

CITY PLANS PANEL

THURSDAY, 10TH OCTOBER, 2019

PRESENT: Councillor J McKenna in the Chair

Councillors C Campbell, P Carlill, D Cohen,
A Garthwaite, C Gruen, A Khan, E Nash,
G Latty, P Gruen and B Anderson

A Members site visit was held in connection with the following applications:
Application No. 18/07433/FU – Proposed residential development at Manston Lane, Leeds 15, Application No. 19/01010/FU – Proposed residential development at Saxton Lane, Leeds 9 and a visit to view the completed student housing development at St Albans Place, Leeds 1 and was attended by the following Councillors: C Campbell, P Carlill, A Garthwaite, C Gruen, P Gruen, G Latty and J McKenna

Councillor Gerald Wilkinson

Members stood in silent tribute in honour of Councillor Gerald Wilkinson who's death was announced a few days prior.

The Chair said Gerald had been a Member of the City Council for twenty years, serving on a variety of Committees including a number of years as a Member of North and East Plans Panels. He was well respected and his contributions and experience would be sadly missed.

55 Appeals Against Refusal of Inspection of Documents

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

56 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.

57 Late Items

Although there were no late items, the Chair had accepted the inclusion of Supplementary Information in respect of Agenda Item No. 9 - Erection of 437 Dwellings at Radial Park, Manston Lane, Leeds 15 (Summary of the District Valuer's Viability Report) - Minute No.63 referred.

58 Declarations of Disclosable Pecuniary Interests

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

Draft minutes to be approved at the meeting
to be held on Thursday, 31st October, 2019

59 Apologies for Absence

Apologies for absence were received from Councillors: D Blackburn, P Wadsworth and N Walshaw.

Councillor B Anderson was in attendance as a substitute Member for Councillor P Wadsworth.

60 Minutes of the Previous Meeting

The minutes of the previous meeting held on 19th September 2019 were submitted for comment/ approval.

With reference to Minute No.52, Members requested the following amendments:

Member's comments section:

4th bullet down, to read as follows:

- All Members were of the view that further consideration was required as to the provision of living/ green walls or alternatively a "Virginia Creeper" which was low maintenance. The suggestion that long term management and maintenance implications was a prohibitive factor, was not acceptable

5th bullet down, the following words be added at the end of the paragraph

or other relevant people so as to ensure diversity and broad representation

61 Matters Arising from the Minutes

There were no issues raised under Matters Arising.

62 Application No. 19/01010/FU - Major planning application for Build to Rent residential development of 7-22 storeys with 349 apartments, landscaping, basement parking and associated works at land off Marsh Lane, Saxton Lane and Flax Place, Leeds, LS9 8HE

The Chief Planning Officer submitted a report which set out details of an application for a build to rent residential development of 7 – 22 storey's with 349 apartments, landscaping, basement parking and associated works to land off Marsh Lane, Saxton Lane and Flax Place, Leeds, LS9 8HE.

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

Planning Officers addressed the Panel, speaking in detail about the proposal and highlighted the following:

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- Site/ location/context
- The proposal is to erect 2 buildings (A & B) separated by public realm which provides a permeable route for pedestrians from Saxton Lane to the south, through to Railway Street to the north and then on through the railway arches to the Marsh Lane/ Shannon Street development area and Quarry Hill
- Building (A) steps from 18 to 20 to 22 floors in height, Building (B) steps up from 6 to 12 and then up to 18 storeys at its highest point and is an open U-shaped in plan
- The two buildings are 20m apart at their nearest point at first floor level, then rising to 25m and 35m at the upper levels
- Built to rent development, 349 apartments, 1 ,2 and 3 beds, all apartments meet Nationally Described Space Standards
- Residential facilities in both Blocks A & B comprising community, work and event space, plant, refuse and bicycle storage areas.
- Vehicular access via a ramp to a basement parking area taken from Flax Place
- 53 parking spaces, including 3 disabled spaces, 5 electric changing points to be provided and 15 motorcycle spaces
- Public realm through the centre of the site would be a mix of hard and soft landscaping containing trees in raised planters. There is also an apron of land fronting Marsh Lane which would be given over to grass containing wind mitigation features supplemented by landscaping
- Public realm would be a managed space with concierge
- Steps/ ramp up to centre space
- Materials – Metal frame with brickwork and masonry, punched window openings, with mixed palette of complementary brick tones to be used across both buildings
- Extensive wind testing, wind mitigation measure including the provision of perforated wind panels
- Affordable housing provision (15 units) following submission of a financial viability assessment

Members raised the following questions to officers:

- The site had been the subject of a wind tunnel study, which direction does the wind come from
- 5 Electric Vehicle Charging Points (EVCP) are to be provided in the basement of the building, given that the city has declared a climate emergency could more EVCP's be provided
- What was envisaged would be the situation when all parking spaces in the basement of the building were occupied in terms of further parking for occupiers
- Could further clarification be provided about the affordable housing provision
- Was there good connectivity from the site to the city centre
- Could further details be provided about the design of the wind mitigation features

- Was the applicant providing all necessary planning obligations and sufficient public space
- Where was the affordable housing to be located
- When does the applicant envisage development would commence
- Members queried once again if there were any proposals to reopen the former Marsh Lane Railway Station and also the railway arches to enhance connectivity, suggesting there was general support from Members for both
- Members queried the use of trees in planters and types of tree species proposed

In responding to the issues raised, Planning Officers/ applicant representatives said:

- Members were informed that the prevailing winds emanate from a south westerly direction. Issues arise here due to the wind travelling between the railway viaduct and the tall buildings. The height of the buildings proposed would also result in wind hitting the high structure and being forced downwards.
- Wind testing had identified a potential issue around the base of the buildings resulting in a requirement for a range of wind mitigation measures on site and provision of a wind mitigation screen off-site adjacent to the railway viaduct to the north west of the site.
- The applicant's agent confirmed that the developers would be willing to install the EVCP infrastructure for all 53 parking spaces, with 5 EVCP's to be operational upon first occupancy of the building and with the possibility for others to become operational as the need arises.
- Members were informed that following a review of a viability appraisal by the District Valuer (DV), the DV had concluded that the applicant could not afford the full policy compliant requirement of 7% of the total number of units being provided as affordable housing, the applicant should provide 4.23% (15 units).
- The Legal Officer confirmed that, while this may not be fully policy compliant, it is a situation where that then has to be weighed against all other aspects of the scheme as a material consideration. In the balancing exercise, it is for Members to determine what weight is given to that point of the proposal not being fully policy-compliant in respect of affordable housing.
- Members were informed that connectivity from the site to the City Centre was good. The scheme allowed a new 24 hour public route to be realised through the site. Heading in a northerly direction pedestrians would pass through the railway arch to the existing pedestrian crossing, which provides a link to the Quarry House complex. In addition, there is the possibility for a potential footbridge across to the Quarry House complex in the future. There was also possible connectivity to the south with delivery of further developments.
- Members were informed that the final designs for the wind mitigation features would be controlled by planning condition but example designs were provided to indicate their likely visual impact.

- The wind mitigation would be a combination of soft landscaping with trees and high hedges; some artificial trees and screens; and there is likely to be a canopy required at an upper-level of the building to resolve the issues with down-draft highlighted.
- Limited car parking spaces will be provided within the development. Occupancy of which will be managed and controlled by the building's operators. If all are occupied within the development, then there will be no further parking provision. The local area is subject to widespread on-street parking controls. £20,000 is also being sought from the developer to fund TROs to extend parking controls where necessary to further limit the potential for adverse conditions arising from on-street parking in the vicinity of the site. In addition, the site is within walking distance to public transport facilities and city centre services and so it is unlikely that the proposed level of car parking would result in adverse conditions on the highway.
- Members were informed that the obligations within the Section 106 Agreement were policy compliant, fairly and reasonably related to the development, and necessary to make the development acceptable in planning terms.
- The existing public open space provided as part of the scheme was being given 'in kind' and is deemed acceptable in place making and connectivity terms. There is no planning policy requirement to provide public open space if a site is less than ½ hectare in size in the city centre, such that this proposal is policy compliant.
- The affordable housing units would be located throughout the scheme and would reflect pro-rata the mix of residential unit types in the overall development. This was a build to rent scheme so there was flexibility within the scheme in terms of the exact location of the discounted units.
- The affordable housing units would be provided in an appropriate proportion to the other units forming part of the development, in terms of the number of 1, 2, and 3-bedroom units.
- The applicant envisages that they will be on-site in Quarter 1 of 2020, subject to permission being granted.
- The City Centre Team Leader confirmed there were currently no proposals to provide a rail halt in this location. The Chief Planning Officer said the current focus for rail halts was at: Thorpe Park, White Rose and the Airport, Marsh Lane was not part of the strategic plan or part of proposals identified as a priority by the West Yorkshire Combined Authority (WYCA), working in conjunction with Network Rail. However he would raise the matter with WYCA.
- Officers confirmed that some of the Plaza trees would be in the ground, but others will be in planters. For those in planters, the depth of soil would be sufficient for them to become established. The Chair requested that the proposed list of trees to be used be provided to Councillor Nash for her attention.

In offering comments Members raised the following issues:

- In general, Members were supportive of the application commenting that it was a suitable site for the proposed development, it was a good design and it would bring employment opportunities to the area.
- There was some concern about the extent of the wind mitigation features, it was suggested that these may detract from the overall appearance of the building and / or make some spaces unusable in practice by occupiers on a daily basis. As a result their detailed design needs to be controlled and their effectiveness needs to be tested at post installation stage.
- Members expressed the view that an additional condition be included requiring that the infrastructure for the EVCP for all 53 parking spaces be provided, with the understanding that 5 EVCP's would be operational upon first occupancy of the building and the possibility remaining for others to become operational as the need arises.
- A number of Members suggested that the Affordable Housing Policy requirement of 7% of units being provided as affordable housing should not be set aside, querying the costings and evaluation submitted in the applicant's viability report. The DV clarified for Members on this point that the costings and viability submitted by the applicant had been verified.
- In general, Members welcomed the regeneration of the Richmond Hill area with significant development having taken place. Increased connectivity of and better public transport provision to the area generally would further aid reduction of social isolation.
- A number of Members suggested that WYCA now need to review their position about the future use of the former Marsh Lane Railway Station
- One Member questioned if there was the demand for a Railway Station at Marsh Lane. However, a number of Members did express the view that the addition of a rail halt at Marsh Lane would be positive – particularly given the significant number of developments now being progressed in this area.
- It was noted that the Chief Planning Officer would liaise further with transport planning colleagues, and potentially WYCA, to ascertain what stage had been reached in any ongoing discussions regarding reopening of the rail halt.
- One Member expressed concern about air quality in this location, with the hope that air quality would be monitored post-development to ensure concerns had been adequately addressed in this regard.

RESOLVED –

- (i) That the application be deferred and delegated to the Chief Planning Officer for approval subject to the conditions specified at Appendix 1 of the submitted report with the inclusion of an additional condition requiring that the infrastructure for the electric vehicle charging points (EVCP) 53 in total, be provided in the basement of the building, 5 EVCP's to be operational upon first occupancy of the building, others to become operational as the need arises (and any others which he might consider appropriate)

and following the completion of a Section 106 Agreement to include the following obligations:

- 15 Affordable housing units to be provided on site (see paragraph 9.10)
- Public access to open space area to be accessible 24 hours
- Contribution towards legible Leeds wayfinding (£32,000)
- Contribution to changes to TRO's (£20,000)
- Contribution for loss of on street car parking spaces (£36,000)
- Residential Travel Plan Fund including a contribution towards the proposed footbridge over Marsh Lane (£87,337.25)
- Travel Plan review fee (£4,494)
- Employment and training opportunities

- (ii) In the event of the Section 106 Agreement having 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.

63 Application No. 18/07433/FU - Erection of 437 Dwellings with New Roads, Open Space, Landscaping, Drainage and Associated Works at Radial Park, Manston Lane, Leeds, LS15 8ST

The Chief Planning Officer submitted a report which provided a Position Statement in respect of an application for the erection of 437 dwellings with new road, open space, landscaping, drainage and associated works at Radial Park, Manston Lane, Leeds, LS15 8ST.

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

Both the planning case officer and the applicant's representatives addressed the Panel, speaking in detail about the proposal and highlighted the following:

- Site / location/ context
- Site lies within a valley
- Former industrial site, some contamination of the land
- The site excludes the Barnbow Social Club
- Masterplan demonstrates connectivity throughout the site
- Areas of greenspace throughout the development
- Newt pond on site
- The site is currently undergoing remedial works, it is understood that the final phase of these works (grouting to stabilise the ground) has been commenced and work on conditions discharge submissions is still on-going
- A bund is located at the northern end of the site
- Access into the development is from Manston Lane via three access points

- The proposal is to erect 437 dwellings, variation of house types, heights and number of bedrooms
- The site is being developed by two house builders: Strata at the eastern portion of the site and Redrow would develop the western portion
- Houses will be constructed using a mix of artificial stone and brick (Red and buff) with render present to some elevations
- Issues of viability due to “abnormal costs”
- Affordable Housing 7.5% (based on a financial viability assessment)

The Planning Case Officer reported the receipt of two further representations from members of the public. One suggested that the provision of affordable housing led to issues of anti-social behaviour and further affordable housing provision should be resisted. The other suggests that the submitted viability assessment was inaccurate and so there should be the provision of more affordable housing on-site.

Members raised the following questions:

- Was it correct that one of the proposed house types did not meet the Council's adopted space standards
- It had been suggested that the overall design on the masterplan is of “calmness”, but how has this conclusion been reached
- There appeared to be a number of long straight roads throughout the development, but how was it envisaged that speed would be restricted here to 20mph to avoid vehicles “racing”
- This was an intensive layout, did the development meet the Greenspace Standards and were the garden size also in accordance with policy requirements
- It was disappointing that the full provision of affordable housing could not be delivered, there was some abnormal costs associated with the development but had the developers paid too much for the land
- The developers had contributed to the Manston Lane Link Road, but were there other schemes in the area where developers had not contributed to the MLLR
- What was the future relationship with and plans for Barnbow Social Club
- Could some variety be given to what is an otherwise very geometric design, such as via additions to the roofspace to provide variety
- Could Members be made aware of the species of trees to be planted
- The greenspace and public realm how would it be maintained
- Could the Council adopt the greenspace and be responsible for maintenance
- Members queried why there were 3 highway access points onto Manston Lane
- Was there a cycling route throughout the site

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

- Members were informed that the submission of revised plans had corrected the house size anomaly. All properties would meet the Council's adopted space standards.
- Members were informed that "calmness" was considered to come from the varied house types, which bring sensible variety, provide subtle set backs, no common building lines and shallow curves within the site.
- In terms of long straight roads, there would be a 20 mph restriction throughout the development for residential safety, but there were no physical traffic calming measures proposed, in addition there were no physical traffic calming measures except some build-out elements but ensuring that the carriageway remains sufficiently wide enough to allow for bus use.
- Members were informed that greenspace and garden size was in accordance with revised Policy G4 (onsite Greenspace), appearing to even slightly exceed policy requirements in certain instances.
- The DV informed Members that the price paid by the developer for a site was not used to test viability. Instead a benchmark land value was calculated to reflect the market value for the site at the time of the appraisal. The current benchmark land value was £260k per acre, using the NPPG's guidance on how this land value is to be calculated.
- There have been considerable costs incurred by the developer here in terms of remediation works.
- The East Team leader said that contributing to the MLLR was an historic decision for the developers of the site. Other developers could have been asked to contribute to the scheme, but the MLLR was already planned and its delivery secured. Instead other developers had been prevented from commencing further phases of development until the MLLR was in operation.
- The DV confirmed that the MLLR contribution figure had been interrogated and corrected as part of his assessment of the viability appraisal, with the correct cost now being reflected in terms of the developer's contribution.
- Members were informed that Barnbow Social Club would remain and its future was dependent on the landowner, but there had been discussions on this.
- Members were informed that a full list of tree species to be used would be supplied to Members
- Members were informed that a Management Company would provide the maintenance for the greenspace and public realm areas via an annual fee to residents, which would be as per each individual unit's contract
- Greenspace and public open space needs to be maintained, so the most appropriate method for securing this is via the Management Company and maintenance fee option. If the land was to be adopted by the Council an upfront maintenance payment for a 10 year period would be required, which was a large commitment from the developer and could adversely impact on viability.

- The applicant's representative said there were various reasons why 3 highway access points were proposed: (i) Dilution of traffic exiting onto Manston Lane and so reduction of congestion, (ii) Shorter build programme for the developers, so less disruption in the construction process and a faster build-out rate and (iii) Would assist in the servicing of the site.
- Members were informed a cycling route ran along Manston Lane then into the site alongside the bund, there was also a wider ambition for a cycle route to Scholes.

In offering comments Members raised the following issues:

- Members were generally supportive of the 3 access points onto Manston Lane.
- Could the size of the garages be of sufficient dimensions to accommodate a modern car.
- The layout appeared to be very rigid, could some curves be introduced and could the roof-scape be varied, the overall site needs to be more attractive.
- Could further consideration be given as to how greenspace and public realm could be maintained, the use of a landscape Management Company who charged an annual fee to residents was a grossly unfair mechanism. Future residents should at least be made aware of the costs they would incur by their solicitors before purchase and occupation.
- In response to this, the City Centre Team Leader confirmed that the wider point on options for managing the public open space would be noted. However, the rates that would be charged to future occupiers was not strictly a planning issue for consideration by the Panel at this time.
- It was suggested that more replacement tree planting would be welcomed. The landscape scheme needs to overall be of a good quality, particularly in terms of boundary treatment and providing a "buffer" to the railway line with mature trees planted.
- There had been some degree of naivety around the viability of the site, but the DV's report had given transparency and significantly aided understanding of the position.
- The future of the Barnbow Social Club was an important issue and some definitive responses from the developer are expected on this. The social and historical importance of the Barnbow Social Club is not to be under-estimated.
- Members were supportive of the affordable housing provision proposed. The suggestion that affordable housing led to issues of anti-social behaviour was not supported.

In drawing the discussion to a conclusion Members provided the following feedback:

- Overall, Members were satisfied that the development accords with the housing policies of the development plan.
- Members were satisfied that the identified impact upon heritage assets was outweighed by the public benefits of the development (housing delivery).
- Members were of the view that the layout and design of dwellings within the two portions of the development, and the relationship to neighbouring developments could be improved.
- Members were satisfied that the development adequately protects the amenity of existing neighbours and provides a good standard of amenity for future occupants.
- Members considered that 3 access points onto Manston Lane was acceptable and needed.
- Members were satisfied that a commuted sum for off-site provision was acceptable in lieu of replacement playing pitch provision on site, subject to the agreement of Ward Members on the final strategy.
- Members were satisfied that the development provided an adequate quantum of replacement planting, taking into account the constraints of the current layout.
- Members were satisfied that the development sought to adequately address sustainability and climate change matters in light of the Climate Emergency but there was also an ambition to go beyond the existing policies within the Core Strategy.
- Members were satisfied that priority had been given to the right matters when considering the viability of the development.
- Members were satisfied that officers had given appropriate weight to each material consideration, and that at present the balance fell in favour of approval, subject to the resolution of those matters raised by Members today and the outstanding issues highlighted in the submitted report.

The Chair thanked the developers for their attendance and contribution. He suggested that the maintenance of the public open space provision was a real concern to Members and asked if further consideration could be given to this issue.

RESOLVED – That the contents of the report be noted.

64 Date and Time of Next Meeting

To note that the next meeting will take place on Thursday, 31st October 2019 at 1.30pm in the Civic Hall, Leeds.