

NORTH AND EAST PLANS PANEL

THURSDAY, 18TH FEBRUARY, 2021

PRESENT: Councillor K Ritchie in the Chair

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

57 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

58 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

59 Late Items

There were no late items.

60 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

61 Apologies for Absence

There were no apologies.

The Chair was made aware the Cllr Anderson had indicated that he would leave the meeting at 16:00.

62 Minutes - 21st January 2021

RESOLVED – That the minutes of 21st January 2021, be approved as a correct record.

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

The report of the Chief Planning Officer set out an application for the demolition of the Nave and Aisles of the church, to be replaced with a six story extension; the Chancel, Transept and Altar areas to be retained and restored to contain 62 no. apartments. The Presbytery would also be demolished and replaced with a 5 storey apartment block of 113 no. apartments (total residential development comprising of 175 units); other

works include a new access, proposed EVCP parking, cycle storage and landscaping works at Mount St Marys Church, Church Road, Richmond Hill, Leeds, LS9 8LA.

Slides and photographs were shown throughout the presentation by officers.

Members were informed of the following points:

- This application had been presented as a position statement at the Panel meeting on 3rd December 2020;
- The application site has had a number of previously approved planning permissions for the residential re-development of the site which are similar to that proposed now. None of these had been implemented and all have since expired. The last permissions expired in September 2014;
- The building has not been occupied since 1989 and is currently in a state of disrepair;
- The site is close to residential properties on Richmond Hill Approach and Richmond Hill Close and is close to St Mary's School;
- The applications proposed to redevelop the Mount St Mary's Church (Grade II* listed) and Presbytery (Grade II listed) site to provide a residential development comprising of 175 apartments in two buildings, including 62 residential units within the existing and extended church, and 113 residential units within the proposed separate apartment block. The units would be 1,2 and 3 bedroom units;
- Materials for the extension to the church were proposed to be a metal (bronze coloured) cladding system. The 5 storey, flat roofed residential block is proposed as grey/silver cladding as well as white render, buff brick;
- Proposal for 138 cycle parking spaces, and 51 standard car parking spaces with Electric Vehicle (EV) charging, 3 disabled parking spaces with EV charging, and 2 car club spaces with EV charging are shown with vehicular access provided direct from Richmond Hill Approach;
- The site would be landscaped with a pedestrian link to the city centre which would see the reinstating of the existing Public Right of Way (PROW);
- The developers proposed no contributions to affordable housing or public open space. A financial appraisal from the District Valuer was appended to the report. It was noted that previous discussions at Panel had sought for possible inclusion of a viability review clause such that contributions could be sought if the viability situation altered and this had been included in the conditions outlined within the report with a 3 phase review process proposed. The District Valuer - Brian Maguire, was in attendance at the meeting;
- Discussions had taken place with the applicant and the Ward Members should the viability clause come into effect as to what the Ward Members would want prioritising;
- It was noted that the housing mix proposed did not fit with the housing needs of the area. However, it was advised that if the developer was to

achieve a viable and deliverable scheme the proposal for 1,2, and 3 bed apartments was the most viable option;

- It was noted that an objector was in attendance at the meeting who had raised concerns that the new apartment block would have a significant impact on her property, located on Richmond Hill Close. Members were advised that the apartment block and the current residential properties had 18 metres between them which exceeded the measurements stated as guidelines to ensure appropriate residential amenity. It was also noted that this distancing is the same as in the previous permissions which were approved;
- Members were advised that the residential properties are sited to the north east of the proposed apartment block and may cause some overshadowing during the late afternoon and in early evening;
- The PROW falls outside the application site. It was noted that the path leads into the city centre and has been in existence since 1888, it would be accessed by steep steps from the development. There are also other access points south west of the development site for disabled users.

Ms Julia McHale an objector to the application informed the Plans Panel of the following concerns that she had:

- She had lived at her property for 32 years on Richmond Hill Close which would look onto the rear of the proposed new apartment block. She had concerns that the new block would take away her privacy and right to light and also undermine air quality;
- She also raised concerns that the height of the proposed apartment block would cause an issue with wind. She said that this area in Richmond Hill, being located high, already suffered when it was windy;
- Ms McHale was of the view that saving the church was a good idea, however, there was already a number of flats in Burmantofts with plans for more to be built nearby. It was her view that there was a need for more family homes in the area, creation of a neighbourhood / community and a need for more green space;
- She said that the houses that her and her neighbours lived in did not have big windows and that the loss of light would affect residents wellbeing;
- In addition, Ms McHale was concerned that the existing value of homes in the area would be adversely affected if the development went ahead;
- Ms McHale said that the area does not feel like it is located on the edge of the city centre, there was a good community-feel and it was a quiet street, but she had concerns that the development would increase traffic on the road and also thereby increase night time noise;
- She also raised concern that not only was the proposed apartment block 5 storeys high but was also the length of the church.

In response to questions from Members, Ms McHale provided the following information:

- Flats would not enhance the area;

- There had been no contact from the developers directly but she had voiced her opinions when able to;
- From her property she would only be able to see a brick wall, she was of the view that a 2 storey block would be better. Her concerns were that a high building in this location would cause a wind tunnel;
- Ms McHale said that keeping and repairing the church would mean a lot to the people of Richmond Hill;
- She noted though that developers are not just proposing this development to ensure the church is 'saved', but will be making a profit and that this meant they were not providing the appropriate housing on the site (focusing on provision of apartments) as there is a wish to make money from the development.

Mark Henderson the applicant informed the Members of the following points:

- Mount St Mary's was a challenging site, but an important one. This area needs investment that leads back to the city centre and also so as to enable the church to be brought back into a good state of repair;
- The site has laid dormant for several years and could be a valuable housing asset;
- Consultation had taken place with a number of representative bodies including Historic England, LCC's Conservation Team and Leeds Civic Trust.
- These consultations (and the previous presentation of the Position Statement at Panel) had raised a number of points of concern and consideration, which the applicant felt had been appropriately responded to subsequently;
- The PROW would provide an access to the site;
- The plans, while being similar to the two previous, successful planning permissions, had been amended a number of times and included the retention of the Chancel. He was of the view that if the proposal was not approved there would be a risk to the church which was in a bad state of repair;
- The extension to the church has been designed to be sympathetic, but also aesthetically striking so as to reflect the church's important focus point on the Leeds skyline;
- Mr Henderson had noted the concerns raised by Ms McHale in relation to wind but said that they had not been asked to provide a wind study for this development.

Member's discussions included:

- The proposed materials to be used for the development, including reassurance that the cladding to be used was non-flammable and within current legislation;
- Amenity distance between the development site and the residential properties;
- Configuration of parking spaces and landscaping;
- Amenity space for future residents of the development and efforts to ensure that the maximum amount has been provided on-site with

considerable consideration going into how this can be provided, appropriately landscaped etc.;

- Maintenance of the (approximately 2.5m high) wall between the residential properties and the proposed development;
- Suggested that the apartment block be moved closer to the church to provide more amenity space, but balancing this against providing sufficient amenity space between the church and the new-build for residents;
- Wind tunnel issues but that the storey-level proposed for this development is not such that a wind assessment (and subsequent peer review) would have been expected.

The Panel were advised that the site would not be viable if there was instead to be built a two storey apartment block or build houses on the site as this lesser volume of residential units would not provide enough monetary profit to restore the church.

The District Valuer, Brian Maguire, explained that as part of his appraisal he had to assess the viability of the site and assess whether the valuations put forward by a developer / applicant were fair and reasonable. He had reviewed a number of scenarios which had been submitted and this was a challenging site. In every scenario proposed, the developer lost money. It was his view that the worst case scenario would be that the developers would lose £7m and the best case would be a loss of £1m. The appraisal had been provided in consultation with other independent consultants employed by the Council, but all were in agreement that there would be significant losses in all scenarios.

It was noted that there would be a significant cost to retaining the Chancel and these were to be regarded as abnormal costs. The creation of apartments and communal space does make the site more viable but does not sufficient to provide affordable housing or other S106 contribution costs.

Responding to a question in relation to approaching charitable organisations for contributions, the Panel were advised that organisations would not start talks until there was planning approval and construction details in place.

Officers responded to Members questions with the following information:

- Confirmed that the steps leading to the PROW were outside the red line boundary. It was recognised that the steps are steep and not easy to walk up. The Panel noted that there was no further work proposed to the steps. The Panel were advised that if the steps were dangerous this would be picked up by Building Control and direction would be taken from PROW to undertake remedial works;
- Officers were of the view that there was not much scope to move the apartment block, though some thought could be given to reconfiguration of the car parking area and interspersing with landscaping so as to aid filtering and reduce the 'sense' of density;
- The apartment block is not considered to be a tall building and therefore did not fit the criteria for a wind study;

- It was noted that the species of trees and shrubs to be planted as part of the landscape would need to be selected with care so as not to impact on space and residential properties either for proposed future residents of the development OR on the other side of the wall and existing residents' amenity;
- Officers will make checks on who owns the wall but it was believed that it belonged to the applicant and therefore would fall (in maintenance terms) within the proposed condition relating to ongoing site maintenance / management.

RESOLVED - To defer and delegate grant of planning permission and listed building consent to the Chief Planning Officer for approval subject to the conditions specified in the report (and amendment of the same or addition of any that the Chief Planning Officer deems necessary), and the completion of a Section 106 Agreement pursuant to the planning permission, which will comprise the 3 phase Viability Review Clause as specified in the report.

In addition:

- A clause is to be added to the Sec.106 Agreement to require details of and the implementation of a delivery plan.
- Conditions to be added to the planning permission to require details of a scheme in respect of and compliance with Core Strategy policies EN1 and EN2.
- Officers to contact PRow in respect of the existing steps that form part of the public footpath that is to be opened up and whether they are safe to use and who is responsible for any remedial work and maintenance.
- Officers to seek clarification over ownership and maintenance responsibility for wall between application site and rear gardens of properties of Richmond Hill Close.
- Cleaning of existing stone work to retained part of Church to be considered as part of restoration works.

64 Cllr Barry Anderson left the meeting at 15:20, the conclusion of this item.
20/04141/OT - Outline application for residential development of 23 dwellings (details of access, appearance, layout and scale submitted, landscaping reserved), including provision of a new access onto Killingbeck Bridge at Land Off York Road, Killingbeck Bridge And Selby Road, Leeds LS14 6AU.

The report of the Chief Planning Officer set out an application for an outline application for residential development of 23 dwellings (details of access, appearance, layout and scale submitted, landscaping reserved), including provision of a new access onto Killingbeck Bridge at Land Off York Road, Killingbeck Bridge And Selby Road, Leeds LS14 6AU.

Slides and photographs were shown to the Panel throughout the presentation by officers.

Members were informed of the following points:

- This is a brownfield site and was formally the Highways depot;
- The site has been cleared of trees which had self-seeded and also some trees have been removed on the periphery of the site;
- It was noted that the bollards that close off access to Killingbeck Bridge are to remain;
- The Panel were advised that a previous application had not been approved as it was the view that the site was being overdeveloped;
- The current application would see 23 units developed on the site;
- Discussions had taken place with Ward Members about access to the site. It was noted that Ward Councillor Dye had raised an objection in relation to access from Diadem Drive and issues of noise. Members were advised that there may be an opportunity to look at access through the site of the Highways flats which are due to be demolished. At this time there is no specified date for the demolition and there are still residents living in the flats. It was thought to be appropriate that access could be off Killingbeck Bridge;
- It is proposed that there will be sufficient parking spaces for future residents and for their visitors;
- There is to be no affordable housing on this site or a financial contribution towards off-site greenspace. An assessment by the District Valuer of the submitted viability appraisal supported the conclusion that the development could not stand the costs associated with these planning policy requirements;
- The proposal is for a modern housing type which would work well in the character of the area and would be an improvement to the street scene of the area;
- The revised number of 23 units is thought acceptable;
- It was recognised that some trees would be lost, but more trees would be planted on a 3:1 ratio in accordance with policy. The specifics of the planting would be agreed at reserved matters;
- It was the view that the benefits of this development outweighed any adverse impacts.

Mr Gillies a resident of Diadem Drive attended the meeting to raise concerns in relation to the access of the site via Diadem Drive. Mr Gillies was of the view that to use Diadem Drive would double the traffic on this already busy road and increase noise. Mr Gillies said that this issue had been ongoing since 2014, when an application for this site had first come to Panel.

He informed the Panel that Killingbeck Bridge currently had bollards on it. Mr Gillies did not think that a one way system on Diadem Drive would be appropriate.

Ward Councillor Dye was also in attendance at the meeting and raised her concerns in relation to the access issues, which would see the traffic double in trying to access on to York Road.

Councillor Dye said that she was disappointed that there would be no contribution to affordable housing or greenspace.

Cllr Jenkins declared an interest at this point, as Ward Councillor for Killingbeck and Seacroft, but had attended the meeting (and approached consideration of the application) with an open mind. Cllr Jenkins confirmed that he had left representation of the interests of Ward residents to Councillor Dye with regards this application.

Cllr Jenkins said that the Highways flats were due to be demolished in Summer 2021, and suggested that this application be deferred until issues were more apparent.

Member's discussions focussed on the access to and from the proposed site.

The applicant's agent Mr Everett attended the meeting and informed the Panel of the following points:

- This has been a difficult site which had been in the system for four years. It had been challenging in design and amenity and comprised of a small number of dwellings;
- The constraining features of the site, including ground work / remediation required, drainage required etc.
- In re-submitting this application the developers had looked and checked all the policy in relation to design;
- Access from the site had been an issue for the previous application with concerns raised by both residents of Diadem Drive and Councillors. In response to these concerns access has now been moved on to Killingbeck Bridge, this has been done in discussion with officers.

Member's discussions included:

- Site Allocation Plan for this site;
- The viability of this site;
- Impact on access to this site and impact on to York Road;
- Lack of S106 contributions.

Members suggested that this scheme may benefit from a Viability Review Clause such that if the viability position improved over time, policy-compliant contributions could be sought from the developer. The District Valuer – Brain Maguire provided an explanation on how calculations were undertaken for the Valuation Appraisal, including estimation of land values and calculation of profit margins. It was explained that the small nature of this scheme in terms of the number of residential units and shorter build-out time would mean that the uplift / change in viability position over time would be unlikely, such that little benefit may be found from including a Viability Review Clause.

It was noted that the scheme would be required to contribute to the Community Infrastructure Levy (CIL) but this is not a material consideration for Members. However, the scheme was not viable so that it was expected to provide further through S106 contributions.

In response to questions from Members, Officers provided the following information:

- While there may be plans for the Highways flats in the future (and indeed other sites in the vicinity), Members attend Panel to determine the applications before them and what actually comprises the proposal, rather than any alternative options or based on speculation of what may come forward in the future;
- Highway Officers had been consulted with regards to the proposal in the usual way and raised no concerns regarding the access proposed and impact on the surrounding highway network;
- The proposed houses do comply with the space standards policy;
- The Viability Review Clause would be discussed with the developer. However, it was noted that this may be difficult due to the short build time and small scale of the development proposed in terms of the number of residential units;
- If Members wished for a Viability Review Clause to be negotiated with the developer, then it could be considered that the review would take place at a stage such as 75% of construction having been completed onsite, so as to give the developer the maximum opportunity for some profit to be recouped;
- It was noted that access via Killingbeck Bridge did meet technical highway requirements. Members were advised that there had been 1 traffic collision which had resulted in slight injury, but there was no evidence to suggest that the junction was dangerous.
- The Plans Panel noted that on page 69 of the agenda pack it noted greenspace contribution would have been due to the Council of £154,800, alongside provision of 3 no. affordable housing units. However, the viability situation is such that provision of these requirements is not possible.

RESOLVED - To defer and delegate to the Chief Planning Officer subject to the conditions specified in the report (and amendment to the same or addition of any that the Chief Planning Officer deems necessary), with an agreement to be formed with the applicant for a Viability Review Clause through a S106 agreement.

65 Date and Time of Next Meeting

The next meeting of North and East Plans Panel will be held on Thursday 18th March 2021 at 1:30pm.

The meeting concluded at 17:05