



## Report of the Chief Planning Officer

### **CITY PLANS PANEL**

Date: 22 JANUARY 2015

**Subject: PLANNING APPLICATION REF. 14/04641/FU MIXED-USE, MULTI-LEVEL DEVELOPMENT COMPRISING THE ERECTION OF 4 NEW BUILDINGS, WITH 744 RESIDENTIAL APARTMENTS, 713SQM OF FLEXIBLE COMMERCIAL FLOORSPACE (A1-A5, B1, D1, D2 USE CLASSES), CAR PARKING, LANDSCAPING AND PUBLIC AMENITY SPACE AT SWEET STREET AND MANOR ROAD, HOLBECK, LEEDS LS11 9AY**

#### **APPLICANT**

Ingram Row Limited

#### **DATE VALID**

7 August 2014

#### **TARGET DATE**

19 February 2015  
(Extended)

#### **Electoral Wards Affected:**

**City and Hunslet**

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 in principle, subject to the specified conditions (and any others which he might consider appropriate), and following the completion of a Section 106 Agreement to cover the following matters:**

- **Affordable Housing contribution commuted sum £809, 523 or provision of 37 on-site low cost market flat units with measures to control occupancy to key workers**
- **£11 011 to be allocated to either public transport or Holbeck Urban Village public realm if on-site low cost housing provision is pursued**
- **Specific travel plan measures contributions – car club trial provision £27, 000**
- **Travel plan monitoring fee £6040**
- **Public access through the site**
- **Cooperation with local jobs and skills initiatives**
- **Management fee £1500**

**In the circumstances where the Section 106 Agreement has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer. If the application were to be determined after April 2015, the introduction of the Community Infrastructure Levy would not affect this case.**

### **Draft Conditions for 14/04641/FU**

The full wording of the draft conditions is set out in Appendix 4 at the end of this report.

## **1.0 INTRODUCTION:**

1.1 City Plans Panel Members were presented with a Position Statement on this application on 30 October 2014. Details of the Member comments made on this application are in the Appendix 1, with changes to the scheme set out in the Proposal section of the report, and the relevant main issues discussed in the Appraisal section.

1.2 In summary, Members requested that the scheme be revised to take account of the following issues:

- that the proposed use of the site for a predominantly residential scheme was appropriate
- that whilst in general Members agreed with the siting of the buildings, provision of landscaping; public realm and provision of active street frontages, to note Members detailed comments on these matters. That the arrangement of the taller block should be explored further and a clear rationale for it should be provided. Consideration of orientating the tall building towards The Mint building should be considered
- to note that more work was required regarding the height of the buildings, together with requirements for rooftop plant and the distribution of building heights around the scheme
- to note Members' detailed comments about the proposed landscaping
- that issues of sustainability needed to be addressed
- regarding the mix of units; their size; proportions and quality of the proposed flats, to note Members' comments and the Chief Planning Officer's comments about the work in progress on trying to achieve a Leeds Standard for units and for this work to be shared with Panel Members
- to note the requests for further detailed sun path surveys, information on proposed materials and the size of units in relation to average furniture sizes
- To note the comments made during the discussion regarding the viability of the scheme and planning obligations.

## **2.0 PROPOSAL:**

2.1 The applicants, Ingram Row Limited have advised that the economic downturn resulted in their previous planning permission not being built at this site. Ingram Row Limited are now in a position to bring the site forward as a Private Rented Scheme (PRS) to be built and thereafter managed long term by a partner institution, and have submitted a full planning application for a revised scheme. They advise that a PRS development is managed as a whole in perpetuity as part of an institution's investment portfolio. This means a continued lettings and management presence on-site which should ensure that the development is managed and is retained long term so that the development remains attractive to tenants. Ingram Row Limited advise that PRS developments are a concept to increase housing delivery and provide high

quality and managed rented homes, which allow people to remain in the same development but move to a smaller or larger apartment if their circumstances change.

- 2.2 The scheme proposal would consist of a total of 744 flats made up of
- 81 studio flats at 29.1 sqm
  - 295 one-bedroom flat at 44.4 sqm
  - 358 two-bedroom flats at 59.7 sqm
  - 10 three-bedroom flats all at ground floor level at 89.7sqm
- 2.3 There would also be 713 sqm of commercial floor space (A1 retail, A3 café/restaurant, B1 office, D1 non-residential institution, D2 leisure) facing onto Sweet Street.
- 2.4 There would be 263 car parking spaces (including 2 electric vehicle charging points, the normal requirement would be 26 however this is part of the viability considerations) accessed from two points on Ingram Street, and 744 cycle spaces.
- 2.5 With reference to Plan 3 attached to this report, open space provision is 21.5% (3063sqm of 14113sqm) of the total site area. The landscaped courtyards offer 2500sqm of greenspace, as well as soft landscaping and street tree planting to all the streets around the site. The new development has been designed with reference to the Holbeck Urban Village Revised Planning Framework (see Appendix 2, Plan 1), with building, courtyards and streets aligned to reflect the historic street patterns. The proposal is a perimeter block approach promoted by the Framework. The buildings would be set back from the edge of the footpath and feature new planting to the edges of the streets and spaces. The proposal would provide significant improvements to Ingram Row, including traffic calming, surface improvements, soft landscaping including 10 trees.
- 2.6 The prevailing height of the surrounding buildings is between seven and nine storeys. The proposed development would contain buildings of a mixture of heights in order to create interest and allow daylight into the two new courtyard areas. The proposed building heights would range between 6 and 12 storeys – see Appendix 2, Plan 3.
- 2.7 Since the 30 October Plans Panel, the applicant has made a number of changes to the scheme proposals in an attempt to deliver a financial surplus to meet the Council's policy requirement for planning obligations, and at the same time address Member concerns regarding design. The changes include:
- The scheme would meet Level 3 Code for Sustainable Homes (rather than a policy compliant Level 4). The scheme would not deliver the Council's targets of 10% low/zero carbon energy on site and would not deliver a 20% reduction in carbon emissions compared to current building regulations.
  - The concrete panel to the building façade has been replaced with a timber composite panel (Prodema or similar)
  - Glass balustrades were explored instead of metal railings to the balcony edges. However, as part of the consideration of the viability of the scheme, the railings remain as a bronze-coloured metal finish.
  - A change from natural surfacing materials including Yorkstone to reconstituted stone surfacing materials across the whole site

- All planters to be timber construction

These changes would enable the viable delivery of the overall scheme for new dwellings, commercial floorspace, off-site highways works, and public realm enhancement, which are weighed against the Council's policy requirements in the Appraisal section below.

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

- Scaled Plans
- Design and Access Statement (including refuse management and servicing strategy)
- Landscape Statement and Masterplan
- Sustainability Statement
- Code for Sustainable Homes Energy Statement for Level 3
- Revised Transport Assessment
- Flood Risk Assessment (including Flood Risk Sequential Test Assessment)
- Planning Statement
- Drainage Impact Assessment
- Noise Impact Assessment
- Biodiversity Report
- Daylight and Sunlight Study
- Wind study
- Statement of Community Involvement
- Land Contamination Report
- Coal Recovery Report
- Revised Travel Plan
- Housing Needs Assessment
- Development Viability Assessment

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The 1.9 hectare site lies between Manor Road, Ingram Road and Sweet Street, Leeds, in the Eastern Gateway Area of the Holbeck Urban Village regeneration area, within Leeds City Centre's South Bank. The site lies in flood risk zone 2. The application site consists of two temporary long stay car parks with landscaped boundary treatments. To the east lies the Velocity residential scheme (part 5, 7 and 8 storeys), and the Lateral office building (5 storeys). Immediately to the west is the stone office building, The Mint (8 office storeys), and the Manor Mills residential block (9 residential storeys). To the south lies the cleared City One site, currently in use as temporary car park, and to the north lies a number of occupied low rise office buildings (3-4 office storeys).
- 3.2 Over the last ten years, a mix of offices, residential, and supporting retail and food and drink uses have been developed in Holbeck Urban Village at the Granary Wharf, Round Foundry, Tower Works, Marshall's Mill, Manor Mills, and The Mint. A number of planning proposals have also been agreed by Plans Panel in the immediate area for large scale redevelopment of vacant or cleared sites for a mixture of residential and offices at the Oakapple Site, Sweet Street, City One site on Sweet Street, the former Reality Depot Site to the south of Sweet Street, and an office and multi-storey car park scheme at 10-12 Sweet Street. These are yet to be implemented. Temple Mill, a Grade I listed building on the western side of Marshall Street, has a temporary permission for a public event space.

- 3.3 The development of the Leeds Station Southern Entrance has commenced on-site, which will improve public transport connectivity to the South Bank and Holbeck Urban Village.
- 3.4 Leeds South Bank (including Holbeck Urban Village) covers a total of 136 hectares, has over 300,000 sq.m of development land and is the largest regeneration project in the North. With the close proximity to the future City Centre Park, and the proposed arrival of High Speed Rail at New Lane, the scheme has potential to contribute to new housing provision, place-making opportunities and economic benefits.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 Reference 11/05238/FU Use of Site as Car Park (278 Spaces) at Ingram Street - temporary permission granted until 2017.
- 4.2 Reference 11/05239/FU Use of site for car park (225 spaces) at Ingram Row - temporary permission granted until 2017.
- 4.3 Reference 20/61/05/OT Outline application for mixed use development comprising 3 new buildings, including 50,167sqm of residential use (720 flats), 13,192sqm of Class B1 office space and 929sqm of A1/A2/A3/A4 uses at the lower 2 floors of the buildings and 795 car parking spaces – approved, now expired.
- 4.4 Reference 20/64/06/OT Outline application to erect multi-level development with 788 flats and A1/A2/A3/A4/A5/B1 uses (amendment to 20/61/05/OT) and reserved matters application for multi-level development up to 20 storeys with 788 flats A1/A2/A4/A4/A5/B1 uses, 720 basement car parking spaces and courtyard landscaping. This was made up of 112 studio flats, 401 one-bedroom flats and 275 two-bedroom flats. This was approved in principle at Plans Panel (City Centre) March 2006 with planning permission granted 28 August 2009 following the completion of the Section 106 agreement. Reference 20/160/06/RM, a parallel reserved matters application was also approved at the same time. (See Appendix 2, Plan 2). These approvals expired in 2014.

#### **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 Officers had three pre-application meetings with the applicant and their professional team in 2014.
- 5.2 The applicant undertook local community engagement and held a public event which took place on Tuesday 17 June 2014 at Bewleys Hotel, close to the application site. The event was advertised via a direct mailshot to over 1,200 addresses and in the local press. All of the residents in both Velocity and Manor Mills were directly invited. The public exhibition was held between 3pm and 8pm for all those that wished to attend and discuss the proposals. If anyone could not attend, a freephone community information line was set up and managed by consultants at PPS Group who received and responded to enquiries. The exhibition boards and invites also included an email address, where people could contact the PPS Group at any time with any queries. The exhibition generated a moderate response and of the 40 that attended, 30 left comments on the feedback form. Overall, the response was positive as detailed in the Statement of Community Involvement submitted with the application. In total, the scheme received a total of 206 good or very good responses to various elements. The top rated aspects were: the proposals met housing needs, the site layout, the

courtyard space and the range of units. Only 25 poor or very poor ratings were given. Concerns were mainly related to parking.

- 5.3 City and Hunslet Ward Members were consulted by email on 16 May 2014 at pre-application stage, and the applicant made a pre-application presentation to Councillors at City Plans Panel on 5<sup>th</sup> June 2014, and the Minutes are attached at Appendix 1. City Plans Panel Members visited two residential schemes built by the applicant in Salford and Manchester on 15 July 2014. City Plans Panel discussed the progress of this application on 30 October 2014, and the Minutes are also attached at Appendix 1.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 Planning application publicity consisted of:

6.1.1 Site Notice of Proposed Major Development posted 15.08.2014

6.1.2 Press Notice of Proposed Major Development published 21.08.2014

6.1.3 City and Hunslet Ward Councillors consulted by email 8 August 2014 and 11 August 2014

6.1.4 Holbeck Neighbourhood Forum were consulted by email 8 August 2014

6.1.5 Leeds Civic Trust were consulted by email 8 August 2014, and responded by letter dated 14 August 2014 noting the following comments:

Leeds Civic Trust welcomed the incorporation of public amenity space between the two groups of buildings in the scheme and its connection to the pedestrian link to the city centre. However, concerns were expressed that there should equally be an attractive pedestrian link to the south of Sweet Street to connect to the rest of Holbeck in the context of the wider South Bank area. This should involve the creation of a green corridor along the line of St. Barnabas Road as part of this scheme. Subject to the incorporation of the green corridor, the Leeds Civic Trust would have no objection to the proposed scheme.

- 6.2 Objections have been received from/on behalf of 9 individual residents at the neighbouring Velocity flats and its Management Company, noting the following concerns:

- There is an oversupply of City Centre flats
- Insufficient car parking and cycle storage
- Impact of increased traffic and congestion
- Negative impact on the local economy due to the loss of temporary car parks
- Concerns regarding the viability of the commercial unit
- Excessive height, density and overdominance
- Inadequate daylight and shadow analysis
- Overlooking
- Overdevelopment of the site
- Housing mix not in accordance with draft Core Strategy policy H4
- Monolithic design with little visual interest
- Wind tunnelling and microclimatic effect
- Absence of an appropriate Section 106 agreement
- The status of the expired planning permission

- Other concerns including the nature of works to Ingram Row, bin storage provisions, and the impact of construction on local residents in terms of noise, traffic, dirt and dust

6.3 1 objection has been received from a resident at the neighbouring Manor Mills flats, Manor Road, to the west of the application site, stating the following concerns:

- There is no construction project plan provided for the construction phase
- My only window and balcony door opens towards the site. My flat is like a greenhouse during summer. Construction noise and pollution will make it impossible to live here.
- Traffic is another issue, during busy hours it takes me 30 min to drive 200 m to get to motorways, bringing another 744 residents to this area is absolute madness. There is no space.
- What about parking: considering the current situation and number of people live and work in the area, its impossible to find a parking space even on Sundays. Bringing another 744 residents and their visitors will make this worse.

6.4 1 objection from a resident at Dock Street, LS10 on the grounds of a poor quality design. The resident has *“no objection to the scheme itself, new residential development will greatly improve this area. The scheme is far too uniform, blocky and it has the appearance of 1960's council social housing. It lacks impressive scale of the similar proposed Manchester scheme and design quality. Some variation in the appearance and shape of the individual blocks is needed. The metal balustrades look incredibly cheap, how about glass balustrades? Leeds deserves better than this”*.

6.5 All contributors were notified of the revised plans and supporting Transport Assessment and Travel Plan on 8 December 2014.

6.6 A further letter of objection has been received following the reconsultation from Cunnane Planning on behalf of Velocity (Sweet Street) Management Company Limited, who are responsible for the management of the Velocity flats which neighbour the application site. They summarise their outstanding concerns as follows:

#### Insufficient car parking

Their client welcomes the increase in cycle stands to 744 at a ratio of 1 stand per unit, however they remain deeply concerned about the shortfall in car spaces. The applicant proposes providing 263 car parking spaces which will be rented to residents, and has argued in their revised Transport Assessment that there is a precedent for such a low provision in the city. However Cunnane Planning state that to provide sufficient car parking spaces for only 35% of the units is unacceptable. The inadequate provision of car parking spaces will have a serious negative impact on amenity and safety of the surrounding area. They state that there is already a serious parking issue in the streets surrounding the site and that hazardous parking is a regular occurrence along these streets restricting movement and resulting in dangerous driving conditions through reduced sight lines. They state that there is currently insufficient parking in the area to meet the existing needs of the adjacent residential and office developments, and the proposal will exacerbate this. The current temporary car parks on the site are used to capacity by workers in the nearby offices. The combination of these displaced cars and the inadequate provision for the residents of the new development will be severely detrimental to the amenity and safe use of the area. The applicant has also still failed to explain why it is only possible in this instance to provide 263 car parking spaces, when a previous application for the site managed to provide 784 car parking spaces. Cunnane Planning urge the Council

to pursue this matter and seek an adequate explanation, other than the cost of providing underground parking. The economic cost to the applicant is not a sufficient reason to permit something which will have such a detrimental impact on residential amenity.

#### Excessive height

Cunnane Planning's client remains concerned about the height of the proposed development. They note based on the revised drawings submitted by the applicant that the buildings appear to have increased in height. A number of the blocks now appear to include a parapet wall at roof level. Irrespective of the purpose, the result is a further increase in height to which our clients strenuously object. It will exacerbate the overbearing and claustrophobic feeling we already believe these buildings will have on the surrounding street network. Additionally in light of this increased height a revised daylight and shadow analysis ought to be prepared to demonstrate that this increase will not alter the impact of the proposed development on any adjoining buildings.

#### Housing Mix

Cunnane Planning's client remains concerned about the mix of unit types proposed as part of the development. We note the Council were also concerned about the lack of three bedroom properties as it seems to contradict the applicants rational and business model. If it is intended that people will move into the development and move up or down between units as their personal circumstances change, then more three bed units are required to make this a viable option for families. They would request the Council to review the housing mix proposed and refuse permission until such time as the applicant presents a more balanced mixture of units which complies with planning policy.

#### Design

Cunnane Planning's client remains concerned that the proposed development does not represent the optimum design for the site. While the applicant has changed the materials proposed for the facades, they have done little else to alter the design. They are concerned that the blocks are monolithic and provide little visual interest. Aside from the variation in height, there is little to break up the vast expanse of façade or provide visual interest as one progresses along the street. It is an endless expanse of glazing. This is not conducive to developing a character for the area. We would suggest the design be re-examined to incorporate a greater degree of vertical expression to break up the façade and provide visual interest, though preferably without increasing the height.

Cunnane Planning conclude by stating that their client remains concerned that the proposed development will have a negative impact on the residential amenity of the area due to:

- Inadequate parking arrangements,
- Impact on traffic;
- The viability of the commercial unit/s;
- Arrangements for deliveries to the commercial unit/s;
- Excessive height;
- Inadequate daylight and shadow analysis;
- Potential for overlooking;
- Overdevelopment of the site;
- Poor housing mix;
- A poor quality design which fails to contribute to the character of the area;
- Absence of the Section 106 agreement.



## **7.0 CONSULTATIONS RESPONSES:**

### **7.1 Statutory:**

#### **7.1.1 LCC Transport Development Services**

The travel plan, travel plan review fee £6040 and car club contribution £27,000 need would be secured through the S106. Travelwise have concern that the requested 26 (10%) electric vehicle charging points would not be provided.

Cycle parking (1 space per flat), motorcycle parking, showers for staff and 2 electric vehicle charging points should be secured by condition.

The extension of Ingram Street to the north would be adopted. The existing on-street parking on Ingram Street would be removed. The materials for the adoptable shared surface areas such as on Ingram Row would need to be agreed prior to commencement of development.

In relation to the pedestrian and cyclist linkages to the city centre and local facilities such as schools and places of employment, the updated Transport Assessment identifies the key routes.

Given the scheme characteristics (including location and parking provision) there will be a significant proportion of journeys on foot and by cycle. The 2011 census indicates that 40% of trips in the City and Hunslet ward are on foot.

The following improvements were requested and would be provided in order to ensure that the site is connected to the existing pedestrian and cycle route network:

- Resurfacing of the existing footway between St. Barnabas Road and Manor Road that runs alongside the northern block. It is uneven and in a poor state of repair.
- Upgrade the existing pedestrian route between Ingram Street and Manor Road to a shared pedestrian/ cycle route at least 3m in width.
- Provision of an informal dropped crossing with tactile paving on Manor Road to the east of David Street (to assist pedestrian movements to the existing leisure/ employment uses along Water Lane and the new southern entrance to Leeds Station).

The proposed accesses on Ingram Street are acceptable. The TA states that Ingram Row will become a pedestrian focussed “calmed street”, and the extended northern part of Ingram Street will be closed off to vehicles.

The basement car parking roller shutter gates will need to be set back from the highway by at least 6m to accommodate a waiting car without obstructing other road users. Fast acting roller shutters would be required for security and this would be secured by condition.

The servicing and refuse strategy is acceptable

Revised capacity assessments have been provided as requested to address technical issues identified in the traffic model. These assessments indicate that the proposals would have a minor impact on the surrounding network. There is currently queuing on the Sweet Street approach to the Meadow Road roundabout which often extends through the mini-roundabout in the PM peak.

Whilst the scheme would add to this it is not considered that this is of a scale to justify mitigating improvements. Many of these trips are related to the temporary commuter parking in the area and as these permissions expire there would be fewer vehicles at weekday peak periods in this area.

Construction traffic: There are existing residential properties adjacent to the site. The office buildings in this area also generate pedestrian traffic at the start and end of the working day as well as at lunchtime. A Construction Management Plan would be required to control items such as vehicle routing and hours of operation. This would also include details of the storage, parking, loading and unloading of contractors' plant, equipment and materials, and the parking of workforce vehicles.

A Section 278 agreement will be required to deal with the works on Ingram Row and Ingram Street as well as the identified off-site improvements. All off-site highway works as shown on drawing 169-01/GA-01 rev B. must be completed before first occupation of the development.

There will be a need to amend existing Traffic Regulation Orders as part of the proposals. A new TRO will also be required for the service turning head and the loading bay.

Personal injury accident data has been considered in the vicinity of the site. The proposals do not raise any specific safety concerns

The Travel Plan and car club space will be covered by the Section 106 agreement.

Conditions would be required to control the following matters:

- Maximum gradient to access (at car park ramps)
- Cycle/motorcycle facilities
- Refuse storage
- Details of the electric car charging points
- Car Park and Servicing Management Plan (including timescales)
- The gates to the car park shall be set back at least 6m from the back of the footway and shall be fast action roller shutter types
- A Section 278 agreement would be required to deal with the works on Ingram Row and Ingram Street. There will be a need to amend existing Traffic Regulation Orders (TROs) as part of the proposals. A new TRO will also be required for the service turning head and the loading bay. The following improvements are also required in order to ensure that the site is connected to the existing pedestrian and cycle route network:

- Resurfacing of existing footway between St. Barnabas Road and Manor Road that runs alongside the northern block. It is uneven and in a poor state of repair.
- Upgrade the existing pedestrian route between Ingram Street and Manor Road to a shared pedestrian/ cycle route at least 3m in width.
- Provision of an informal dropped crossing with tactile paving on Manor Road to the east of David Street (to assist pedestrian movements to the existing leisure/ employment uses along Water Lane and the station).
- Provision of a cycle route to the existing cycle lane on Meadow Lane to include conversion of the pedestrian link between St. Barnabas Road and Meadow Road to a shared pedestrian/ cyclist facility.

7.1.2 Environment Agency:

No objection subject to a condition requiring the development to be carried out in accordance with the submitted flood risk assessment.

7.1.3 Coal Authority

No objection

**7.2 Non-statutory:**

7.2.1 Yorkshire Water

The submitted drainage strategy is not satisfactory - the developer must provide robust evidence of existing positive drainage to the public sewer from the site to the satisfaction of YWS/the LPA by means of detailed investigations. This must clearly demonstrate connections points to the sewer and the areas being served. The submitted reports do indicate that further investigations are required on this matter. The applicant is in discussions with Yorkshire Water regarding this. A condition is considered appropriate in this case.

7.2.2 LCC Environmental Protection

No objection subject to conditions regarding construction practice, construction working hours (not before 08.00 hours on weekdays and 09.00 hours on Saturdays nor after 18.30 hours on weekdays and 13.00 on Saturdays), commercial unit delivery times (8am to 18:30 hours Monday to Saturday and 9am to 13:00 hours on Sundays and Bank Holidays), details of extract ventilation, provision of grease trap for any food businesses.

7.2.3 LCC Flood Risk Management:

No objection subject to conditions regarding surface water drainage and implementation of the scheme in accordance with the submitted Flood Risk Assessment.

7.2.4 West Yorkshire Combined Authority:

WYCA would support the Council in achieving the following:

- Low levels of car parking provision within the scheme
- Electric vehicle parking charging points
- Travel Plan
- Car club provision
- Application of the public transport contribution in accordance with SPD5
- Local pedestrian and cycle improvements

7.2.5 LCC Children's Services

No comments

7.2.6 LCC Waste Management

The bin storage arrangements are acceptable.

7.2.7 LCC Air Quality Management

10% of parking spaces should be for electric vehicle charging points.

**PLANNING POLICIES:**

**8.2 Development Plan**

**8.2.1 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 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:**

The site is allocated as a strategic housing site in the Saved Policies of the Unitary Development Plan Review under Policy H3-1A.44 and Proposal Area 31 Holbeck Urban Village. This states that the area should be developed in accordance with the Holbeck Urban Village Revised Planning Framework 2006, to promote a large scale contribution to housing supply, with supporting employment uses, environmental improvements to the public realm and new pedestrian routes. The overall aim is to regenerate the area as a sustainable community. Relevant Saved Policies include:

GP5 all relevant planning considerations  
BD2 new buildings  
N25 boundary treatments  
BD4 all mechanical plant  
H3-1A.44 Holbeck Urban Village Strategic Housing and Mixed Use site and Holbeck Urban Village Proposal Area Statement Policy CC31A  
T7A cycle parking  
T7B motorcycle parking  
T24 Car parking provision  
LD1 landscaping

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 (including family housing)

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.'*

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.

Core Strategy Policy CC1 outlines the planned growth within the City Centre for 10, 200 new dwellings. Policy CC2 (City Centre South) states that areas for development opportunity south of the river will be prioritised for large scale office development, delivery of a new park, residential, cultural and leisure uses.

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.

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 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.

Table H4: Preferred Housing Mix (2012 – 2028)

<b>Type*</b>	<b>Max %</b>	<b>Min %</b>	<b>Target %</b>
Houses	90	50	75
Flats	50	10	25
<b>Size*</b>	<b>Max %</b>	<b>Min %</b>	<b>Target %</b>
1 bed	50	0	10
2 bed	80	30	50
3 bed	70	20	30
4 bed+	50	0	10

\*Type is applicable outside of city and town centres; Size is applicable in all parts of Leeds

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.

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.

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.

Other relevant Core Strategy policies include:

Policy EN4 district heating

Policy EN5 Managing flood risk

Policy ID2 Planning obligations and developer contributions

Policy G1 Enhancing and extending green infrastructure

Policy G2 Creation of new tree cover

Policy G3 Standards for open space, sport and recreation

Policy G5 Open space provision in the City Centre

Policy G9 Biodiversity improvements

### 8.1.3 **Leeds Natural Resources and Waste DPD 2013**

The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16<sup>th</sup> 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 flood risk, 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

SPD5 Public Transport Improvements and Developer Contributions

SPD Travel Plans

SPD Building for Tomorrow Today: Sustainable Design and Construction

SPG City Centre Urban Design Strategy

SPG Neighbourhoods for Living

SPG6 Self-contained flats

### **Holbeck Urban Village Revised Planning Framework 2006**

The Holbeck Urban Village Revised Planning Framework was adopted in 2006 as a guide for the sustainable regeneration of the area. The Framework encourages residential and commercial uses as part of a mixed use sustainable community.

The site is identified within the Eastern Gateway area of the Urban Village (see attached Appendix 2 - Plan 1). The Area Statement for the Eastern Gateway states that there is the opportunity to redevelop the area and create character where none exists. This could be achieved through high quality architecture, use of high quality facing materials, the development of perimeter blocks to reinforce the enclosed traditional street pattern of the area, and give character and continuity to Sweet Street and Manor Road.

The Framework envisages that a building height of around seven to nine storeys in the east at the Ingram Row site, stepping down to approximately four/five storeys to the west of this site, creating a more modest building form along Marshall Street opposite Temple Mill.

The Framework would encourage the provision of new pedestrian routes towards Marshall Street running east to west, through the public square between The Mint and Manor Mills, and north to south between Manor Road and Sweet Street. The Framework states that 20% of each development site area shall be public open space, which in this case would take the form of two courtyards. Schemes in Holbeck Urban Village will also contribute financially to strategic public realm improvements within the designated area, in accordance with the schedule in the Framework, in order to realise the vision for improving the attractiveness of the urban village, and create a distinct sense of place, appropriate to the historical importance of the area.

Buildings in Holbeck Urban Village should meet BREEAM Excellent for the commercial unit and Code for Sustainable Homes Level 4 for residential, or equivalent standards, and accord with the guidance in the SPD Building for Tomorrow Today: Sustainable Design and Construction and the Core Strategy.

### 8.3 National Planning Policy Framework (NPPF)

#### 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.
- Encourage the re-use of existing resources, including conversion of existing buildings.
- Conserve heritage assets in a manner appropriate to their significance.
- 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). LPA's should normally approve applications for change to residential use where there is an identified need for additional housing in the area (para 50).

Planning should proactively support sustainable economic development and seek to secure high quality design. It encourages the effective use of land and achieves standards of amenity for all existing and future occupiers of land and buildings. One of the core principles is the reuse of land that has previously been developed. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. 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.

## **8.4 Other material considerations**

### **8.7.1 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” which gives a strong foundation to improving the quality of housing and ‘liveability’ of places delivered under this ambitious programme for the city. Also, the objective “Promoting sustainable and inclusive economic growth” is of relevance to this proposal. This would be achieved by improving the economic wellbeing of local people and businesses, meeting the skills needs of business to support growth, boosting the local economy, creating ‘more jobs, better jobs’ by working with employers and businesses, and continuing to secure local training and recruitment schemes.

### **8.7.2 Vision for Leeds 2011-2030**

One of the aims is that by 2030 Leeds’ economy will be more prosperous and sustainable. This includes having a skilled workforce to meet the needs of the local economy, and creating significant job opportunities. The vision also 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.

### **8.7.3 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.

### **8.7.4 The Leeds Standard 2014**

The Leeds Standard was adopted by the Council’s Executive Board on 17 September 2014. The introduction of a Leeds Standard 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.

### 8.7.5 **Emerging Site Allocations Plan – Site Allocation Proposals (Housing & Safeguarded Land) 2015**

Although at an early stage, the proposed allocations presented to Development Plans Panel 13 January 2015 provide the basis for producing a draft Site Allocations Plan, which would then be placed on deposit to enable public comment to be made. This site is identified as Housing site no. 407, as a brownfield City Centre infill site for 748 units.

## 9.0 **MAIN ISSUES**

- 9.1 Principle of use
- 9.2 Urban design and landscaping
- 9.3 Highways and transportation
- 9.4 Amenity
- 9.5 Sustainability
- 9.6 Flood risk
- 9.7 Wind
- 9.8 Section 106 obligations

## 10.0 **APPRAISAL**

### 10.1 **Principle of use**

- 10.1.1 The National Planning Policy Framework, the Leeds Core Strategy, the Saved Policies of the Leeds Unitary Development Plan Review, and the Holbeck Urban Village Revised Planning Framework would all support the principle of a residential development of significant scale with some supporting small scale town centre commercial uses in this City Centre brownfield site location, in an identified regeneration area.
- 10.1.2 The UDPR Saved Policy designates Holbeck Urban Village as a strategic housing and mixed use site, and encourages a significant contribution to housing supply in the City Centre in this location. This policy also states that community, cultural, leisure and service facilities shall be provided by development proposals, in order to contribute to vitality and vibrancy in the area, to encourage active ground floor frontages to promote natural surveillance and place making, and offer local facilities for the benefit of residents and workers. The Holbeck Urban Village Revised Planning Framework reinforces these principles in order to promote a sustainable community with a strong sense of place within the City Centre. The provision of 713 square metres of flexible retail, financial and professional services, restaurant, bar, take-away, office, non-residential institution, and assembly and leisure use would be acceptable in this context. The flexible uses sought would allow a sufficiently wide range of uses to react to market demand in the future. A1 retail use classes provision would be limited by condition to be no more than 200 square metres and to convenience goods only in order to protect designated retail centres including the City Centre Prime Shopping Quarter, in accordance with Core Strategy Policy CC1.
- 10.1.3 The applicant has submitted a Housing Needs Assessment, which is currently being assessed against the targets in Policy H4.

Studio/one-bed flats (376)	50.6% (policy range 0-50% of total flats proposed)
Two-bedroom flats (358)	48.1% (policy range 30-80% of total flats proposed)
Three bedroom flats (10)	1.3% (policy range 20-70% of total flats proposed)

With regard to these guidelines, there is a significant shortfall in three-bedroom flat provision and a slight overprovision of studio/one-bed flats across the scheme as a whole. The applicant states in their Housing Need Assessment that part of the rationale for the scheme is to assist tenants to stay living within the development as their accommodation needs change, by providing a mix of sizes of dwellings. This rationale would be helped if more 3 bed units were available for initial tenants to progress onto as their lifestyle changes. The creation of family friendly environments on in and around the City Centre with developments of a wider mix of dwelling sizes is a Core Strategy objective. However, the policy is not prescriptive. It acknowledges that the nature of the development and character of the location should be taken into account, such as the nature of the proposal as a “build-to-rent” scheme. It is acknowledged that demand for rental accommodation will be predominantly in the age group 20-30 years, and the City Centre will be particularly attractive to economically and geographically mobile households that will tend to be smaller and childless. This is borne out by the research that informs the applicants’ Housing Need Assessment, including Dandara’s experience of typical residents, and feedback from a local letting agent, Eddisons. On balance, in the context of the above issues, following five years of a depressed housing market with very little residential building activity in the City Centre, and little robust present-day evidence of oversupply, it is considered that the delivery of the proposed new homes on previously developed brownfield land in an identified regeneration area within the City Centre is an overriding factor in this case. It is therefore not considered that full compliance with Policy H4 is a sufficient reason for refusal in this case.

## **10.2 Urban design and landscaping**

10.2.1 The scheme proposes four pairs of linked blocks which would create two landscaped courtyards above the semi-basement car parking. The ground floor level of the flats needs to be lifted for flood risk reasons. The courtyards are significantly larger and more open than the previous scheme, and are considered to offer a good standard of landscape amenity for residents. Level disabled access and permeability through the courtyards would be achieved. Enhancements to Ingram Row (which would be 25m wide), and private forecourt gardens to the ground floor flats, which would feature front doors to the street, and within the courtyards, would enhance a good quality provision of public realm. The public realm benefits of the scheme would include 2500sqm of greenspace in the courtyards, plus landscaping improvements to Ingram Row, a new pedestrian/cycle route at the northern end of Ingram Street, and soft landscaping and street trees to Sweet Street, Ingram Street, Ingram Row, St. Barnabas Row and the pedestrian route north of St. Barnabas Row. The 10 three-bedroom flats would be at ground floor level to benefit from the private terraces fronting the street and the courtyard edges. These flats would have front-doors onto the wide pavements or courtyard edges, which is considered to improve the setting of the street and improve natural surveillance.

10.2.2 The Eastern Gateway Area Statement within the Holbeck Urban Village Revised Planning Framework gives indicative guidance on building heights for new development. This site has been indicated in the Framework ranging between seven and nine storey buildings. The neighbouring building to the east, The Mint, has been approved and built at part 8/part 9 storeys including its rooftop plant, which is higher than the 7 storeys indicated in the Planning Framework. The 2006 Ingram Row scheme proposed a range of heights between 6-10 storeys around the perimeter with a 20 storey tower. It is considered that the current scheme proposes a more open and greener public realm, and a range of heights from 6 to 12 storeys, which would remove the tower block element. The changes to the approved scheme that result in the loss of the 20 storey tower are considered an improvement, and the proposed

distribution of heights has been amended since the pre-application presentation. The tallest element of the scheme is now facing Ingram Street opposite The Mint (12 storeys), with the height to the southern part of St. Barnabas Road now reduced from 13 to 11 storeys. 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. It is considered that in this context, the proposed height of the buildings proposed and the distribution of building heights around the scheme is acceptable.

- 10.3.3 Regarding objector comments about the introduction of a rooftop parapet, it is considered that this would improve the appearance of top of the buildings, and provide a screen for the lift over-runs, building cleaning equipment and the rooftop inspection safety railings. It is considered that this 1.1m high parapet would not lead to a significant impact in the context of the overall building heights and the spaces in between them.
- 10.2.4 The applicant has revised the architectural treatment of the buildings since the position statement presentation. The architectural approach features modern and traditional materials. The low level brick walls and gables would be complemented by a 'hanging' framed multi-storey bay in pre-cast concrete, with a full width useable balcony. The base-middle-top ordering is achieved by a brick wall providing backdrop to 'lighter weight' bay framing which ends below eaves height. The brick elements would provide a consistent and robust feel to the elevations, and that based on the material precedent proposed, there would be sufficient interest in the brickwork to avoid a uniform appearance. A timber composite product, Prodema (or similar) has now been proposed following Member's comments at Panel. It is considered that this would give warmth and contrast to the elevations compared to the previously proposed concrete finish to the balcony back panels. Officers consider that the layering of the proposed materials on the façade gives the buildings a simple expression, avoids blandness and creates a sense of place across the development. It is therefore considered that the proposed design and architectural treatment and materials are acceptable.

### **10.3 Highways and transportation**

- 10.3.1 Objectors have raised concerns regarding the lack of car parking spaces for the flats and the potential for adverse traffic impacts in the area. However, the site has a good level of accessibility by sustainable modes of transport including walking, cycling, bus and rail access, which would be improved following the completion of the Leeds Station Southern Access. There is good public transport availability bus within walking distance of the site, including the Elland Road Park and Ride. Given the location of the proposed development within the city centre, Highways Officers have considered that 263 car parking spaces provided would be acceptable for this scheme. The 263 spaces would be available for rental to the residents in the proposed scheme only, and this would be managed by the landlord. Residents would have the option of renting one or more car parking spaces, and flats without an allocated space would not be able to park in the basement. The applicant has confirmed that the allocation of parking spaces to residential units would be made clear in all tenancy agreements. The exact details of the management of the spaces would be controlled by condition, along with details of servicing and deliveries. Those tenants without access to a car parking space and trying to park within the car park will be in breach of their tenancy agreement. All tenants will be aware, prior to taking up residency at the proposed development, whether they have access to a car parking space. Visitors to the site can access the development by a number of means, including walking, cycling,

mainline train or local bus services. There are widespread local pay and display parking spaces on-street to meet demand for visitor parking for the flats or the commercial premises. The site lies within a controlled parking zone, which is enforced regularly to ensure that road safety issues are avoided. The maximum commercial unit provision would be 4 spaces for staff, but demand is expected to be low given the availability of sustainable modes such as pedestrian links and public transport availability, and alternative parking provision on-street for visitors.

- 10.3.2 Analysis of the 2001 Census (data was not available for the 2011 Census) for the former City and Holbeck Ward, demonstrates the low level of car ownership compared to the rest of Leeds district. Approximately 60% of residents do not own a car, compared to approximately 35% of the residents in Leeds district as a whole. Saved UDPR policy states that developers will not be required to provide more spaces than they wish unless there is road safety, traffic management or environmental implications. Reduced provision may be allowed for parking in locations which have good access to other means of transport, such as this site. This reflects the level of parking proposed for the development, and in the context of good public transport availability, widespread local on-street parking controls, and the sustainable location of the site within the City Centre, this is considered acceptable.
- 10.3.3 The agreed Travel Plan sets out specific measures to reduce private car use. This package includes walking, cycling, public transport and car club provision. The applicant has committed to £27, 000 for car club trial provision for residents and commercial tenant use.
- 10.3.4 Highways Officers have confirmed that the submitted revised Transport Assessment and Travel Plan are acceptable, with the exception of the shortfall in electric vehicle charging points. This provision has been considered as part of the applicant's viability case, and on balance is considered acceptable. Given the above considerations, it is considered on balance that the proposal would not give rise to significant adverse road safety or amenity issues.

## **10.4 Amenity**

- 10.4.1 It is considered that the amenities of future occupiers would be acceptable. All flats would benefit from a balcony or ground floor terrace, and have good sized windows, and an appropriate level of outlook and privacy in the context of a City Centre urban environment. The residential accommodation proposed is a mixture of studio, one-bed and two-bed flats. Under the Government's consultation on minimum housing unit sizes, the HCA level 1 standard and the Leeds Standard guidance, studio flats would be a minimum of 38sqm, one-bedroom units 47sqm, two-bedroom units 60 sqm and three-bedroom units 73 sqm. In this proposal, the studio apartments would be 29.1 sqm, the one-bedroom flats would be 44.4 sqm, the two-bedroom flats would be 59.7 sqm, and the three-bedroom flats would be 89.7 sqm. Whilst the studio units are below the Leeds Standard size requirement, it is considered on balance that due to their shape, large windows, balcony provision and internal layout, that these units would provide adequate space for internal circulation and carrying out expected residential functions, and are considered acceptable. The one and two bedroom units would be marginally under the standard, but not to a significantly detrimental extent. On balance, it is considered that the accommodation would have appropriate size, outlook, and natural light.
- 10.4.2 Regarding the impact on Velocity flats, the relationship between blocks B1 (10 storeys) and C1 (11 storeys) is considered acceptable with respect to the impact on daylight and sunlight and outlook on the Velocity flats, which ranges between 5 and 8

residential storeys in height, at a distance of approximately 25 metres at its nearest point. Along the Manor Road frontage, block B1 would be 9.7m from the gable of the Velocity flats. However the two flats on each floor in this gable end are dual aspect with windows facing west and north or south respectively. The windows on the proposed block would not align with these windows. It is therefore considered on balance in a City Centre context this relationship is acceptable in privacy, outlook and overshadowing terms.

- 10.4.3 Regarding the impact on Manor Mills flats and The Mint offices, Manor Mills (9 storeys) would be approximately 15 metres from Block A2, which would be a slightly lower building height of 8 residential storeys. It is considered that this relationship is acceptable, as it is common to many City Centre streets. Similarly the relationships between blocks C2 and B2 within the development, and between block D1 (12 storeys of residential) and The Mint (8 storeys of office) at 16m are considered reasonable in a City Centre context. It is considered that in the more densely built character of a 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 Regarding other matters raised by objectors, refuse storage and collection and the treatment of Ingram Row has been resolved through detailed discussions with Highways officers. Delivery hours, construction hours of operation, construction traffic, noise, dirt and dust, and membership of the Considerate Constructors' scheme would be controlled and advised by conditions and informatives – see appendix 4.

## **10.5 Sustainability**

- 10.5.1 The scheme would not achieve all the standards set out in the adopted sustainable design and construction SPD Building for Tomorrow Today, but the proposal would meet at least a BREEAM Excellent standard for the commercial unit and Code for Sustainable Homes Level 3 for the dwellings. The scheme does not propose that energy generation would be developed through on site low carbon energy sources. The scheme would not deliver a 20% reduction in carbon emissions over building regulations standards. The sustainability targets are not in accordance with adopted policy due to viability reasons, and on balance, this is considered acceptable in this case, as it would enable the delivery of new dwellings on a longstanding cleared site, representing efficient use of City Centre land in a sustainable location, close to public transport provision, in a manner that would reduce reliance on the private car.

## **10.6 Flood risk**

- 10.6.1 The application site lies in Flood Risk Zone 2. The proposed uses are classed as 'less vulnerable' in the case of office, retail, cafe and restaurant, non-residential institutions, and leisure uses, and as 'more vulnerable' for the residential use 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 are 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 Holbeck Urban Village area as defined by the UDPR. The site is considered sustainable given its location within an identified regeneration area, accessible to pedestrians and cyclists and close to public transport links, the site is previously developed land, and through the submission of an acceptable flood risk assessment, the proposal would adequately safeguard against potential flooding impact. The proposed uses are appropriate for the City Centre as identified in the NPPF, and the site is within the specific Holbeck Urban Village

Revised Planning Framework, which identifies the potential to deliver the regeneration of the area through new development.

## **10.7 Wind**

10.7.1 The applicant has submitted a qualitative wind assessment in support of the proposal which states that the wind environment would be acceptable for all users in the vicinity of the building and that the building is unlikely to generate wind conditions that would cause distress to pedestrians, or result in a danger to high-sided or other road vehicles. The Local Planning Authority instructed an independent wind expert to peer review the report, and they have confirmed that the assessment is sufficiently detailed and likely to be robust in terms of the range of wind conditions that have been assessed.

## **10.8 Section 106 obligations**

10.8.1 Adopted policies would require the following Section 106 obligations:

- Affordable Housing on-site 5%
- Public transport contribution £ 163, 254
- Holbeck Urban Village Public Realm Contribution £1, 915, 379
- Specific travel plan measures contributions – car club trial provision £27, 000
- Travel plan monitoring fee £6080
- Public access through the site
- Cooperation with local jobs and skills initiatives
- Management fee £2250

10.8.2 However, the applicant has submitted a development appraisal which demonstrates that the scheme is not viable based on the proposed scheme. Officers have instructed the District Valuer to independently assess the viability report, and they have agreed that the appraisal is reasonable. The findings are discussed at Confidential Appendix 3 of this report. This part of the report is classed as Exempt under Schedule 12A Local Government Act 1972 and Access to Information Procedure Rule 10.4 (3) which provides financial information concerning the business affairs of the applicant. It is considered that it is not in the public interest to disclose this information as it would be likely to prejudice the applicant's commercial position.

10.8.3 Following changes to the proposed scheme regarding reducing the level of Code for Sustainable Homes from Level 4 to Level 3, and the design changes described above, a surplus sum of £842,563 has been identified. The travel plan measures and monitoring fee are considered necessary to the transportation case for the development. In the context of the confidential report at Appendix 3, it is considered in this case that a commuted sum to be used towards local affordable housing schemes or the provision of 37 (5%) low cost key-worker flats in perpetuity would be acceptable. On the basis of the viability case, the Section 106 obligations recommended are as follows:

- Affordable Housing commuted sum £809, 523 or provision of 37 on-site low cost market flat units with measures to control occupancy to key workers
- £11 011 to be allocated to either public transport or Holbeck Urban Village public realm if on-site low cost housing provision is pursued
- Specific travel plan measures contribution – car club trial provision £27, 000
- Travel plan monitoring fee £6080
- Public access through the site
- Cooperation with local jobs and skills initiatives

- Management fee £1500

10.8.4 As part of Central Government's move to streamlining the planning obligation process it has introduced the Community Infrastructure Levy Regulations 2010. This requires that all matters to be resolved by a Section 106 planning obligation have to pass 3 statutory tests. The relevant tests are set out in regulation 122 of the Regulations and are as follows:

'122(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.'

As listed above there are matters to be covered by a Section 106 agreement (subject to the consideration of the developer's viability appraisal). These matters have been considered against the current tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

## **11.0 CONCLUSION**

11.1 The above matters are considered to be the main planning issues. All other matters raised by consultees and objectors have been assessed and are not considered to outweigh the conclusion that on balance, the proposals are considered to comply with the Council's substantive adopted policies, and would constitute acceptable sustainable development. This proposal would lead to the early delivery of much needed new homes within an existing and proposed strategic housing allocation, and deliver the regeneration of a longstanding cleared brownfield site in the City Centre, close to public transport links, in a sustainable location. The scheme would also contribute towards off-site affordable housing provision, support sustainable travel patterns, provide improved public realm and pedestrian connectivity, provide active employment uses in part of the ground floor, and further the regeneration of the Holbeck Urban Village area of Leeds South Bank.

### **Background Papers:**

Application file 14/04641/FU

### **Appendices:**

**Appendix 1 Minutes of City Plans Panels 30<sup>th</sup> October 2014 and 5th June 2014**

#### **Appendix 2 Plans**

Plan 1 Holbeck Urban Village Revised Planning Framework 2006 Eastern Gateway

Plan 2 Outline Planning Permission 20/64/06/OT (now expired)

Plan 3 Current application proposal

#### **Appendix 3 Confidential Assessment of the Applicant's Viability Appraisal**

Exempt report under Schedule 12A Local Government Act 1972 and Access to Information Procedure Rule 10.4 (3) which provides financial information concerning the business affairs of the applicant.

#### **Appendix 4 Draft Conditions**