

## CITY PLANS PANEL

**THURSDAY, 3RD NOVEMBER, 2022**

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

Councillors D Blackburn, K Brooks,  
C Campbell, P Carlill, D Cohen,  
R Finnigan, A Garthwaite, C Gruen,  
P Wadsworth, A Khan and A Maloney

### **48 Election of Chair**

Councillor J McKenna had been unable to attend briefings before the meeting so a nomination was sought for a Chair for the meeting. A nomination was made on behalf of Councillor C Gruen and subsequently seconded and voted upon.

**RESOLVED –** That Councillor C Gruen be elected as Chair for the meeting.

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

There were no appeals.

### **50 Exempt Information - Possible Exclusion of Press and Public**

Members were advised that Appendix 6 of Agenda Item 7, Site of Yorkshire Bank, Merrion Way and land fronting Leeds Arena, Clay Pit Lane, Leeds had exempt information attached to it which maybe discussed in private. The information is exempt under the Access to information rules Paragraph 3 Part 1 Schedule 12a of the Local Government Act 1972. Members were asked to pass a resolution to exclude the press and public should there be any consideration of this part of the Agenda

### **51 Late Items**

There were no late items. Supplementary information was submitted for Agenda Item 9, Former Arla Foods Site, 87-91 Kirkstall Road, Burley. This had been published and distributed prior to the meeting.

### **52 Declaration of Interests**

There were no declarations.

### **53 Minutes - 6 October 2022**

**RESOLVED –** That the minutes of the meeting held on 6 October 2022 be confirmed as a correct record.

Minutes approved at the meeting  
held on Thursday, 1st December, 2022

**54 Application 22/01889/FU - Site of Yorkshire Bank, Merrion Way and land fronting Leeds Arena, Clay Pit Lane, Leeds**

The report of the Chief Planning Officer presented a hybrid planning application for the demolition of the Yorkshire Bank, Merrion Way and the construction of two student residential accommodation buildings and a multi-use events building on the site of the Yorkshire Bank, Merrion Way and land fronting Leeds Arena, Clay Pit Lane, Leeds.

The application was considered and deferred at the meeting of City Plans Panel held in August 2022.

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

The following was highlighted:

- The proposals had previously been brought to Panel for a pre-application presentation and a workshop had been held. The application was considered by Panel in August 2022 when it was deferred to allow for further consideration of objections that had been submitted.
- The site was within the city centre boundary and was a prestige development area.
- The location was appropriate for the development of tall buildings.
- The existing turning head at the Arena would be used as access to one of the sites.
- Main views of the Arena from Clay Pit Lane would be retained.
- The development would be built in three phases. The final phase being the multi-purpose venue building.
- There would be significant planting to the south of the site with new trees along Clay Pit Lane.
- The building at Block A would have 714 bed spaces along with amenity space and kitchen facilities. Layouts of typical floor plans were displayed. The building would have a polished aluminium and glazed finish with extensive glazing at ground floor level.
- The building at Block B would be an L shaped building at the junction of Clay Pit Lane and Merrion Way. There would be amenity space to the rear of the building with landscaping to the front and eastern sides. The building would step up from 7 storeys to 21 storeys. The roof of the building would have bio solar roofing and amenity space. The materials proposed would be of a terracotta grid design which would be sympathetic with the conservation area.
- The multi-purpose event building would have a maximum height of 28 metres which would be gained in five steps. An outline of the mass of the building was displayed.

- Since the meeting in August issues relating to nature conservation, drainage and the concerns of the Health and Safety Executive had been addressed.
- An updated economic impact assessment had been prepared and found that the impact on Harrogate would be reasonably negligible. A peer review of the report had come to a similar conclusion.
- There had been some additional objections since the publication of the agenda but these had not raised any new concerns.

A representative of the Harrogate Convention Centre addressed the Panel with objections to the application. These included the following:

- The size and scope of the multi-purpose venue had a larger size and scope than what was first thought.
- The proposed centre would be in direct competition with Harrogate Convention Centre and there would be an adverse impact on Harrogate Town Centre.
- The proposals did not meet policy requirements with regards to safeguarding the viability of Harrogate Town Centre.
- There would be a significant trade divergence.
- Many businesses in Harrogate disagreed with the proposals.
- The economic impact assessment did not take account of all issues raised by Harrogate.
- Trade diversion could be as high as 51%.
- The peer review agreed that the centre would be larger than originally proposed and did not take account of the impact on accommodation.

The Director of City Development addressed the Panel in support of the application. Issues highlighted included the following:

- As a core city, Leeds was competing on both a national and international level.
- Arenas in other cities had complimentary facilities for other events.
- There were similar concerns from Sheffield when the Arena was developed. These concerns did not prove to give a disadvantage and ultimately the development of the Arena had wider benefits for the Yorkshire region.
- A detailed study had been undertaken to assess the impact on Harrogate Town Centre in accordance with policy. This had been peer reviewed and it was concluded that the trade diversion would 0.2 to 2.6% and that the impact on Harrogate Town Centre would be insignificant or negligible.
- Members were asked to approve the application to support the tourism and economy of the city centre and to enable Leeds to fulfil its role both nationally and internationally.

Members were asked to comment on the application. The following was highlighted:

- The proposals were welcomed and would provide required facilities for events, businesses and organisations.
- The proposals would provide iconic buildings that blended in well with the surroundings.
- Some disappointment at the loss of the Yorkshire Bank Building.
- The proposals had been well thought out and would provide a unique and well designed development at an entrance to the city centre.

**RESOLVED –** That the content of the supplementary report which was provided by way of an addendum to the report to City Plans Panel on 1 August 2022 be noted and the application be deferred and delegated to the Chief Planning Officer for approval subject to the specified conditions set out in Appendix 5 (and any amendment to these and addition of others which he might consider appropriate) and the completion of a Section 111 agreement appending a draft 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 Travel Plan measures and an indexed travel plan review fee of £10,516 for the student developments and £3,429 for the multi-use events building.
- Contribution of £729,624 (indexed) towards off-site highway and environmental improvements in the area.
- Access to the public realm.
- Local employment and training initiatives.
- Section 106 management fee £1,800

In the circumstances where the Section 111 Agreement has not 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.

## 55 Application 22/02521/FU - Site to the south of Whitehall Road, Leeds.

The report of the Chief Planning Officer presented an application for a multi-level residential development (Class C3) with ground floor commercial units (Class E) and associated hard and soft landscaping; associated parking, bin and bike stores at a site to the South of Whitehall Road, Leeds.

Members visited the site prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion of the application.

The following was highlighted in relation to the application.

- The site was a large brownfield site on a main route into the city, close to the river and railway station and part of a wider regeneration area. There had been previous permissions granted at the site.
- The Panel had received a pre-application presentation in January 2022.

- The proposals were for a mixed use development with three ground floor commercial units with residential units above. There would be landscaping and private residential landscaping at the podium level.
- There had been a financial viability appraisal carried out by the District Valuer.
- The site had been most recently used as a car park.
- There would be 500 apartments in the development which was 2 blocks linked by a first floor podium . 51% would be one bedroom, 39% 2 bedroom and 10% 3 bedroom. There would be three communal areas and landscaping improvements.
- Distances from Whitehall Waterfront were considered to be acceptable.
- There would be a total of 59 car parking spaces, 298 cycle spaces and provision of a car club bay.
- Landscaping improvements alongside Whitehall Road and the riverside and the creation of a riverside park.
- Materials to be used included red and grey brick. CGI images of the proposals were displayed.
- It was considered that the proposals would be a positive addition to a regeneration site along with landscaping improvements and the application was recommended for approval.

A resident of the Whitehall Waterfront development addressed the Panel with objections to the application. These included the following:

- The proposals would have a catastrophic effect on people's lives and wellbeing as well as the environment.
- The proposed height was 50% higher than Whitehall Waterfront and out of proportion with other surrounding buildings.
- Guidelines required such buildings to have surrounding space.
- The daylight impact assessment was incorrect.
- The development would destroy permeability and surveillance and compromise safety and security.
- Concerns had been addressed with developers but had been largely dismissed.
- The proposals were unacceptable in their current form and had been done in the interests of maximising profit.
- The wind survey had not been carried out at balcony level.
- The proposals needed to be more spaced out, increasing light and accessibility to enhance the area.
- In response to questions, the following was discussed:
  - The size and scale needed to be reduced. It was hoped that there would be more greenspace.
  - The proposals would affect light and privacy for existing residents.

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

- The proposals would deliver 500 high quality and sustainable new homes.
- The proposals would create new routes for pedestrians and cyclists and enhance the existing public realm.
- The proposals had taken account of previous comments from the Panel to include balconies and increase the number of 3 bedroom apartments.
- There is a minimum distance of 28 metres from Whitehall Waterfront which is higher than requirements.
- The building would not be 50% higher than Whitehall Waterfront. It would be three storeys higher which is approximate to 15 to 18%.
- The daylight and sunlight study had shown that the proposals were appropriate in terms of city centre development.
- A Wind survey had been carried out to assess the impact on the upper floor balconies.
- There had been meetings with Ward Councillors and local residents.
- The proposals were supported by the Civic Trust.
- Access had been widened at the request of residents even though they were supported by Highways.
- Although there were viability issues there was a commitment to making a Section 106 contribution towards all of the infrastructure policy asks (apart from affordable housing).
- In response to questions, the following was discussed:
  - In terms of surveillance, the building was designed to provide security with well-lit active frontages. There would be a permeable façade to increase visibility and there would be full CCTV coverage.
  - The spacing of the buildings would be appropriate for city centre development. There had been a significant biodiversity assessment and there would be a net gain and a significant enhancement to the riverside.
  - There was adequate emergency vehicle access.
  - A viability report had been submitted and evidenced by the District Valuer.
  - With regard to Policy H4 and a higher percentage of one bedroom apartments, it was reported that the housing mix on this scheme needed to be site specific and what was appropriate for the city centre.
  - The scale and massing of the building was deemed to be appropriate for the area.
  - Daylight and sunlight analysis had been carried out and submitted with the application.
  - The end use of the commercial units had not yet been finalised.
  - Further consideration would be given to including a formal play area.
  - A housing needs assessment had been prepared to explain the housing mix which met the demographic of the area and the build to rent model. There were three bedroom apartments and

- large two bedroom apartments that would be suitable for families.
- Work was still underway with regard to the materials to be used. It was proposed to use a lighter tone of grey colouring to match Wellington Place.
- The provision of additional three bedroom apartments would have an impact on viability.
- There are some living rooms at Whitehall Waterfront that would be impacted through the loss of sunlight.
- The provision of outdoor exercise equipment would be considered.
- The reasons for the viability assessment were outlined in the District Valuer report. There was also an impact due to the current economic climate and significant inflation on construction costs. The representative of the District Valuer explained the process for calculating the viability of the scheme.

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

- The report referred to the light modelling. It was inevitable that there would be some impact on existing residential properties as the site was currently cleared and empty of development. However the impact was felt appropriate within the context of the dense urban grain of a city centre setting.
- In relation to viability there had been discussion with the applicant to include a review mechanism due to potential change in construction costs and other market factors. However the applicant had advised that the review mechanism created a risk to retaining funders and instead had offered to mitigate the risk by providing an improved S106 contribution towards meeting the full infrastructure policy requirements, notwithstanding the current viability assessment.
- Diagrams of the light modelling exercise were requested.

It was suggested that the application be deferred to allow for the light modelling diagrams to be supplied; further information be provided with regard to the off site sum in terms of the greenspace policy and the proposed building materials to be used. There was also further discussion regarding the proposed massing and whether this could be reconsidered. Panel also sought legal advice on the weight to be attached to the financial viability assessment and wanted to understand the background to the current state of the “half moon” landscaped area adjacent to the river bridge. It was further noted that there had been a holding objection from the Environment Agency and an update was requested on this.

A motion to defer based on the issues suggested was moved and seconded and subsequently voted upon.

**RESOLVED –** That the application be deferred to allow for the following:

- Further information with regards to the calculation of the off-site greenspace contribution and why it could not be achieved on site
- Further information on the impact on daylight and sunlight to existing accommodation
- The type of materials and colours to be used
- Further legal advice on the weight to be given to the financial viability assessment of the scheme.
- The history of the landscaping on the half-moon area.
- Further discussion with the applicant regarding massing.
- An update on the position with the Environment Agency objection.

**56 Application 22/02505/FU - Former Arla Foods site, 87-91 Kirkstall Road, Burley, Leeds, LS3 1HS**

The report of the Chief Planning Officer presented an application for the demolition of existing buildings ad structures; construction of 618 residential dwellings (C3) and flexible commercial space (E and F1); associated refuse and plant infrastructure, landscaping, new public realm and open space at the former Arla Foods site, Kirkstall Road, Burley, Leeds.

Members visited the site prior to the meeting and 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:

- There was an update to the supplement to the report – there would be a Section 106 education contribution of £162, 510.31. There were also objections from the Civic Trust and an adjacent landowner.
- Objections from the Civic Trust included an over provision of car parking, lack of balconies and poor amenity space. The adjacent landowner had concerns regarding the proximity of Block D from Washington Street.
- The site was allocated for mixed use in the Site Allocation Plan.
- The site was close to the Clarion Homes site which had recently been approved and was a former industrial/brownfield site.
- There would be 618 build to rent apartments in 5 blocks with commercial units to the ground floor.
- There would be generous public realm provision.
- Building D would be 15 metres from the boundary on the opposite side to Washington Street and on balance was felt appropriate in terms of impact.
- There was an outline approval on the site which allowed for buildings of 7 to 13 storeys.
- There would be two main design types to the buildings which would reflect the industrial heritage of the site.
- It was proposed to include 97 balconies for apartments in the development. However it should be noted that there is no specific policy requirement for the provision of balconies.

- Access throughout the site and connectivity through adjoining sites including cycle routes.
- There would be park land to the south of the development.
- The Environment Agency was satisfied with the flood protection scheme.
- There would be formal play areas.
- There would be a bio-diversity net gain of 78%.
- There was only one affordable housing unit due to the financial viability position. However the applicant was committed to making the Section 106 infrastructure policy contributions, notwithstanding the findings of the financial viability assessment.
- There had been amendments to the fire safety plan and a response was awaited from the Health and Safety Executive.
- There would be 381 one bedroom, 248 two bedroom and 62 three bed apartments. This was consistent with nearby developments.
- The application was recommended for approval.

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

- With regards to the housing mix there was no policy requirement to meet the preferred targets. The policy is worded to offer flexibility and take into account the form of development and character of an area in order to provide a suitable mix by types and size and this differed for different parts of the city. The mix proposed in this case reflected the characteristics of the area. There was less demand for family accommodation in this area than there was for one or two bedroom apartments.
- There were different housing character areas as set out in the Strategic Housing Market Assessment, which informed housing needs assessments for different parts of the city.
- With regard to greenspace provision, policy recognised that for high density schemes such as this it was not possible to practically provide all the area generated by the standard calculation on site and that an off-site contribution could be provided in lieu of on-site provision.
- The off-site highways contribution would be used towards upgrading crossings and the route through to Burley Road. There would also be signal upgrades. It was also hoped to use the contributions to non-motorised improvements.
- Members were pleased to see the inclusion of a formal play area and balconies although more balconies would have been preferred.
- More three bedroom apartments would have been preferable.
- There were some positive aspects to the design of the buildings.
- The proposals were a positive re-use of the site.
- Further concern regarding the housing mix and that policy requirements were not being met.
- The housing mix was not suitable for a site on the outskirts of the city centre.
- The greenspace proposed was an improvement.

- The application was not policy compliant and there was more that could be achieved on this site.
- It was suggested that the application be refused due to the lack of policy compliance.

A motion was made and seconded to refuse permission. This was subsequently voted upon and not carried.

A further motion was made to defer the application for further consideration of providing more balconies, greenspace, housing mix and more information on the biodiversity net gain position. Further discussion was held regarding car parking and viability. Members were informed that changes to the housing mix is likely to affect the viability position and that there could be implications with the installation of further balconies due to the height of the buildings. Due to the Policy H4 on housing mix being city wide, it was asked whether this scheme could be measured against delivery elsewhere. Members also wanted the affordable housing position to be reconsidered. The motion to defer was seconded and subsequently voted upon.

**RESOLVED** – That the application be deferred to further consider the housing mix (proportion of 3 bedroom apartments), provision of balconies, matters around bio-diversity net gain, provision of greenspace and the proposed level of affordable housing.

## 57 Application 22/02970/FU - Land between Westgate and Cropper Gate, Leeds, LS1 4ND

The report of the Chief Planning Officer presented an application for the construction of a 31 storey building providing 399 build to rent dwellings (use Class C3) incorporating ancillary amenity space, landscaping and other associated works on land between Westgate and Cropper Gate, Leeds.

Members visited the site prior to the meeting and 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:

- There had been a pre-application presentation in March 2022 when Members had been generally supportive of the scheme.
- The site had been cleared and was considered appropriate for a tall building.
- Members were reminded of proposals at adjacent sites, some of which had commenced with development.
- Connectivity through the site and to other sites. It was proposed to introduce a new segregated cycle route which would link to other sites.
- Remaining external areas would have soft landscaping.
- Floor plans of the different levels of the building were displayed.
- All apartments would meet or exceed minimum space standards.
- 66% of apartments would be 2 or 3 bedroom.

- Photovoltaic panels would be placed on the roof space.
- The materials would consist of a blend of red bricks. Samples were made available for the Panel to view.
- There would be double height glazing at ground floor level with more intricate brickwork.

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

- The applicant had engaged a wind specialist at the pre-application stage which had implications on how the building was modelled. This had been reviewed and with the mitigation measures there would not be any safety issues.
- The cycle route would be linked in to improvements to junctions and linkages to other sites. There would also be crossing provision at junctions.
- This was a higher density scheme on a smaller site and the public realm works would not cost as much as on other sites.
- Work had started on other sites in the area and would provide activity and a level of natural surveillance.
- The proposed building was of a good design and would provide a proper landmark. The detail in the brick work was welcomed.

**RESOLVED** – That the application be delegated and deferred to the Chief Planning Officer for approval subject to resolution of matters identified by the HSE and to the specified conditions set out in Appendix 2 (and any amendment to these and addition of others which he might consider appropriate) and the completion of a Section 106 agreement to include the following applications:

- Affordable housing provision – on site, 20% (80) affordable private rent dwellings at 80% of local market rate.
- Compliance with agreed Travel Plan measures and an indexed travel plan review fee of £5,396.
- Residential travel plan fund £102,044.
- Contribution of £91,000 (indexed) towards loss of pay and display revenue.
- Marketing of adaptable accessible units as accessible units with costs of adaptation to be met by the developer.
- 24 hour public access through the site.
- Local employment and training initiatives.
- Section 106 management fee £2,100.

In the circumstances where the Section 106 agreement has not 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.

(Councillor C Gruen left the meeting following this item and Councillor J McKenna took the Chair)

**58 PREAPP 20/00412 - Land at The Gateway, East Street, Leeds, LS9 8DZ**

The report of the Chief Planning Officer informed Members of a pre-application presentation for a residential development with car parking and landscaping at land at The Gateway, East Street, Leeds.

Members visited the site prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion of the proposals.

The applicant was invited to address the Panel. The following was highlighted:

- The site was to the East of the city centre and was the remaining site on a development plot.
- There had been an exhaustive pre-application process and consultation with officers.
- Views to the site from Kirkgate, Crown Point Road and East Street were displayed.
- The site was located on a key approach into the city centre.
- The existing courtyard was elevated due to flood risk and it was proposed to retain this.
- Pedestrian connectivity. There would be ramped access to the elevated courtyard.
- Vehicular access was pre-determined by the existing road layout.
- The building would be 10 to 13 storeys. There would be 37 parking spaces making use of the existing undercroft parking access. There would also be 545 square metres of commercial space.
- There would be 142 apartments consisting of 22 studios, 51 one bedroom, 55 two bedroom and 14 three bedroom apartments.
- The commercial spaces would be at podium level along with the lobby and reception. There would also be a gym for residents.
- Proposed floor plans were displayed.
- There would be inset balconies and a resident's terrace on level 10.
- The building would step up to its highest point at the central point.
- The building would be prominently brick with recessed glazing.

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

- It was suggested that consultation with residents from Saxon Gardens would be beneficial.
- It would be useful if the gym was available to non-residents as there was a lack of facilities in the area.
- There would a small palette of materials.
- The vertical glass level would break up any slab like appearance to the building.

- There would be some greenery on the boundary of the site.
- More detail would be required on materials to be used.
- Some concern regarding the ground floor and proposed planting.
- Could further consideration be given to the housing mix (in respect of the requirements of the Council's housing mix policy).
- The proposals look good for the site.
- In response to questions outlined in the report, the following was highlighted:
  - Members had commented on the housing mix.
  - Members supported the emerging design of the development.
  - Members supported the approach to car parking but there was some concern for the safety of cyclists.

**RESOLVED** – That the presentation and discussion be noted.

## 59 PREAPP 22/00216 - SoYo, Block D, Quarry Hill, Leeds

The report of the Chief Planning Officer informed Members of a pre-application presentation for a student residential development at So-Yo, Block D, Quarry Hill, Leeds.

Members attended the site prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion of the proposals.

The applicant was invited to address the Panel. The following was highlighted:

- Other plots at the site had already received approval.
- There was a central street through the site which would give access to the building and other developments on the site. There would also be other routes through the site.
- There would be a roof terrace on the building and also a pocket park at ground floor level.
- The scale of the building would be in alignment with others on the site and would rise up away from the central street.
- Floor layouts were displayed and there would be a mix of 60% studios and 40% cluster flats.
- There would be external and internal amenity space.
- Materials would replicate those of the other buildings on the site and examples of proposed detailing were displayed.

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

- Space standards were met or exceeded. There would be an encouragement to use the amenity space available.
- Concern regarding the area behind the Playhouse – there would be active amenity areas in this area and there would be sufficient lighting.

- The building would be able to be converted to flats should there not be the demand for student accommodation.
- The ground floor was heavily glazed and would be lit up on an evening to provide surveillance. There would also be windows overlooking the pocket park.
- In response to questions highlighted in the report, the following was highlighted:
  - Members supported the end use of Block D for student accommodation.
  - Members supported the emerging appearance, scale and setting to the proposed building.
  - Members supported the level of residential amenity proposed.
  - Members were agreeable to the full planning application being determined under delegated powers.

**RESOLVED** – That the presentation and discussion be noted.

**60 Date and Time of Next Meeting**

Thursday, 1 December 2022 at 1.30 p.m.