site.

**2: Do Members agree that the housing mix should be justified by the applicant prior to final determination by the submission of up-to-date evidence for the proposed housing mix and a housing needs assessment?**

Agreed.

**3: Do Members have any comments with regards to the over provision of M4(3) standard units but there being a lack of 3 Bed units provided to the necessary accessibility standards?**

Members welcomed the provision of accessible housing but considered that M4(3) units should include 3 bed units.

**4: What are Members views on the form, level and nature of Green Space and Private Amenity space?**

More information required in respect of amount of greenspace, accessibility, topography, and landscaping. Further details in respect of the nature and

location of planting were requested. It was also requested that cross-sections be provided to show how the nature of the open space and how any buildings would relate to it.

Members also requested further information in respect of the play space and how that was to be laid out.

**5: Do Members support the request by officers that the development is “future proofed” sufficiently in relation to the District Heating Network and Combined Heat and Power (CHP) provision?**

Agreed and applicant confirmed that the scheme would be future proofed.

**6: Do Members support the pursuing of the concerns of Highways colleagues in respect of the provision of EVCP in accordance with the SPD?**

Agreed.

**7: Having regard to the impact on the character and appearance of the Buslingthorpe Conservation Area Members opinions requested with specific, but not exclusive, regard to:**

- Is there sufficient justification for the demise of the two historic assets, Hill Top Works Mill building and the cottages to the western end of the site?
- Is there sufficient justification for the quantum of development now proposed with the associated compromises in other policy areas?

Concerns were expressed about the scale and massing of the development and the impact that this would have on the character and appearance of the conservation area. Concerns were also raised about the proposed materials for the top floor of blocks A, B and E.

No concerns raised in respect of the treatment of the boundary wall to Buslingthorpe Lane. Members also welcomed the retention and extension of the chimney but asked whether the design of the scheme could be amended to make it more visible from Buslingthorpe Road.

No concerns were raised in respect of the loss of the mill buildings.

To investigate the scope for the re-using of materials from the existing structures to be demolished and how these could be incorporated into the scheme.

Members raised the matter of whether an alternative form of development in the form of housing, or including housing, could improve viability. If so, this may enable the retention and re-use of the cottages. It was also considered that a housing scheme, or that includes a mix of housing and apartments may be more appropriate for this location within the conservation area.

Members also raised concerns about how this development may fit the development of the remainder of the wider SAP (Site Allocation Plan) housing allocation. It was requested that a masterplan be provided.

**8: Do Members wish to comment on the package of contributions mentioned at Paragraph 36 in full (with summarised highlights above)?**

No concerns were raised in that regard.

It was considered that sufficient parking should be provided on site to serve the needs of the development. It was noted that opportunities for on-street parking along Buslingthorpe Lane were extremely limited and would cause highway safety issues.

Members also requested that consideration be given to the provision of communal e-bikes in lieu of a metro-card contribution, as well as a clawback mechanism drafted within the Sec. 106 Agreement if the site proved to be more profitable than currently envisaged.

**9: Are Members satisfied that the “worst case scenario” for the relationship of windows between Block A and Block B as discussed above is acceptable?**

Members requested further information to help them form a view on this issue. It was suggested that cross-sections be provided to show the relationship between the block and between the flats at the lower levels.

**10: Do Members have any comments on the above-mentioned summary of the necessary contributions as a result of the development?**

Members did not feel it was appropriate to comment on this aspect considering the further work that needed to be undertaken. Members requested that the use of viability review and claw back clauses in the Sec.106 Agreement be investigated regarding greenspace contributions.

**RESOLVED** – To note the content of the report and provide views in relation to the questions posed in the submitted report to aid the progression of the application.

*Cllr G Almass left the meeting at 15:05 during this item.*

**70 21/08506/RM Reserved Matters Application for 785 dwellings relating to scale, layout, appearance and landscaping pursuant to Outline Application (17/02594/OT) at Land off Racecourse Approach Wetherby, LS22.**

The Chief Planning Officer presented a Reserved Matters application to the Plans Panel for 785 dwellings relating to scale, layout, appearance and landscaping pursuant to outline application 17/02594/OT at land off Racecourse Approach Wetherby LS22.

Members had attended a site visit earlier in the day. Slides and photographs were shown during the meeting.

Members were informed of the following points:

- This site is a recognised development opportunity which forms part of the allocation in the Site Allocations Plan (SAP) on the northern edge of Wetherby.
- This application is pursuant to an outline consent which was granted approval at City Plans Panel in August 2020 subject to a

comprehensive list of conditions and the completion of a Section 106 Agreement. The Section 106 Agreement was completed on 20th September 2021.

- This Reserved Matters application seeks consent for 785 dwellings and detailed consideration of scale, layout, appearance and landscaping.
- This is a residential development of 785 units comprising of a mix of detached, semi-detached, apartments and terraced dwellings. There would be 713 houses and 72 apartments.
- The proposal also has 275 affordable units in a mix of 24 x two bedroom apartments, 122 x two bedroom houses, 105 x three bedroom houses and 24x four bedroom houses. This meets the affordable housing requirement.
- Members were advised that the Council is reviewing the demand for 4 bedroom houses in this area.
- The dwellings will be compliant with required internal space standards. The houses would be of traditional design with chimneys, using traditional materials. The housing mix was proposed as terraces, semi-detached and detached houses. Apartments were proposed as being 3 storeys, there would be 4 blocks sited close to the young offenders buildings.
- The site will be accessed from three access points from Racecourse Approach, a comprehensive internal road layout will serve the development. This would retain the tree lined 'Avenue' in the south-eastern area of the site.
- The proposed development features a central hub comprising of a primary school, retail unit and play area. Members were asked to note that the primary school and retail unit would be subject to separate planning applications.
- The existing Public Rights of Way are to be retained and connect to new footpaths.
- The design would see the retention and protection of natural features including Cockshot Wood and Sand Beck. A series of connecting green and blue spaces are proposed throughout the site. Various NEAP's, LEAP's and LAP's are proposed as well as additional tree planting and landscaping.

Mr Owen from the Better Wetherby Partnership attended the meeting to inform the Panel why the Partnership objects to the proposals, along with Mr Catton of Wetherby Civic Society who was there to answer questions.

Mr Owen informed the Panel of the following points:

- The Better Wetherby Partnership had attended the workshops and he said for the record that officers had provided good work at these workshops.
- This scheme as it currently exists was proposed pre- recession. The country is now heading towards another recession with increased fuel costs etc.

- Concerns in relation to chimney pots was raised in relation to the climate emergency given the emissions into the atmosphere.
- He said that there was a reliance on brick and the group were requesting the use of more timber in the architectural design of the houses.
- The group had concerns about the location of the site close to the A1M in relation to air quality and noise pollution. It was noted that a site close to this proposed site already had issues with noise. It was noted that Mr Tim Summers had already undertaken a noise survey and this should be considered. Mr Owen appreciated that this survey was on the planning portal, however it would need to be updated. Mr Owen was of the view that some of the proposed affordable houses were situated close to the A1M and the families who would live in these would need safeguarding from the noise and air pollution caused by the A1M.
- It is envisaged there will be disruption during the construction process. Construction Management Plans are often required, but seldom adhered to and this needed to be thoroughly considered.
- Concerns were raised in relation to the access points along York Road, where there had been two fatal accidents. It was the view that traffic management should be looked at in this location.
- Mr Owen made mention of errors within the report and was asked to clarify these for the benefit of the Panel. The following was noted:
  - Paragraph 45 in relation to consultation. The public consultation was stated as having been held on the wrong date.
  - It was noted that a letter detailing various matters that the Partnership wished to raise following the event had not been replied to. This included proposals for mitigation measures to assist with noise pollution issues.
  - Paragraph 48 in relation to flood risk management required more details and clarification.
  - Paragraph 49 Yorkshire Water had been the subject of Ofwat in relation to the discharge of water into rivers. This had been red flagged due to lack of capacity.
  - Paragraph 50 the air pollution report had not been updated
  - Paragraph 55 the references to Public Rights of Way were believed to be the wrong way round.
  - Paragraph 60 in relation to letters received were comprehensive but not noted.
  - Conditions 31 and 32 offers electric charging points however, there would still be pollution through rubber shavings off tyres.

Mr Catton informed the Panel that there had in fact been 3 fatalities on York Road with the most recent in December 2021. He was of the view that there needed to be better connectivity between the site and Wetherby High School, and the town. It was his view that there would be more fatalities if this was not addressed as children would need to cross this busy road. Mr Catton recalled Cllr Nash suggesting a pedestrian crossing was required along this stretch of road at City Plans Panel. It was noted that there is provision further down the road, however people would have to walk along a narrow footpath to get to it.

Mr Catton was of the view that chimney pots were redundant and there was no reason for them to be incorporated into the design. He also raised the issue of the use of bricks in the design of the houses as manufacture of bricks caused high emissions.

Mark Johnson and John Hetherington attended the meeting on behalf of the applicant. They informed the Panel of the following points:

- Details relating to air quality and noise pollution were to be considered and discharged in the conditions attached to the outline planning permission. They said that so many reports had been submitted, however, they may not have been updated and submitted at the same time. For clarity, it was reiterated that these did not all relate to the application before Members for consideration as a Position Statement, but a number instead related to the separate discharge of condition applications.
- This site was an important site for the delivery of houses in the north of the city.
- They had submitted detailed design documents including changes which had been in consultation at the workshops. Included within the reserved matters were also information on drainage and carbon reduction.
- The developers had looked to be innovative in design. They acknowledged that innovation can be subjective, and that modern design can quickly become outdated. During the workshops the preference for design had been for traditional houses. The housing mix would replicate that of Wetherby. The development sought to be innovative in other ways.
- This report looks at the blue and green infrastructure, housing mix and what the developers propose for policy compliance in terms of carbon reduction.
- It is proposed that gas boilers would be used in the first phase of the site being removed through the further phases.

Member's discussions included:

- The location of the retail unit which was proposed to be a small convenience store. It had been suggested at City Plans Panel that the location of this unit would be better suited at the edge of the development, so that it not only served the local houses but could pick up passing trade. It was also the view that the residents of the new development would still access the shop when accessing or leaving the estate. The applicant noted that locating the retail unit within was in the hope that this would create a central hub for residents.
- It was acknowledged that Education had requested the primary school should be located in the centre of the development.
- Members recognised that the developers had built the Church Fields development in Boston Spa which in their view was an exemplary and positive development. However, Members were of the view that this development before the Panel was underwhelming. The developer had said that they wanted to be innovative. However, Members were of the

view that this proposal was not innovative enough and needed to be designed with the site and location firmly in mind.

- Members thought that the collaboration with the community and officers was commendable, but the developers did not seem to have listened to what was required in the locality.
- Members were of the view that this development should have bespoke houses, which were fit for purpose and that the scheme should be one which was award winning.
- Members had concerns about how the affordable housing was to be distributed through the site. They were advised that the affordable houses would be in clusters across the site. It was noted that the Housing Association were agreeable to this, but Members suggested more pepper-potting of affordable housing would be welcomed.
- Members wished to see the design bring in the countryside through design and materials.
- It was the view that this is a standalone scheme not blended to Wetherby, and it need to 'sit right' with the town.
- The development at North Stainley, Harrogate was suggested as an area to visit as this development was thought to be well designed with traditional houses.
- It was recognised that regulations in terms of climate change were changing fast. However, it was the view that the developers needed to be forward thinking in terms of ground source heat pumps being provided – as the developer had confirmed that dwellings in the initial phases would have traditional boiler systems.
- Members suggested that the green space could be used for communal gardens, to grow fruit trees and be planted with edible plants.
- Members were of the view that there was an over supply of 4-5 bedroom properties and that the area required more 3-4 bedroom properties. It was also noted that there was a demand in the area for bungalows.

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

**1. Do Members wish to comment on the proposed housing mix proposed by the applicant in light of the requirements of Leeds Core Strategy policy H4 and Wetherby Neighbourhood Plan policy H1?**

The area required more 3-4 bedroom properties. It was also noted that there was a demand in the area for bungalows.

**2. Do Members wish to comment on the proposed affordable housing provision, including matters of the house/apartment split, the mix of unit sizes and the location of units across the site?**

Affordable housing should be 35%. Members had concerns about the cluster of affordable houses. However, if this was the best solution then they should be innovative, those close to the boundary of the motorway should not have living quarters facing on to the motorway. There should also be boundary treatment to mitigate noise and air pollution.

**3. Do Members wish to comment on the general approach to create different character areas and design proposals advanced by the applicant?**

It was the view that the approach was correct in terms of having different character areas. However, the execution was poor.

**4. Do Members feel satisfied that the proposals will deliver a high quality development and the approach with regards to ‘innovation’? If not, where would Member’s priorities lie in seeking further enhancements in these respects?**

Members were of the view that the design was not innovative enough and that the houses needed to be bespoke having regard to its setting and context. This could include the use of timber frames in construction.

**5. Are Members satisfied that the appearance and scale of the development will create a beautiful and distinctive place with a consistent and high-quality standard of design as per NPPF guidance?**

Members were disappointed with the appearance and scale of the development. They suggested making more of the green and blue spaces and that the design of the houses should take advantage of the setting.

**6. Do Members wish to make any comments on the layout proposed with regards to the provision of green spaces, connectivity, health, and wellbeing?**

Some Members had expressed concerns that the proposed layout would mean that the shop would not survive if it was located in the centre of the development and should be moved to the edge of the development, so that it could catch passing trade. It was the view that having the shop close to the school was a good idea. Members had concerns that the only access along York Road was dangerous and that a crossing was required to access facilities such as medical centre and the town. The crossing would be an important part of place-making and encourage active travel.

**7. Do Members wish to make any comments on the layout in respect of car parking provision?**

Members expressed concerns that there may not be enough parking as many families now have two cars, it was suggested that there parking should be provided in accordance with the council’s guidelines. It was also the view that having parking away from homes would cause issues with residents parking on grass verges. Therefore, there should be dedicated on plot parking. Members also recognised that public transport in this area was difficult.

**8. Do Members wish to make any comments on the landscape proposals with regards to biodiversity and linkages between SuDs drainage basins and greenspaces?**

Members had concerns that in this area there were regular overflows into the River Wharfe. They wished to see innovative solutions to drainage and provision of adequate sewerage to take account of the large quantum of new dwellings.

**9. Do Members wish to comment on the level of private amenity space proposed for the apartments?**

It was recognised that there was a demand for smaller properties in the area. However, there was no dedicated useable private amenity space for the apartment blocks. Members suggested an innovative approach should be used to overcome this – such as the use of allotments, green walls and planting of edible gardens to be incorporated into communal areas.

**RESOLVED** - To note the content of the report on the proposal and to provide views in relation to the questions posed in the submitted report to aid the progression of the application.

*Cllr B Anderson left the meeting at 16:25 during this item*

*Cllr Nash left the meeting at 17:10 at the end of this item*

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**Date and Time of Next Meeting**

**RESOLVED** – That the next meeting of North and East Plans Panel will be on Thursday 7<sup>th</sup> April 2022 at 1:30pm, in Civic Hall.

*The meeting concluded at 17:15*