

## CITY PLANS PANEL

THURSDAY, 6TH AUGUST, 2020

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

Councillors D Blackburn, C Campbell,  
P Carlill, D Cohen, A Garthwaite, C Gruen,  
A Khan, E Nash, P Wadsworth, G Latty,  
P Gruen and S Hamilton

### 11 Election of Deputy Chair

**RESOLVED** – That Councillor C Gruen be elected as Deputy Chair and to assume the Chair in the event of Councillor J McKenna (Chair) losing internet connectivity.

### 12 Appeals Against Refusal of Inspection of Documents

There were no appeals.

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

There was no exempt information.

### 14 Late Items

There were no late items.

### 15 Declarations of Disclosable Pecuniary Interests

There were no declarations.

### 16 Apologies for Absence

Apologies for absence were submitted on behalf of Councillor N Walshaw.

Councillor S Hamilton was in attendance as substitute.

### 17 Minutes of the Previous Meeting

The minutes of the previous meeting held on 16<sup>th</sup> July 2020 were submitted for comment/ approval.

**RESOLVED** – That the minutes of the meeting held on 16 July 2020 be confirmed as a correct record subject to the following amendment:

- Councillor Nash requested that her objection to the provision of a feeder rank on Concordia Street be noted due to the cobbled street being a heritage asset and proximity to residential properties.

## **18 Matter Arising from the Minutes**

With regard to Minute No. 9 – Application 20/02048/FU, it was requested that an update report be brought back to Panel if the disabled access to the taxi rank could not be satisfactorily resolved. It was reported that the considerations of provision of a ramped access solution as discussed would be referred to the Chair and if required the matter could be reconsidered by Panel.

## **19 Application No.17/02594/OT - Outline planning application with all matters reserved except for access, for the creation of a new community comprising up to 800 dwellings, a food store (A1) (up to 372 sq.m), primary school and public open spaces at Land off Racecourse Approach, Wetherby, LS22.**

The report of the Chief Planning Officer present an outline planning application with all matters reserved except for access, for the creation of a new community comprising of up to 800 dwellings, a food store, primary school and public open spaces at land off Racecourse Approach, Wetherby.

The application had previously been considered by the Panel when Members had opportunity to visit the site. The application had been deferred at the meeting held in January 2020 for further consultation due to the fragmentation of the site and lack of access to the South West corner.

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

Further issues highlighted in relation to the application included the following:

- Members had requested that the applicant purchased the land in the South West corner to provide a site access. The landowner had refused an offer from the applicant although was in support of the application.
- The scheme had cycle and pedestrian linkages to the South West Corner which would link to the town centre.
- There were three proposed access points that ran along the North Eastern side of the site.
- There had been a design workshop with the applicant and there would be further engagement with the community with regards to design.
- The applicant was willing to embrace policy relating to climate change.
- The applicant had given a notice of intent to appeal against non-determination of the application. It was felt that as the land had been allocated for housing that there was limited opportunity in defending an appeal.

- There had been further consultation with the Better Wetherby Partnership. Issues raised by the Better Wetherby Partnership included the following:
  - It was felt that the application was contrary to guidance in the Neighbourhood Plan, Site Allocation Plan and National Planning Policy Framework.
  - No safe pedestrian/cycle access to Wetherby
  - Consultation had not been carried out
  - The proposed shuttle bus scheme was tokenism
  - The scheme needed to be compliant with the Leeds Climate Emergency/
- Wetherby Civic Society had made further representations which included concern regarding the lack of access from York Road; that the development was isolated from the town centre and lack of facility for pedestrians and cyclists to cross York Road.
- Wetherby Town Council was opposed to the principle of development at the site and that access arrangements were not satisfactory and also dangerous.
- There had also been letters of objection from Ward Councillors and 24 local residents.
- An indicative masterplan was shown which included details of the proposed locations for the school and shop.
- Plans of how the South West corner to the site could be developed.
- Enhancements to Carr Lane with improved pedestrian and cycling routes.
- Proposals for underground refuse storage.
- The applicant felt they had done all they could to address the Panel's concerns and done all they could to purchase the land to the South West Corner. Ultimately should that area of land be developed there could be an access to York Road.
- The scheme was policy compliant and would create up to 280 affordable housing units.
- It was recommended that the application be deferred and delegated for approval.

A local Ward Councillor addressed the Panel on behalf of Wetherby Town Council and the Better Wetherby Partnership. Issues highlighted included the following:

- It was recognised and accepted that the site was allocated for housing but it was felt that this application did not meet the tests of sustainable development or the requirements of the Site Allocation Plan, National Planning Policy Framework or Wetherby Neighbourhood Plan.
- The issue of third party land ownership – this was not the only site that could provide an access point.
- The threat of an appeal should not be considered.
- Commitment to high quality design – anything less should not be accepted.
- Climate change – there was only vague commitment.

- There was nothing to specify where on York Road any access point should be.
- It was essential to get things right at this stage.

A representative of Wetherby Civic Society addressed the Panel. Issues highlighted included the following:

- It was requested that this application was refused.
- The requirements for access were not in accordance with the Site Allocation Plan and left a 2 mile round trip to the Town centre.
- There were no safe pedestrian links to the town centre or schools.
- The lack of access was against policy within the National Planning Policy Framework.
- There was no urgent need to develop this site.
- Reference to similar proposals that had been refused.

In response to questions to the speakers, the following was discussed:

- The site requirements set out in the Site Allocation Plan should be met as a bare minimum.
- There should be proper engagement with the community to shape the proposals.
- The Wetherby Neighbourhood Plan went live in January 2020.
- The South West corner was not the only place to access York Road and other options had not been explored.
- There was no safe cycle access on to York Road and traffic lights were needed.
- The Site Allocation Plan was clear that there should be access to York Road.
- There had been some consultation at the early stages of the application but more engagement was requested.
- The application should be refused as it did not meet the minimum requirements of the Site Allocation Plan.
- There was not enough information in the report to show how this development could be an exemplar in terms of tackling the climate emergency.

The applicant's representative addressed the Panel. The following was highlighted:

- This application was for outline permission only with access arrangements. There would be more involved engagement at the reserved matters stage.
- The applicant was moving ahead with reserved matters issues including ecology, house design and energy efficiency.
- Delays to this site would also hold up the development of the site to the North West corner.
- There would be a Community Infrastructure Levy payment in the region of £7 million.

- The applicant had taken legal advice and been informed that the application was policy compliant.
- This application would not cause prejudice to a future access to York Road and the development would leave an access that could be joined on.
- The applicant was supportive of the Wetherby Neighbourhood Plan and was satisfied that the application complied with the plan.
- Sustainability credentials would be available when more was known about the house types.
- In response to questions from the Panel, the following was discussed:
  - 350 affordable houses would be built on this and the adjoining site.
  - The site would be designed with walking and cycling in mind.
  - The applicant was satisfied with the access arrangements. The land to the South West corner had not been used by the landowner as a ransom strip and was the subject of a higher bid from elsewhere.
  - The proposed location for the shop – there had been an interest from a retail provider. It would serve 1,100 new houses. Although the current position was indicative concern was expressed that a shop in this location would not be sustainable.

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

- Officers were comfortable that the proposals met the policy requirements of the Site Allocation Plan. In terms of the access to York Road, the plot to the South West Corner was allocated for housing and these proposals would allow for access to run through.
- Access to the site within the application had been assessed and was policy compliant.
- There had been negotiations with the applicant to get Carr Lane upgraded. There were no proposals at this stage for further improvements. There was sufficient visibility for a crossing point at York Road.
- Although the Site Allocation Plan required an access to York Road, this was with regards to the totality of the site and not just this application. The owner of the land to the South West Corner was wanting to proceed with the sale and development of the land.
- The provision of a shuttle bus was being provided by the applicant and was over and above policy requirements. This would be funded for ten years.
- House design – the images displayed were indicative and detailed design would be considered under the reserved matters stage.
- Community refuse collection – officers had suggested this to the applicant as a more sustainable and efficient system.
- Outstanding concern that the application didn't satisfy the requirements of the Site Allocation Plan without guaranteed development of the access to York Road.

- Concern that sustainability requirements were not being met.
- It was acknowledged that there was satisfactory provision for vehicular access in terms of requirements even though none of these were direct to York Road.
- Sustainable travel was satisfactory with the provision of the shuttle bus along with pedestrian and cycle access.
- Concern with regards to the length of time it may be till adjoining sites were developed and an access to York Road was achieved.
- The need for further engagement at the reserved matters stage.
- It was felt that access to York Road was essential. There was concern that any access to York Road was located away from the hump back bridge as there had been a history of accidents.
- The shop would be better located in the South West corner with opportunity for passing trade.

The lack of vehicle access onto York Road was the key focus of the debate and consideration whether this aspect met the Site Allocation Plan requirement. Officer advice was clear that the nature and extent of the current proposal for part of the Site Allocation Plan site was considered to be policy compliant and did not prejudice future delivery of a vehicle access onto York Road. Following a motion to approve the officer recommendation Panel resolved as follows by a majority vote.

**RESOLVED** – That Members note the report and specifically the issues raised relating to vehicular access and that approval of the application be deferred and delegated to the Chief Planning Officer subject to the conditions outlined in the report (and any relevant others deemed necessary) and the prior completion of a Section 106 agreement to cover the following:

- Provision of 35% affordable housing on site;
- Primary Education Contribution of £2.7 million (phased payments to be agreed) and transfer of land For Primary School upon commencement of development. With construction of an access road at an agreed timescale;
- Provision of shuttle bus fully funded for 10 years (£150,000 p.a.);
- Contribution of £61,700 towards Harrogate Road corridor cumulative impact;
- Contribution of £55,000 towards Racecourse Approach 40mph speed limit;
- Contribution of £41,000 towards bus shelters and displays;
- Contribution of £7,000 towards a TRO for York Road parking;
- Sustainable Travel Fund - £396,000 (based on 800 dwellings);
- £30,000 for mitigation measures if residential model split targets are not met;
- Completion of access road up to adjoining development sites;
- Marketing strategy of retail unit prior to occupation of 400<sup>th</sup> dwelling and operationally available by occupation of 500<sup>th</sup> dwelling;
- Residential Travel Plan and Monitoring Fee of £6,000;
- School Travel Plan and Monitoring Fee of £2,500;

- Maintenance of greenspace and SuDS;
- Contribution of £16,000 towards other public footpath and bridleway enhancements; and
- Employment and Training

(Councillor D Cohen left the meeting at the conclusion of this item)

**20 Application No. 20/01965/FU - Demolition of existing building and erection of part 4, part 10 and part 32 storey student accommodation building with commercial unit (Use Class A1, A3 or A4 or D1), D1 unit at upper ground level and associated access; parking; alterations to public realm and landscaping works on the site of 44 Merrion Street, Leeds, LS2 8LW**

With reference to the meeting of 20<sup>th</sup> February 2020 when the Panel received a pre-application presentation on the emerging redevelopment proposals, the Chief Planning Officer now submitted a report which set out details of a an application which sought the demolition of the existing building and erection of part 4, part 10 and part 32 storey student accommodation building with commercial unit (Use Class A1, A3 or A4 or D1), D1 unit at upper ground floor level and associated access; parking, alterations to public realm and landscaping works on the site of 44 Merrion Street, Leeds, LS2 8LW.

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

The City Centre Team Leader addressed the Panel, speaking in detail about the proposal and highlighted the following:

- Site / location / context
- Situated within an emerging cluster of tall buildings in the Arena area
- Proximity to neighbouring properties, St John's Church 55m away
- The existing building is a redundant red brick office block (Former Santander Building)
- Positive feedback/ support received at the pre-application stage
- Historic England and the Leeds Civic Trust had objected to the proposal commenting that the proposal was unduly dominant
- The proposal is to demolish the existing building and construct a multi-storey student residential-led development comprising a 4 to 10 storey street building with a tower element rising up to 32 storey's containing a total of 660 student bedrooms (A mix of cluster and studio apartments)
- Shared communal space 1100sqm
- Night time lighting scheme
- Triple height entrance hall
- Double height ground floor frontage with retail space
- Public realm and connecting corridors, high quality landscaping scheme including green walls and planters, aspiration to include greenery within the arcade space

- Servicing area to be located to the rear of the building, accessed from Merrion Place. Two disabled parking spaces located in this area
- Materials – the building podium to include red brickwork and ceramic tiling with deep windows and utilising quality materials in context with the street scene, the tower element to be extensively glazed in clear fritted double glazed panels, perforated metal screen and insulated panels faced with black painted glass
- Aspiration to reduce dominance of the highway along Merrion Street, potentially narrowing the carriageway; reducing or relocating the taxi rank and decluttering street furniture

Members raised the following questions:

- Had any pre-application wind surveys be undertaken
- Could the provision of green walls be extended within the landscape scheme
- This buildings green credentials/ aspect need designing into the building from the start, they should not be just an “add on”
- The CGI graphics, were they a true representation of how the building would look, in particular the materials
- In terms of the level of student accommodation within the City Centre, was the city approaching saturation point
- In view of Covid19 was there a danger that international students may not return
- Were there any proposals to remove buses from Merrion Street
- Could the tower element be repositioned to the west side of the site to be less dominant

In responding to the issues raised, officers and the applicant’s representatives said:

- Members were informed that wind impact assessments had been undertaken and had been independently peer reviewed. Subject to provision of mitigation measures (wind baffles and redesign of vertical columns to the east of the Merrion Street frontage) the proposals would result in an acceptable wind environment.
- Members were informed that there was little opportunity for further green walls given the 3 storey glazed entrance hall, the detailed design to the podium element and the limited gaps to neighbouring buildings. However the proposals would provide views of the proposed green wall through the glazed atrium space and would include soft landscaping on the roof which would be visible from the roof edges.
- Members were informed that biodiversity was included within the building and carbon reduction was at the heart of the design
- The Architect said a unique and bespoke building was been created in the centre of Leeds. The tower would be fully glazed and capture light throughout the day, the building would not be a static image but be constantly changing. The solid base was all about setting the street

scene. In terms of materials, sample panels could be viewed at condition discharge stage

- Members were informed that recent studies had suggested that up to 38,000 students were not living in purpose built accommodation
- The developers were of the view that there was still a demand for student accommodation in the city and they remained confident in their investment
- In responding the Highways Officer said there was an expectation that buses in the future would no longer use this part of the loop road for stopping
- Members were informed that moving the tower element to the western side would have an adverse impact on the residential windows to Symons House.

In offering comments Members raised the following issues:

- All Members welcomed the scheme commenting that; this was a really strong proposal, the building looked fantastic, this building is iconic in design and will enhance the skyline
- Members were of the view that the height, scale and massing were right for this area
- Members emphasised the need for quality materials, sample panels need to be viewed as the scheme develops
- Members welcomed the landscaping proposals including the provision of green walls, it was further suggested that the greenery be extended to the roof tops
- Some Members commented that the tower emerging from the base was a really clever design concept

The Chair thanked the developers for their attendance and presentation commenting that this was a really impressive scheme and Members were clearly supportive of the development.

## **RESOLVED –**

- (i) That the application be deferred and delegated to the Chief Planning Officer for approval subject to the specified conditions identified in Appendix 2 of the submitted report (and any others which he might consider appropriate) and following the completion of a Section 106 agreement to include the following obligations:
  - Occupation of student accommodation solely by students in full-time higher education during recognised term-times
  - Compliance with agreed Green Travel Plan measures and an indexed review fee of £4,609;
  - Contribution of £400,000 (indexed) towards off-site highway and environmental improvements on Merrion Street;

- 24 hour public access through the site;
- Local employment and training initiatives;
- Section 106 management fee £2,250.

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

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

**RESOLVED** – To note that the next meeting will take place on Thursday 3<sup>rd</sup> September 2020 (Remote Meeting)