

CITY PLANS PANEL

THURSDAY, 12TH SEPTEMBER, 2024

PRESENT: Councillor J Heselwood in the Chair

Councillors C Campbell, B Anderson,
K Brooks, P Carlill, D Cohen, K Dye,
A Khan and A Maloney

SITE VISITS: Councillors K Brooks, C Campbell, K Dye and A Khan

1 Appeals Against Refusal of Inspection of Documents

There were no appeals.

2 Exempt Information - Possible Exclusion of Press and Public

There was no exempt information.

3 Late Items

There were no late items. Supplementary information for Agenda Item 7 – Application 24/02803/RM – 71-73 Mabgate, Sheepscar, Leeds, LS7 7DR was submitted. This had been published and distributed prior to the meeting.

4 Declaration of Interests

There were no declarations. Councillor A Khan informed the meeting that he had visited the MAP Charity on a number of occasions but would be considering the application with an open mind.

5 Apologies for Absence

There were no apologies.

6 Minutes - 16 May 2024

RESOLVED – That the minutes of the meeting held on 16 May 2024 be confirmed as a correct record.

7 Application 24/02803/RM - 71-73 Mabgate, Sheepscar, Leeds, LS9 7DR

The report of the Chief Planning Officer presented an application for the reserved matters approval in relation to appearance, landscaping, layout, scale and access pursuant to planning permission 22/03514/FU for the construction of three buildings comprising apartments and ancillary space, commercial units and landscaping at 71-73 Mabgate, Sheepscar, Leeds. LS9 7DR.

The report recommended that reserved matters approval be deferred and delegated to the Chief Planning Officer for approval, subject to conditions at Appendix 1 (and any amendment to or addition of others which the Chief Planning Officer considers appropriate).

Panel Members (referenced above) had attended a site visit prior to the meeting.

Site plans, photographs and CGI images were presented by the Planning Officer who outlined the application and contents of representations received as detailed in the submitted report.

Members were informed that following the publication of the Agenda there had been a further 5 letters of objection submitted, one of which had the support of 37 businesses and also a petition from MAP Charity. There had not been any new material considerations raised. There had also been submissions from Alex Sobel MP and Hilary Benn MP and the Panel was made aware of the content of these submissions.

Members were also given an update on the following issues not detailed in the report:

- Representation from MAP Charity regarding the proposed sound mitigation measures. MAP have requested that the proposed residential windows facing their site are fixed shut and that the development provides sound insulation measures at source for the noise generated by the MAP activities. However the applicant's noise report has demonstrated that the design of the winter gardens can achieve acceptable internal sound levels for the flats facing MAP. As a result the further measures requested by MAP are not considered necessary.
- With regard to flood risk matters and as part of the consideration of the sequential and exceptions test at the Hybrid Planning Permission stage (as summarised in paragraphs 151 to 154 of the report) although it was demonstrated there were no sequentially preferable sites within the Mabgate Framework area it was considered that due to the overall economic, social and regenerations benefits of the proposed development and the proposed flood risk mitigation measures (that would address the potential flood risk on site and not increase potential flood risk elsewhere) that on balance the proposals had passed the exceptions test.
- The Design Officer explained that earlier in the application process he had raised concerns about the proposed heights but that since then he had developed his thoughts and he no longer held that view.

A representative of the MAP Charity addressed the Panel. The following was highlighted:

- The Charity welcomed residential development in the area and its contribution to the sustainability of the area.
- The Charity supported some of the most vulnerable young people in the district and enabled them to follow career pathways into creative industries.
- Proposed balconies that overlooked the education area would pose a safeguarding risk.
- The charity had secured over £1million of public funding including from Leeds City Council and these proposals would put that investment and the future of the charity at risk.
- MAP's operational costs were largely self funded through activities and events.
- The level of support received including a petition with over 4,000 signatures.
- Concern that the agent of change principle had not been considered correctly. The acoustic mitigation proposed would not be adequate.
- Potential for losing the right to host activities in the courtyard and the impact this would have on the charity.

Following this, they provided responses to questions raised by Panel Members, which in summary, related to the following:

- Consultation with the developer.
- Concern regarding the balconies on the south facing wall of Block B.
- Concern that there would be potential for noise complaints.
- Concern regarding the safeguarding of young people attending the charity.

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

- This would be a significant development and investment in Leeds City Centre.
- There had been an extensive design and procurement program and the applicant was ready to start construction and deliver much needed homes.
- The development would provide build to rent and affordable properties.
- There had been extensive work to get a policy compliant and appropriate development for the location.
- The applicant had engaged with MAP and carried out noise surveys. It was felt that the necessary mitigation measures had been applied.
- The winter gardens were internal balconies and not living spaces.
- MAP activities were controlled by license with respect of noise levels and had to be respectful of existing residential communities.

Following this, they provided responses to questions raised by Panel Members, which in summary, related to the following.

- The winter gardens had sliding windows. Members expressed concern that there was potential for noise nuisance should these windows be opened, There would not be any mechanical ventilation for the winter gardens.
- Pre-application engagement. There had been events which local Councillors and residents had been invited to. There had also been pre-application engagement with Environmental Health Officers to satisfy the noise mitigation requirements.
- The noise mitigation was based on a worst case scenario and there was confidence that the necessary level of mitigation would be achieved.
- Residents would be issued with a Welcome Pack and Home User Guide which would make them aware of the local community and surroundings. There would also be an app available to residents where any concerns and queries could be addressed.
- The design of the apartments had addressed the potential for noise disturbance. Levels proposed would be more stringent than elsewhere in the UK and this would be achieved through design and factors such as mechanical ventilation. Environmental Health had considered the mitigation measures to be appropriate.
- Potential residents would usually visit the building prior to taking up residency and be informed of the nature of the surroundings.
- It had initially been proposed to install some street trees but due to a significant amount of underground utilities this would be prohibitively expensive to do.
- There would be a through route through the development to link with the proposed public access route through the Millwright development site .

There was a short adjournment to allow Members to inspect the samples of materials that had been proposed for use.

Questions and comments from Panel Members then followed, with officers responding to the questions raised, which included the following:

- The route of Ladybeck. This went under the site towards the adjacent Millwright development site.
- There would be archaeological surveys following the demolition of the existing buildings.
- Consultation on potential safeguarding issues- Specific consultation had not been carried out on child safeguarding issues. However Planning Officers had taken a view on this and it was considered that this proposal would not pose a significantly different risk to children safeguarding since there were already residential properties overlooking the site.
- Any planning permission would be taken into account during the consideration of any complaints regarding noise nuisance. The process for dealing with noise complaints was explained.

- There would be modifications to the TROs for ad-hoc deliveries to the developments and there was a condition to address any issues relating to car parking. There would also be contributions towards improvement works on Regent Street.
- A construction management plan had been secured at the hybrid planning stage.
- There was limited 4 hour parking on Mabgate and various long stay car parks nearby. There were also bus routes nearby.
- Extensive noise testing had been done prior to the hybrid application which informed the mitigation measures and it was felt that these measures would be suitable for the entire development.
- A daylight impact assessment had been carried out and was considered to be acceptable.
- Officers advised that the proposed design was considered acceptable within the context of the conservation area and the setting of nearby listed buildings .
- The proposal for a route through the greenspace was welcomed. A question was asked whether Ladybeck could be opened up as a feature in the greenspace.
- The building to the rear of the foundry (block B) was too tall and overbearing.
- Could a condition be included that would support the concerns of the Panel with regards to noise mitigation?
- Could the winter gardens be removed? From a design perspective it was reported that the winter gardens provided a further barrier to noise disturbance.
- Concern that this development would not integrate effectively with existing businesses.
- There were innovative elements and above policy requirements that the developer should be congratulated upon.

The Area Planning Manager was asked to summarise. The following was highlighted:

- The main focus of the discussion had been the relationship at the boundary of the development with the courtyard to the MAP Charity. There had been extensive work and consultation with our Environmental Health advisor, the developer and Map Charity with regards to this and it had been assured that the proposed noise mitigation measures would be sufficient. This would be tested before occupation. The developer had also been asked to make future occupants aware of their neighbours and what they do and a condition had been suggested to include this in the occupant's Welcome Pack.
- The proposal would regenerate a brownfield site and weight should be given to the benefits of the proposals.
- Positives to the development had been highlighted including the meeting of space standards, provision of affordable housing and the route through the site.

- It was acknowledged that there was some concern with the scale of the development and its relation to the foundry; the potential for noise disturbance and how any complaints would be dealt with and also safeguarding issues.

A motion was put forward to move the officer recommendation, as per the submitted report. This was moved and seconded, and it was voted against. Following further questions and comments, the following was discussed:

- Members discussed the possibility of deferring the application for further consideration and reassurances to be given to the concerns raised by Panel Members.
- Concerns regarding the winter gardens and whether these could be removed.
- How complaints would be dealt with by the management company. The need for the Welcome Pack to give more information on the Map Charity activities.
- Noise complaints should not be upheld if a resident had not followed the mitigation measures or left windows open.

A further motion was made to defer the application. This was moved and seconded. It was:

RESOLVED – That the application be deferred and brought back to Panel to provide further information on the detail in the Welcome Pack and how potential noise complaints would be dealt with.

8 Date and Time of Next Meeting

Thursday, 10 October 2024 at 1.30 p.m.