

NORTH AND EAST PLANS PANEL

THURSDAY, 3RD DECEMBER, 2020

PRESENT: Councillor K Ritchie in the Chair

Councillors D Collins, D Jenkins, E Nash,
N Sharpe, M Midgley, T Smith and
B Anderson

39 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

40 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

41 Late Items

There were no late items.

42 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

43 Apologies for Absence

There were no apologies for absence.

44 Minutes - 5th November 2020

RESOLVED – To approve the minutes of the 5th November 2020 as a correct record with the following amendments:

- Minute 36 - APPLICATION 19/06190/FU - Change of use of former piggeries/stables to three dwellings, Hollinthorpe Low Farm, Swillington Lane, Swillington, LS26 8BZ.

To include that Mr Quinlan the applicant had offered to put in soak aways within the red line boundary.

- That Cllr. Collins had left the meeting at the end of discussions on APPLICATION 19/06190/FU - Change of use of former piggeries/stables to three dwellings, Hollinthorpe Low Farm, Swillington Lane, Swillington, LS26 8BZ.

45 Application 20/02494/OT Outline planning application for a residential development (C3) with all matters reserved with the exception of access. Land Off The Rowans, Wetherby.

The report of the Chief Planning Officer presented an outline planning application for a residential development (C3) with all matters reserved except for access at Land off The Rowans, Wetherby, Leeds, LS22 5EB.

Slides and photographs were shown throughout the presentation.

Members were provided with the following information:

- Another objection had been received from 22 The Rowans;
- The Highways Team had requested a £10K contribution to highway improvements – most specifically towards parking restrictions along York Road;
- The application was for a residential development with all matters reserved except the access;
- The application site is a parcel of land off The Rowans in Wetherby;
- The site is open countryside safeguarded by Rural Land policy RL1 within the Unitary Development Plan (UDP);
- The application was brought to Panel by local ward members who raised concerns in relation to highway safety and flood risk;
- The site is currently vacant and separate to a main development near the Wetherby flyover. The site is located in flood zone 2 and slightly in flood zone 3;
- The Highways Team had requested a £10K contribution to highway improvements – most specifically towards parking restrictions along York Road;
- Access would be improved with a road surface suitable for adoption from York Road, with a 20mph speed limit, with the addition of bus stops on York Road. It was noted that Highways had no objections to the proposals;
- The Highways Team had requested a £10K contribution to highway improvements – most specifically towards parking restrictions along York Road;
- Wetherby already has two major development sites which will see 1,100 homes to be built at Race Course Approach and those already built at Spofforth Hill when all finished would increase the population of Wetherby by a third;
- The site is close to the Wetherby Young Offenders facility which has many staff and visitors, who park on the small lane and road close by;
- There are clear highway safety issues, with concerns regarding traffic exceeding the speed limit already on surrounding roads and a poor access road;
- There are no linkages from the proposed sites to the other sites, the only access would be along the main road where there is only footfall to one side. There had been a conflict in the Officer Report regarding access and connectivity;

- It was noted that Taylor-Wimpey had an interest in land adjacent to the site which had previously been the site of a car wash. This land could be developed for 60 houses and was not on a flood zone;
- Members were advised that Wetherby does need more affordable housing, particularly houses for the elderly and first-time buyers, but a pragmatic approach was required and this proposal is not believed to comprise sustainable development.

Members' were advised of the following by Planning Officers to clarify on points raised by the speakers:

- This application was for 9 houses which falls under the number required for the applicant to provide affordable housing. Conditions could be added should the developer increase the number of dwellings on the site, such that policy requirements would be imposed / secured if required if the 9-dwelling threshold is exceeded;
- Differences between Flood zones and flood plains was explained;
- The car wash had been in separate ownership;
- Taylor-Wimpey had outline planning permission subject to legal agreement. The pre-application submission was with local groups for consultation but had been endorsed by Coty Plans Panel.

Members' discussions included:

- The Neighbourhood Plan;
- Connectivity from the site to Wetherby;
- The nearest school to the site and when the proposed new school would be operational;
- Accidents on the main roads near to the proposed sites. It was noted that the Police are looking at the speed of the road after a fatal accident.

The applicant's agent Lucy Stephenson was in attendance at the meeting along with Stuart Baker who was attending to answer any technical questions.

Members were provided with the following information:

- The application proposes a circa of 9 residential low carbon eco homes;
- The site is not in Green Belt and is poor against rural land and is more of a windfall site, but windfall sites do contribute to assisting housing delivery (in the outer areas particularly);
- The site was discounted from the SAP as an allocated site as it was the Council's approach in the initial consideration of sites to discount those which fell in a flood risk zone and this was a consistent approach in analysing sites throughout the city region. This does not mean such a site is not suitable for development, but that it was left to any prospective applicant to undertake flood risk assessment work and establish a site as being suitable for development;
- Work to assess flood risks has been undertaken;
- The majority of the site is in flood zone 2, but this does not preclude development taking place on this type of site;

- Access would be improved to adoptable road standard;
- This site enhances the links between other sites in the area.

Responding to questions from Members the Panel were informed of the following points:

- Noted that Taylor-Wimpey would not consider a site of this size, it is too small;
- The application proposes a circa of 9 residential low carbon eco homes and this number proposed had arisen after much discussion with officers, alongside taking into account site constraints and flood risk matters. It was not envisaged there would be much change to the density proposed when the reserved matters application comes forward, but the applicant would be content to accept a condition bringing in relevant policy obligations / requirements if the 9-unit threshold is surpassed;
- An access point further along the main road was used by the Young Offenders facility, so not suitable for use as an access point to the site;
- Highways have not objected on grounds of highway safety to the development proposal, with the existing proposed access point giving the safest and most remote point away from the flyover to access the site that can be achieved;
- The low carbon eco homes would provisionally feature; reduced energy demand; specialist build fabric; electric vehicle charging points; design to maximise daylight and energy efficiency; cycle parking etc;
- Negotiations in relation to bio diversity would see tree planting and general green area, and an off-site contribution. It was noted that there is a proposal for a wild flower meadow and for green roofs to the garages;
- There has been no flood risk modelling beyond identification of the relevant flood risk zones, as this was not required. The Sandbeck now runs from the Racecourse, along York Road, past the Youth Offenders facility then through the Taylor-Wimpey site. Most of the houses on this proposed site would be within flood zone 2, with a 1 in 1000 year chance of flooding. It was noted that the site has constraints of how many dwellings can be developed on this site due to the flood zones;
- The Neighbourhood Plan is a material consideration and has been given significant weight in consideration of this site;
- The context of the wider area is changing considerably, particularly with other neighbouring developments coming forward. This site has to be looked considered taking that into account, as there is resultantly going to be a strong residential feel to the area and it will become ever-more domestic (rather than rural) in nature;
- Local schools within walking distance of the proposed site with a 12 minute walk to the primary school and a 12-15 minute walk to the high school;
- A full explanation of biodiversity requirements and considerations was provided by Richard Marsh, Biodiversity and Nature Conservation Officer, relating to biodiversity matters which will require further

consideration by Members at the point of the reserved matters application;

- Insurers of future occupiers would have regard to the processes that planners had taken to mitigate against flooding;
- Discussions were required to take place with the Youth Offenders facility to advise them of the proposed development.

RESOLVED – To defer and delegate approval of the planning application to officers in accordance with the recommendation and subject to the following amendments:

- The Sec.106 Agreement to include a clause requiring a financial contribution to deliver parking restrictions on York Road.
- A condition to be added to the permission to restrict the planning permission to no more than 9 dwellings.

In addition, the issue of parking on York Road associated with The Young Offenders Institute to be raised with the Travel Plan team and colleagues in traffic engineering to be contacted as to whether they are considering development of a more comprehensive approach in the area.

46 Position Statement - 20/03519/FU & 20/03520/LI Demolition of the Nave and Aisles of the church, replaced with a six story extension; the Chancel, Transept areas and Altars will be retained and restored contain 62 apartments. The Presbytery will also be demolished and replaced with a 5 storey apartment block of 113No. apartments (total residential development comprising of 175 units); Other works including new access, proposed ECVF parking, cycle storage and landscaping works, St Marys Church , Church Road, Richmond Hill, Leeds, LS9 8LA

The report of the Chief Planning Officer presented a position statement for a proposed development at St Marys Church, Church Road, Richmond Hill, Leeds, LS9 8L.

The report informed Members that the proposal was for the demolition of the Nave and Aisles of the church, replaced with a six story extension; the Chancel, Transept areas and Altars to be retained and restored to contain 62 apartments. The Presbytery would also be demolished and replaced with a 5 storey apartment block of 113 No. apartments with a total residential development comprising of 175 units. Other works including new access, proposed EVCP parking, cycle storage and landscaping works.

Slides and photographs were shown throughout the presentation.

Members were informed of the following points:

- The church and the presbytery were listed as grade II buildings;
- Proposed access to the site would be from Richmond Hill Approach. Local ward members had suggested an access point from Places

Road, however it was noted that this access would not be suitable due to visibility;

- The site is currently in a poor state of repair, the church last being used in 1989. There had been a previous application for an extension to the church and the presbytery but this had lapsed in 2014;
- Bespoke viability studies had been undertaken, with four options considered, this proposal presented the best option in terms of viability although this proposal would still result in a deficit;
- The proposal included parking spaces and also a public right of way from the site to the city centre;
- Building materials would consist of a zinc copper cladding and buff colour cladding to complement the existing church;
- It was noted that the proposal did not include provision of any planning obligations, such as affordable housing, public open space or any Section 106 monetary contributions;
- These would be residential properties which meet the space standards policy;
- Negotiations are ongoing in relation to parking permits for Richmond Hill Close;
- There would be parking and a cycle store on site.

In attendance at the meeting were representatives for the applicant:

- Waqar Hussain
- Mark Henderson
- Mark Finch
- Jeremy Sokel

Mr Brian Maguire, District Valuer also attended for this item.

The Panel were informed of the following points:

- This is a challenging and complex site to develop, but it looks to retain important elements of the building and bring some elements of the church back into use;
- The proposal links to the city centre via a public rights of way to Saxton Gardens, and the newer development on Marsh Lane and Richmond Hill;
- The site has been dormant and undeveloped for many years and so there is now a great desire to bring this into use as a viable asset, with the expertise the design team would bring allowing a valuable housing and a community asset to come to an iconic building;
- Work has been undertaken with Historic England, the Civic Trust and with Leeds City Council Conservation Team.
- The developers were of the view that they had addressed all the points raised whilst in negotiations including highways access, public rights of way and design;
- Some elements of the church would need to be demolished but they would hope to retain the Chancel;
- In the past there had been two successful planning applications both of a similar scale and massing, but unfortunately not been delivered by

other developers. They were hopeful that with an improving housing market and no constraints in relation to Sec. 106 obligations they would be able to deliver the scheme presented.

- Due to the potential costs in relation to this site the applicant would be unable to provide a contribution towards sec.106 obligations that would 'usually' be required under relevant planning policies;
- The developers had also been working with East Street Creative Arts and negotiations had been taking place to let a number of units to this group. It was also noted that there was the possibility of a future working relationship with the group, providing a working arts hub.

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

- It was the intention to save the stained glass windows and specialist contractors would be brought in to do this and other specialist works;
- Which parts of the building were to be saved and which are expected to be lost was clarified, but with the applicant confirming that the footprint of the main new-build element will remain what has received permission under previous applications to panel;
- Land surveys and ground investigation works would be conducted to ensure that the foundations were in good order;
- The funds for the development was being provided by the developers themselves. The developers are looking to act philanthropically with regards to the site's development, but also hope that the housing market would improve over the next 3-4 years, they would also be looking to attract financial partners and other organisations to aid in redevelopment / rejuvenation of the site and area;
- The apartments would be for sale but they may rent some, East Street Arts would use all the units within the church;
- It was noted that the viability of the site had been calculated on the worst case scenario. An amount of money had already been spent on this development especially in relation to the foundations as this was an ex mining site;
- The developers said that they wanted to ensure that the building was preserved as much as possible;
- Members noted that the developers were working with Rushbonds who had a representative in attendance at the meeting. It was also noted that the developers required planning permission before there was a release of finances;
- Consultation had taken place with two of the local ward members and there had been consultation with the local community via websites and letter drops, but there had been no public consultation held due to the restrictions of the pandemic. It was noted that there had been 7 or 8 objections to date. The developers said that they would be happy to engage further if planning were to be approved.

Member's discussions included:

- The lack of Sec.106 contributions especially if the market improved significantly to provide a profit. It was recognised that this was one of the poorer areas of the city;
- The public right of way leading to the city centre would be via the original steps from the church. It was noted that the steps were outside the boundary of the proposed site and that the steps would need consideration in relation to accessibility for all as the steps were steep and there were a number of steps.
- Members also raised concerns in relation to the maintenance of the steps and accessibility of the site overall to comply with relevant standards.
- Need for greater and more sustained engagement with local residents and local Ward Members as he plans develop.

Brian Maguire from the District Valuers Office provided the Plans Panel with information in relation to the viability of the scheme. It was recognised that one of the major costs would be to make safe and retain parts of the site. It was noted that the proposal was for East Street Arts to have control of the space within the communal area and it was to be confirmed if they would pay rent for use of the communal area, but that this could change the viability of commercial use and income generation position compared to that previously understood by the District Valuer.

Members were advised that the best case scenario was for a £7m loss with a worst case scenario being a £12m loss. The District Valuer expressed a view that it was difficult to see how the scheme could 'emerge from the ground' at this stage.

As a position statement Members were requested to provide comments to a number of questions set out in the submitted report, to aid the developers and planners in the progression of the application.

RESOLVED - Members made the following comments in respect of the questions set out in the report:

- Do Members wish to comment on the housing mix and density advanced by the applicant?
 - Members requested further information in respect of housing needs in this locality and how the accommodation proposed as part of this application sits against the identified need.
 - Members also requested a more detailed explanation as to why the numbers of units proposed as part of the application is greater than that set out in the housing allocation for the site.
- Do Members wish to comment on the acceptability of the demolition as proposed, or the viability of the scheme advanced by the applicant?
 - Significant concerns were raised about the proposed demolition and the loss the listed buildings.
 - However, balanced against this Members acknowledged that the viability evidence submitted indicated that such demolition

appeared necessary to save the retained Grade II* element of the church building.

- Do Members wish to comment on the acceptability of the conversion and the new building(s) proposed?and,
- Do Members wish to comment on the formative designs proposed at this stage by the applicant?
 - In light of the viability evidence Members were generally supportive of the proposed new build and conversion and of the design approach.
 - Some concern was raised in respect of the palette of materials for the new build apartment block and that, consequentially, the building might visually dominate and detract from the church.
- Do Members wish to comment on the failure to deliver the required planning obligations?
 - Significant concerns were expressed about the failure to deliver on any of the planning policy obligations that a development of this nature and scale would normally expect to generate.
 - Members questioned the applicant and his representatives on the profitability and long term viability of the scheme.
 - In light of this Members requested that officers and the applicant discuss the possibility of entering into an agreement that links delivery of appropriate obligations on an appropriate phased basis if and when the development delivers a reasonable level of profit.
- Do Members wish to comment on the scheme's impact on existing residential amenity and the future residential amenity of occupiers advanced by the applicant?
 - The relationship between the new build apartments to neighbouring dwellings was noted. The degree of separation between the two was noted and, in light of the council's residential design guidance, no significant concerns were raised.
 - Members wanted re-assurance that policy requirements in respect of internal space standards and accessible housing would be met.
- Do Members wish to comment on the impact on highway safety and amenity, including the access as proposed by the applicant?
 - Panel noted ward Members' concerns over the proposed vehicular access to the development and the suggested alternative access proposal. However, Members considered that the proposed vehicular access arrangements contained within the application to be the best of the available options.
 - Concerns were raised over pedestrian accessibility to the site and whether the proposals provided suitable and appropriate access for all.
 - Members requested that further information be provided about the existing steps that provide access to the site. Particularly who has responsibility for the maintenance of the steps, their usability and heritage value/importance.

In addition to the above the Panel made the following general comments:

- Members also asked officers to explore and set out how the proposed retention and conversion of the Pugin designed element Grade II* listed building can be secured and delivered as part of any planning permission granted.
- Members also requested that the officers and the applicant explore alternative avenues of funding including from heritage grants from the Irish Government due to the link between the building's history and Leeds' Irish community.

CHAIRS CLOSING COMMENTS

The Chair informed the Members that this would be the last North and East Plans Panel that Pam Warburton would be attending. Pam was a technical officer in Planning, who assisted with the presentation and over the past few months had been supporting Members whilst on the zoom meetings. Members were advised that Pam was leaving her current position to take up another still within planning. The Chair thanked and congratulated Pam, wishing her the best for the future.

The Chair thanked everyone for their attendance and hoped that everyone would have a great Christmas and best wishes for 2021.

47 Date and Time of Next Meeting

The next meeting of the North and East Plans Panel will be on Thursday 21st January 2021 at 1:30pm.

The meeting concluded at 17:33