

CITY PLANS PANEL

THURSDAY, 7TH JANUARY, 2021

PRESENT: Councillor J McKenna in the Chair

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

68 Appeals Against Refusal of Inspection of Documents

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

69 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.

70 Late Items

There were no late items of business identified.

71 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests made at the meeting.

72 Apologies for Absence

Apologies for absence were received from Councillor G Latty.

Councillor R Stephenson was in attendance as a substitute Member.

73 Minutes of the Previous Meeting

The minutes of the previous meeting held on 19th November 2020 were submitted for comment/ approval.

RESOLVED – That the minutes of the previous meeting held on 19th November 2020 be accepted as a true and correct record.

74 Matters Arising from the Minutes

Matters arising from the Minutes (Minute No. 65 referred) – It was agreed at the last meeting that the Chair would write, on behalf of Panel to all officers

Minutes approved at the meeting
held on Thursday, 11th February, 2021

within Planning Services who had recently retired from the Council expressing the thanks and appreciation of Members for their contribution to the service. The Chair confirmed that all letters had been sent.

75 Application No. 20/03494/OT - Full planning permission for demolition of existing buildings and structures and Outline planning permission with all matters reserved, except for access, for the redevelopment of the site for residential dwellings (use class C3), flexible commercial space (use classes A1, A2, A3, A4, D1 and D2) and associated refuse and plant infrastructure, landscaping, new public realm and open space at The Former Arla Foods site, 87 - 91 Kirkstall Road, Burley, Leeds, LS3 1HS

The Chief Planning Officer submitted a report which set out details of an application which sought full planning permission for the demolition of existing buildings and structures and outline planning permission, with all matters reserved, except for access, for the redevelopment of the site for residential dwellings (use class C3), flexible commercial space (use classes A1, A2, A3, A4, D1 and D2) and associated refuse and plant infrastructure, landscaping, new public realm and open space at The Former Arla Foods site, 87 – 91 Kirkstall Road, Burley, Leeds, LS3 1HS.

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 in an area consisting of office use, light industrial use, warehousing, residential use and car parking.
- The site is a vacant brownfield site “L” shaped 2.07 hectares in size located to the south of Kirkstall Road (A65) with a frontage onto the River Aire
- The proposal is to demolish the existing buildings and structures and construct six blocks of residential dwellings and flexible commercial use totalling 631 units, the blocks ranging in height 7-16 storeys
- Supporting commercial uses at ground floor level
- Two access points onto the site via Kirkstall Road and Washington Street
- Flood risk assessment (Flood Zone 3) – nearby flood alleviation works
- Wind study
- Proposal for 242 car parking spaces
- Substantial landscaping provision
- Connectivity throughout the site
- Affordable housing provision 7% (44 units)

Members raised the following questions to officers/ applicants representatives:

- The access onto Kirkstall Road is shared with the adjacent office use, would the access still be adequate to serve both the proposed development and any future redevelopment of the office site with a more intensive use
- Members at pre-application stage raised concerns about the extent of surface car parking that was proposed. How had these been addressed
- How does the development fit in with neighbouring developments such as City Reach, would this site have a similar visual impact
- What was the cumulative traffic implications on Kirkstall Road and further out of the city centre
- Will a riverside walkway be provided.
- From this location, where would car users be travelling to
- What flood mitigation measures are being put in place
- What will be subject to the reserved matters application

In responding to the issues raised, officers said:

- The LCC Highway Officer said although this potential development scenario had not been tested, the large car park serving the existing office use had been taken into account in assessing the acceptability of the proposals and it was unlikely that any proposed redevelopment of the office site would have a greater impact on the highway network than the existing office car park
- The LCC Highway Officer said the level of car parking was set by what the developer considers they will need to meet minimum market demand. However, the fact that it was to be provided at surface level meant that its treatment could be adjusted to meet demand, if demand was low, further greenspace could be provided. The surface car parking could also be designed to include soft planting to provide a more attractive landscaped solution and would be screened by the proposed buildings.
- Members were informed that the nature and scale of the proposals would be in keeping with the more city scale developments granted consent along the Kirkstall Road corridor, such as at City Reach
- The impact of traffic generation further out of the city centre will be negligible. However, the LCC Highways Officer confirmed that an off-site highways contribution of £197,000 was being provided, which in conjunction with funds from other developments, would be used to fund new traffic management systems to assist traffic flow (Adaptive control) in the more immediate area. When questioned by Members if there were any major road improvement planned along Kirkstall Road, Members were informed that although there was no space along Kirkstall Road to carry out works to increase car capacity the funding that was being pooled was being put towards improving systems to manage the flow of traffic i.e. make more efficient use of the existing road capacity. Also the emphasis was now to encourage more public transport use and promote more cycling and walking rather than to increase road capacity.

- It was reported that along the southern boundary the riverside walkway would be continued/enhanced to link to adjacent sites with opportunity to provide a high quality landscaped setting along this public route.
- The Developers representative and highway officer acknowledged that although some people would use their cars to commute to work out of the city centre, due to the location of the site and availability of good public transport links from this site, car use into the city centre would be limited, but there was also a strong demand for vehicle parking in terms of vehicle ownership and not necessarily linked to vehicle use which was determining the level of car parking. It should be noted that the level of proposed car parking was only 38% of the total number of flats to be provided.
- In addition to the ongoing construction of the flood wall at 0.3m high the proposals had set minimum floor levels, not put in habitable accommodation at ground level, there are proposals for a drainage strategy through the site and a flood evacuation plan is proposed.
- The developer's representative clarified that apart from the demolition of the existing buildings and the details of the proposed accesses to the site, all other matters would be subject of future reserved matters applications

In offering comments Members raised the following issues:

- The majority of Members expressed disappointment at the quality of illustrative architecture and information
- At reserved matters stage more clarification was required around the quality of the development and its placemaking credentials such as the proposed use of materials and the details of the architectural treatment, the layout and scale of the proposed flats, the details of sustainable construction and measures to reduce carbon emissions, details and extent of the public realm, provision of an attractive riverside setting, measures to deal with air quality and justification for the mix of accommodation type
- There was a need to mitigate against environmental impacts
- There was a need to understand further the implications on the wider traffic network

In offering comment the Chief Planning Officer advised Members that the principle of development had already been accepted through the adoption of the site allocation plan and the traffic issues referred to by Members had already been addressed within the adopted plan.

It was moved and seconded that the application be approved in accordance with the report recommendation.

Upon being put to the vote, the motion was passed unanimously

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 he might consider appropriate) and subject to the completion of a Section 106 Agreement to include the following obligations:
- Education Contribution – (indicative amount) £162,510.31
 - Greenspace off site contribution - (indicative amount) £624,458.09
 - Affordable Housing – 7% provision on site
 - Employment & Skills co-operation / initiatives (construction)
 - Provision of a bus shelter - £20,000
 - Requirement for public access to and maintenance of all routes through the scheme and public spaces
 - Off-site highways contribution - £197,000
 - Travel Plan Monitoring Fee - £6,653
 - Sustainable Travel Fund - £157,907.75
 - Maintenance obligation for internal highway network in perpetuity
- (ii) In the event of the Section 106 Agreement 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.

76 Application No. 20/03428/FU - Two residential blocks including access, parking provision, the drainage layout and landscaping at land off Flax Place, Richmond Street, Marsh Lane and East Street, Richmond Hill, Leeds 9

The Chief Planning Officer submitted a report which set out details of an application which sought planning permission for the construction of two residential blocks including access, parking provision, the drainage layout and landscaping at land off Flax Place, Richmond Street, Marsh Lane and East Street, Richmond Hill, Leeds 9.

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
- A similar scheme for this site had previously been granted consent but had since fallen away
- City Centre site
- Former commercial use site, now proposing residential use
- This current application was the subject of a financial viability consideration

- The proposal to construct two stepped residential blocks of up to 11 storeys (East Block) and 15 storeys (West Block) totalling 350 units (56.3% of the units being one bedroomed, 42.3% of the units being two bedroomed and 1.4% of the units being three bedroomed)
- Affordable housing provision 3.14% (11 units)
- 38 car parking spaces, all with electric vehicle charging points, 36 motorcycle spaces and 376 cycle parking spaces plus 10 visitor cycle stands
- Landscape provision
- Communal space provision
- There was no retail or GP Surgery provision proposed, but it was understood the nearby Lincoln Green GP surgery may be upgraded at a later date.

It was reported that in addition to the letters referred to in the submitted report further letters of objection had been received referring to: bats roosting/ foraging on site, the loss of wildlife habitat, loss of trees, gentrification of the site, putting profits before people, lack of community engagement due to Covid-19 Pandemic, wind issues and fire safety issues.

The Panel then heard from Tiffany Mazza and Mike Heckman who were objecting to the proposals.

Ms Mazza said the development would cause increased traffic generation and safety problems to the area, the lack and reduction of parking would cause overspill on Flax Place. She said there had been 30 road traffic accidents between 2013/18 and Flax Place was a key route for ambulance despatch, adding to this already problematic area would cause more issues. Ms Mazza said this scheme (build to rent) provided only 1.4% of 3 bedroom accommodation which was less than the Council's own target of 30%. The scheme was not viable to provide the minimum 7% of affordable housing as outlined in the Core Strategy. She said build to rent schemes attracted absent landlords and leads to a transient population who do not invest in the local community unlike permanent residents, similar nearby developments had these same issues. It was suggested the visual appearance of the building was "ugly", the Civic Trust commenting that the external façade treatment had been "dumbed down" from the well-expressed modelling and classic framing of the original to a flatter, blander treatment. The development was expected to deliver high quality innovative design, this design falls well short. Finally the community engagement had not been adequate, the changes to this application had not been effectively communicated and was evidenced by the 150 local residents who signed the petition

Mr Heckman questioned why financial viability was not an issue on the previous similar scheme for this site. It was also suggested there many tower blocks in the area and together with the proposal, would result in wind issues. The building design was overbearing, if the site was to be developed the building(s) need to be smaller and more attractive in design. There are too many single bed flats proposed, leading to a transient population and there was no provision for a GP Surgery.

Questions to Ms Mazza and Mr Heckman

- Could you expand further on the parking and traffic overspill

In responding Ms Mazza and Mr Heckman said

- There was already permit parking on Flax Place, but students from nearby properties tend to park in the area and Flax Place does not appear to be patrolled by Parking Wardens

The Chair then invited Michelle Davis (Agent) to speak in support of the application.

Ms Davis said the developers welcomed the officer recommendation of approval for this site and explained there had been a long delay in developing this site which had become something of an eyesore because the previous proposals had proved financially unviable. The new developers who would build this scheme are a major development company with a construction arm and their proposals provide an opportunity to develop this site with a high quality viable scheme on a sustainable City Centre site which is already allocated for residential development in the Aire Valley Housing Action Plan. Should planning consent be granted today, it is anticipated works would begin on site in May 2021. The previous consent had already established the principles of height and massing for this development and there was a strong similarity between the two schemes. All apartments exceed the minimum national space standards, the application complies with Policy H10 on accessibility standards for wheelchair users and there are a number of affordable housing units at 3% which accords with the District Valuer's advice. In responding to the objectors comments; parking levels were lower than previously proposed and although they are lower than the Council's maximum allowable levels for this area, this is a fringe parking zone and the city council encourage sustainable methods of transport particularly in a city centre location such as this, which is close to both the bus and train station. All car parking spaces would be served by 100% charging points, there is a significant increase in the number of cycling spaces and there's also a car club bay on site. In terms of the overspill parking, the developer does have sympathy with the objectors, but it is for the City Council to enforce parking restrictions, that said, there is within the Section 106 Agreement a contribution of £10,000 for Traffic Regulation Orders to address potential overspill parking issues in the surrounding streets. In terms of the road safety points, Ms Davis said she had not seen the statistic from the Leeds Data Mill but she had seen the developers own transport assessment which collates the same data from the same source, from 2015 for the two junctions near to the site which are the relevant points for accessing and egressing the site, which show 3 accidents having taken place within the specified period; 2 slight and 1 serious. On the issue of consultation both the Government and the Chief Planning Officer have previously said that Covid-19 cannot be used as an excuse to delay the planning process and the staging of virtual Committees is evidence of that. Ms Davis said 600 letters and leaflets were sent out to local

people with the developers contact details. Two letters were received from elderly local residents asking about employment opportunities, the website for the development remains live and allows members of the public to make comments on the scheme, to date no request for direct conversations with anyone had been received, although dialogue with the local ward Councillor has taken place. In summary this is a well thought out scheme with a quality design which will benefit the city and the local area.

Questions to Ms Davis

- Objectors suggest this development will block views across the city
- This development is providing less affordable housing compared to the previous scheme, there is inadequate greenspace provision and no health facilities
- One bedroom flats equates to 56.3% of the total number of units, was consideration given to more three bedroomed units
- Small units do not help the community spirit with the average length of stay within the City Centre being 3 - 4 years
- In terms of viability, with the exception of build to rent, were any other types of scheme considered
- Members expressed disappointment that only half of the affordable housing contribution was being provided
- The basement excavation, should this be considered as abnormal costs

In responding Ms Davis said

- There was an increase in height of one storey from the previously consented scheme
- This was a challenging site in terms of viability
- The type of accommodation is determined by the market, the typical age range for this type of development is 18-34 (young professionals) there is no demand for three bedroom units
- Young people are able to engage with the local community if the property is rented for some time
- Only build to rent schemes were considered by the developer
- Members were informed that the affordable housing provision was 3% which accords with the District Valuer's advice.
- The cost for excavation of the car park was an expensive item

Members raised the following questions to officers/ applicants representatives:

- The submitted report referred to abnormal costs, but civil engineering works were not necessarily abnormal costs
- This development does not meet the parking standards, could new residents apply for permit parking
- This development was a build to rent scheme, had other options been considered

- The greenspace provision for this site is problematic, it is understood an off-site greenspace contribution is being provided, but where in Richmond Hill would this greenspace provision be located
- Could more details be provided about the affordable housing provision
- Residents occupying this site would struggle to access the Health Facilities and shops at Lincoln Green
- The comments of the Civic Trust, (page 53 of the submitted report) are these comments considered as a negative

In responding to the issues raised, officers said:

- Mr Brian Maguire from the District Valuer's Office confirmed that excavation works were not an abnormal cost, the costs and the term "abnormal" had been provided by the applicant. However, these costs are considered reasonable and similar to other such schemes.
- It was confirmed that new residents would not be eligible for parking permits if demand in the area had already been met
- Each application was considered on its merits. This site had been allocated as housing and there is no policy preference for one type of housing over another on this site. However, it was considered that a build to rent development was the most viable proposal in respect of maximising potential affordable housing delivery on the site
- Members were informed that as yet no off-site greenspace schemes had been identified, but any schemes coming forward would be done in consultation with Ward Councillors
- The District Valuer's said the previous scheme intended to provide affordable housing provision at 7%, however the current application was originally offering no affordable housing provision based on a financial viability case. The District Valuer had subsequently challenged the applicants assumed land value and potential profits resulting in the provision of affordable housing of 3.14% (11 units) in line with other schemes within the City Centre
- Members were informed that the Health Partnership Team were looking at the health care provision in the East Leeds area to determine if extra health provision was justified.
- The Leeds Civic Trust comments related to the proposals as originally submitted. The quality of the design had since been improved to follow a modernism / simplistic approach. On the issue of one escape stairs per block, it was reported that the applicants had submitted a fire safety strategy to address fire safety concerns which was considered acceptable by LCC Building Control. It was acknowledged that on site greenspace provision was less than required by policy but an off-site greenspace contribution was been provided to mitigate for this as allowed by the Council's policy.

In offering comments Members raised the following issues:

- The majority of Members considered the quality of design was disappointing

- The massing of the development in this location was too dominant
- Members considered the greenspace provision to be insufficient
- The landscaping proposals were inadequate
- Healthcare provision in the area was an important issue
- Car parking provision did not meet policy standards

It was moved and seconded that the application be refused for the following reasons: there was a lack of affordable housing provision, the quality of design was disappointing, the massing of the development was too dominant, on site green space provision was insufficient, the landscaping proposals were inadequate, Healthcare provision was required in the area and car parking did not meet current policy standards.

Upon being put to the vote, the motion was passed unanimously

RESOLVED – That determination of this application be deferred to allow the Chief Planning Officer to prepare and bring back to Panel detailed reasons for refusal based on the following:

There was a lack of affordable housing provision, the quality of design was disappointing, the massing of the development was too dominant, green space provision was insufficient, the landscaping proposals were inadequate, Healthcare provision was required in the area and car parking did not meet current policy standards.

77 PREAPP/20/00007 - Pre-application presentation for a new Masterplan and Planning Brief for the Eastgate Quarter (formerly known as Victoria Gate Phase 2) at Land Bound by New York Road (Inner Ring Road A64), Vicar Lane, Eastgate and Bridge Street, Leeds 2

The Chief Planning Officer submitted a report which sets out detail of a Pre-application Presentation for a new Masterplan and Planning Brief for the Eastgate Quarter (formerly known as Victoria Gate Phase 2) at land bound by New York Road (Inner Ring Road A64), Vicar Lane, Eastgate and Bridge Street, Leeds 2.

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
- Principle of the proposed uses and the layout of the Masterplan
- Heritage considerations
- Landscape principles
- Transport strategy
- Sustainability and Climate Change

The Planning case officer reported the receipt of a letter of representation from a Ward Councillor who was supportive of the New Masterplan and Planning Brief

Members raised the following questions:

- How would the proposals meet the Council's carbon neutral agenda
- Could an indication be given of the type of residential accommodation to be provided and would there be sufficient funds to deliver the vision

In responding to the issues raised, the applicant's representatives said:

- Members were informed that the developers were carefully looking at the carbon footprint. There was a move in the construction industry to construct more timber framed buildings, but concrete was important for safety reasons (concrete stairwells), but the emphasis was for less concrete and more timber.
- Members were informed that the Masterplan/ Planning Brief was a milestone of aspiration with a vision to create new vibrant places. There was a broad range of funding opportunities with delivery of the various schemes being delivered in "chunks". It was reported that an analysis of residential capacity suggested that approximately 1000 housing units comprising of build to rent, student accommodation and affordable owner occupied would be provided.

In responding to the suggested housing provision, one Member expressed the view that the area would suit some "high end residential accommodation" for people who were seeking to downsize to smaller accommodation.

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

- Members were supportive of the approach to the emerging mix of uses as set out on the Masterplan
- Members were supportive of the emerging principles on development plots, maximum building parameters and public spaces
- Members were supportive of the emerging principles on the landscape strategy. It was important to ensure that any proposed water features could be maintained and continue to work
- Members were supportive of the emerging principles on the transport strategy
- Members were supportive of the emerging principles on sustainability

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

RESOLVED –

- (i) To note the details contained in the pre-application presentation
- (ii) That the developers be thanked for their attendance and presentation

78 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Thursday, 11th February 2021 at 1.30pm (Remote Meeting)