



CITY PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 14th May, 2015
at 1.30 pm

MEMBERSHIP

Councillors

P Gruen
S Hamilton
E Nash
N Walshaw
M Ingham
J Lewis
J McKenna
(Chair)
C Gruen

C Campbell

R Procter
G Latty

T Leadley

D Blackburn

**Agenda compiled by:
Angela Bloor
Governance Services
Civic Hall
Tel: 0113 24 74754**

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p data-bbox="678 322 970 353">SITE VISIT LETTER</p> <p data-bbox="678 465 1401 533">APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p data-bbox="678 613 1380 757">To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p data-bbox="678 797 1385 936">(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

Item No	Ward	Item Not Open		Page No
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p>	
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members’ Code of Conduct.</p>	

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5			APOLOGIES FOR ABSENCE	
6			MINUTES To approve the minutes of the City Plans Panel meeting held on 16 th April 2015 (minutes attached)	3 - 14
7	Kippax and Methley		APPLICATION 13/03846/FU - LAND TO THE REAR OF SANDGATE DRIVE KIPPAX To consider a report of the Chief Planning Officer on an application for residential development of 156 dwellings and associated works (report attached)	15 - 34
8	Hyde Park and Woodhouse		APPLICATIONS 14/07273/FU AND 14/07274/LI - BURLEY HOUSE 12 CLARENDON ROAD WOODHOUSE LS2 To consider a report of the Chief Planning Officer on an application for change of use of offices to 16 self-contained student flats and extension of existing annex to form 9 self-contained student flats and related Listed Building application for internal and external alterations (report attached)	35 - 50

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9	Burmantofts and Richmond Hill; City and Hunslet		<p>APPLICATION 15/00415/FU - LOW FOLD SOUTH ACCOMMODATION ROAD HUNSLET LS10 - POSITION STATEMENT</p> <p>To consider a report of the Chief Planning Officer setting out the latest position on an application for 312 dwellings including new open space and associated works</p> <p>(report attached)</p>	51 - 80
10			<p>DATE AND TIME OF NEXT MEETING</p> <p>Thursday 11th June 2015 at 1.30pm</p>	

Third Party Recording

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.

Use of Recordings by Third Parties– code of practice

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

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Chief Executive's Department
Governance Services
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To all Members of City Plans Panel

Contact: Angela M Bloor
Tel: 0113 247 4754
Fax: 0113 395 1599
angela.bloor@leeds.gov.uk
Your reference:
Our reference: site visits
Date 5th May 2015

Dear Councillor

SITE VISITS – CITY PLANS PANEL – THURSDAY 14TH MAY 2015

Prior to the meeting of City Plans Panel on Thursday 14th May 2015, the following site visits will take place:

9.30am		Depart Civic Hall
10.00am	Kippax and Methley	Land rear of Sandgate Drive Kippax – residential development of 156 dwellings and associated works – depart at 10.30am – 13/03846/FU
11.00am	Hyde Park and Woodhouse	Burley House 12 Clarendon Road LS2 – Change of use of offices and extension to student flats and related Listed Building application – depart at 11.30am – 14/07273/FU and 14/07274/LI
12.00 noon approximately		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at **9.30am**. Please notify Daljit Singh (Tel: 247 8010) if you wish to take advantage of this and meet in the Ante Chamber at **9.25am**.

Yours sincerely

Angela M Bloor
Governance Officer

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CITY PLANS PANEL

THURSDAY, 16TH APRIL, 2015

PRESENT: Councillor J McKenna in the Chair

Councillors P Gruen, D Blackburn,
S Hamilton, G Latty, T Leadley, E Nash,
N Walshaw, M Ingham, J Lewis,
C Campbell, C Gruen and B Anderson

163 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves

164 Exempt Information - Possible Exclusion of Press and Public

RESOLVED – That the public be excluded from the meeting during consideration of the following part of the agenda designated exempt on the grounds that it is likely, in view of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as designated as follows:

The appendix to the main report referred to in minute 172 under Schedule 12 Local Government Act 1972 and the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that if this information was in the public domain it would be likely to prejudice the affairs of the applicant. Whilst there may be a public interest in disclosure, in all the circumstances of the case, maintaining the exemption is considered to outweigh the public interest in disclosing this information at this time

165 Late Items

The Chair admitted one late item of business to the agenda (minute 170 refers). The report was not available at the time the agenda was despatched and required urgent consideration as the report outlined changes to national planning legislation, some of which came into effect on 15th April 2015, which Members would need to have regard to

The Panel was also in receipt of supplementary information – this being the minutes of the City Plans Panel meeting held on 26th March 2015 and a copy of the draft Revocation Order in respect of the former Yorkshire Chemicals site (minutes 168 and 171 refer)

Copies of all three of these documents had been circulated in advance of the meeting and had been published on the Council's website

166 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable interest

Councillor P Gruen brought to the Panel's attention that he was a Director of the Ruth Gorse Academy Trust and that he had declared this at all Board meetings and had not taken part in discussions relating to the proposed new Academy, in order that he could fully participate in the planning discussions (minute 174 refers)

Councillor S Hamilton also brought to the Panel's attention that she was a Governor at Hillcrest Primary Academy (minute 174 refers)

167 Apologies for Absence

Apologies for absence were received from Councillor R Procter, with Councillor Anderson attending in her place

168 Minutes

RESOLVED - That the minutes of the City Plans Panel meetings held on 5th March 2015 and 26th March 2015 be approved

169 Matters arising from the minutes

With reference to minute 149 of the City Plans Panel meeting held on 5th March 2015, relating to application 12/02571/OT – land between Wetherby Road, Skeltons Land and York Road LS14, Officers were asked whether the applicant for the major, residential-led development known as the Northern Quadrant of the East Leeds Extension, had completed the S106 Agreement on the terms sought by Members in relation to the level of affordable housing provision. The Head of Planning Services advised that this had not been signed and that the application would be considered under CIL, with negotiations continuing on affordable housing levels, with a further report being brought to Panel in due course, following discussions with Ward Members

170 Update report on changes to National Planning legislation

The Head of Planning Services presented a report which outlined the changes to national planning legislation which had been made by the Secretary of State Communities and Local Government and been announced shortly before the end of the Parliamentary session

The main areas affected by the changes were outlined, with these being:

- Sustainable urban drainage
- Permitted Development and Use Classes

- Development Management Procedure Order
- Housing Standards
- National Planning Policy Guidance

Members discussed the report, with the main issues being raised relating to:

- the nature of the changes; the lack of consultation and the need for a written response to be sent to the Secretary of State on these changes in due course
- the implications of the changes, particularly to the Use Class Order and how this could affect areas of the city
- the housing standards; the size of units and the process for adopting these standards
- the conversion of agricultural buildings to residential use and how Permitted Development rights related to such conversions
- the requirement for applications for a betting shop or pay day loan shop to require planning permission, which was supported and welcomed by Panel
- the need for these issues to be covered further in a future training session for Members

RESOLVED - To note the contents of the report and the comments now made

171 Revocation of Hazardous Substance Consents - Former Yorkshire Chemicals Site, Otter Island, Wellington Road, Leeds

Further to minute 189 of the City Plans Panel meeting held on 8th May 2014, where Panel resolved to defer and delegate approval of a residential development on the former Yorkshire Chemicals Site, Otter Island, Members considered a report seeking approval to pursue a Revocation Order to revoke hazardous substance consents as this did not form part of the Council's scheme of delegation to the Chief Planning Officer

The Deputy Area Planning Manager informed Members that the former use of the site ceased many years ago but that the hazardous substance consents remained and that agreement was sought to the formal process to remove these consents for the whole site

An error on the draft consent order which referred to Calverley Lane Horsforth, was corrected

Members were informed that the applicant was willing to work with the Council on this and would indemnify the Council's costs

RESOLVED - To grant authority to pursue a Revocation Order under Section 14(1) of the Planning (Hazardous Substances) Act 1990 (as amended) for all extant hazardous substance consents at the former Yorkshire Chemicals site Kirkstall Road Leeds

172 Application 14/06808/FU - Residential development of 272 houses with associated roads and infrastructure - Land north of Tyersal Lane, Tyersal

Plans, photographs, drawings and graphics were displayed at the meeting. A Members site visit had taken place earlier in the day which had included viewing a site at Bierley in Bradford, which had been developed by the same applicant

Officers presented a report which set out the current position in respect of an application for a major residential scheme on a large, greenfield site, situated on the edge of Leeds. Members were informed that the site had been allocated for employment land since 1996 but in the Site Allocation Plan, Issues and Options, housing use was proposed

Details of the housing types were outlined, with concerns being expressed about some of the design elements of these

A landscaped buffer was included in the scheme, however this was partly on land not within the applicant's ownership and it was the view of Officers that such a buffer should be sited on land owned by the applicant

In terms of planning contributions, no affordable housing was being proposed and the extent of the greenspace contribution offered was 36% of that required by policy. A possible method of securing some funds towards affordable housing and additional greenspace on the site was through a S106 Agreement whereby if the houses sold for higher than was in the submitted financial viability assessment, this excess could be clawed back and used for these purposes

At this point the public were asked to withdraw from the meeting to enable the Panel to consider the financial viability information in private

The Panel considered the information in the exempt appendix, with the main issues raised relating to:

- land values
- projected sale price for the houses
- profit levels
- likely build costs and concerns about the quality of the houses
- the definition of an affordable home

Following these discussions, the Chair invited the public to resume their seats in the meeting

Members discussed the proposals with concerns being raised about the absence of affordable housing provision; the low level of greenspace being proposed; the need for the buffer to be on land in the applicant's ownership; that the former railway land should be included so as not to leave an undevelopable area; design issues which included poor fencing; the extent of tarmac; size of garages; siting of car parking and the need for useable areas of greenspace

In respect of education and recreation contributions, Officers were asked to note the comments of Bradford Council, as set out in the submitted report and to consider these when dealing with residential applications in areas such as Menston

In relation to the specific questions posed to Members in the submitted report, the following responses were provided

- that Members support the principle of residential development
- that Members did not agree that the benefits of the scheme outweighed concerns which related to the layout and design of the scheme
- that Members did not accept the nil provision of affordable housing on the site. In respect of a S106 including affordable housing only if the properties sold for higher prices than those forecasted in the submitted financial appraisal, this was an area for further discussions between Officers and the applicant
- that a reduction in on-site greenspace provision might be considered but not as large as that being proposed
- that the 10m landscaping buffer was adequate and needed to be provided on land within the ownership of the applicant

It was noted that the target date for determination of the formal application was 20th April 2015. A representative of the applicant was in attendance and was invited by the Chair to address the Panel on the issue of whether an extension of time could be agreed to for determination of the application and also on the issue of affordable housing provision

Members were informed by the applicant's representative that the low cost housing being provided in this scheme met the definition in the NPPF of affordable housing; that there was no way forward of reaching agreement on this, although the applicant might consider a re-test at a later date to demonstrate the scheme remained unviable if the usual planning contributions were made. The applicant's representative also stated that CIL was being paid in full and made reference to the comments made about the house types

Having considered these comments, the Panel considered how to proceed

RESOLVED – To defer and delegate detailed reasons for refusal of the application to the Chief Planning Officer on the following grounds:

- lack of affordable housing
- deficiency in the level of public open space on the site
- concerns about the N24 planting
- design concerns, including plot layout; car parking, fencing and landscaping

173 Pre-application/Position Statement - Kirkstall Forge Development

Photographs, drawings and precedent images were displayed at the meeting

The Panel considered a report of the Chief Planning Officer setting out the progress of the Kirkstall Forge development in accordance with the outline planning permission 11/01400/EXT for a major mixed-use development to include residential, commercial, retail and leisure uses together with site remediation; construction of bridges, river works, parking and landscaping

Officers presented the report; outlined the historic relevance of the site and commended the cohesive way in which the site was being brought forward, with the development being likened potentially to Saltaire, in that the facilities provided on the site would be used by the people who lived there

Draft minutes to be approved at the meeting
to be held on Thursday, 14th May, 2015

The Panel then received a presentation on the current position on behalf of the architects involved

Members were provided with details of the scheme which included:

- connectivity of the site and that a key link would be the new bridge link to the new railway station – referred to as ‘the stitch’
- the provision of two key gateways, one being Forge square and the other being the water gardens
- the creation of a new boulevard which would be south facing to the River Aire and a series of perpendicular routes down to the river
- that a one form entry primary school at the western end of the site was being considered
- building heights, these being mainly 6 storeys with some 7 storey buildings on the south side; increased height on the area referred to as the ‘nose cone’ and lower heights to the north, of 3 – 4 storeys for the residential dwellings
- that a design guide had been drawn up which included ten distinct character areas
- site ‘A’, located at the end of the island and that two blocks of bespoke, private rented accommodation was proposed of around 200 units in total (with around 40 private for sale units), all of which would provide good views to the valley and would benefit from generous amenity space, with good levels of sun light through the day and late evening
- that to generate a sense of community, there would be one entrance per residential block with a café situated at the base of one of the blocks
- proposed materials would comprise brick, masonry and glazing for the residential elements with metal in bronze/gold tones being considered for the commercial unit, together with brick work
- site ‘B’ which would be the office block; that this was in a key location, directly connected to the railway station; it would attract inward investment to Kirkstall Forge; would provide commercial accommodation to a BREEAM ‘excellent’ standard and would take advantage of the views which would be an additional attraction
- detailed design issues relating to the fenestration to the commercial block and how this related to some of the historic mill buildings
- that the proposed houses on the site would use the ideas of courts, terraces and roof gardens, together with integrated parking, vibrant use of streets and landscaping, with a new housing typology being proposed
- that the next steps would be to continue the collaborative process and work up the Reserved Matters applications

The Panel then heard representations from Councillor Illingworth - a Ward Member - who outlined the following issues in respect of the proposals:

- S106 contributions and that consideration be given to directing funds to the Hawksworth Estate in view of the level of need in this part of the area
- Transport – walking and cycling – that the scheme provided an opportunity to create an extensive walking and cycling route; through to Apperley Bridge; the need to improve the tow-path access, particularly as cyclists conflicted with pedestrians at this point; the need to address the capacity on Route 66
- concerns about remedying the civil engineering problems at Burley Rugby Club in view of the narrowness of the pathway and the likely expense of addressing this issue
- road access – the need to plan ahead for additional road capacity, especially at Kirkstall gyratory
- the need to consider other, planned developments in the area which will increase the amount of car journeys on the local road network
- rail – that the new railway station was welcomed but there was a need for railway stations at Armley and Kirkstall Bridge to be re-opened
- that trains from Skipton needed to stop at Kirkstall Forge station
- there was a need for four tracks on the Aire Valley railway line

Members discussed the report and presentation, with the following key Issues being raised:

- the need to ensure the walk through from the station into the development was well lit to provide a safe, welcoming route at night time
- levels of car parking at the station and whether the 132 spaces would be sufficient to cater for the numbers using the new station
- the restoration of the historic houses on the site
- flooding
- the extent of job creation arising from the proposals
- the size of the units and how these related to the Leeds Standard
- pedestrian connectivity and the need to link a crossing point to the side of the railway
- the need for a further presentation on the scheme to inform Members how it was progressing and for further details to be provided on other elements of the scheme, rather than focussing primarily on the residential and commercial buildings
- the need for a site visit

Members commended the holistic approach being adopted by the applicant and the excellent partnership which existed on this project

In relation to the comments made by Councillor Illingworth, it was suggested that Councillor Illingworth discuss these issues with Officers and that a report on the points raised be brought to Panel in due course

In response to the specific issues raised in the report, the Panel provided the following comments:

- to note Members' comments about the development of the site and that Members were content with the approach being taken so far to the phasing of the different elements of the scheme and that as phases were brought forward that they should be set within the overall context of the site as a whole
- that further details were needed on the design quality of the residential and office blocks proposed as part of Phase 1, but that to date, they were developing well
- that further details were needed on the general siting of the buildings and the spaces between them, including the distances between facing windows for privacy and overlooking

Following consideration of this matter, Councillors Campbell, Lewis and Walshaw left the meeting

174 Preapp 15/00032 - Proposal for new secondary school at land on the east side of Black Bull Street - The Ruth Gorse Academy Hunslet

Plans and graphics were displayed at the meeting. A Members site visit had taken place earlier in the day

Members considered a report of the Chief Planning Officer on pre-application proposals for the Ruth Gorse Academy, a new academy for Leeds, to be sited on land at Black Bull Street Hunslet. The Panel also received a presentation from the Principal of the Academy and representatives of the development team

Details of the proposals were outlined to Members, with these including:

- the ethos of the academy
- pupil numbers; that these would rise progressively on the Morley Academy site before transferring to the Black Bull site, with eventually 1580 students being on roll there
- the areas of Leeds the academy would serve
- the level of support locally and nationally for new schools
- details of the consultation process
- the key constraints close to the site, in terms of noise and pollution from Black Bull Street
- the design of the building, with the provision of a community hub which would include the indoor sports provision, with the main teaching areas being located in two wings leading off from the hub
- that a strong edge to Black Bull Street would be created
- that the school would present a façade to the street and that the main entrance would be off Black Bull Street
- that the car parking area would be to the north of the site as would the external access and drop off point
- the proposed materials would be red brick and slate grey cladding to the hub

- in terms of scale and massing, it was felt that the four storey humanities block related to the new buildings which were sited on Chadwick Street
- the site was accessible; in easy walking distance of the city centre and that a NGT stop was proposed close by
- discussions were continuing with Highways about how to enhance the walking routes; that an additional pedestrian crossing was likely to be included and that Black Bull Street would be narrowed to two lanes of traffic
- that based on data for 2014/2015, the majority of the student cohort would be from South Leeds and that a robust Travel Plan would be developed to address issues arising from these school journeys
- that 30 car parking spaces would be provided on site, with these being allocated to those who most needed them. A staff car sharing scheme would also be encouraged
- the aim was to submit the planning application by 24th April 2015, to enable construction to commence in July 2015 and the academy to be open in September 2016

The Panel discussed the proposals and commented on the following matters:

- the length of time a new high school for South Leeds had been discussed
- the need for a clear mechanism for community use of the facilities to be established
- the need to balance the safeguarding of pupils with providing connectivity through the site, possibly achievable through the proposed car park
- the challenging timescales being proposed and that Panel, whilst recognising the need of a new school would not sanction a development which was not satisfactory

As Councillor P Gruen had to leave the meeting at this point, he put on record his thanks to Councillor J McKenna for chairing City Plans Panel this municipal year

The Panel continued to comment on the proposals, as follows:

- the design of the building, with concerns it did not make a strong enough statement, particularly in comparison to the Leeds College of Building; that the brick element was uninspiring; that the extent of the dark cladding to the community hub element appeared to 'push down on' and visually dominate the ground floor glazed elements
- the level of car parking being proposed; that this was not sufficient; that car sharing would be difficult to insist upon and that additional car parking would be required off-site
- the access arrangements for the car park; the pickup and drop off points and how the pupil spill out areas would work

- the noise levels around the site due to the traffic along Black Bull Street; the need for traffic calming measures, with a 30mph limit being suggested and that acoustic fencing may be required
- highways issues and the need for the traffic lanes at Black Bull Street to be reduced before pupils were on site
- the need to consider the type of internal flooring materials to specialist classrooms to ensure this provided a level of comfort for teaching staff who had to stand for long periods of the day

Members were informed that funding for the project was limited and that the applicants required the largest area of expenditure to be used where teaching and learning would take place. That requirements relating to daylight levels had to be satisfied, which affected the design of the building. Whilst the nearby Leeds College of Building had limited glazing on the workshop elements, this would not be possible for the academy. Similarly the funding streams differed between colleges and academies, with colleges having greater autonomy. The Chair noted these points, but summed up the view of the Panel that improvements could be made to the design of the building

In relation to the specific points raised in the report, Members provided the following responses:

- that the proposed use of the site would be appropriate in principle
- to note the qualified comments in respect of the form, massing, architectural treatment and materials in respect of the regeneration aspirations for the area
- in relation to the boundary treatment, concerns were raised about the proposed paladin fencing to the boundaries; that such fencing was easily vandalised and that an improved form of boundary treatment was required and that more screening should be provided to Black Bull Street to help mitigate against noise levels
- that it was necessary to secure a pedestrian and cycle connection through the site in order to enhance pedestrian connectivity between the South Bank and the rest of the City Centre
- to note Members' comments in respect of the highways and transportation issues

RESOLVED - To note the report, the presentation and the comments now made

175 Preapp 15/00157 - Proposed residential development for 11 town houses, 60 apartments, ground floor concealed car and cycle parking and a small scale ground floor commercial unit - Land at David Street, Holbeck

Plans, graphics, drawings and photographs were displayed at the meeting. A Members site visit had taken place earlier in the day

The Panel considered a report of the Chief Planning Officer setting out pre-application proposals for a residential scheme at Holbeck Urban Village (HUV)

Officers outlined the background to the proposals and informed Members that Igloo Regeneration, the proposed developer, had a track record of providing highly sustainable developments and creating vibrant communities. It was noted that Igloo owned and had developed the Round Foundry and Temple Works, with the subject site being the last element of the long-term plan for this unique area

The Panel then received a presentation on the proposals from the developer's agent, with information being provided on:

- layout – that the site provided four active frontages, each one facing a different area; that the central area provided the undercroft car park which would be accessed off David Street
- building heights; that the existing building heights in HUV had been considered and respected in the proposals, with the town houses being three storey and the two apartment blocks being six storeys in height
- amenity space and facilities – all houses would have a garden or terrace space, with each apartment having a balcony area; a ground floor commercial/retail unit was also proposed
- design; lighting and materials

Members discussed the proposals and commented on the following matters:

- the size of the rooftop garden space. It was clarified by the developer's architect that this space was 12m wide
- that the heritage references within the design of the scheme were welcomed
- concerns about the massing of the apartments, particularly in relation to their dominance of the town houses
- the size of the town houses; that these were not three storey, as a small basement area was being counted and that an extra storey should be provided on the houses but that the width of these should be narrower
- the height of the apartment block, with mixed views about this
- the nature of the tenure of the properties

In response to the specific issues raised in the submitted report, the Panel provided the following comments:

- that the principle of proposed uses were considered to be appropriate to Holbeck Urban Village and that Members were comfortable with a mixed use
- to note there were mixed views on the emerging design and scale of the proposals
- that Members were broadly satisfied with the emerging mix and standard of residential accommodation proposed
- that the proposed car and cycle parking provision and access arrangements were acceptable, however the Panel noted the comments of the Transport Development Services Manager who raised concerns about the provision of two access points off

David Street and that further work should be carried out to establish the possibility of not using David Street to directly access the car park

- that the landscaped proposals were considered to be appropriate and to note that the elements of Wonderwood which required removal in order to develop the site, would be re-sited close by
- that the approach to sustainability was considered to be acceptable

RESOLVED – To note the report, the presentation and the comments now made

176 Date and Time of Next Meeting

Thursday 14th May 2015 at 1.30pm in the Civic Hall, Leeds



Originator: Andrew Crates

Tel: 2478000

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 14th May 2015

Subject: Application 13/03846/FU: Residential development of 156 dwellings and associated works on land at the rear of Sandgate Drive, Kippax.

APPLICANT	DATE VALID	TARGET DATE
Persimmon Homes (West Yorkshire) Ltd	27.8.2013	26.11.2013

Electoral Wards Affected:

Kippax and Methley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: REFUSE planning permission for the following reasons:

1. The Local Planning Authority considers that the release of the site for housing development would undermine the plan led system, being contrary to policy N34 of the adopted UDP Review (2006) and contrary to Paragraph 85, bullet point 4 of the NPPF, at a time when the Secretary of State has concluded on the basis of examined evidence that Leeds has an identified 5 year housing land supply in an up to date Core Strategy. The suitability of the site for housing purposes as part of the future expansion of Kippax needs to be comprehensively reviewed as part of the preparation of the ongoing Site Allocations Plan and Neighbourhood Plan. There are no tangible reasons to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan. The Site Allocations Plan will identify which sites will be brought forward for development in the life of the Plan together with the infrastructure which will be needed to support sustainable growth, including additional schools provision and where that would best be located. It is considered that releasing this site in advance of that work would not be justified and would prejudice the comprehensive planning of future growth and infrastructure of the settlement in a plan-led way.

2. The proposal is contrary to the Adopted Core Strategy which seeks to concentrate the majority of new development within and adjacent to the main urban area and major settlements. The Site Allocations Plan is the right vehicle to consider the scale and location of new development and supporting infrastructure which should take place in Kippax which is consistent with the size, function and sustainability credentials of a smaller settlement. Furthermore, the Core Strategy states that the priority for identifying land for development will be previously developed land, other infill and key locations identified as sustainable extensions which have not yet been established through the Site Allocations Plan, and the Core Strategy recognises the key role of new and existing infrastructure in delivering future development which has not yet been established through the Site Allocations Plan e.g. educational and health infrastructure, roads and public transport improvements. As such, the proposal is contrary to Policy SP1 of the Core Strategy and guidance on the core planning principles underpinning the planning system as set out in the NPPF.

3. The Local Planning Authority considers that the applicant has so far failed to demonstrate that the local highway infrastructure, including the wider network which will be affected by additional traffic as a result of this development, is capable of safely accommodating the proposed development and absorbing the additional pressures placed on it by the increase in traffic, cycle and pedestrian movements which will be brought about by the proposed development. The proposal is therefore considered to be contrary to Policy T2 of the Core Strategy, Policy GP5 of the adopted UDP Review and the sustainable transport guidance contained in the NPPF which combined requires development not to create or materially add to problems of safety on the highway network.

4. In the absence of a signed Section 106 agreement the proposed development so far fails to provide necessary contributions for the provision of affordable housing, greenspace, travel planning and off site highway, drainage and flood alleviation works contrary to the requirements of Policy GP5 of the adopted UDP Review and related Supplementary Planning Documents and contrary to Policies H5, H8, P9, T2, G4 and ID2 of the Leeds Core Strategy and guidance in the NPPF. The Council anticipates that a Section 106 agreement covering these matters could be provided in the event of an appeal but at present reserves the right to contest these matters should the Section 106 agreement not be completed or cover all the requirements satisfactorily.

1.0 INTRODUCTION

1.1 This application is presented to City Plans Panel for determination as it relates to land designated as a Protected Area of Search (PAS) in the Leeds UDP Review (2006). Accordingly, the application has also been advertised as a major development, which is a departure from the development plan and affects a right of way.

1.2 This application has been under consideration since 2013 and has involved detailed consultation with Ward Members and local residents.

1.3 The application was initially submitted following the creation of the Interim Housing Delivery Policy (known as the interim PAS policy). The policy sought to enable housing developments to come forward on appropriate PAS sites, subject to criteria set out in the policy, in order to boost the supply of housing land. However, in this instance, the site did not comply with the interim policy in any event. Therefore, consideration must be given to what other planning benefits are to be had by releasing this site for housing at this point in time. Initial discussions took place around a link to enable older persons housing and latterly around the significance of

local highway improvements and the provision of six bungalows on site as part of the affordable housing mix. More recently, the interim policy was withdrawn with immediate effect, following the Executive Board meeting of 11th February 2015, where it was also agreed that work should commence on preparing the Site Allocations Plan Publication Draft. Members agreed a package of sites as the basis for preparing a Draft Plan. This did not include the allocation of this particular site for housing purposes and Members agreed that its current status as a PAS site should therefore remain. In considering advice in the National Planning Policy Framework (NPPF), which states that the 'permanent development of safeguarded land should only be granted following a Local Plan review', i.e. the site allocations plan, it is now considered that it would be inappropriate to consider granting a planning permission for residential development on this site ahead of that process, given the existence of a demonstrated 5 year housing land supply.

2.0 PROPOSAL:

- 2.1 This application proposes a residential development of 156 dwellings and associated works.
- 2.2 The primary accesses are taken from Baildon Avenue and Bula Close.
- 2.3 A mix of new homes are proposed with the current assumptions being a range of two, three and four bed properties. The development is split into two parts, accessed via Baildon Avenue and Bula Close. The edges of the site to the west, north and east are reserved for greenspace and a landscaped buffer between the development and the surrounding countryside beyond. A detention basin is also proposed at the western end of the site in order to deal with surface water.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a greenfield site on the northern edge of Kippax. The site is located in an elevated position above the settlement, sandwiched between the existing residential area and the Green Belt to the north. The Roach Lime Hills Site of Special Scientific Interest (SSSI) is located a short distance away to the north. The site has become more vegetated with the passage of time, mainly with self-seeded shrubs and small trees, as well as some larger trees. The site is protected by a Tree Preservation Order. The residential area to the south comprises bungalows and houses of late C20th appearance, all of which are at a lower level than the application site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 None.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 This application has been under consideration since early 2013 and has involved detailed consultation with Ward Members and local residents. Officers have also attended a public meeting to discuss the proposals with residents.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised as a departure that does not accord with the provisions of the UDPR and affects a right of way. The site notices were posted 6/9/13 and newspaper advert placed in the Yorkshire Evening Post on 19/8/13. Further site notices to advertise an amendment were posted on 11th October 2013.
- 6.2 As a result of the consultation process, a very substantial number of letters of objection (approximately 1000) have been received.

The letters of objection note the following issues:

- Accesses to the site are inadequate and will make traffic problems in the area worse.
 - Concerns are expressed about flooding and drainage, given historic problems in the area.
 - The land is potentially incapable of supporting houses, which is why only bungalows were developed further south. It is also queried whether there are potential coal seams under the surface.
 - Concern is expressed about the impact on nesting birds, rare plants, bats and other wildlife.
 - Loss of greenspace which is not compensated for by the proposed woodland walk.
 - Walkways could compromise the security of existing properties.
 - The proposed properties are not in keeping with the existing bungalows.
 - Three storey properties will overlook existing houses and be out of character.
 - The local consultation process was inadequate with insufficient time to feedback before the application was submitted.
 - Concern about development timescales and how noise, dust and construction will be managed.
 - There are other, more appropriate, sites for development in Kippax.
 - There is not a proven market need for these properties in Kippax.
- 6.3 Alec Shelbrooke MP has written on behalf of his constituents in Kippax, stating concern that the site is highlighted as 'amber' in the SHLAA and that 4,600 units are to be built in the Kippax area over the next 15 years. Concern is expressed about how the housing figures have been calculated, based on growth projections which are now out of date, as well as migration patterns.
- 6.4 Kippax Parish Council have also commented on the application and stated that:
- The proposed footpath will allow pedestrians to overlook existing properties on Shuttocks Fold and Baildon Avenue.
 - Loss of green space and recreation space.
 - The development will result in a significant amount of additional vehicular trips using Baildon Avenue and Bula Close to access the site, which will exacerbate existing problems. A traffic survey should be carried out over a 24 hour period during school term time.
 - Traffic from the development will exacerbate existing congestion problems at the junction of Leeds Road and Selby Road (A63) or via Sandgate Drive and Gibson Lane, then onto Longdyke Lane / Ridge Road and A63. This is exacerbated further by traffic movements associated with the three local primary schools and medical centre.
 - The development is not in keeping with the housing in the local area, which is predominantly bungalows.
 - The development is very dense in terms of the concentration of houses and

lacks greenspaces within the streetscenes.

7.0 CONSULTATION RESPONSES:

Statutory:

- 7.1 Highways: - Concern is expressed that the proposals to deal with the highway impact of the development are inadequate and fail to demonstrate that the local highway infrastructure, including the wider network, is capable of safely accommodating the proposed development and absorbing the pressures placed on it by the increases in traffic cycle and pedestrian movements.
- 7.2 Coal Authority: - No objection subject to a condition requiring intrusive investigation works to be undertaken.
- 7.3 Environment Agency: - No objection, subject to the development being carried out in accordance with the approved Flood Risk Assessment.
- 7.4 Natural England: - No objections. The application is in close proximity to the Roach Lime Hills Site of Special Scientific Interest (SSSI). However, given the nature and scale of the proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the application. The SSSI does not represent a constraint in determining this application. Conditions are recommended

Non-statutory:

- 7.5 Flood Risk Management: - No objections, subject to the imposition of conditions regarding surface water drainage.
- 7.6 Yorkshire Water: - No objection in principle to the proposed systems of drainage on and off site, the proposed amount of domestic foul water to be discharged to the public foul sewer, the proposed amount of curtilage surface water to be discharged to the public surface water sewer (at a restricted rate of 20l/s) and the proposed points of discharge of foul and surface water to the respective public sewers.
- 7.7 Metro: - Metro advises that bus stop numbers 13303 and 25930 (on should have shelters installed at a cost of £10,000 each. Future residents would also benefit if new 'live' bus information displays were to be erected at bus stop numbers 10183, 10184, 13303 and 25930 at a cost of £10,000 each. Residential MetroCards (bus only) are also suggested at a cost of £462 each.
- 7.8 Transport Development Services: - At the time of the consultation, a Public Transport Improvement Contribution of £203,551 was required. However, this matter would now be covered by CIL and can no longer be paid for through a S106.
- 7.9 TravelWise Team: - The Travel Plan is noted and should be appended to the S106 agreement. A Travel Plan Review fee of £2,830 is required. The direct route to school, for a large part of the site, is by use of the footpath at the eastern end of the site, across Sandgate Drive, and though to Gibson Lane (between Holland Road and Pembroke Rise / Lincoln Walk). The path surface should be upgraded. The connection from within the development site to Sandgate Drive should be lit and a wheeling channel provided for bikes alongside the steps. Guard Rails may be needed to help prevent children from running down the steps and straight into Sandgate

Drive. Conditions are also suggested for cycle parking and electric vehicle charging points.

- 7.10 Public Rights of Way: - Footpath 36 crosses the site. Advice is provided in relation to the necessary legal procedures that must be followed.
- 7.11 Contaminated Land: - No objections, subject to the imposition of conditions.
- 7.12 West Yorkshire Archaeology Service: - It is noted that the application lies within an area of archaeological significance. The site is currently heavily wooded and contains a significant amount of vegetation, making it unsuitable for a geophysical survey. Whilst it is recommended to carry out an evaluation prior to determination, it is otherwise recommended that a condition be imposed to secure an implementation programme of archaeological recording.
- 7.13 Children's Services: - At the time of the consultation, full primary and secondary education contributions were requested. However, this matter would now be covered by CIL and can no longer be paid for through a S106.

8.0 PLANNING POLICIES:

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy (2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013). The Site Allocations Plan is emerging and is due to be deposited for Publication at the end of the Summer 2015.

Local Planning Policy

Adopted Core Strategy

- 8.2 The Core Strategy is the development plan for the whole of the Leeds district. The Core Strategy (CS) was Adopted in November 2014. The following CS policies are relevant:

Spatial policy 1	Location of development
Spatial policy 6	Housing requirement and allocation of housing land
Spatial policy 7	Distribution of housing land and allocations
Spatial policy 10	Green Belt
Spatial policy 11	Transport infrastructure investment priorities
Policy H1	Managed release of sites
Policy H3	Density of residential development
Policy H4	Housing mix
Policy H5	Affordable housing
Policy H8	Housing for independent living
Policy P9	Community facilities and other services
Policy P10	Design
Policy P12	Landscape
Policy T1	Transport Management
Policy T2	Accessibility requirements and new development
Policy G4	New Greenspace provision
Policy G8	Protection of species and habitats

Policy G9	Biodiversity improvements
Policy EN2	Sustainable design and construction
Policy EN5	Managing flood risk
Policy ID2	Planning obligations and developer contributions

- 8.3 The spatial development strategy for Leeds is set out initially in Policy SP1 and is based on the Leeds settlement hierarchy and aims to concentrate the majority of development within and adjacent to the main urban area and major settlements where it can take advantage of existing services, high levels of accessibility and priorities for urban regeneration. Smaller settlements will contribute towards development needs, with the scale of growth having regard to the settlement's size, function and sustainability. In applying Policy SP1 there is a priority for the development of previously developed land, other suitable infill and key locations identified as sustainable extensions to settlements.
- 8.4 The CS sets out in Policy SP6 a need for 70,000 new homes up to 2028 and sets out that the Site Allocations Plan will, guided by the settlement network, allocate land for 66,000 homes throughout the plan period. These allocations are guided by criteria including: the need for sustainable locations which are accessible and supported by existing or new local facilities and services, a preference for brownfield land, the least negative impact on green infrastructure, greenspace, green corridors and nature conservation.
- 8.5 The overall scale and distribution of these allocations throughout the 11 individual Housing Market Characteristic Areas (HMCA) of Leeds is shown in Policy SP7. This states that the Outer South East HMCA should indicatively provide around 4,600 homes or around 7% of the total allocations. In addition, SP7 indicates that only a limited amount of development is expected in and adjoining smaller settlements, such as Kippax. The precise levels of growth and sites are for the Site Allocations Plan to determine.
- 8.6 The Core Strategy also sets out in SP10 that a review of the Green Belt is necessary to meet the scale of growth in Leeds. This will involve an assessment of existing Protected Areas of Search (as set out in paras. 4.8.6 to 4.8.7) of the Adopted Core Strategy.
- 8.7 Pending that assessment of PAS via the Site Allocations Plan existing PAS remains safeguarded land under saved UDP Policy N34. The Unitary Development Plan (UDP) was originally adopted in 2001 and its Review was adopted in 2006. The original UDP allocated sites for housing and designated land as Protected Area of Search (PAS). The UDP Review added a phasing to the housing sites which was needed to make the plan compliant with the national planning policy of the time, Planning Policy Guidance 3. The UDP Review did not revise Policy N34 apart from deleting 6 of the 40 sites and updating the supporting text. The deleted sites became the East Leeds Extension housing allocation.

Policy N34 and the supporting paragraphs are set out below:

Protected Areas of Search for Long Term Development

- 8.8 The boundaries of the Green Belt around Leeds were defined with the adoption of the UDP in 2001, and did not change in the UDP Review.
- 8.9 However, to ensure the necessary long-term endurance of the Green Belt, definition of its boundaries was accompanied by designation of Protected Areas of Search to

provide land for longer-term development needs. Given the emphasis in the UDP on providing for new development within urban areas it was not envisaged that there would be a need to use any such safeguarded land during the Review period. However, it was retained both to maintain the permanence of Green Belt boundaries and to provide some flexibility for the City's long-term development. The UDP Review set out that the suitability of the protected sites for development would be comprehensively reviewed as part of the preparation of the Local Development Framework. Meanwhile, it is intended that no development should be permitted on this land that would prejudice the possibility of longer-term development, and any proposals for such development will be treated as departures from the Plan.

N34: WITHIN THOSE AREAS SHOWN ON THE PROPOSALS MAP UNDER THIS POLICY, DEVELOPMENT WILL BE RESTRICTED TO THAT WHICH IS NECESSARY FOR THE OPERATION OF EXISTING USES TOGETHER WITH SUCH TEMPORARY USES AS WOULD NOT PREJUDICE THE POSSIBILITY OF LONG TERM DEVELOPMENT

- 8.10 The supporting text to Policy N34 of the Unitary Development Plan expects the suitability of the protected sites for development to be comprehensively reviewed through the Local Development Framework (para 5.4.9). The Site Allocations Plan is the means by which the Council will review and propose for allocation sites which are consistent with the wider spatial approach of the Core Strategy and are supported by a comparative sustainability appraisal. It will also phase their release with a focus on: sites in regeneration areas, with best public transport accessibility, the best accessibility to local services and with least negative impact on green infrastructure.

Site Allocations Plan

- 8.11 The site has a SHLAA reference of 2131 and in the Site Allocations Plan has been subject of a comparative assessment including a sustainability assessment and the views of local communities, alongside 68 other sites for housing in the local HMCA. The Council's Executive Board met on the 11th February 2015 and agreed the site allocations proposals presented to them as the basis on which to prepare a Site Allocations Plan Publication Draft. The material before Executive Board comprised sites to be allocated for employment, greenspace, retail, housing and safeguarded land. The material sets out the steps taken by the Council to identify a set of preferred housing sites to be allocated which meet the local targets set out in the Core Strategy and a set of preferred sites to perform the role of Protected Area of Search. The application site is identified as a site to remain as PAS. The report notes in para. 3.80 that if such sites were released for housing in addition to those which are identified to meet CS targets then there would need to be further land released from the Green Belt to ensure that sufficient PAS was identified.
- 8.12 In the Outer South East local housing market area the following sites are identified as forming part of the Site Allocations Plan:
- 18 identified sites (1,259 homes) either existing UDP allocations and/or subject of a planning permission
 - 12 preferred housing allocations (2,786 homes) on new allocations
 - 3 sites to continue performing a role as Safeguarded Land (1,616 homes), including the application site.

Five Year Supply

- 8.13 The NPPF provides that Local Planning Authorities should identify and update annually a supply of specific deliverable sites to provide five years' worth of housing supply against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence that it will be delivered. Housing applications should be considered in the context of the presumption in favour of sustainable development, articulated in the NPPF.
- 8.14 The Secretary of State and his Inspector assessed that the Council had a Five Year Land supply in a recent recovered appeal decision, 10th March 2015, on Bagley Lane/Calverley Lane, Farsley (APP/N4720/A/13/2200640). The Secretary of State found that Leeds has a Five Year Supply by a margin of some 2,000 homes and dismissed the appeal on his Inspector's recommendation. The Inspector found among other things that:
- proposals to develop on PAS land are contrary to Leeds UDP Policy N34 which is still a 'saved' policy post adoption of the CS and is up to date
 - permission on such sites would undermine the plan-led system promoted by the Framework
 - he supported the intent, in the explanation to Policy N34, to review PAS land as part of the preparation of the LDF. This is consistent with paragraph 85 of the Framework which states that permission for permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development
 - there has been no persistent under delivery in Leeds over a complete market cycle therefore the authority should have a 5% buffer applied
 - whilst delivery on city centre and inner urban sites is likely to take longer to recover the Council has been granting increased numbers of permissions on greenfield sites
 - housebuilders took a pessimistic view to the deliverability of sites in Leeds
 - supply cannot be approached in a policy vacuum and the strategy of the CS is to require a significant proportion of brownfield development, it is therefore appropriate for a large proportion of the supply to be on brownfield land
- 8.15 The Inspector noted that the supply of some 26,500 homes exceeds the requirement by over 2,000 units. This points to flexibility on top of the five year supply. The Council is in the process of undertaking the technical assessments necessary for the next five year supply position which will be from 1st April 2015 to 31st March 2020. Developers have already sought to suggest that the influence of the Council's step-up will erode the five year supply position in Leeds however such claims are unfounded as they ignore new elements of supply that have been identified.
- 8.16 In addition to the land supply position, the Site Allocations Document is in the process of identifying further developable and deliverable sites for the plan period.
- 8.17 Other UDP Policies of relevance are listed, as follows:
- GP5: General planning considerations.
N23/N25: Landscape design and boundary treatment.
N24: Development proposals abutting the Green Belt.
N29: Archaeology.
N37: Special Landscape Area (to the north east of the site)

BD5: Design considerations for new build.
T7A: Cycle parking.
T24: Parking guidelines.
H3: Delivery of housing on allocated sites.
LD1: Landscape schemes.

- 8.18 In the Natural Resources and Waste Development Plan Document (2013) developments should consider the location of redundant mine shafts and the extract of coal prior to construction.

Relevant Supplementary Planning Guidance includes:

Supplementary Planning Document: Street Design Guide.
Supplementary Planning Document: Public Transport Improvements and Developer Contributions.
Supplementary Planning Document: Travel Plans.
Supplementary Planning Document: Designing for Community Safety: A Residential Guide.
Supplementary Planning Guidance: Neighbourhoods for Living.
Supplementary Planning Guidance: Affordable Housing (Target of 15% affordable housing requirement).
Supplementary Planning Document: Sustainable Design and Construction "Building for Tomorrow, Today."
Supplementary Planning Guidance 4: Greenspace Relating to New Housing Development.
Supplementary Planning Guidance 11: Section 106 Contributions for School Provision
Supplementary Planning Guidance 25: Greening the Built Edge.

National Guidance - National Planning Policy Framework

- 8.19 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.20 Paragraph 47 of the NPPF requires that local planning authorities should identify a supply of specific, deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20%.
- 8.21 Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Whether the development is sustainable needs to be considered against the core principles of the NPPF. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 8.22 Paragraph 85 sets out those local authorities defining green belt boundaries should:
- ensure consistency with the Local Plan strategy for meeting identified
 - requirements for sustainable development;
 - not include land which it is unnecessary to keep permanently open;
 - where necessary, identify in their plans areas of 'safeguarded land'
 - between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;

- **make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;**
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
- define boundaries clearly, using physical features that are readily
- recognisable and likely to be permanent.

9.0 MAIN ISSUES

- **Compliance with the Development Plan**
- **Five Year Supply**
- **Development in advance of Site Allocations Plan**
- **Sustainability**
- **Highway considerations**
- **Layout/design/landscaping**
- **Housing issues**
- **Drainage issues**
- **Ecology issues**
- **Section 106 issues**

10.0 APPRAISAL

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Other material considerations include the National Planning Policy Framework, the requirement for a five year supply of housing and matters relating to sustainability, highways, layout/design/landscaping, housing issues, flood risk, ecology and Section 106 matters.

Compliance with the Development Plan

10.2 The application site is designated as a “Protected Area of Search “(PAS) in the adopted UDP which is still a “saved” policy post adoption of the Core Strategy. Such sites are designated under Policy N34 which specifies that PAS sites are to be retained for possible long term development and any intermediate development should be resisted that would prejudice the potential for development in the longer term should the need arise. The supporting text to Policy N34 states that, “The suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework...” By not waiting for the comprehensive review, a decision to approve this application now would be a departure from the Development Plan. However, other material planning considerations can be taken into account such that the decision maker may decide that, on balance, it is acceptable to release a site early.

10.3 The site is in a smaller settlement and on greenfield land. It therefore is not automatically compliant with Core Strategy Policy SP1 which promotes the majority of development in the main urban area, on previously developed land and with a high level of accessibility. The Site Allocations Plan has progressed to an advanced stage where the Council’s Executive Board on 11th February 2015 endorsed a suite of preferred site allocations which would be progressed to deposit stage of the Plan. The application site is proposed to be retained as a Protected Area of Search. Therefore the Council considers that there are sufficient other more sustainable sites

which the Council seeks to allocate as housing land, which meet the Core Strategy policies and should therefore be brought forward for development in advance of the application site.

Five Year Supply

- 10.4 The Secretary of State has provided his views on the Council's Five Year Supply and he states that there is a supply of some 26,500 homes which exceeds the requirement by over 2,000 units. This points to flexibility on top of the five year supply. In this context, the Core Strategy policies for the supply of housing can be considered to be up to date. In these circumstances, the NPPF is clear that safeguarded land should only be released through a review of the development plan. For leeds, that is in the on-going Site Allocations Plan process.
- 10.5 For these reasons, it is considered that the application site is not required to meet the Council's Five Year Housing Land Supply.

Development Timing in advance of the Site Allocations Plan

- 10.6 As indicated above, the NPPF makes it clear that local authorities defining Green Belt boundaries should make it clear that safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development. The Council's Executive Board met on the 11th February 2015 and agreed the site allocations proposals presented to them as the basis on which to prepare a Site Allocations Plan Publication Draft. Those proposals did not include proposing the application site as a housing allocation, therefore retaining it as safeguarded PAS land. In this context, in principle, it would be inappropriate to release this site prematurely, contrary to policy and in advance of the proper plan making process.

Sustainability

- 10.7 The location of the site does not fully meet the draft Core Strategy Accessibility Standards. The proposed layout shows that the development would be developed in two distinct parts, with separate vehicular and pedestrian accesses being provided from the existing roads - Bula Close (eastern side) and Baildon Avenue (western side). Using distances measured from the centre of each site along the internal road pattern, it is estimated that only part of the Baildon Avenue development would be within 400m of one bus stop on Gibson Lane. The majority of both parts of the site would be within about 550m of bus stops on both sides of Gibson Lane, which is outside the thresholds outlined in the draft Core Strategy for access to employment and town centres/city centres.
- 10.8 Most of the site is within a 15min walk (1200m) of limited local services comprising of a convenience store, pet shop and hot food takeaway. The site is also within the recommended distance to primary health services (Kippax Health Centre) and local primary school provision (Kippax Ash Tree Primary school), but it is largely outside a direct 30min walk (2400m) to the nearest secondary education facility (Brigshaw High School and Language College).
- 10.9 The acceptability of the principle of a significant level of residential development in this location, which does not meet draft Core Strategy Accessibility Standards, requires further consideration in the light of the current Site Allocations process, housing need in this part of the city and other planning merits. As discussed above, the current position is to retain this site for PAS, rather than allocate it for housing, reflecting the nature of sequentially preferable sites which are considered more sustainable.

10.10 The Travelwise Officer has stated that the direct route to school, for a large part of the site, is by use of the footpath at the eastern end of the site, across Sandgate Drive and through to Gibson Lane (between Holland Road and Pembroke Rise/Lincoln Walk). It is stated that the path surface should be upgraded and the connection from within the development site to Sandgate Drive should be lit and a wheeling channel provided for bikes alongside the steps. This is a matter that could otherwise be addressed through a S106 agreement.

Highway considerations

10.11 As discussed in the introduction, the previous highway submissions sought to demonstrate a significant infrastructure benefit beyond what would otherwise be required, sufficient to justify the release of the PAS site for housing development at that point in time. The proposal included either a roundabout or signals at the Leeds Road / Selby Road junction and minor measures at the Lidgett Lane / Selby Road junction. In light of the changed planning policy circumstances, as discussed above, the applicant no longer wishes to pursue those proposals. The latest technical note suggests different forms of mitigation at the Leeds Road junction that the developer considers proportionate to the level of development impact and no measures at the Lidgett Lane junction.

10.12 It is noted that highway officers do not agree with some aspects of the latest technical note, which suggests that a firm agreement was reached between the applicant and the Council regarding the extent of the 'impact' of the development on the external highway network, whereas the discussion in question was only a brief exchange to identify a suitable 'study area' for the Transport Assessment (TA) prior to the submission of the application. When the application was subsequently submitted and an assessment of the proposals undertaken, including a site visit, it became apparent that the operation of the Leeds Road/Selby Road junction was not in accordance with the details in the TA and that the junction was affected by queuing on the A63 extending back from the Lidgett Lane junction. A number of reports have since been submitted by the applicant's consultant to examine what improvements could be carried out at the Lidgett Lane/Selby Road junction to reduce the queuing and relieve conditions at the Leeds Road junction. Highway officers consider that there will be an 'impact' beyond the Leeds Road junction, for example at the Lidgett Lane/Selby Road junction, which they have advised is problematic as queuing/congestion in the AM peak extends back beyond the Leeds Road junction.

10.13 The scope of the latest report is limited to assessing the impacts of the Leeds Road / Selby Road junction and does not consider the wider network or the congestion on Selby Road which interferes with the Leeds Road junction.

10.14 Two separate (but very similar) improvement schemes for the Leeds Road junction are now being proposed for a Pelican crossing on the eastern arm of the junction. Setting aside the wider issues, highway officers comment on these options as follows:

Proposed Widening Arrangement

10.15 As stated above, officers have monitored/observed on a number of occasions that significant queuing and delay takes place on Selby Road from the Lidgett Lane signals in the AM peak, which extends beyond Leeds Road and impacts on the operation of the Leeds Road junction.

10.16 The existing and proposed junctions have been modelled using computer software. In the previous technical note the highway consultant corrected errors in their

previous model of the existing junction. The consultant's Count and Base models (surveyed flows plus committed development) indicate that the junction is over capacity in both peak periods. The Design model (with the development traffic added) shows significant increases in delay at the junction, confirming the need for mitigation.

- 10.17 The technical note includes two similar versions of a junction widening scheme at the Leeds Road junction intended to increase the capacity of the junction. Highway officers are concerned that the geometries of both layouts, while intended to achieve the desired result in the software modelling, would not be suitable in reality and possibly not as effective in addressing delay as the model is showing. On the minor (Leeds Road) arm of the junction, the carriageway has been widened to the southeast and the road markings changed. The changes appear designed to increase vehicle storage on the exit from the junction. The result is a poor alignment of the southeast kerb line. The southbound lane width has been reduced, the already wide crossing distance for pedestrians increased, an unnatural kink is introduced where it ties back into Leeds Road and a tight radius has been introduced at the same location. Forward visibility around this tighter radius is not indicated but looks substandard (regard would also need to be had to the boundary hedges that further restricts forward visibility). In summary, the changes on the minor arm are not supported as submitted.
- 10.18 On the major (Selby Road) arm of the junction, changes to the white lining are proposed. These changes appear to be designed primarily to increase the storage in the right turn lane by adjusting lane widths. This is understandable in principle given the capacity problems for right turning traffic, but again, the modifications as submitted are not accepted. The kerb to kerb width of Selby Road (beyond the bellmouth) is unchanged. Within the bellmouth of the junction the overall width of Selby Road is increased slightly by moving the westbound lane into the bellmouth. This change, along with adjustments to the white lining, has resulted in revised geometry being entered into the software modelling (which is not necessarily accepted). However, before commenting on the likely performance of the junction the layout of the lane markings would have to be agreed. There is limited ability to make meaningful changes and the western arm appears particularly constrained needing to accommodate two through lanes and the right turn lane. The junction is on a bend in Selby Road, and officers are not convinced that the proposed westbound lane markings provide a natural alignment. On the western arm, the westbound lane appears to tighten to around 2.4m which is not acceptable and correcting this safety issue would impact on the level of storage (and capacity) in the right turn lane.
- 10.19 On the whole, the layout changes could increase the potential for vehicular conflict between vehicles travelling in opposing directions. As submitted, the changes to the major arm are therefore not accepted and given the constraints on the western arm officers are not convinced changes should be introduced here for safety reasons.

Proposed Pelican Crossing Arrangement

- 10.20 A pelican crossing is proposed on Selby Road on the eastern side of the Leeds Road junction. It is stated that this would provide capacity benefits to turning vehicles at the junction and benefits for pedestrians walking between Kippax and Garforth.
- 10.21 However, the plan submitted in conjunction with this aspect of the technical note is quite basic and officers in the Traffic section have commented that there is also a desire line on the opposite side of the junction associated with school children walking between Kippax and the nearby Academy. Road Safety colleagues have responded that the plan supplied gives very little to comment on, but have stated that the existing

refuge would need to be removed and there may be an issue with the overall length of the crossing, possibly suggesting a staggered layout via a central refuge.

- 10.22 The location of the suggested crossing is on a bend in the classified A63 Selby Road. It is considered that if the applicant wishes to pursue this proposal, it is essential that a detailed layout is submitted to enable a proper assessment of the issues. No speed information has been provided and 85th%ile speeds are needed to complete the assessment fully. It appears that significantly less than 50m visibility (for eastbound traffic) would be available to any nearside signal head which is likely to be well short of what is required. Clearly, visibility to any pedestrian on the nearside would also be problematic. Eastbound vehicles travelling behind any high vehicle would not necessarily see the offside signal head either, which could also be obscured by buses parked at the westbound bus stop. It should also be noted that footways are narrow on Selby Road to the extent that the crossing equipment will have difficulty being accommodated without blocking the route for pushchairs and wheelchairs.
- 10.23 Furthermore, it is unclear whether a crossing is justified in terms of pedestrian demand, which in itself could raise safety concerns. Further advice has been sought from other officers in highways on the crossing proposal and any update will be reported verbally to Members at Plans Panel.
- 10.24 With regard to the capacity benefits, the gaps created by the crossing would occur randomly, so the benefits are difficult to quantify in practice. Clearly the crossing would delay straight ahead traffic, but it potentially would create gaps that turning traffic could take advantage of. However, the above layout/safety issues would have to be resolved before any capacity benefits are considered properly. For information, it has been observed that westbound vehicles on the A63 allows turning traffic in and out of Leeds Road to occur as they are already being delayed in a queue.
- 10.25 In summary, neither proposal as submitted is considered to be an appropriate solution to mitigate the effects of the development.

Internal layout

- 10.26 The site would be served by two vehicular access points via the existing roads Baildon Avenue and Bula Close.
- 10.27 Baildon Avenue is an existing residential road that is similar in character to a Type 2 Local Residential Street. Baildon Avenue currently provides access to 18 – 19 existing dwellings and the development would add a further 34 houses, resulting in an overall total of 52 – 53 dwellings being served by Baildon Avenue. This would be within the Street Design Guide threshold of 200 dwellings off a cul-de-sac and the overall length of the road would also be less than the normally accepted SDG limit of 200m.
- 10.28 Bula Close is an existing residential road that is also similar in character to a Type 2 Local Residential Street. Bula Close currently provides access to 9 – 10 existing dwellings and the development would add a further 132 dwellings, resulting in an overall total of 141 – 142 dwellings being served by Bula Close. This would be within the SDG threshold of 200 dwellings off a cul-de-sac, but the overall length of the road would exceed the normally accepted SDG limit of 200m for a cul-de-sac. Consequently, highway officers advised that the layout of the internal road system should be amended to form a loop, to maximise accessibility, connectivity and efficient operation in emergencies. However, for the reasons discussed below, on balance, it is considered better to retain a layout which does not include vehicular access across the central greenspace.

10.29 Highway officers also consider that the scheme could be improved by providing an adoptable link between plots 132 and 136, to create a more permeable layout. Additionally, there are a number of minor matters and clarifications regarding garages, bin storage and gradients. Officers are confident that these matters could have otherwise been addressed, had the application been moving towards an approval of planning permission.

Layout/design/landscaping

10.30 The layout has been revised during the course of the application, resulting in a reduction in the number of units proposed, from 166 to 156. The development comprises two parcels, one accessed from Baildon Avenue and the other from Bula Close. Given the nature of the site, on the northern edge of Kippax, the proposals are inevitably cul-de-sac developments. Whilst the two elements could be linked via a vehicular access, the applicant has chosen to create a central area of greenspace, with pedestrian routes running north-south and east-west. Overall, it is considered that this approach is preferable to one of taking a vehicular access across the greenspace.

10.31 All of the proposed blocks of housing are laid out as 'perimeter blocks', with houses facing over streets and greenspaces, with private garden areas secured to the rear. The approach to design is considered positive in this regard. In terms of detail, the layout of the plots and juxtaposition of houses and garden areas is broadly in accordance with the guidance contained in Neighbourhoods for Living. There are areas of the scheme where driveways have been located between houses in order to deal with car parking. However, these gaps also create a feeling of spaciousness between dwellings, especially where they are detached or semi-detached dwellings. However, it is noted that the distance of 3.5m between dwellings, as set out in Neighbourhoods for Living, is not achieved between every single dwelling and in some instances, such as around the proposed bungalows, these gaps appear tight. Had the proposals been moving towards an approval, these matters could have been addressed, but they are not considered so significant that they would warrant a reason for refusal on design grounds. On balance, given the overall urban grain that is proposed, it is considered that a satisfactory balance has been achieved. All of the properties are considered to have acceptable rear garden areas and suitable distances are achieved between the rear elevations of the proposed dwellings. The gap between the development and existing houses on Sandgate Drive, that was an area of concern in representations, has since been removed.

10.32 In the originally submitted scheme, concern was expressed about the siting and height of the proposed dwellings relative to the topography of the site and particularly the bungalows to the south of the site. Accordingly, the layout and designs of houses have been revised such that the proposed houses adjacent to the southern boundary are no higher than two storeys (six of which are bungalows). Additionally, it is noted that over the passage of time, some properties to the south have extended their garden areas into the site. The applicant has since come to agreements with these householders and transferred areas of land accordingly. In general, many of the existing properties to the south of the site benefit from long rear garden areas and so given the topography of the site and the siting of the revised housetypes, it is considered that the proposals will not have an over-dominant or overbearing impact on the existing houses. A small number of two and a half storey houses are proposed within the development, but these are located within the centre of the site and around the northern periphery, mixed in with other two storey properties.

- 10.33 The design of the proposed dwellings is broadly traditional in terms of appearance and comprises a mixture of detached and semi-detached houses, as well as semi-detached bungalows. If approved, conditions could have been imposed to deal with matters such as use of materials. In this instance, a dark grey roof tile would have assisted in helping the roofscape to appear more recessive and blend in better with the wider landscape. Overall, the architectural handling of the proposed dwellings is considered to be sympathetic and acceptable.
- 10.34 In terms of landscaping, all of the proposed properties benefit from some separation distance from the streets proposed. The proposals indicate open plan front garden areas, though some of these areas do include off-street car parking and/or access to garages. Where frontage parking is proposed, this does not exceed four spaces in a row and also contains pedestrian paths. Elsewhere, spaces are separated by soft landscaping and in many instances, car parking is provided to the sides of the dwellings. Tree planting is proposed throughout the development, particularly within front garden areas.
- 10.35 The more strategic landscaping wraps around the western, northern and eastern parts of the site and forms a substantial buffer between the development and the Green Belt beyond, as well as to properties in Shuttocks Fold, to the west. This enables the retention of many of the better quality trees on site, particularly in the north western part of the site and along the northern boundary. A further area of strategic landscaping separates the two parcels of development accessed from Baildon Avenue and Bula Close and enables the existing definitive public right of way to cross the site unimpeded by vehicular traffic. There appears to be some discrepancy between the recorded route of the right of way and that which actually exists on site, though this could otherwise be resolved if the application were to be approved.
- 10.36 Policy G4 of the Core Strategy sets out the greenspace requirements for new development, which in this instance would equate to 1.25 ha. The overall amount of greenspace proposed equates to 4.3 ha and therefore is well in excess of what policy requires. Approximately half of the site (total area of 9 ha) would be retained as greenspace. In addition to accommodating the existing public right of way, it is also proposed to incorporate a 'woodland walk' stretching from the western end of the development to the east, connecting into the existing public right of way, as well as linking into an existing connection with Sandgate Drive, at the eastern end of the site. These linkages would otherwise help to ensure that the areas of greenspace are accessible to both the future occupiers, as well as existing residents.

Housing Issues

- 10.37 The Core Strategy includes a number of policies which seek to ensure the efficient use of land for housing purposes, that the mix is appropriate to housing need and that provision is made for affordable housing.
- 10.38 Core Strategy policy H3 refers to the density of development. For a smaller settlement, such as Kippax, the stated minimum density is 30 dwellings per hectare, subject to matters relating to townscape, character, design and highway capacity. In this instance, the application site is located on the edge of the settlement and is adjacent to a relatively low density suburban development from the late C20th, as well as being adjacent to the Green Belt. The site is also sloping and contains a good number of trees, many of which are sought to be retained. Taking into account that approximately half of the site is to be retained as greenspace, the overall density is unsurprisingly low at 17.3 dwellings per hectare. However, once greenspace and roads are excluded, as set out in the policy, the density rises to around 30 dwellings per hectare, in accordance with what is required by policy.

- 10.39 Core Strategy policy H4 refers to housing mix and sets targets for particular dwelling sizes. For the 156 dwellings now proposed, 9% are 2 bed, 66% are 3 bed and 25% are 4+ bed. Whilst this is somewhat at odds with what the policy suggests, the context of the site is again noted, being on the edge of a relatively low density suburban area in a smaller settlement. The policy is intended to set targets for the city as a whole and acknowledges that developments will need to respond to different site circumstances. The developer has stated that the proposed mix reflects their market analysis of what is required within the local area, rather than reflecting the city in its entirety. The developer also notes that a number of the smaller 3 bed properties (such as the Hanbury housetype) are intended to provide homes in the below £150k price bracket – often sold to older couples downsizing or younger couples who cannot yet afford larger family homes, but like the option that a further smaller bedroom / study gives them. It is also noted that the scheme includes six 2 bed bungalows. Overall, it is considered that the proposed housing mix is appropriate to this location.
- 10.40 The affordable housing requirement in this part of the city is 15%, as set out in the Core Strategy. The proposed development is in accordance with policy and the affordable housing would otherwise be secured through the S106 agreement. It is noted that six of the affordable housing units are 2 bed bungalows which would be for social rent.

Drainage Issues

- 10.41 The site is currently greenfield and a significant proportion of the site is covered with dense vegetation. Currently, the site drains at greenfield rates of run off, but in an uncontrolled fashion, given its current state. Where development is proposed, the erection of buildings and hard surfaces has the potential to speed up the rate of run off. It is therefore important that surface water is controlled and managed in a way such that it does not increase the risk of flooding elsewhere. The proposals for this development essentially include collecting surface water from across the development and passing this into a detention basin within the greenspace at the western end of the site.
- 10.42 Following consultation with Flood Risk Management officers, it is understood that the proposed detention basin will only fill up occasionally, with water otherwise being stored below ground for events up to the 1:30 year flood event – the maximum water level in the pond for a 1:100 year event will be 59.22m AOD. Furthermore the bank has a safety margin above this level, with a drain to take water away before it causes any flood issues to the surrounding area. The detention basin will provide approximately 400m³ of storage above the maximum design water level. The detention basin will not only collect water from the development, but also will mitigate the effects of surface water run-off from the general area, which currently flows into the gardens at the south west of the site un-attenuated. The scheme is to be designed to prevent seepage and also to ensure the safety of the embankment. Flood Risk Management will adopt the scheme to ensure future maintenance is carried out. The Environment Agency and Yorkshire Water have also confirmed that they are now satisfied with the proposals with regard to drainage.

Ecology Issues

- 10.43 It is noted that the site has vegetated over the passage of time and is located on the fringe of the settlement, thereby having an intrinsic ecological value. It is also noted that the Roach Lime Hills Site of Special Scientific Interest (SSSI) is located a short distance away to the north.

10.44 While the proposals involve the clearance of a significant amount of the vegetation within the south and centre of the site, approximately half of the site is to be retained as greenspace, including some wooded areas. Ecological surveys and Bat Transect surveys have been submitted as part of the application and have been considered by the relevant authorities. Natural England have no objections to the proposals, but have suggested conditions in order to manage the impact on the development on the SSSI and integrate biodiversity enhancements within the scheme. Natural England are content that the SSSI does not represent a constraint in determining this application.

Section 106 Package

10.45 The Community Infrastructure Levy (CIL) Regulations 2010 set out legal tests for the imposition of planning obligations. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

10.46 For the purposes of CIL, the application site lies within zone 2B, where CIL is charged at £45 per square metre.

10.47 If the application were to be approved, the S106 agreement would cover items that are not covered by CIL. These would include affordable housing, travel plan and monitoring fee, on site greenspace provisions drainage system provisions and off site highway related works.

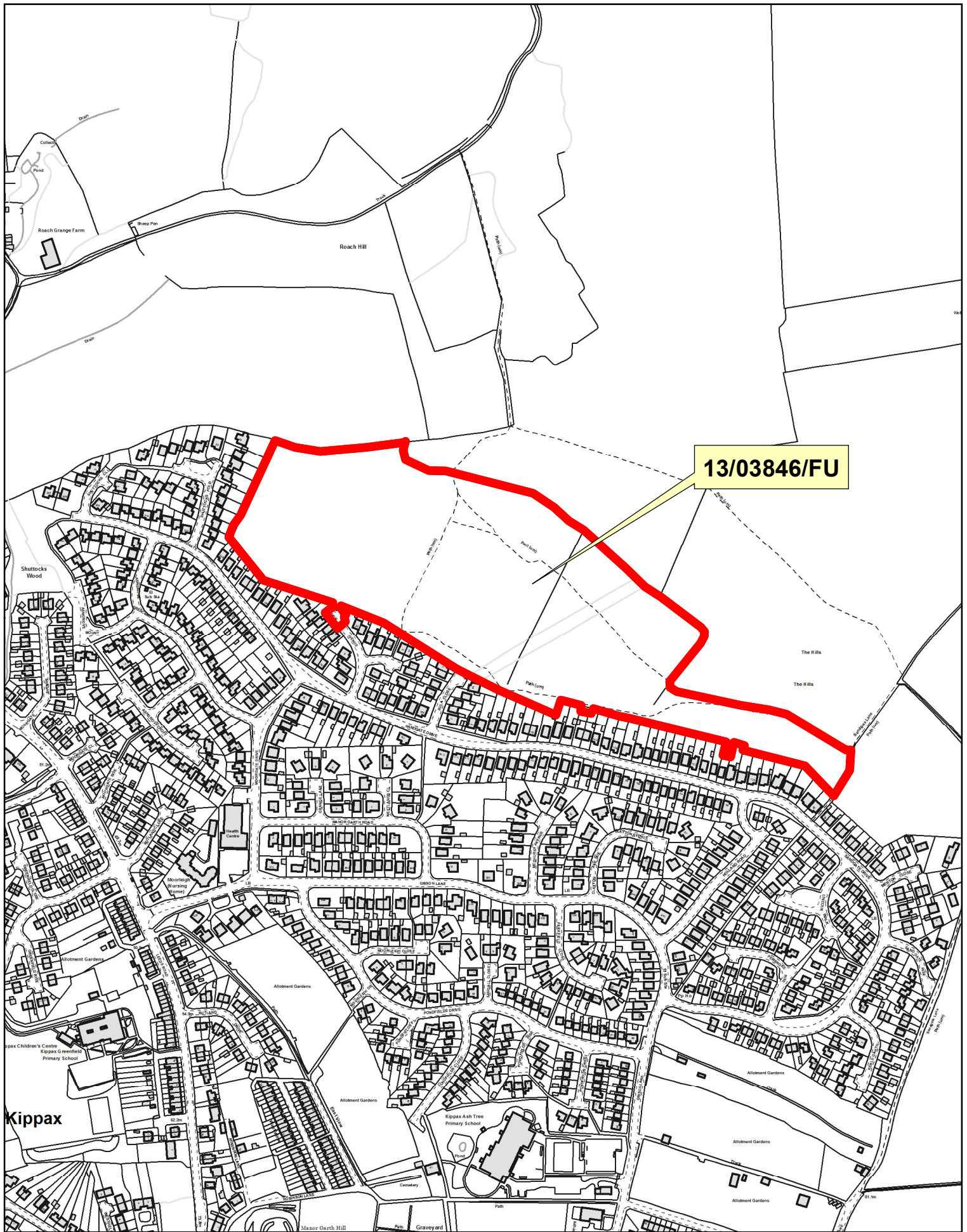
11.0 CONCLUSION

11.1 The release of the Kippax PAS site for housing development at this time is inappropriate, being contrary to Policy N34 of the UDP Review (2006) and the NPPF. To grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development, supporting infrastructure and sustainability considerations that are central to the emerging Site Allocations DPD and the neighbourhood planning process. The Council considers it has a 5 year housing land supply and so there is no need to release additional sites of this scale in advance of the Site Allocations process. There are concerns about the highways implications on the local network and the current application fails to adequately address this. It is therefore recommended that Members refuse the application for the reasons specified.

12.0 BACKGROUND PAPERS

12.1 Application file 13/03846/FU.

12.2 Certificate of ownership – signed as applicant.



CITY PLANS PANEL





Originator: C. Briggs

Tel: 0113 2224409

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 14 MAY 2015

Subject: PLANNING APPLICATION REF. 14/07273/FU CHANGE OF USE OF OFFICES TO 16 SELF-CONTAINED STUDENT FLATS AND EXTENSION OF EXISTING ANNEX TO FORM NINE SELF-CONTAINED STUDENT FLATS AND LISTED BUILDING CONSENT APPLICATION 14/07274/LI FOR INTERNAL AND EXTERNAL ALTERATIONS AT BURLEY HOUSE, 12 CLARENDON ROAD, WOODHOUSE, LEEDS LS2 9NF

APPLICANT	DATE VALID	TARGET DATE
Maan Investments Limited	22.12.2014	30.05.2015 (extended)

Electoral Wards Affected:

Hyde Park and Woodhouse

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Defer and delegate to the Chief Planning Officer for approval of planning permission and listed building consent in principle, subject to the appropriate resolution of the internal layout of the 1st floor flats in the new build annex, and subject to the specified conditions (and any others which he might consider appropriate)

Conditions for planning application ref. 14/07273/FU

Listed in Appendix 1 – To be provided as a supplementary report item.

Conditions for listed building consent application 14/07274/LI

Listed in Appendix 2 – To be provided as a supplementary report item.

1.0 INTRODUCTION:

1.1 This application is brought to Plans Panel because it is a major planning application with a listed building consent application at a prominent site affecting the setting of a number of listed buildings and the Woodhouse-Hanover Square-Woodhouse Square Conservation Area. This is a joint report covering both the planning application and the listed building consent application.

2.0 PROPOSAL:

2.1 The application proposal is for 25 student flats in total. The applicant has revised the scheme since its original submission to take account of officer concerns regarding the impact of the design on the internal character of the listed building, and the setting of the listed building and the conservation area, and the amenities of future residents.

2.2 In the listed building conversion there would be:

- At lower ground floor level 2 two-bedroom flats (60sqm and 59 sqm)
- At ground floor level 2 one-bed flats (38sqm and 47 sqm) and 2 studio flats (27sqm and 26sqm)
- At first floor 2 one-bed flats (47sqm and 38sqm) and 3 studio flats (22, 26 and 28sqm) are proposed
- At second floor level 2 one-bed flats (47sqm and 38.5sqm) and 3 studio flats (23, 26 and 28.5sqm) are proposed

The ceiling heights in the listed building are typically around 3m high, which is higher than the Leeds Standard and national guidance would which expect 2.5m

The elevations to the original Burley House would largely remain as existing, with some replacement of existing upvc windows with timber windows, and the removal of an unsightly metal escape staircase

2.3 In the new build element 4 studio flats are proposed at ground floor, ranging between 30sqm and 34sqm, and a one-bedroom flat (47sqm). In the new build element at first floor, 3 studio flats (ranging between 32 sqm and 36 sqm) and a two-bedroom flat (57 sqm) are proposed. The new annex building would be built in matching brick, with partial flat roof, and partial retained hipped roof at the rear facing Chorley Lane.

2.4 There would be 2 car parking spaces accessed from Clarendon Road. 25 secure cycle parking spaces would be provided at basement level. Servicing and refuse collection would also take place from Clarendon Road. Most of the existing tarmac car park would revert to a soft landscaped garden area for residents.

2.5 A number of documents were submitted in support of the application:

- Scaled Plans
- Planning and Heritage Statement
- Design and Access Statement
- Sustainability Statement
- Energy Statement
- Arboricultural Survey
- Statement of Community Involvement
- Land Contamination Reports
- Coal Recovery Report

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site includes a Grade II listed building, within the Woodhouse-Hanover Square-Wood House Square Conservation Area. The site lies on the eastern side of Woodhouse Square, with the topography falling away to the south. The existing use of the building is offices, however this is now vacant. Adjacent to the listed building is a tarmac car park, and a two storey brick annex building.
- 3.2 The area consists of large Victorian villas and grand terraced properties. Clarendon Road is a wide street lined by high walls and mature trees. Uses in the area are a mixture of educational, health, office or residential uses. A number of nearby former villas on Clarendon Road and Hyde Terrace have recently been converted into flats, or have permission to convert. Larger scale buildings are to the east and north east, with the modern concrete Dental Institute, Leeds General Infirmary complex and university campuses, all in close proximity. Residential use lies to the rear off Chorley Lane, and adjacent 12A Clarendon Road. On the opposite side of Clarendon Road to the west is the Woodhouse Square public greenspace. One of the positive characteristics of Woodhouse Square is its fine architecture, with listed red-brick and painted stone Georgian buildings on two sides, with red-brick and painted stone Victorian villas (including the application site) along its Clarendon Road side. The Little Woodhouse Neighbourhood Design Statement notes the varied roofline of turrets, gables and bartizans, as examples of well-detailed robust Victorian architecture with strong presence.
- 3.3 The host building was designed as 'Hyde Gardens' by George Corson for George Herbert Rayner. It consists of red brick, stone details, with a slate roof. It features two storeys with a basement and attic, made up of 2 x 3 bays, on a corner site. There are steps up to a raised ground floor on the left of the front façade with a glazed door in slightly projecting full-height rebuilt gabled bay. To the right there is a semicircular full-height bay on an arcaded basement storey with octagonal stone columns and shouldered arches. Windows feature three 4-pane sashes (curved glass), stone mullions and lintels to ground floor, with 3 narrower sashes to 1st floor, eaves cornice of moulded bricks, conical roof. On the right return elevation there are segmental-headed and round-arched openings with the use of darker brick to decorate window heads. A moulded brick eaves cornice is carried over the attic gable on the right, with a gabled dormer in the centre. On the left is an ornate attic storey with four 4-pane sashes in a hipped-roof dormer flanked by turrets (bartizan) with slit vents and spires with ornate finials.
- 3.4 There are a number of early 20th century alterations which relate to the conversion of the listed building from residential to offices for Cornhill Insurance in approximately the 1920s. Although not original, these alterations are considered important to the historic and architectural interest of the building, including the wooden paneling to the former boardroom, and the entrance lobby.
- 3.5 There is a group of mature trees close to the south-western boundary of the site at the edge of a small grassed area. These are identified in the submitted tree survey as Trees T1 – T3 and these are identified as being of moderate quality and amenity value (T1 Hawthorn Category survey category B/C; T2 Silver Birch survey Category B; T3 Rowan survey Category B).

4.0 RELEVANT PLANNING HISTORY:

- 4.1 None

5.0 HISTORY OF NEGOTIATIONS

5.1 One pre-application meeting took place with officers in October 2014 prior to the submission of the application.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Planning application publicity consisted of:

6.1.1 Site Notices posted 09.01.2015

6.1.2 Press Notices published 09.01.2015

6.1.3 Hyde Park and Woodhouse Ward Councillors consulted by email 22.12.2014 and 13.01.2015.

6.2 Two objections have been received to the original proposal, one from a local resident on Claremont Grove (24.03.2015), and one from the Little Woodhouse Community Association (28.01.2015):

6.2.1 Little Woodhouse Community Association

- Concern regarding the use as student housing and its negative impacts on the demographics and levels of holiday time activity in the area.
- The rooflines of new extension and treatment of the boundary wall should also be appropriately sympathetic to others in the conservation area
- Welcomes the restoration and preservation of historic features such as the replacement of upvc windows with timber windows, creation of a sympathetic internal layout and retention of original features such as cornicing.
- Welcomes the reinstatement of a garden space to "Hyde Gardens"
- The trees within the south west corner of the site and outside the site boundary are of significant value to the streetscape of the area, particularly in the spring. It is most important that these mature trees remain and are protected during any building works.

6.2.2 Mr. D. Barker, 9 Claremont Grove

- The applicant should prove that offices with a car park are no longer a viable use in this location and that no occupier could be found.
- The design is too much of a contrast to the neighbouring listed building

6.3 The objectors were notified of revised plans on 27 April 2014 to reflect the current proposal. Any further comments will be updated verbally.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.1.1 LCC Transport Development Services

No objection in principle, subject to the resolution of the following matters

- 1 cycle space per flat
- Provision of appropriate inter visibility between pedestrians and vehicles, therefore the wall height shall be 1.05m or less.
- A car park management plan
- Confirmation of refuse collection arrangements
- Restriction to student housing use only

7.2 Non-statutory:

7.1.1 LCC Conservation Team

No objection subject to conditions controlling the detailed works including:

- Details of historic windows to be refurbished and repaired rather than replaced, unless beyond repair as detailed in a condition survey by a contractor with proven experience of refurbishing historic frames. A like-for-like replacement would then be recommended although it may be possible to accommodate slim-line double-glazing and retain the character of the window detail.
- The revised southern elevation (drawing 432/07 (02) 307) - proposed door to window - currently the new window is proposed to match the existing two top-hung casements. The existing two top-hung casements are an inappropriate window type and it is recommended that all three are replaced with 1 over 1 vertical sashes to match the arch-headed windows on the first floor above.
- Retention of fireplace and panelling to the former boardroom
- Details of new partition to the former boardroom
- Rationalisation of Existing service piping and details of any new excrescences including extract vents
- Details of proposed sound insulation and fire proofing
- Schedule of existing features and fittings that contribute to the special character of the building, including retention and re-use of existing internal cornices, door surrounds, skirtings, picture rails, wall cupboards, staircases, stone flags in basement, timber panelling and screens, doors and architraves and details of new where necessary
- Details of boundary treatments
- All repairs/making good to be in matching materials
-

7.2.2 West Yorkshire Combined Authority:

Future residents would benefit if one of Metro's new 'live' bus information displays were to be erected at bus stop number 26530 at a cost of approximately £10,000 (including 10 years maintenance) to the developer. The display is connected to the West Yorkshire 'real time' system and gives accurate times of when the next bus is due, even if it is delayed. Good pedestrian access to/from the site to/from bus stops should be provided taking into consideration the needs of the elderly and mobility impaired.

8.0 PLANNING POLICIES:

8.1 Development Plan

8.1.1 Leeds Core Strategy 2014

The adopted Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The Core Strategy was adopted by the Council on 12th November 2014. This now forms the development plan for Leeds together with the Natural Resources & Waste Plan and saved policies from the Leeds Unitary Development Plan Review 2006 (UDPR). A number of former UDPR saved policies have been superseded by Core Strategy policies and have been deleted as a result of its adoption. Appendix 1 of the Core Strategy provides a full list of 'deleted' UDPR policies and policies that continue to be 'saved' (including most land use allocations).

Core Strategy Policies

Spatial Policy 1 sets out the broad spatial framework for the location and scale of development. This policy prioritises the redevelopment of previously developed land within Main Urban Area, in a way that respects and enhances the local character and identity of places and neighbourhoods.

Spatial Policy 3 Role of Leeds City Centre seeks to maintain and enhance the role of the City Centre as an economic driver for the District and City Region, by

- comprehensively planning the redevelopment and re-use of vacant and under-used sites for mixed use development and areas of public space,
- enhancing streets and creating a network of open and green spaces to make the City Centre more attractive
- improving connections between the City Centre and adjoining neighbourhoods
- Expanding city living with a broader housing mix

Paragraph 5.1.14 City Centre strategic Themes and Character – ‘A Growing Residential Community’ of the Core Strategy states that:

‘With significant house building between 1995 and 2010 a substantial residential population exists in the City Centre. Despite the recession and pause in construction activity, city living remains extremely popular with little vacancy. Considerable land opportunities exist in the City Centre to boost the residential population further. It is important that efforts are made to make best use of this opportunity in order to make efficient use of land and provide a wide housing offer for Leeds as a whole, as delivery of housing in the City Centre is key to the overall delivery of the Core Strategy. However, with some of the first residents putting down roots and wanting to continue to live in the City Centre it is important that a wider variety of sizes and types of housing are made available than have previously been built. In line with Policy H4 Housing Mix, major housing developments across the City Centre will be expected to contribute to a wider mix of dwelling sizes. Potential for creation of family friendly environments exist on the fringes of the City Centre where densities can be lower, and more greenspace and supporting services can be delivered, including medical and education services.’

Para 5.2.20 states that: ‘significant growth in student numbers in the past has led to high concentrations of student housing in areas of Headingley, Hyde Park and Woodhouse. This generated concerns about loss of amenity to long term residents’

Para 5.2.27 states that ‘The decade 2001 – 2012 witnessed considerable development of new purpose built student accommodation particularly in and around the north west sector of the City Centre. Growth in this accommodation is to be welcomed in order to meet need and to deflect pressure away from private rented houses in areas of over-concentration. Nevertheless, care is needed to ensure that purpose built accommodation does not itself become over-concentrated and is located with good access to the universities.’

Core Strategy Policy CC1 outlines the planned growth within the City Centre for 10, 200 new dwellings. Part (b) of Policy CC1 encourages residential development, providing that it provides a reasonable level of amenity for occupiers.

Policy H2 refers to new housing development. The development will be acceptable in principle providing the development does not exceed the capacity of transport, educational and health infrastructure and the development should accord with accessibility standards.

Policy H3 states that housing development should meet or exceed 65 dwellings per hectare in the City Centre.

Policy H4 states that developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long term taking into account the nature of the development and character of the location.

Policy H5 states that the Council will seek affordable housing from all new developments either on-site, off-site or by way of a financial contribution if it is not possible on site. Student only housing schemes are exempt from affordable housing.

Policy H6B relates to student housing provision and is discussed in the appraisal section of this report

Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and enhancing existing landscapes and spaces.

Policy P11 – Conservation - The historic environment, consisting of archaeological remains, historic buildings, townscapes and landscapes, including locally significant undesignated assets and their settings, will be conserved and their settings will be conserved, particularly those elements which help to give Leeds its distinct identity. Enabling development may be supported in the vicinity of historic assets where linked to the refurbishment or repair of heritage assets.

Policy P12 states that landscapes will be conserved and enhanced.

Policies T1 and T2 identify transport management and accessibility requirements for new development.

Policies EN1 and EN2 set out the sustainable construction and on-going sustainability measures for new development. In this case, Code for Sustainable Homes Level 4 is required.

8.1.2 Leeds Unitary Development Plan Review 2006 (UDPR) Saved Policies

Relevant policies include:

GP5 all relevant planning considerations

BD2 design and siting of new buildings

BD4 all mechanical plant

BD5 Residential amenity

T7A cycle parking

T7B motorcycle parking

T24 Car parking provision

LD1 landscaping

N15 reuse of listed buildings favourably considered where use maintains special architectural or historic value

N20 removal of features which contribute to conservation area will be resisted.

N17 internal and external features of listed buildings

N18A Conservation areas and demolition

N18B Conservation areas and demolition

N19 Conservation Areas and new buildings

8.1.3 Leeds Natural Resources and Waste DPD 2013

The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013. The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies regarding drainage, air quality, trees, coal recovery and land contamination are relevant to this proposal.

8.2 Relevant Supplementary Planning Guidance includes:

SPD Street Design Guide
SPD Building for Tomorrow Today: Sustainable Design and Construction
SPG City Centre Urban Design Strategy
SPG3 Affordable Housing
SPG6 Self-contained flats

SPG Neighbourhoods for Living

Neighbourhoods for Living provides advice and principles for good residential design across the themes of use, movement, space and form. It promotes good residential amenity, local character, analysis of landmarks, views and focal points, and quality buildings.

Little Woodhouse Neighbourhood Design Statement 2011

The site falls within the Clarendon Road character area, but on the edge of the Woodhouse Square character area. Relevant general design advice includes:

- building materials include red-brick as the basic walling material
- infill development should maintain existing building lines
- views and vistas should be maintained
- new development should be of a similar size/scale to its immediate neighbours
- new development should be sensitive and responsive to its context.
- Buildings in key locations – in corner positions or at the end of vistas and other key locations, buildings should be designed and detailed in a manner which reflects the importance of their location

8.3 National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) came into force in March 2012 and represents the government's commitment to sustainable development, through its intention to make the planning system more streamlined, localised and less restrictive. It aims to do this by reducing regulatory burdens and by placing sustainability at the heart of development process. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so.

The NPPF identifies 12 core planning principles (para 17) which include that planning should:

- Proactively drive and support sustainable economic development to deliver homes
- Seek high quality design and a good standard of amenity for existing and future occupants.
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

The NPPF states that LPA's should recognise that residential development can play an important role in ensuring the vitality of centres (para 23). Housing applications should be considered in the context of the presumption in favour of sustainable development (para 49).

The NPPF states that local authorities should deliver a wide choice of homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (para 50).

Section 7 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:

- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimising the potential of the site to accommodate development;
- Respond to local character and history;
- Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments; and
- Development to be visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 131 states that Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic viability

Paragraph 141 states that ‘Local planning authorities should ... require developers to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publically accessible’.

Paragraph 132 state that ‘great weight’ should be given to the conservation of heritage assets, and that any harm to designated heritage assets requires clear and convincing justification.

Minor physical harm to a listed building can be justified on the grounds of public benefits that outweigh that harm taking account of the ‘great weight’ to be given to conservation and provided the justification is clear and convincing (paragraphs 133 and 134).

8.4 Other material considerations

8.4.1 The Leeds Standard 2014

The Leeds Standard was adopted by the Council’s Executive Board on 17 September 2014. The Leeds Standard aims to ensure excellent quality in the delivery of new council homes under three themes: Design Quality, Space Standards and Energy Efficiency Standards. It sets out how the Council can use the Leeds Standard in its role as Council landlord through its delivery and procurement approaches. Through its actions the Council can also seek to influence quality in the private sector. Those aspects of the Standard concerned with design quality will be addressed through better and more consistent application of the Council’s Neighbourhoods for Living guidance. The Leeds Standard sets out the importance of excellent quality housing in supporting the economic growth ambitions of the council. The Leeds Standard sets a target of 37sqm for a self-contained studio flat.

9.0 MAIN ISSUES

9.1 Principle of use

9.2 Impact on the special character of the Listed Building and the character and appearance of the Conservation Area

9.3 Amenity of future residents

9.4 Highways and transportation

10.0 APPRAISAL

10.1 Principle of use

- 10.1.1 The National Planning Policy Framework, the Leeds Core Strategy and the Saved policies of the Leeds Unitary Development Plan Review, would all support the principle of residential development with in this City Centre brownfield site location. The location is highly sustainable for student accommodation, being very close to both universities, the teaching hospital, dental institute and city centre facilities. It is considered that a condition is necessary to ensure that development shall only be occupied by persons in full time education to ensure that any occupation as general use class C3 residential is subject to an on-site affordable housing consideration which would be required by policy for general C3 accommodation.
- 10.1.2 Further support for the use is provided by the NPPF which promotes the benefits of the change of use to housing in City Centres as a way of delivering sustainable development. The NPPF states that such applications should normally be approved with reference particularly drawn to commercial buildings where housing need is apparent and provided there are not strong economic reasons why such development would be inappropriate. It is noted the Leeds Strategic Housing Market Assessment Update (2012) suggests that there is a requirement for all forms of residential property types across the Leeds district, particularly single person households.
- 10.1.3 With reference to Core Strategy Policy H6: Houses in Multiple Occupation (HMOs), Student Accommodation, and Flat Conversions, Part B is relevant to this application proposal, and its criteria can be considered as follows. Part i) states that development proposals should help extend the supply of student accommodation taking pressure off the need for private housing to be used. This proposal would fulfil this objective. Part ii) states that development proposals should avoid the loss of existing housing suitable for family occupation, and this proposal would also meet this objective. Part iii) seeks to avoid excessive concentrations of student accommodation (in a single development or in combination with existing accommodation) which would undermine the balance and wellbeing of communities. Whether the concentration is excessive in the area depends on the consideration of the local context. Whilst excessive concentrations of student populations may cause harm to discrete residential areas, the combined proximity to the City Centre, local mixed land use functions and the proximity to the educational areas suggest that the proposed student accommodation, as a small percentage increase to an existing concentration, could be tolerated in this location. It is considered that there would be some difficulty in defining a wider area within which student housing proposals would not form part of a mixed community, taking into account the dominant commercial uses around the site, and the existing residential communities of Little Woodhouse. If the community is defined across a wider area that includes Little Woodhouse it is considered that the mix and type of residential accommodation is extremely varied, and therefore a balanced and mixed community is achieved. The key issues would be the location of a community boundary, identifying affected individuals/groups, what the harm was, identifying the individuals/groups causing harm, and the collection of robust, credible evidence to that effect. It is considered that this area features one of the more diverse ranges of land use in and around the edge of the City Centre.
- 10.1.4 Core Strategy Policy H4 requires residential development to provide a mix of unit types including one, two and three-bed accommodation to meet housing needs over the long term. In this case it requires no more than 50% of the units to be one bedroom units (12 units). However the application proposal is for 6 one bedroom flats and 15 studio flats (88% of the total 25 units) and does not propose any three bedroom units. However in the context of this city centre location, the layout of the listed building, and a student only proposal, it is not considered on balance that this shortfall against policy H4 would be significant enough to warrant refusal of the application.

- 10.1.5 With regard to objector concerns, there would not be a policy requirement to demonstrate that the extant office use is no longer viable or account for its loss. There is a plentiful supply of existing and approved office accommodation in the City Centre. Residential use at sites such as this is also strongly supported in principle by adopted local and national policy.
- 10.1.6 In terms of the comments of Little Woodhouse Community Association regarding the addition of more student housing to this area, It is considered on balance that the relatively small increase in student numbers from this application would not result in a significant adverse impact on the nearby traditional residential areas. The area is characterised by a mixture of uses including significant existing student accommodation which contribute to a busy edge of City Centre environment and it is considered that the proposal in itself would not unduly affect this existing character.
- 10.1.7 In conclusion, when assessed against the above policies it is considered that the proposal would not have an adverse unbalancing effect on the wellbeing of the communities in this location. The surrounding area consists of a wide range of residential, commercial and institutional uses. There is a significant student population, however in the context of the existing use at the application site, and the mix of uses nearby, on balance it is considered that this proposal would not adversely affect the established residential community. Given the wider benefits of the proposal, in bringing forward the re-use of an existing vacant listed building which has considerable merit in architectural terms and the highly sustainable location of the site, it is considered that the benefits of the proposal outweigh any harm caused within the context of the aim to create balanced and healthy communities. As such the principle of the development is considered acceptable subject to the planning considerations outlined in the remainder of this appraisal.

10.2 Impact on the special architectural and historic interest of the Listed Building and the character and appearance of the Conservation Area

- 10.2.1 Core Strategy Policy P11 and Saved UDPR Policy N15 support the change of use of listed buildings where the special qualities of listed buildings are preserved. The Council's Conservation team consider that this proposal is acceptable (subject to conditions) and will bring much needed investment to this listed building. Saved UDPR Policy N15 supports the change of use of listed buildings where the special qualities of listed buildings are preserved. The proposed use would help to secure the long-term maintenance of the property.
- 10.2.2 The internal works to the listed building would retain most of the original room layouts in the main building. The changes would mean that the historic layout and subdivision between the properties is more clearly legible on the plan-form of the building, and the smaller cellular character of the spaces would be retained.
- 10.2.3 Conditions are recommended to ensure the retention of features which are worthy of retention and appropriateness of any new or replacement windows, rooflights, post-boxes, partitions, panelling, cornices, architraves, skirting boards, door surrounds, staircase, handrails, en-suite bathroom pods, to ensure that features of interest are not altered or features cut across in an insensitive manner. The Conservation Officer would advise in detail at condition discharge stage which features should be retained and which could benefit from appropriate like for like replacement.
- 10.2.4 It is considered that the existing annex does not contribute positively to the character and appearance of the Conservation Area, and therefore its loss and replacement

with an appropriately designed building would be supported. The proposed new building would be subservient in scale to the listed buildings around it. With regards to elevational treatment, the proposed red-brick would reflect the traditional materials in the area. It would feature a simple palette of materials with interest provided by its window arrangements, deep reveals and vertical mullion detailing. It is considered the proposal has been carefully designed bearing in mind the original architectural style, materials, fenestration, massing and characteristics of the Listed Building. The windows features a deep brickwork reveal (210mm) and extruded vertical mullions so they read much more prominently than the horizontal members. To further express the verticality, the mullions would be in a lighter tone to the horizontals and window frames and these elements would blend in more with the glazing. There would also be a shadow gap between the final mullion and the brickwork so that the openings read as having a double vertical mullion either side of the door. It is considered that the proposed roof-form would be acceptable as a feature of sensitively designed modern building, which would maintain a subservient scale to the main listed building.

10.2.5 The proposal would provide a new soft landscaped garden area to the front. The layout of the landscaping has been influenced by the form of the original garden. The existing trees, as a collective group provide significant visual amenity value. Their presence forms part of the wider character of this area of Leeds, with built forms set amongst the softening presence of established trees. The applicant has demonstrated that they would retain the existing trees at the south west corner of the site, and that appropriate measures would take place during construction to ensure their longevity. Details of construction methodology, protective fencing and 'no construction' zones would be controlled by condition. Retention of the existing trees would assist in providing a setting to the new building, as well as limiting the visual impact of the new build and reinforcing its visual subservience to the existing listed building. A new purple leafed Silver Birch and a small ornamental Cherry are proposed as part of the submitted landscape proposals for the site in addition to retention of the existing trees. A commitment to the long-term management of the site landscape, including existing trees, would be secured by a planning condition. It is therefore considered the proposal would enhance the character of the Conservation Area and the setting of the listed building. Recommended landscape conditions cover the site wide landscaping scheme, landscape management plan, tree protection, and tree replacement if necessary.

10.2.6 In sustainability terms, the scheme would meet Code for Sustainable Homes Level 3. The applicant has stated that the additional measures required to meet Level 4 in terms of renewable energy generation may result in rooftop additions to both buildings which would fail to preserve or enhance the character of the listed building or the conservation area.

10.2.7 On balance, the proposals will ensure the secure future of a Grade II Listed building and generally upgrade the existing fabric. The proposals are considered to on balance preserve the special character of the building and enhance the character and appearance of the conservation area.

10.3 Amenity of existing and future residents

10.3.1 Part iv) of Core Strategy Policy H6B states that proposals for student housing should avoid locations which are not easily accessible to the Universities by foot or public transport or which would generate excessive footfall through quiet residential areas which may lead to detrimental impacts on residential amenity. The site is close to the University of Leeds, Leeds General Infirmary and the main Leeds Beckett University campus. It is considered that the location of the site in relation to these educational establishments is likely to mean that most residents would travel along Clarendon

Road and thereby avoid most established residential areas. Whilst there may be some travel through existing residential areas, this is more likely to take place through the day and would be limited in number compared to the more direct route available along Clarendon Road.

- 10.3.2 With reference to part (v) of Policy H6 B, the proposed accommodation should provide satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms. It is considered that the proposed flats would benefit from an appropriate level of privacy, daylight, sunlight and outlook. With regard to the lower ground floor level flats within the listed building, whilst the bedrooms have restricted outlook and light, when combined with good aspects to the living rooms these would be on balance acceptable when considered against the wider benefits of preserving the special character and interest of the listed building and the conservation area.
- 10.3.3 Under the Government's consultation on minimum housing unit sizes, the HCA level 1 standard and the Leeds Standard guidance it is advised that studio flats should be a minimum of 37sqm. The Government's Housing Standard, the HCA standard, and the Leeds Standard all use a credible evidence base, prepared using real furniture sizes and taking account of people's day-to-day living needs. Whilst six of the studio flats are towards the smaller end of what may be considered acceptable (22sqm-28sqm in area), they would be found in the existing listed building and would benefit from higher ceilings and taller windows than standard new build flats, and the layout of the proposal must preserve the character of the current historic room arrangements in the listed building.
- 10.3.4 In the new build annex there are 4 studio apartments at ground floor. These range in size from 30-34sqm. Whilst these sizes are lower than the national and Leeds standard, their layout is considered to offer reasonable living arrangements for the various functions of sleeping, working, eating, cooking and relaxing. However, the first floor layouts are more restricted in size due to the constraint of the retained hipped roof to the rear, and the necessity to provide staircase access into the first floor. This has resulted in less useable accommodation in the units. It is considered that consideration be given to reconfiguring the first floor flats to provide a more useable layout. At present it is considered that the first floor unit layouts are too constrained, with the functions of cooking/washing up too close to the sleeping area, and the study desk too close to the bed. At the time of writing officers are in discussions with the applicant's agent to resolve these concerns and Members will be updated verbally.
- 10.3.5 On balance, subject to amending the first floor flat layout in the annex, it is considered the proposal would not have any additional significant adverse impact on the amenities of the surrounding area. It is considered the proposal would not result in any significant over-looking of or loss of privacy to adjacent residential properties located to the north side or to the rear (east), where the existing annex wall and roof hip would be retained to Chorley Lane.

10.4 Highways and transportation

- 10.4.1 Leeds City Council Highways and Transportation have advised that subject to the provision of cycle and motorcycle parking, a car park management plan, provision of safe visibility and demonstration of appropriate bin storage and collection, that proposal is unlikely to result in adverse road safety issues or adverse impact on amenities for local residents. The Saved UDPR parking guidelines can accept minimal or no car parking where there is considered to be no adverse impact on the

highway. Secure cycle storage, motorcycle storage and bin storage is identified on the plans. On-street parking is controlled by a parking scheme in the local area. Many properties have limited or no car parking on site without causing highways problems in the area, because parking regulation and enforcement takes place. The site is also well located in terms of access on foot or by cycle to the universities, and public transport and city centre services are within easy walking distance.

10.4.2 West Yorkshire Combined Authority has commented that future residents would benefit if one of Metro's new 'live' bus information displays were to be erected at bus stop number 26530 serving the Leeds City Bus at a cost of approximately £10,000 (including 10 years maintenance) to the developer. However there would be little reason for the proposed student population to use this bus stop, as the majority of their journeys are expected to be a short walk to the City Centre or the Universities. As such, it is considered that a bus stop improvement contribution is not fairly related to the development proposed or justifiable in planning terms in this case.

11.0 CONCLUSION

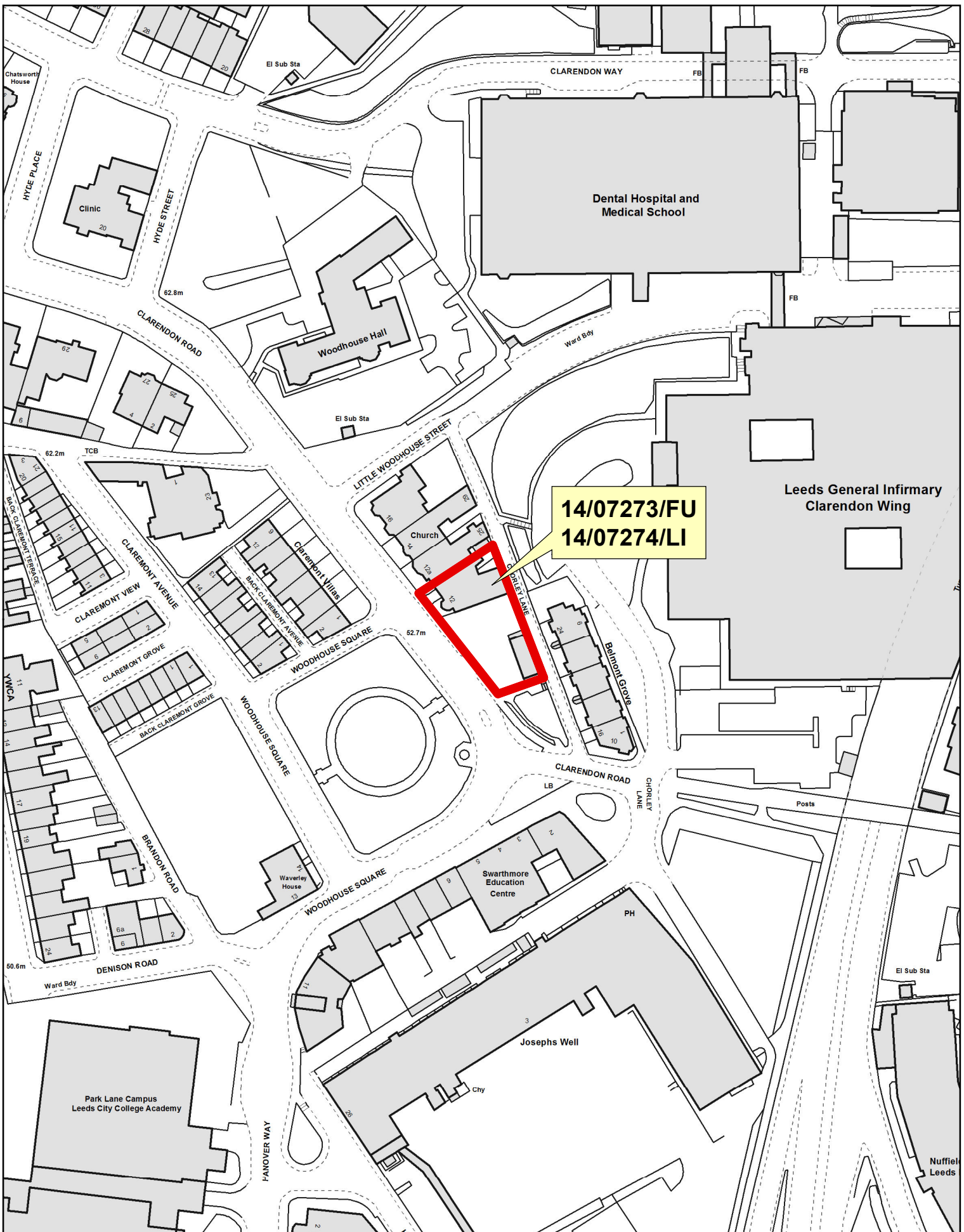
11.1 It is considered that on balance the application proposal would provide new housing in a manner which would preserve the special architectural and historic character of the listed building, and enhance the character and appearance of the conservation area. Subject to resolving the problems with the layout of the first floor flats in the annex, it is also considered on balance that the proposal would give an appropriate level of amenities for residents, and not give rise to significant adverse amenity or highways problems in the local area. The applications are therefore recommended for approval.

Background Papers:

Application files 14/07273/FU and 14/07274/LI

Appendix 1 –Conditions for planning application ref. 14/07273/FU. To be provided as a supplementary report item.

Appendix 2 –Conditions for listed building consent application 14/07274/LI. To be provided as a supplementary report item.



CITY PLANS PANEL



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Originator: C. Briggs

Tel: 0113 2224409

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 14 MAY 2015

Subject: PLANNING APPLICATION REF. 15/00415/FU FOR 312 DWELLINGS INCLUDING NEW OPEN SPACE AND ASSOCIATED WORKS AT LOW FOLD, SOUTH ACCOMMODATION ROAD, LEEDS – POSITION STATEMENT

APPLICANT	DATE VALID	TARGET DATE
Citu (Low Fold) LLP	02.02.2015	21.05.2015 (extended)

Electoral Wards Affected:

**City and Hunslet
Burmantofts and Richmond Hill**

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: For Members to note the content of the position statement and to provide feedback on the questions posed at section 11.0 of this report.

1.0 INTRODUCTION:

- 1.1 Members are requested to give comment on the progress of this application, which if acceptable, would deliver new family housing and flats, and promote the regeneration of a large brownfield site on the edge of the City Centre, in the Aire Valley regeneration area.

2.0 PROPOSAL:

- 2.1 The application proposal is for 312 dwellings set within new landscaped open space and associated works. The dwelling mix consists of 150 houses (102x 3 bed, 48x 4 bed) and 162 apartments (47x 1 bed, 115x 2 bed).
- 2.2 The townhouses would be in 16 groups of terraces at 3 or 4 storeys. There are three apartment blocks being 7, 8 and 9 storeys, with one block a mixture of 'stacked

townhouses' and flats, giving 20 groups of dwellings in total. These aim to provide a buffer from the road network to the north, and frame gateway views into the City Centre from the east. 95% of the dwellings would be generally south facing. All the townhouses would feature rooftop gardens, and some would also feature covered glazed lightwells from the roof to the ground floor. The flats also feature a communal rooftop amenity space. The proposals for private amenity space can be summarised as follows:

Communal Roof Terrace (Floor 1 – houses and flats)

- Elongated natural stone paving planks and/or bamboo decking creating a landscaped corridor with access to apartments.
- Low timber planters would provide areas for informal seating and would include vibrant colourful planting beds of herbaceous and ornamental shrubs to provide structure and year round winter interest.
- Planters to include areas for 'Grow Your Own' to encourage community participation.
- The deck area to Block Q and R would include a place to play and gather for families, the space would include tree trunk climbing posts and an undulating rubber play surface
- Trees in this area would be small species and suitable for containerised planting. Trees would be planted in brightly coloured oversized plant pots to create interest.

Communal Roof Garden (Floors 9+8 flats)

- Larger planters would act as a visual barrier to the road and make the space feel more private
- 'Grow your own' planters for the use of residents. There would be strips of planting at the entrances made up of robust plants which would require low. A variety in heights and textures would give structure and added interest.

Private Roof Garden floor 3 (houses), 4 (houses) and 7 (flats)

- Domestic scale spaces with opportunities for residents to create their own gardens and contribute to the wider landscape scheme and create interest at height.
- Trees to be limited in size due to loading and planting opportunities.

2.3 The houses and flats have been designed along Passivhaus principles, and the form and detailing of the buildings express the sustainability features. There are a variety of modern material cladding proposals which would create variety to the riverside, road frontage and throughout the scheme. The dwelling designs would be as follows (see Appendix 1 proposed site layout plan):

Block A 4 Townhouses

2x3-bed houses 145 sqm

3 bed house 105 sqm

4 bed house 132 sqm

Material: Dark red metal mesh cladding

Block B 10 Townhouses (9x3bed, 1x4Bed)

2 x3 bed 104 sqm

4x 3-bed 108 sqm

3 bed 120 sqm

3 Bed – 115 sqm

3 Bed - 125 sqm

4 Bed – 132 sqm

Material: Black and natural coloured timber cladding

Block C - 6 Townhouses (4x3Bed, 2x4Bed)

4x 3 Bed – 146 sqm
2x 4 Bed – 131 sqm
Material: Black metal mesh cladding

Block D - 14No. Townhouses (12x3Bed 2x4Bed)
6x 3 Bed – 146 sqm
2x 3 Bed – 104 sqm
2x 3 Bed – 130 sqm
3 Bed – 104 sqm
3 Bed – 120 sqm
Material: Black and natural coloured timber cladding

Block E – 4 Townhouses (2x3Bed 2x4Bed)
4 Bed – 145 sqm
4 Bed – 161 sqm
3Bed – 124 sqm
3 Bed – 145 sqm
Material: Dark red metal mesh cladding.

Block F – 8 Townhouses (7x3Bed 1x4Bed)
4x 3 Bed – 146 sqm
3x 3 Bed – 104 sqm
4 Bed – 132 sqm
Material: Eternit Equitone and natural timber cladding.

Block G - 4 Townhouses (3x3Bed, 1x4Bed)
3x 3Bed – 110 sqm
4Bed – 146 sqm
Material: Black metal mesh cladding

Block H - 10 Townhouses (5x3 Bed, 5x4Bed)
4x 3 Bed – 146 sqm
2x 4 Bed – 135 sqm
3 Bed – 118 sqm
4 Bed – 125 sqm
2x 4 Bed – 132 sqm
Material: Natural timber cladding

Block I - 4 Townhouses (4x 3Bed)
3Bed – 165 sqm
3Bed – 158 sqm
3Bed – 149 sqm
3 Bed – 140 sqm
Material: Black metal cladding

Block J - 12 Townhouses (10x 3Bed, 2x4Bed)
4 Bed – 123 sqm
3 Bed – 134 sqm
4Bed – 165 sqm
5x 3 Bed – 146 sqm
3 Bed – 141 sqm
2x 3 Bed – 104 sqm
3Bed – 119 sqm
Material: Natural timber cladding

Block K - 14 Townhouses (11x3Bed, 3x4Bed)

7x 3Bed – 146 sqm

2x 4Bed – 131 sqm

4x 3Bed – 104 sqm

1x 4Bed – 131 sqm

Material: Black and natural coloured timber cladding

Block L - 6 Townhouses (3x3Bed, 3x4Bed)

4 Bed – 123 sqm

4 Bed – 123 sqm

3 Bed – 113 sqm

3 Bed – 122 sqm

3Bed – 133 sqm

4Bed – 128 sqm

Material: Natural timber cladding

Block M - 8 Townhouses (7x3Bed, 1x4Bed)

4x 3 Bed – 146 sqm

4 Bed – 143 sqm

3x 3 Bed – 104 sqm

Material: Red coloured metal mesh cladding

Block N 4 Townhouses (4x4Beds)

2x 4 Bed – 128 sqm

2x 4 Bed – 135 sqm

Material: Equitone and natural timber cladding

Block O – 9 Townhouses (7x3Bed, 2x4Bed)

2x 3 Bed – 145 sqm

2x 3 Bed – 134 sqm

2x 3 Bed – 104 sqm

4 Bed – 146 sqm

3 Bed – 125 sqm

4 Bed – 163 sqm

Material: Black metal cladding

Block P- 6 Stacked townhouses (2 x 3Beds, 4x4Beds)

2x 4 Bed – 161 sqm

3 Bed – 126 sqm

2x 4 Bed – 181 sqm

3 Bed – 147 sqm

Material: Black and natural colour timber cladding

Block Q - 54 Flats (11x1Beds, 43x2Beds)

11x 1Beds – 50 sqm

43 x 2Beds – 60-75 sqm

Material: Grey and black Eternit Equitone cladding

Block R - 64 Flats (18x1Beds, 46x2Beds)

11x 1Beds – Circa 45-60 sqm

43 x 2Beds – Circa 45-70 sqm

Material: Grey and black Eternit Equitone cladding

Block S - 64 Flats (18x1Beds, 24x2Beds)

11x 1Beds – 45-60 sqm

43 x 2Beds – 45-70 sqm
Material: Grey and black Eternit Equitone cladding

Block T - 29 Stacked townhouses (2x2Beds, 15x3Beds, 12x4Beds)
2 Bed – 43 sqm
2 Bed – 66 sqm
15x 3 Beds –100-120 sqm
12x 4Beds –130-135 sqm
Material: Grey and black Eternit Equitone cladding

- 2.6 The applicant's proposal would aim to create sustainable family living in a City Centre environment. The dwellings would be available for purchase on long leases, with the energy and utilities systems and public realm managed by a community interest company owned by the residents themselves. An on-site caretaker would manage the day-to-day running of the site, such as landscape and communal area maintenance, and arrangement of the communal refuse and recycling bins for collection. Refuse and recycling stores are located off the main service road, with the site manager moving them to the service point on collection day.
- 2.7 The proposed dwellings would be constructed to a zero-carbon standard which means that they would not require conventional heating. The ambient heat given off in the house would be retained through a highly insulated air tight structure. The electricity would be generated on-site through solar PV panels which would feed power into a private grid around the development. This would all be controlled through an energy monitoring app via resident's smart phones. Residents would also benefit from free solar energy to heat their hot water or charge their electric cars. The homes would be cost effective to live in, and would be a demonstrator project for sustainable low carbon living for Leeds.
- 2.8 Low Fold has an existing site access directly off the signalised A61/ A63 junction. This would provide the single vehicle access to the site. Car parking would be hidden under the housing and the scheme design would provide clutter free landscaped public realm, with a sustainable drainage system. There would be provision for 247 parking spaces (including electric charging provision) across the development. This is based on one parking space per house and 60% provision for the flats. There would be 372 secure cycle parking spaces and 10 motorcycle parking spaces at basement level. The residents would access site-specific real-time public transport information and local car share opportunities via smartphone apps, a sustainable travel initiative which has been successful at Citu's other developments such as Greenhouse and is due to be rolled out at Little Kelham in Sheffield.
- 2.9 The space between the apartment blocks and the townhouses would be some 10-28m wide, and would be designed to prioritise pedestrian use with only limited access for service vehicles and removal vans by pre-arrangement only. There would be an approximately 16m wide by 300m long public riverside space. This river frontage incorporate public access and inaccessible areas for biodiversity reasons, including the safeguarding of wildlife corridors for protected species such as otters. Although not part of the formal planning application the applicant is willing to commit to the provision of a new pedestrian/cycle bridge link over the River Aire, which would improve connectivity to the existing and proposed facilities on the South Bank. However, the applicant states that the cost of providing the bridge is equivalent to the cost of half the policy-compliant affordable housing provision (2.5% on-site), and therefore they would only propose 2.5% affordable housing if the

delivery of a bridge is considered necessary or desirable. The delivery of the bridge would need to be secured by a Section 106 agreement.

2.10 The public realm landscaping scheme can be summarised as follows by character area:

South Accommodation Road Verge

- Undulating planting beds would provide a green buffer of shrubs and herbaceous perennials and grasses between the road and the grey and black Equitone clad façade of Blocks T, S, R and Q
- Semi mature Turkish Hazel (approx. 6m tall) trees
- Trailing plants such as Boston ivy provide seasonal interest and colour along the north facing wall
- Sections of low brick wall to path edge with tree planting and the lift/stair cores would create a rhythm to the road corridor

Low Fold Access Road

- Curving swept path road with pinch points and a buff, light grey and white mix of concrete aggregate setts built to adoptable standards including 2m wide footpaths and planting beds
- Planting beds and lawn areas with a mix of extra heavy standard and semi mature trees to line the road
- Swathes of grasses and perennials would line the footpaths

Low Fold Place and Bridge Landing

- A new central space with a raised lawn seating island, including group of 8 trees set in hard landscaping with timber benches
- A high quality paving area and a new lawn (sprint lawn) where there would be an opportunity for community events
- Curved bands of paving and planting to tie in with the contouring of the site and the "Fold" landscape and seating feature that would run throughout the site
- Groups of trees would flank the bridge approach and provide a dappled canopy for the bridge landing point

Main Path

- The curving proposals would reflect the topography of the site
- A mix of herbaceous plants and ornamental shrubs planted in large swathes along the path length
- 400m running route and trim trail equipment
- Informal play area on a mounded landscape including climbing posts and boulders
- Trees include extra heavy standard Black Cherry Plums, Honey Locust, Ornamental Pear and Birch

Riverside

- Native seasonal bulbs would be provided within a buffer zone of grass/wildflowers, adjacent to areas of native prairie style planting and riparian planting.
- Trim Trail equipment, seating and a circular level access route to the southern end of the site.
- The river bank slope would be terraced using willow hurdles and coir rolls, lower terraces to be reinforced using slope stabilisation netting and seeded to stabilise the soil.

- Riparian planting to include areas of wildflower plug planting, marginals, shrubs and feathered trees in accordance with Yorkshire Wildlife Trust species list to provide a naturalised river bank (River Aire Valley Project).
- An area would be blocked off from public access using timber and wire stock proof fence to develop a natural habitat area for flora and fauna, including bird boxes and the potential for an otter holt location.

2.11 A number of documents were submitted in support of the application:

- Scaled Plans
- Planning Statement (incorporating Employment Needs Assessment)
- Housing Needs Assessment
- Affordable Housing Statement
- CIL / Section 106 Heads of Terms
- Completed CIL Additional Questions Form and Form 2 (social housing relief)
- Affordable Housing Pro Forma (plus plan showing location)
- Statement of Community Involvement
- Design & Access Statement
- Sustainability Statement
- Desk Top Archaeological Report
- Noise Assessment
- Air quality and odour assessment
- Transport Assessment
- Travel Plan
- Ecological Appraisal
- Otter Survey
- Tree Survey
- Flood Risk and Drainage Assessment
- Flood Risk Sequential Assessment
- Desk Top Ground Report
- Coal Mining Risk Assessment

3.0 SITE AND SURROUNDINGS:

- 3.1 The approximately 6-acre/2.4 hectare brownfield vacant site sits on the eastern fringe of Leeds City Centre, within the Aire Valley regeneration area. The site is bounded by the River Aire to the south and the Inner Ring Road to the north. Beyond the road network lies traditional housing at Richmond Hill. To the south and east lie the predominantly commercial warehousing and industrial uses of the Aire Valley, such as Vickers Oils and Allied Glass. The majority of the site lies in flood risk zone 1, but parts of the site lie in flood risk zones 2 and 3. To the north lies the recent Echo residential development (14 storeys). Local heritage assets include the Grade I listed St. Saviours Church, Grade II listed Boyds Mill, and the Grade II listed St. Hilda's Church. To the north west lies the Rose Wharf (Grade II listed) offices and its car park. To the south east lies a cleared site at the junction with South Accommodation Road and the A63 Pontefract Lane, currently in use as unauthorised external storage (the occupier is due to vacate the site next month).
- 3.2 The site lies within the designated Aire Valley Leeds Urban Eco-Settlement. The scheme has potential to contribute to the planned new housing provision (over 6500 homes) and place-making opportunities for this area. The site also has potential to connect to the South Bank by linking over the River Aire to the Trans Pennine Trail.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Over the last ten years, new residential apartments and listed building conversions have been built along East Street, such as Robert's Wharf, East Street Mills and Echo. Offices at Rose Wharf also add to the mix of uses and activity along East Street. To the north, residential refurbishment projects at Saxton by Urban Splash have taken place. The site also faces the now cleared former Hydro Aluminium site, which was the subject of planning permission reference 06/02364/FU for a mixed use flats and offices scheme, which has now expired. The neighbouring site to Low Fold to the south east previously benefited from planning permission for a 13 storey residential development for 229 flats (ref. 20/526/05/FU), now expired.
- 4.2 Low Fold 20/132/05/OT Outline application to layout access and erect 842 flats, offices and A1/A2/A3/A4 uses with 1067 car parking spaces. The application was approved in principle at Plans Panel (City Centre) 26 April 2007 subject to the completion of the Section 106 agreement. The agreement was not signed by the applicant, and therefore the application was finally disposed of on 29 June 2009
- 4.3 Low Fold 20/133/05/OT Outline application to layout access and erect 747 flats offices and A1/A3 retail space with 781 car parking spaces. The application was finally disposed of on 03 June 2008.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Pre-application meetings were held with the developer and their professional team in late 2014.
- 5.2 City and Hunslet Ward and Burmantofts and Richmond Hill Ward Members were consulted by email on 20 November 2014 regarding the initial pre-application scheme. Councillor Maureen Ingham (Burmantofts and Richmond Hill) welcomed more details regarding the proposed bridge link over the River Aire.
- 5.3 Citu presented their initial proposal to Councillors at City Plans Panel on 14 December 2014. Members were generally supportive of the proposal but raised the following matters:
- the energy efficient aspects of the proposal
 - the inclusion of "back to backs" within the scheme
 - the proposed materials and the need for further information on this
 - the need to ensure the proposals did not add to existing road congestion and the need to consider the use of river taxis
 - the importance of the delivery of the bridge link

In relation to the specific issues raised in the officer report, the following responses were provided by Members:

- that Members agreed that the proposed use of the site for a residential scheme and the mix of dwellings proposed would be appropriate
- that on the quality of the homes proposed, these were considered to be very good in respect of space standards, energy efficiency and sustainable construction, however further consideration was required of the proposed finishing materials
- that the balance of private amenity space, communal residents' amenity space and public realm provision was appropriate for the mix of dwellings proposed however in respect of affordable housing provision, the 3% proposed was considered to be an initial offer and needs to be justified against the Councils normal affordable housing policy

- on privacy and overlooking, there was a need to explore the balance between the gaps created through the design of the scheme
- that given the wide road infrastructure between the site and the scale of the nearby 14 storey Echo flats, that the scale of the proposed development was considered to be appropriate at this gateway location
- to note Members' views on the necessity of the bridge to connect the development to surrounding communities and facilities
- that subject to the agreement of Transport Development Services (to ensure there would be no adverse impact on highways safety or amenities) that the proposed level of car parking was considered to be acceptable
- the need for affordable housing provision at an acceptable level

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Planning application publicity consisted of:

6.1.1 Site Notice posted 13.02.2015

6.1.2 Press Notice published 05.03.2015

6.1.3 City and Hunslet and Burmantofts and Richmond Hill Ward Councillors consulted by email 9.03.2015

6.2 Leeds Civic Trust support the application proposal for the following reasons:

- the scheme includes high quality family housing
- the layout of the blocks and the open space provision are excellent
- the use of taller buildings to shield the site from the noise of the nearby road is a sensible response to the location.
- The Trust believes that the proposed footbridge over the river, which would connect the scheme with Leeds Dock, is an integral part of the scheme. We hope that Citu will do everything in its power to ensure that the bridge is constructed at the same time as this scheme - the applicant deserves the support of the City Council and other agencies in ensuring this happens. Although the city centre lies within walking distance, there are few shops or community amenities in the immediate area, this makes provision of a bridge link to Leeds Dock more essential. The provision of shops and other community amenities will ensure this area is attractive to families and other long stay residents.
- Leeds Civic Trust congratulate the applicant on a brave proposal for a difficult site

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.1.1 LCC Transport Development Services

The proposals are acceptable in principle. The site will need to be integrated with the existing pedestrian and cycle network and the pedestrian/ cycle bridge over the Aire is considered essential. Further information on the bridge is required. The access junction will need to include a link with the existing cycle facilities at the A61/A63 signalised junction and the applicant has shown this on the submitted plans. The access road would be designed and constructed to adoptable standards. The applicant needs to investigate the possibility of providing Car Club spaces on the access road. Additional cycle parking locations should be considered and more detailed drawings demonstrating that there is sufficient space are required. Motorcycle parking locations also need to be shown. The junction modelling indicates

that there will be queuing back to upstream junctions; mitigating measures need to be identified. The access road, Low Fold, is adopted for approximately 100m from the junction with South Accommodation Road. The Transport Assessment acknowledges that the full length of the access road would need to be constructed to adoptable standards. The proposals will require some redundant areas of highway to be formally stopped-up. However, the applicant has been advised that the full length of access road up to the lower car park entry would form part of the adopted highway. The drawing will need to be revised to indicate this.

Buses - there is a bus stop outside the site frontage that is served by the 61 and 86A bus routes. The 61 is an hourly daytime service that travels towards Burmantofts and Harehills whilst the 86A is an hourly evening service from Bramley and Armley to St. James's hospital. There are stops on Easy Road for services in the opposite direction. Although within a 5 minute walking distance, these routes involves using several controlled Toucan crossings of the busy and wide A61/ A63 junction.

Stops for the 62/62A services are also on Easy Road. These provide a bus service to the city centre via Cross Green at a 30 minute frequency during the weekday daytime. The Transport Assessment also identifies bus stops for the 28 service on Clarence Road which are beyond a 5 minute walk distance without the bridge. There are 3 services per hour during weekday daytime periods. Leeds Dock will also be served by a CityBus (South) service which will provide a link with Leeds rail station.

The combined services within a 5 minute walk are below the requirements of the Core Strategy. However on the basis that (a) a pedestrian/ cycle bridge will be provided over the River Aire, and (b) the site is within walking distance of the city centre for able bodied pedestrians, the existing public transport provision would be appropriate.

Walking and Cycling

There are existing Toucan crossings to the east of the access junction that will assist cyclists crossing the A61/ A63 junction and connecting with the cycle route along the A63 Pontefract Lane. It will also provide access to the emerging employment opportunities in the Aire Valley. The access drawing should show a cycle lane and advanced stop line thereby connecting the access road with these existing facilities.

The applicant has been asked to examine the walking and cycling routes to local facilities (such as shops, schools and medical facilities) in the Transport Assessment. The pedestrian route to Richmond Hill Primary School requires the use of controlled crossings of the A63. There are dropped kerbs on this route so no additional improvements are required. The most direct pedestrian route to Mount St. Mary's High School would use Ellerby Road. This has narrow and incomplete footways. The shortest pedestrian route to the doctor's surgery and pharmacy on Upper Accommodation Road would be via Ellerby Lane. There is an improvement scheme for Ellerby Road/ Ellerby Lane which includes the provision of continuous 2m footways on both sides of Ellerby Road.

The proposed River Aire bridge will provide a link to the existing cycle route along the south side of the river and facilities south of the Aire including the proposed Ruth Gorse Academy on Black Bull Street. This would be within walking distance of the site with the bridge in place. However, no preliminary design information of the bridge has been provided, such as details of ramps/ steps or how it would tie-in with the site and the towpath route on the south side. It is also noted that the submitted drawings refer to a "future bridge" and that it would be subject to a separate planning application. However, the bridge is considered essential in making the site accessible – particularly in terms of education and public transport – and further

information is required. This should include feasibility/ land take requirements and timescales.

The internal layout should include a signed cycle route along Low Fold between the proposed bridge and the Toucan crossing at the A61 South Accommodation Road. Low Fold is an existing spur to the site directly off the signalised A61/ A63 gyratory. This would provide the single vehicle access to the site. Whilst a second vehicular access would normally be required for a scheme of this size, a single access is acceptable given the site constraints and the ratio of apartments to houses.

There is a proposal for a 5.5m access road with 2m wide pedestrian routes delineated with a 30mm upstand kerb. The revised layout is appropriate for a low speed environment which is expected to be used by pedestrians and cyclists. The Street Design Guide gives advice on features that would restrain speeds (pp31-35) such as localised widening with a cycle by-pass. A ramped entry treatment would also be required to inform drivers that they are entering a reduced speed environment.

A Traffic Regulation Order will be required along Low Fold. The access road will need to have waiting restrictions otherwise it will be used for on-street parking to the detriment of pedestrians and cyclists.

The full length of the access road would be constructed to adoptable standards and offered for adoption under Section 38 of the Highways Act. The layout has been forwarded to the adoption team for comment.

The speed limit for the access road should be no higher than 20mph in accordance with the Street Design Guide. For the avoidance of doubt the cost of road markings, signage and appropriate speed limit Orders will be fully funded by the developer (inclusive of staff fees and legal costs).

The layout can accommodate the turning manoeuvres of a large refuse vehicle. The requested swept paths of the refuse vehicle on the access road and the internal car parks have been provided and are acceptable.

The main concern relates to servicing and deliveries. Given the site layout, parking area access points and the number of properties, there is likely to be demand for vehicle access onto the pedestrian routes that run alongside the properties. The means by which this will be managed needs to be set out. As explained at the recent meeting, a permanent management presence is the only way that it can be ensured that the bollards to these areas are lowered only when required. This will need to be set out in an agreed Management Statement which will be conditioned.

In terms of traffic impact the apartment and town house trip rates are similar to those agreed in the assessment of the approved Otter Island scheme (13/05566/FU). The traffic distribution and assignment based on census data is also considered reasonable.

It was agreed that capacity assessments would only be required at the signalised A61 South Accommodation Road/ A63 Knowsthorpe Crescent junction. As requested, the applicant has used the Leeds Transport Model data to identify traffic growth from the 2014 survey year to the 2021 assessment year. This includes major developments in the City Centre and the Aire Valley as well as the Aire Valley Park and Ride site.

There were concerns raised about the increase in traffic queues predicted on the signalised South Accommodation Road junctions as a result of the introduction of an

additional signalised access. Urban Traffic Control (UTC) have advised that the signal timings can be adjusted to largely mitigate the impact of the access and no off-site improvements are required beyond the immediate access. Should the application be approved, UTC will need to advise whether temporary signals during construction are acceptable or whether the signalised access will be required prior to development commencing.

Car Parking - The townhouses will have either 3 or 4 bedrooms. The provision of 1 space per house is therefore below the benchmark set out in the Street Design Guide. It is recognised that part of the site is within the city centre boundary and is likely to attract a lower proportion of 2 car households. There is also a significant barrier to cross in the A61/ A63 gyratory for residents to reach the nearest uncontrolled on-street spaces in Richmond Hill such as Dial Street and Easy Road. However, further justification is required that the level of parking will not create problems on surrounding streets. The applicant has provided census data of car ownership in the area/ in similar locations and a scale drawing showing the on-street parking, including, TRO restrictions, within 800m of the site. However, Highways officers remain concerned that visitor parking may lead to on-street parking issues. There is no visitor parking proposed, which is not satisfactorily addressed in the Transport Assessment. Given the inclusion of 3 and 4 bed family housing, there will be visitor demand particularly at weekends. A suggestion that visitors will use the Leeds Dock car park is not considered realistic. The other suggestion that visitors could use a mobile phone app to identify spaces that are not in use does not appear practical. Presumably spaces will be individually allocated – how therefore can these spaces then be used by visitors? How will the return time of residents and duration of visitor stays be known? Visitor parking should be provided and details shown on a revised drawing although a reduction from the starting point in the Street Design Guide would be appropriate

There would be 97 spaces for the 162 apartments – a 60% level of provision. This reflects the historic apartment provision in the East Street corridor, and is considered the minimum level given the location on the fringe of the City Centre. Details need to be provided as to how these spaces will be allocated, which can be agreed by condition

Each car parking space will have an electricity supply so that an electric vehicle charging point can be readily installed.

Given the number of residents it is considered that two Car Club spaces should be provided on the access road. The applicant should contact the current car club operator and TravelWise; they will also be able to advise on the likely costs of the package for residents membership and trial use. This should be secured via the Section 106 agreement.

Cycles - The cycle parking provision of one space per dwelling is appropriate.

7.1.2 Canals and Rivers Trust

No objection subject to conditions regarding prevention of contamination, landscaping and details of foundations. The Canals and River Trust would need to be involved in as a key consultee pre-application discussions regarding any future bridge.

7.1.3 Environment Agency

Objection on the grounds that the scheme would unacceptably increase flood risk. The latest modelling carried out for the Leeds Flood Alleviation Scheme shows that the site would be located in Flood Zone 1. However, the EA have not yet agreed this

latest modelling, so that it can be adopted and become the definitive EA Flood Map. The applicant is in discussions directly with the EA to agree which data should be used for this scheme, and whether additional compensatory flood storage is required in the scheme design. Plans Panel will be updated verbally on the outcome of these discussions.

7.1.4 Coal Authority

No objection subject to condition regarding intrusive site investigation works to be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

7.2 Non-statutory:

7.2.1 LCC Flood Risk Management

No objection subject to condition regarding details of surface water drainage

7.2.2 LCC Public Rights of Way

There is an historic riverside footpath running alongside the frontage of this development. Public access to this route is currently severely restricted but we would like to see it incorporated into the broad public green promenade. Further details and designs for paths through this landscaped area would be appreciated, however in the meantime we would request that the path should link southwards to the existing path beneath Richmond Bridge and north east back to East Street. The potential bridge across the River Aire is of great interest as it would improve the accessibility of this development for walking and cycling, because it would provide a direct link to the Trans Pennine Trail/National Cycle Network Route on the opposite bank. This would then offer a mostly traffic free route into Leeds City Centre.

7.2.3 LCC Environmental Protection

Environmental Health officers have assessed the submitted reports and sought further clarification regarding noise, air quality and industrial odour issues.

7.2.4 LCC Nature Conservation Officer

The inclusion of an ecology area at the eastern end of the site is positive. This area will be designed through appropriate fencing (livestock post-and-wire) and dense planting to exclude the public. This will also allow a suitable location for an artificial otter holt. The soft landscaping to the river frontage is also supported but we should request more details of how this will be achieved in relation to the riverside terracing/riparian planting – the main objective for this should be providing biodiversity features (to off-set loss of riverside trees) and will need specialist long-term management. A Construction Environmental Management Plan (Biodiversity), Biodiversity Enhancement and Management Plan (to include an artificial otter holt, and monitoring and management of biodiversity features by a specialist ecological company), and the eradication of non-native species would be required by condition.

7.2.5 Yorkshire Water – no comments at time of writing

7.2.6 LCC Waste Management

No objection, however good management of waste facilities will be required as the size of the facilities fall below the Council's usual standards

8.0 PLANNING POLICIES:

8.1 Development Plan

8.1.1 Leeds Core Strategy 2014

The Leeds Core Strategy was adopted by the Council on 12th November 2014. This now forms the development plan for Leeds together with the Natural Resources & Waste Plan and saved policies from the UDP. A number of former UDP saved policies have been superseded by Core Strategy policies and have been deleted as a result of its adoption. Appendix 1 of the Core Strategy provides a full list of 'deleted' UDP policies and policies that continue to be 'saved' (including most land use allocations). Relevant Saved Policies would include:

GP5 all relevant planning considerations
BD2 new buildings
T7A cycle parking
T7B motorcycle parking
T24 Car parking provision
LD1 landscaping

The Low Fold site is currently allocated for employment uses under Saved UDPR Policy EC3:C.

Relevant Core Strategy Policies include:

Spatial Policy 4 – Identifies the Aire Valley Leeds as a Regeneration Priority Programme Area. Priority will be given to developments that include housing quality, affordability and choice, improve access to employment and skills development, enhance green infrastructure and greenspace, upgrade the local business environment and improve local facilities and services. Emerging work on the draft Aire Valley Area Action Plan has proposed the site as a housing allocation which would make a significant contribution towards meeting the area's requirement to provide 6,500 dwellings. This allocation was approved at Executive Board in February 2015 as the basis for consultation on the publication draft version of the plan. Issues relating to the loss of employment land (based on the existing allocation) are discussed in the appraisal section of this report.

Spatial Policy 5 – Sets out the broad principles for development in the Aire Valley Regeneration Priority Programme Area including targets for housing (6,500 units) and employment land (250 ha) specific to the area.

Spatial Policy 7 – Sets out the spatial distribution of the district wide housing requirement between Housing Market Characteristic Area. The Low Fold site is in the Inner Area with a requirement to provide 10,000 units (2012-28)

Spatial Policy 8 states that training/skills and job creation initiatives would be supported by planning agreements linked to the implementation of appropriate developments given planning permission.

Spatial Policy 11 – Transport Investment Priorities – includes a priority related to improved facilities for pedestrians to promote safety and accessibility, particularly connectivity between the edges of the City Centre and the City Centre itself.

Policy CC3: Improving connectivity between the City Centre and neighbouring communities – provide and improve routes connecting the City Centre with adjoining neighbourhoods to improve access and make walking and cycling easier.

Spatial Policy 13 – Strategic Green Infrastructure – The River Aire corridor is part of the GI network described in the policy. The applicant will also need to address Policy G1 (green infrastructure) and G9 (biodiversity).

Policy H2 – New housing development on non-allocated sites & Policy T2 accessibility requirements – refers the capacity of infrastructure and accessibility standards in Appendix 3. Links to local shops, primary schools, secondary schools, parks and employment locations are important.

Policy H3 – Density of development. A minimum density target of 65 dwellings per hectare is set for edge of centre locations.

Policy H4 says that developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long-term taking into account the nature of the development and character of the location.

Policy H5 – Affordable Housing. The site lies within Affordable Housing Zone 3 on Map 12 of the Core Strategy. According to the policy, the affordable housing requirement would be 5% of the total number of units, with 40% for households on lower quartile earnings and 60% for households on lower decile earnings

Policy EC3 Safeguarding existing employment land and industrial areas.

Policy G4 – Open space requirements. Outside the City Centre the normal requirement is 80 sqm per dwelling.

Policy G9 Biodiversity improvements

Policies EN1 & EN2. Policy set targets for CO2 reduction and sustainable design & construction, including Code for Sustainable Homes Level 4 and at least 10% low or zero carbon energy production on-site.

Policies EN4 District Heating. This site is not within the areas identified as having most potential in the Aire Valley & City Centre Energy Masterplan.

Policy EN5 – flood risk. A flood risk assessment and sequential test would be required as some of site lies in Flood Zones 2 and 3. Housing is proposed in Zone 3 and therefore the exceptions test would also be required. The applicant would need to consider the layout of site and potential for locating green space in the in higher flood risk zones in accordance with NPPG advice.

Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and enhancing existing landscapes and spaces.

Policy P12 states that landscapes will be conserved and enhanced.

Policies T1 and T2 identify transport management and accessibility requirements for new development.

8.1.3 Leeds Natural Resources and Waste DPD 2013

The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies regarding flood risk, drainage, air quality, trees, and land contamination are relevant to this proposal. The site is within the Minerals Safeguarding Area for Coal (Minerals 3) and partly within Minerals Safeguarding Area for Sand & Gravel (Minerals 2).

8.2 **Relevant Supplementary Planning Guidance includes:**

SPD Street Design Guide
SPD Public Transport Improvements and Developer Contributions
SPD Travel Plans
SPD Building for Tomorrow Today: Sustainable Design and Construction
SPD Biodiversity and Waterfront Development
SPG Neighbourhoods for Living
SPG Leeds Waterfront Strategy

5.6 **Other material considerations**

5.6.1 **Best Council Plan**

The Plan identifies 6 objectives in order to achieve the best council outcomes identified between 2014-2017. One of the three best Council outcomes (Best Council Plan 2013-17) is to “improve the quality of life for our residents”, and the priority “Maximising housing growth to meet the needs of the city in line with the Core strategy” within the Best Council objective “Promoting sustainable and inclusive economic growth” gives a strong foundation to improving the quality of housing and ‘liveability’ of places delivered under this ambitious programme for the city.

5.6.2 **Vision for Leeds 2011-2030**

The vision states that Leeds will be a great place to live, where local people benefit from regeneration investment, and there is sufficient housing, including affordable housing that meets the need of the community.

5.6.3 **City Priority Plan 2011-2015**

The Plan states that Leeds will be the best city to live in. The City Priority Plan includes an objective to maximise investment to increase housing choice and affordability. The sustainable growth of a prosperous Leeds’ economy is also a priority. The key headline indicators relevant to this proposal would be the creation of more jobs, more skills, and the growth of the local economy, and an increase in the number of hectares of vacant brownfield land under redevelopment.

5.6.4 **The Leeds Standard**

The Leeds Standard was adopted by the Council’s Executive Board on 17 September 2014. The aim of the Leeds Standard is to ensure excellent quality in the delivery of new council homes under three themes: Design Quality, Space Standards and Energy Efficiency Standards. It sets out how the Council can use the Leeds Standard in its role as Council landlord through its delivery and procurement approaches. Through its actions the Council can also seek to influence quality in the private sector. Those aspects of the Standard concerned with design quality will be addressed through better and more consistent application of the Council’s Neighbourhoods for Living guidance. The Leeds Standard sets out the importance of excellent quality housing in supporting the economic growth ambitions of the council.

8.3 **National Planning Policy Framework (NPPF)**

The National Planning Policy Framework (NPPF) came into force in March 2012 and represents the government’s commitment to sustainable development, through its intention to make the planning system more streamlined, localised and less restrictive. It aims to do this by reducing regulatory burdens and by placing sustainability at the heart of development process. The National Planning Policy Framework (NPPF) sets out the Governments planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so.

The NPPF identifies 12 core planning principles (para 17) which include that planning should:

- Proactively drive and support sustainable economic development to deliver homes
- Seek high quality design and a good standard of amenity for existing and future occupants.
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

The NPPF states that LPA's should recognise that residential development can play an important role in ensuring the vitality of centres (para 23). Housing applications should be considered in the context of the presumption in favour of sustainable development (para 49).

The NPPF states that local authorities should deliver a wide choice of homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (para 50).

Section 7 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:

- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimising the potential of the site to accommodate development;
- Respond to local character and history;
- Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments; and
- Development to be visually attractive as a result of good architecture and appropriate landscaping.

9.0 MAIN ISSUES

- 9.1 Principle of use
- 9.2 Design
- 9.3 Landscaping, public realm/open space and biodiversity
- 9.4 Amenity of future residents
- 9.5 Highways and transportation
- 9.6 Flood risk
- 9.7 Sustainability
- 9.8 Planning obligations

10.0 APPRAISAL

10.1 Principle of use

10.1.1 The National Planning Policy Framework, the Leeds Core Strategy, and the emerging Aire Valley Area Action Plan would support a residential development in this edge of City Centre location, as a major contribution to housing in the Aire Valley.

10.1.2 Policy EC3 safeguards existing employment land and industrial areas unless specific criteria are met. As the site is allocated for employment, the criteria set out in Part A of the policy would need to be addressed. This is not a site where office development would be specifically encouraged as it is not in a designated centre. This would leave

industrial/warehousing development as the only potential alternative use for the site. Given the number of planning permissions / allocations for employment in the wider Aire Valley Urban Eco-Settlement area on large sites, this site is not considered necessary to meeting the overall employment targets, but can make a valuable contribution to meeting housing targets in the Aire Valley. The site is not in an area of employment shortfall so part B of the policy does not apply. The overall benefits of a sustainable housing development at this site are considered to outweigh employment land policy provisions in this case.

10.1.3 Core Strategy Policy H4 requires residential development to provide a mix of unit types including one, two and three-bed accommodation to meet housing needs over the long term. The application proposes 52% flats and 48% houses which falls slightly below the minimum of 50% houses set out in Table H4. However, taking into account the site location on the edge of the city centre and the fact that 10% of the site area lies within the city centre boundary (where a mix of house/flats types is not required), it is considered that the proposed mix of houses and flats is appropriate. In terms of dwelling size the proposed mix is as follows: 1 bed (15%); 2 bed (37%); 3 bed (33%); 4+ bed (15%). These proportions all fall within the minimum and maximum proportions of each dwelling size specified in Table H4.

10.1.4 Do Members agree that the proposed use of the site for a residential scheme is appropriate?

10.1.5 Do Members agree that, on balance, the proposed mix of units is appropriate for this edge of City Centre location?

10.2 Design

10.2.1 The topography of the site and the varied storey heights would also allow daylight and sunlight into the courtyards in varying degrees throughout the year, to a level that is considered appropriate to this urban City Centre context, taking account of the heights of nearby buildings and spaces between them and the proposal. The townhouses would be three storeys along the riverside, rising to four storeys within the site. The tallest elements of the proposal would be the apartment blocks along East Street at 7, 8 and 9 storeys respectively. Given the wide road infrastructure between the site and the scale of the nearby 14 storey Echo flats, the scale and distribution of heights around the proposed development is considered appropriate at this road gateway and riverside location.

10.2.2 The spaces between the buildings and the scale of the inner courtyard terraces are comparable to the spatial qualities of typical City Centre streets:

- Park Row is 15m wide with building to space width ratio of 1:1.06-2.4 (4-9 storeys)
- St Pauls Street is 10m wide with a building to space width ratio of 1:1.2-2.8 (3-7 storeys)
- York Place is 10m wide with a building space to width ratio of 1:1.2-1.6 (3-4 storeys)
- King Edward Street is 10m wide with a building space to width ratio of 1:1.6-1.2 (3-4 Storeys)
- Commercial Street is 10m wide with building to space width ratio of 1:0.8-1.2 (2-4 storeys)
- Kirkgate is 14m wide with building to space width ratio of 1:0.86-1.14 (3-5 storeys)
- Brewery Walk is 9m wide with building to space width ratio of 5-9 storeys 1:1.88-4.22

The 10m wide Low Fold courtyards at 3-4 storeys with a building height to street width ratio of 1:1-1.2 would be in keeping with typical City Centre urban grain. Given the pedestrianised qualities of the spaces and overall high landscape quality this is considered appropriate for a housing scheme in this location.

10.2.3 Passivhaus principles including maximising solar gain and natural light lead to the modern form and appearance of the proposed buildings. The buildings would feature a simple and ordered architecture, with crisp detailing, such as large historic mill-scale windows with deep reveals, and shutters which provide shade and add visual interest. The proposed buildings feature a range of materials with a variety of different textures from solid and perforated black or red metal cladding systems, grey Eternit cement cladding, and black or natural timber products.

10.2.4 The roadside elevation of the flats blocks would feature a framework which would support appropriate climbing plants. This would provide a distinctive softening and contrasting feature to the grey/black cladding. The scale of the roadside elevation would also be broken up by open slots through the building. These features would also add visual interest to the façade.

10.2.5 It is considered that the proposed building design and materials would complement the changing industrial character of the area, with the timber elements providing a contrast to the grey, black and dark red of the anodised metal and Eternit cladding. Overall, it is considered that the proposed buildings would create a unique sense of place and identity for the site, and offers a distinctive new character to the area.

10.2.6 Do Members agree that the proposed layout, heights, form and architectural treatment and materials are acceptable?

10.3 Landscaping, open space and biodiversity

10.3.1 The name “Low Fold” derives from the shape of land, a *fold* being a significant geological feature at this site. At its steepest, the level change from the east of the site along South Accommodation Road to the west (River Aire) is 12m in total, made up of a steep slope, shallower sloping plateau and then a further 2-3m drop at the river’s edge. The proposal would respond to existing landform of the area to create a hierarchy of amenity spaces:

- Public accessibility to the greened public realm around the site including the riverside at ground level
- Communal courtyard spaces between the groups of terrace houses, creating attractive and social spaces for residents
- The houses would benefit from private roof gardens and the flats would benefit from communal roof gardens.

10.3.2 Tree planting will comprise a mixture of native and ornamental tree species throughout the site. The public realm benefits of the scheme are a landscaped buffer including tree planting to South Accommodation Road along the full length of the site frontage. The landscaping proposal would combine bold swathes of ornamental herbaceous perennial planting, native and prairie grasses, and shrub planting with sweeping bands of pathway and street furniture would animate and give interest to the different character areas of the scheme. The riverside would retain a naturalised and varied river edge providing a meandering and sloped set of terraces.

10.3.3 The sculptural ‘Fold’ feature, a high quality cast concrete undulation weaves its way through planting and paving. The feature is a seat and a visual connector linking

different character spaces throughout the landscaped public realm. The 'Fold' varies in height from 750mm to ground level and its bold line would be continued by planting and matching gravel bands. A lighting scheme to highlight features, routes and tree canopies would give an attractive and safe environment at night. Exact details of the lighting scheme would be controlled by condition.

- 10.3.4 In terms of movement & accessibility, the site features a steep level change and all public realm areas would be compliant with British Standard 8300:2009 +A1:2010. Ramps and steps would be provided in accordance with the British Standard and level access routes would be provided to all buildings and to the riverside. Circular level walking routes have been provided where possible given the topography of the site, and there is also 2 informal play areas, a 400m running/circuit training route, sprint lawn and trim trail equipment. Low maintenance vandal resistant seating is proposed, combining linear hardwood beam benches on steel supports (including backrest and arms where required) with the high quality concrete 'Fold Feature for informal seating.
- 10.3.5 An integral part of the proposed landscape strategy would be the promotion of biodiversity and mitigation of any adverse effects from the development. The landscape strategy proposes to enhance the ecological value of the site through the introduction and management of a diversity of habitats within the roof gardens, public realm and the riverside embankment. The scheme proposal would enhance the biodiversity opportunities for the River Aire Corridor, a habitat for riparian flora and fauna including retained existing trees, local native wildflowers and herbaceous planting. The riverside would be re-profiled reducing the river wall in places to allow for a sloped set of terraces retained by Willow hurdles in accordance with Yorkshire Wildlife Trust proposals for the River Aire Corridor. The embankment would be allowed to colonise naturally in some areas with new areas of wildflower and marginal plug planting mixed with areas of native riparian shrubs and grasses to create a variety of habitats for flora and fauna to develop and soften the hard edge of the edge of city centre site. Items such as colourful bird boxes fixed to proposed trees and other biodiversity enhancements such as the plug planting of local species of importance would be undertaken. An area to the south of the riverside would be fenced with timber and stock proof wire to prevent public access and allow the habitat to continue to develop naturally and would have potential for an artificial otter holt if appropriate in the future. It is considered that the scheme would make appropriate provision for biodiversity enhancement in a riverside corridor location.
- 10.3.6 The paving material for the site will be of an appropriate quality for an important public realm with high quality concrete/stone aggregate finishes to the ground plane and highlights of hardwood and stone to the terraces. The materials would be used to define a legible hierarchy of surfaces and tie together the different character areas of the Fold landscape with sweeping paths. Elongated planks of high quality concrete aggregate sett paving would enhance the public realm and roof terraces providing a continuous visual reference at all landscape amenity levels.
- 10.3.7 Through the provision of a broad landscaped riverside walkway for the full length of this site, there is potential for onward connection subject to the future redevelopment of the adjoining sites and respective landowners' agreement. The scheme would therefore meet Core Strategy Spatial Policy 13 – Strategic Green Infrastructure – The River Aire corridor is part of the Green Infrastructure network described in the policy. The proposals therefore address the requirements set out in Policy G1 (green infrastructure) and G9 (biodiversity).

- 10.3.8 Core Strategy Policy G4 requires on site provision of green space of 80 square metres per residential unit for development sites of 10 or more dwellings that are

outside the City Centre. The site is located within 720 metres of a community park (Bow Street Recreation Ground) but there are deficiencies in provision of all green space types (except children's equipped play) in City and Hunslet Ward, and therefore on-site provision is required. Policy G5 applies within the City Centre with a requirement for open space provision equivalent to 0.41 hectares per 1,000 population. . Approximately 10% of the red line boundary of this site is located within the City Centre boundary. If the Policy G4 requirements are applied to the site the on-site green space requirement would be 2.5 hectares. If the Policy G5 requirements are applied it would be 0.22 hectares. Applying the requirements pro-rata based on 90% of the site area lying outside the City Centre and 10% within, the green space on-site requirement is calculated to be 2.27 hectares. Proposed provision would be in excess of the requirement based solely on Policy G5 but well below the requirement based on Policy G4 or the pro-rata figure based on the area of site within and outside the City Centre. However, even the pro-rata requirement amounts to about 80% of the red line site area which is undeliverable on this site based on a development of the type of density proposed. The overall nature, density and housing type of the scheme is considered appropriate given the site characteristics and location on the edge of the City Centre. In this case the public space provided would exceed the requirement that would be asked for if the proposals were assessed under Policy G5, on the basis that it would be impractical to use Policy G4 for this particular scheme.

10.3.9 The overall approach to landscaping, amenity space and public realm would offer a good standard of landscape amenity for residents, make use of sustainable drainage techniques, enhance the biodiversity value of the River Aire corridor, provide an appropriate level of landscaped publicly accessible open space, and contribute positively to the overall distinctive sense of place at the site.

10.3.10 Do Members agree that the proposal would provide appropriate high quality landscaped public realm, a good standard of private amenity space, biodiversity opportunities and appropriate landscaped riverside setting?

10.4 Amenity of future residents

10.4.1 In the context of the recent Executive Board adoption of the "Leeds Standard" for the Council's own housing schemes, it is strongly encouraged that private developers also meet our aspirations for high quality, liveable homes in the City, particularly in relation to design quality, space standards and energy efficiency standards. This includes meeting the minimum Government and Homes and Community Agency (HCA) internal space standards. Although the applicant does not intend to seek accreditation under Code for Sustainable Homes this scheme would exceed the minimum space and energy efficiency requirements encouraged by the Council under the Leeds Standard.

10.4.2 The townhouses would be built above a concealed undercroft parking deck built into the change in levels across the site. Habitable accommodation would be at street level to give outlook, activity and surveillance to pedestrian routes. The townhouses would be single aspect, with private 5-8m long glazed covered courtyards to the rear, and a rooftop terrace. The covered glazed roofs to the rear of the properties would allow light into the rear of the dwellings and provide private all-weather amenity space, in addition to private outdoor space on the roof of each house. Although the townhouses are single aspect, they would each have access to a covered glazed atrium and a private external rooftop garden. It is considered that this arrangement along with the mix of 10m gaps to the main street aspect or open views across the river, combined with the proposed good internal space standards, would provide

acceptable amenities for future occupiers. There are 8 instances where there is a gap of 4m between buildings. In these cases, the windows would be arranged so that overlooking would be minimised. For example, where Block A faces Block B at such a distance, Block B features no windows. Where Block D faces Block E, the windows in the facing elevation of Block D would be to the staircase only, with the open aspects to the side along the courtyard. This arrangement also increases natural surveillance obliquely along the courtyards. The open layouts of the houses mean that light would not be blocked (unless the resident wishes). The narrowing points have been designed to create a series of intimate courtyards rather than one long street. It is considered that this feature contributes positively to the character of the spaces, and on balance, given the edge of City Centre context, and the unique type of high density family housing being provided, it is considered that the accommodation would have appropriate size, outlook, level of privacy and natural light.

10.4.3 With regard to the distances between the site and its neighbours, at the eastern flank of Block T the boundary would be some 20m away from primary aspect windows. There are no aspects towards the boundaries on Blocks B and O to avoid any prejudice to future neighbouring development. At the site's south-eastern edge, Block P would feature living room and bedroom windows looking south and east across the site boundary onto the road over the redundant highway land to the south east. It is considered that in the more densely built character of an edge of City Centre location, the proposal would give appropriate space between buildings, and not have significantly adverse effects on the amenities of neighbouring properties.

10.4.4 Do Members agree on balance that in the context of a densely built edge of City Centre location, the proposal would give appropriate space between buildings, and that the new dwellings would feature an appropriate level of amenities in terms of daylight and sunlight, outlook and privacy?

10.4.5 Noise /industrial odour/air quality - the site lies close to the inner ring road and heavy industry at Allied Glass, which have the potential to cause noise, odour and air quality issues for any nearby residential uses – at the time of writing we are awaiting comments from Environmental Health on additional information submitted in response to officer clarification regarding the submitted reports. Members will be provided with a verbal update at Panel.

10.5 Highways and transportation

10.5.1 The scheme proposes one car parking space per house and 60% parking provision for the flat units. Car parking spaces would be rented rather than purchased, so residents could have more than one space if they require. The developer also proposes travel plan measures in order to encourage future residents to rely less on private car use, such as providing real-time public transport information and car sharing apps for each household to access. Secure cycle storage would be provided for each dwelling in a secure room in the basement.

10.5.2 The nearest primary school is Richmond Hill (10 minute walk) and the closest secondary schools are Mount St. Mary's (10 minute walk) and the Co-operative Academy in Burmantofts. The proposed Ruth Gorse Academy would be an 18 minute walk without a bridge, but around 10 minutes if accessibility were improved by a new pedestrian bridge over the River Aire to the South Bank. Local shops and services including sandwich shops, pharmacy and medical centre (Richmond Hill Medical Centre) are located at the junction of Ellerby Lane/Dial Street around 10 minutes walk to the northeast. Local play and park facilities are located off Bow Street at a 10

minute walk. Leeds Dock including a Tesco Express Store, restaurants, café, and a gym is situated south of the River Aire and can be accessed via an existing footbridge at Neptune Street via a 20 minute walk or an approximate 13 minute walk via South Accommodation Road and Clarence Road. Leeds city bus station and city centre retail and leisure facilities are approximately 1 mile (20 minutes walk) from the lower part of the access road. There are also frequent bus services along Hunslet Road within a 10 minute walk. Local bus facilities exist on Easy Road (10 mins walk) and South Accommodation Road (close to the site frontage) to the City Centre and beyond, but at lower frequency times than the Core Strategy recommends. Links to local shops, primary schools, secondary schools, parks and employment locations are important, and a river bridge would provide a much quicker link to the South Bank including the local shopping facilities at Leeds Dock, the proposed secondary school at Black Bull Street and the future City Centre Park.

- 10.5.3 Highways Officers have stated that the bridge is necessary to make the development acceptable (more than desirable) in terms of achieving accessibility to local facilities and public transport within a 5 minute walk time (Core Strategy Policy T2 appendix 3 – Table 2). However Members should note the availability of local services and facilities across East Street and the frequent bus services along Hunslet Road. Although the nature of the pedestrian journey to these facilities needs to be taken into account (across major highway infrastructure), it is considered that their availability questions the position that the river bridge is essential to make the development acceptable in accessibility terms. This matter is still being considered.

Highways have also expressed concern/comment regarding the lack of on-site visitor parking, the adequacy of the travel plan, the details of the design and stopping-up of the access road, delivery management and disabled accessibility around the site. At the time of writing officers are considering the applicant's responses to these issues, and Members will be provided with a verbal update at Panel.

10.6 Sustainability

- 10.6.1 The proposed buildings would be constructed to the highest building sustainability levels in and around Leeds City Centre. The scheme would not achieve all elements of the formally accredited standard set out in the adopted policy by meeting Code for Sustainable Homes Level 4 (CSH4), but in many areas the proposal would exceed the CSH4 and the Council's objectives for minimising energy use, and on-site renewable energy generation through photovoltaic cells.
- 10.6.2 The scheme has been designed along Passivhaus principles. The buildings have been designed to optimise solar gain and natural light into homes, for example the triple height lightwell angled southwards from the rooftop of each house. A Passivhaus is a building where the right temperature can be achieved solely by post-heating or post-cooling incoming fresh air, in order to achieve appropriate indoor air quality conditions without the need for additional recirculation of air. Passivhaus is a specific energy performance standard that delivers very high levels of energy efficiency, whilst the CSH and BREEAM are overarching sustainability assessment ratings which address a large number of environmental issues. These standards are not mutually exclusive - sub sections within these sustainability standards account for Energy and Carbon Dioxide emissions which are the most heavily weighted and most difficult to achieve. By adopting the Passivhaus 'fabric first' approach the scheme would be able to reduce the level of renewable energy interventions needed to deliver the higher level targets.

- 10.6.3 Policy EN1 requires new homes to be built to energy performance set out in CSH level 4. CSH level 4 requires improvement of 25% above building regulations requirements. The Fabric Energy Efficiency (FEE) requirement under CSH level 4 for a terrace house (that closest reflects the majority of dwellings at Low Fold) is <math><38\text{kwh/m}^2\text{/yr}</math>. The FEE requirement of levels 5 and 6 of CSH is <math><38\text{kwh/m}^2\text{/yr}</math>. The FEE at Low Fold houses is 20.8kwh/m²/yr for type A, 27.3 kwh/m²/yr for type B and 29.9kwh/m²/yr for type C. This represents a 62%, 50% and 46% improvement on CSH level 4 (the Council's minimum policy requirement).
- 10.6.4 The construction methodology as currently modelled minimises the space heating load. The district heat network heat load for the development would be met by a combination of solar photovoltaic cell and passive heat sources. This construction model takes into consideration the merits of air tightness and thermal insulation to achieve the appropriate u-values for floors, walls and roofs. Further, the junction details have been fully modelled to prevent heat loss and leakage at all interfaces. The result would be extremely thermally efficient buildings, which have an inherent lower energy demand. The applicant has experience of delivering thermally efficient, air tight buildings through delivery of the Greenhouse scheme in Leeds and the Little Kelham development in Sheffield. Thermal imaging testing and air tightness testing is deployed throughout construction stages to ensure design details are achieved during construction. This approach will far exceed current and 2016 proposed minimum building regulations, and reflect the requirements of Policy EN1 and 2 to reduce carbon emissions and achieve sustainable design at the proposed new development.
- 10.6.5 Reduction in onsite potable water use would be addressed through a variety of measures. Water efficient appliances would be specified as standard, with rainwater harvesting systems used where the relative water savings would be weighted against the energy load for pumping.
- 10.6.6 The proposal would incorporate sustainable urban drainage (SUDS) techniques. Surface profiles, porous paving, planting channels and the areas of biodiverse (intensive) green roofs would slow down the rate of surface water run-off from parts of the site. An investigation into the filtration rate of the site is underway and may present further opportunities. Exact details of the SUDS would be sought by planning condition.
- 10.6.7 The applicant is not seeking formal Code for Sustainable Homes or Passivhaus accreditation for Low Fold, however, an appropriately worded condition would control key headline indicators to ensure that the sustainability benefits are delivered. In addition, the overall development would also enable the delivery of new dwellings on a longstanding brownfield cleared site, representing efficient use of urban land in a sustainable location, make use of grey-water recycling and sustainable urban drainage systems (SUDS), and employ measures to reduce reliance on the private car.
- 10.6.8 Do Members agree that the proposal represents a highly sustainable development in terms of its wider environmental benefits, in particular its energy efficient construction and ability to generate on-site renewable energy?**

10.7 Flood risk

- 10.7.1 The application site lies in Flood Risk Zones 1, 2 and 3. The proposed residential use is classed as 'more vulnerable' according to the flood risk vulnerability classification table set out in the NPPF technical guidance on flood risk. Therefore in accordance with the requirements set out in the NPPF (para 100) a flood risk sequential tests has

been submitted on behalf of the applicant and is considered acceptable. This demonstrates that no sequentially preferable sites within a lower flood risk are available to deliver this project on a site that is within the Aire Valley area as defined by the Core Strategy. Given housing development is proposed in Flood Zone 3, the exception test should also be applied in accordance with Table 3: Flood risk vulnerability and flood zone 'compatibility' of the NPPG. Part A of the exception test requires demonstration that the development provides wider sustainability benefits to the community that outweigh flood risk. The site is considered sustainable given its location on a brownfield site, within an identified regeneration area, built to high sustainability standards, accessible to pedestrians and cyclists and close to public transport links, the site is previously developed land, and subject to the agreement of an acceptable flood risk assessment by the Environment Agency, the proposal would adequately safeguard against potential flooding impact. These wider sustainability benefits are therefore considered to outweigh potential flood risk matters in this case.

10.8 Section 106 obligations

- 10.8.1 The pedestrian bridge over the River Aire does not form part of the formal planning application. Highway Officers have advised that the river bridge is considered essential to provide an acceptable standard of accessibility to the site. This matter is being considered further. Members should note that its delivery would enhance the connection of the site to facilities on the south side of the river so that it achieves the minimum accessibility standards set out by policy T2 of the Core Strategy. It would also have a wider connectivity and regeneration benefit in linking across the southern and eastern edge of the City Centre from Richmond Hill and Cross Green to the South Bank and Hunslet. These are material planning considerations. Spatial Policy 11 – Transport Investment Priorities includes a priority relating to improved facilities for pedestrians to promote safety and accessibility, particularly connectivity between the City Centre and its fringes. Policy CC3: Improving connectivity between the city centre and neighbouring communities requires development to provide and improve routes connecting the city centre with adjoining neighbourhoods to improve access and make walking and cycling easier. However these potential enhancements and the policy guidance need to be balanced against the availability of existing shops, facilities, play spaces and services within a 10 minute walking distance in Richmond Hill to the north and west of the site and the availability of frequent bus services on Hunslet Road, 10 minutes walk to the south of the site, before determining whether the river bridge connection (and its related significant costs) is an essential and reasonable requirement to make the proposal acceptable in accessibility terms in this case.
- 10.8.2 With regard to Policy H5, the site lies within Affordable Housing Zone 4 on Map 12 of the Core Strategy. According to the policy, the affordable housing requirement is 5% of units, 40% of these for households on lower quartile earnings and 60% for households on lower decile earnings. This would equate to 16 affordable housing units in total on this site. On the basis of the submitted offer, the applicant proposes to build 8 affordable housing units equivalent to 2.5% plus the delivery of a pedestrian/cycle bridge. The applicant has estimated that the delivery of the bridge would cost the equivalent of 2.5% affordable housing at this site. The applicant is therefore prepared to fund the delivery of the river bridge subject to a reduction in the normal affordable housing requirement. The applicant has submitted a feasibility study regarding the provision of a bridge which assesses the costs of providing 2.5% (8 units) on-site affordable housing and a bridge across the River Aire. According to their feasibility study the provision of the bridge would be equivalent to the cost of 2.5% (8 units) affordable housing on-site. Officers have taken advice from the Council's Bridges team and they have stated that the cost estimate for the bridge may be on the low side because there are unknown costs associated with the need for

third party landowner agreement, other consents and site investigations. Officers have instructed the Council's Asset Management service to independently assess the figures, and they are currently assessing whether the applicant's projected valuations are reasonable. Their assessment of the projected sales figures used in making the cost comparison will be updated verbally. The applicant has not provided an open book appraisal of profit generated by the scheme so it has not been possible to assess whether the developer could provide both a bridge and the appropriate level of affordable housing. If Members agree with the Highway Officers advise that the river bridge is considered essential to provide an acceptable standard of accessibility to the site then it is considered that a full viability assessment is required to demonstrate that the scheme cannot be delivered with the full amount of affordable housing and a river bridge.

10.8.6 Subject to the above considerations, the proposal would be subject to the Community Infrastructure Levy (CIL) and the Council's adopted policies would result in the following necessary Section 106 matters:

- Affordable Housing – the provision of 5% affordable housing
- the provision of a publicly accessible pedestrian bridge across the River Aire
- Travel plan monitoring fee £3560
- Provision of 2 car club bays and £25, 000 car club trial provision
- Public access throughout the site
- Cooperation with local jobs and skills initiatives

10.8.7 Do Members agree that a bridge is necessary in planning terms and that a full viability appraisal would be required to demonstrate that the bridge and the full amount of affordable housing cannot be viably delivered as part of the scheme proposal?

11.0 CONCLUSION

Members are asked to consider the following matters in particular:

- 11.1 Do Members agree that a residential scheme is appropriate for this edge of City Centre brownfield site?
- 11.2 Do Members agree that the proposed mix of house and flat units is appropriate for this edge of City Centre location?
- 11.3 Do Members consider that the proposed layout, heights, design and architectural treatment and materials are acceptable?
- 11.4 Do Members agree that the proposal would provide appropriate high quality landscaped public realm, a good standard of private amenity space, biodiversity opportunities and appropriate landscaped riverside setting?
- 11.5 Do Members agree on balance that in the context of a densely built edge of City Centre location, the proposal would give appropriate space between buildings, and that the new dwellings would feature an appropriate level of amenities in terms of daylight and sunlight, outlook and privacy?
- 11.6 Do Members agree that the proposal represents a highly sustainable development in terms of its wider environmental benefits, in particular its energy efficient construction and ability to generate on-site renewable energy?

11.7 Do Members agree that a river bridge is necessary to make the proposal acceptable and that a full viability appraisal would be required to demonstrate that the bridge and the full amount of affordable housing cannot be delivered as part of the scheme proposal?

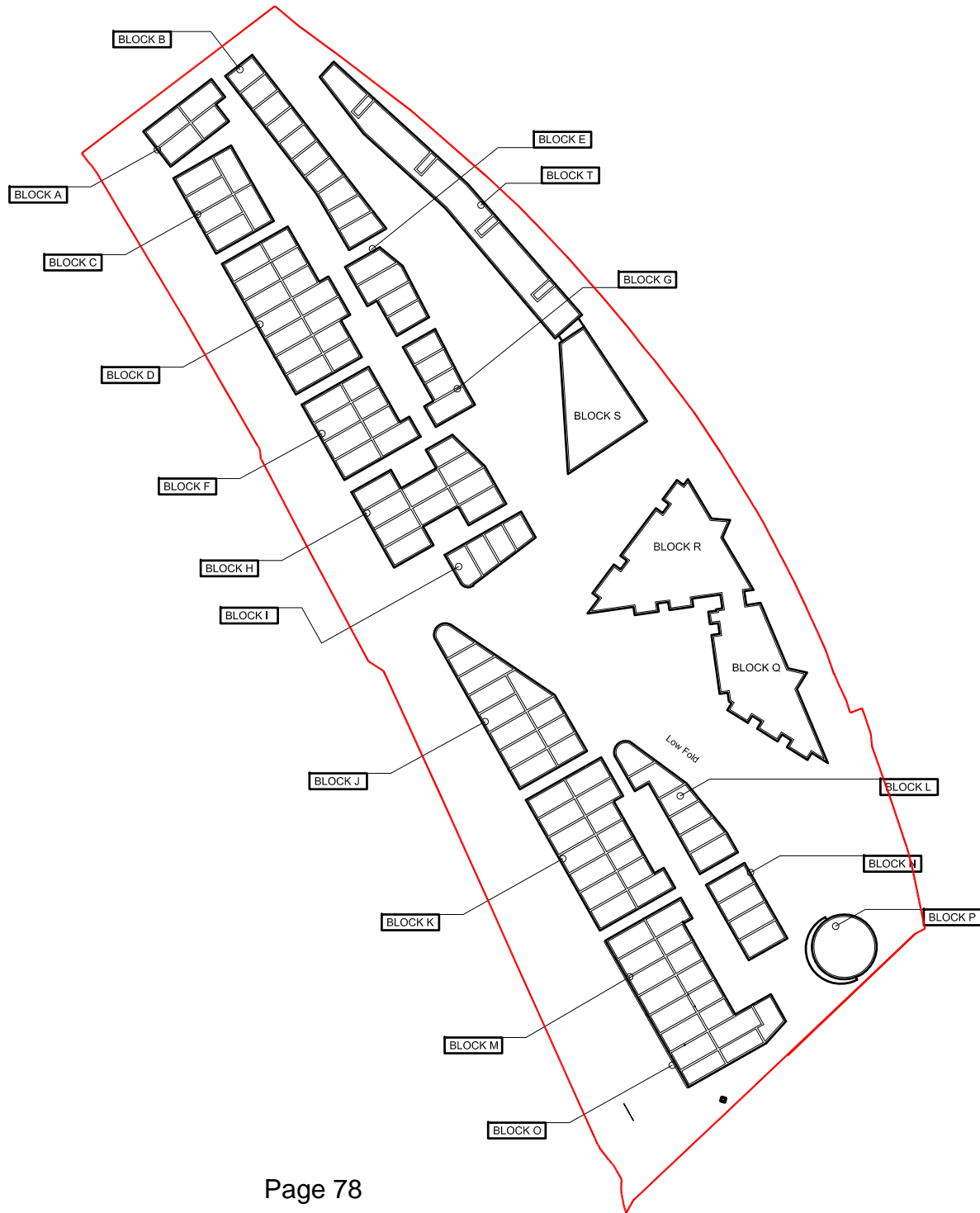
11.8 In summary, the following outstanding issues are also required to be resolved prior to an officer recommendation being brought back to Panel:

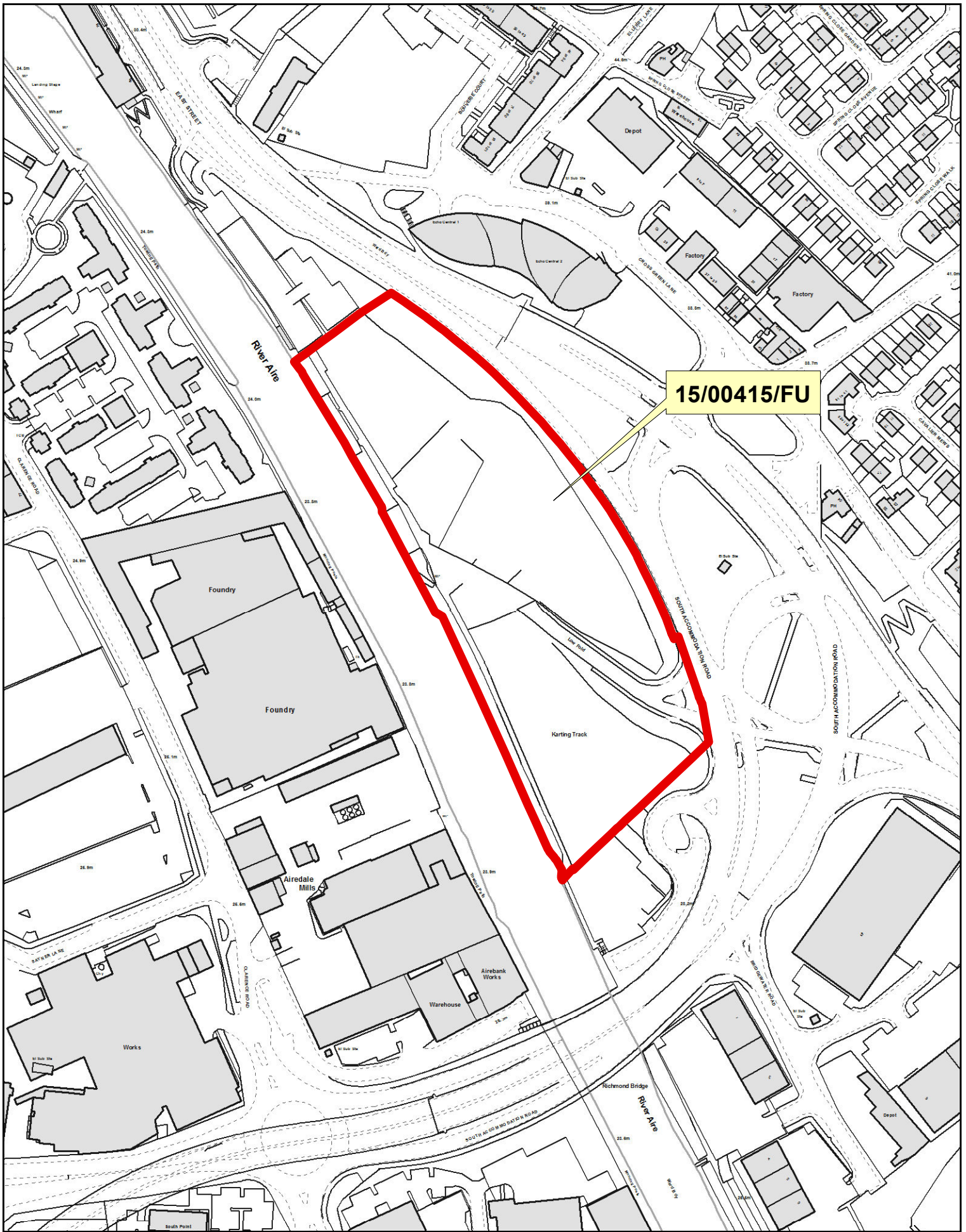
- Travel plan and measures
- Bridge provision
- Accessibility around the site
- Visitor parking
- Deliveries/drop-off management
- Noise
- Odour
- Air quality
- Flood risk
- Level of affordable housing required

Background Papers:

Application file 15/00415/FU

Appendix 1 Proposed site layout





CITY PLANS PANEL



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