
Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 12th January 2017

Subject: PREAPP/16/00150 Pre-application presentation for residential development at East Street, Bow Street and Ellerby Road, Leeds

Applicant: S. Harrison Developments Ltd.

Electoral Wards Affected:

**Burmantofts and Richmond Hill
City and Hunslet**

☐ Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: This report is brought to Panel for information. The Developer will be asked to present the emerging scheme to allow Members to consider and comment on the proposals.

1.0 Introduction:

- 1.1 This pre-application presentation relates to a proposed major residential development on vacant brownfield land between East Street, Bow Street and Ellerby Road, at the eastern edge of Leeds City Centre. The work-in-progress proposals will be presented to Panel by the landowner S. Harrison Developments Ltd. to allow Members to comment on the evolving scheme and raise any issues, prior to the intended submission of a full planning application next month.

2.0 Site and Surroundings:

- 2.1 The proposal site lies on the eastern edge of the City Centre on East Street. The site consists of two parcels of vacant land either side of Bow Street. The smaller parcel of land is located to the west of Bow Street and bounded by East King Street, and lies within the designated City Centre. The larger site to the east of Bow Street lies outside the designated City Centre. The total site area is 0.91 hectare. The larger site lies partially within the Eastern Riverside Conservation Area, and new

development at both sites would be within the setting of the following listed buildings:

- Grade I St. Saviour's Church
- Grade II* Mount St. Mary's Church
- Grade II St. Saviour's Sunday School
- Grade II Rose Wharf
- Grade II East Street Mills

2.2 The larger site rises in level by approximately 12 metres between East Street and Ellerby Road. A coal seam is located in the bank towards the rear of the site which would require excavation and capping. Two existing sewers also run across the site. Following initial investigations, the applicant understands that one of the sewers is redundant. The remaining sewer would need to be diverted and the applicant is in discussions with Yorkshire Water. In terms of other ground conditions, historically the site featured terraced properties working up the bank, and the applicant anticipates that the foundations and cellars associated with these properties would be encountered during site development.

2.3 The north western part of the larger site is designated as greenspace, as part of the adjoining Bow Street Recreation Ground.

3.0 Proposal

3.1 The proposal is for a total of 340 flats, made up of 169 one-bedroom flats, 159 two-bedroom flats, and 12 three-bed flats. The flat sizes would be as follows, which would exceed the Leeds Standard and the Nationally Described Space Standard:

- 1 person 1 bed apartment – 44m²
- 3 person 2 bed apartment – 67m²
- 4 person 3 bed apartment – 79m²

3.2 The scheme comprises four blocks split across the two sites. The proposed storey heights would be as follows:

- Block A – 8
- Block B – 8
- Block C – 9
- Block D – 7

3.3 Block A would be located within a parcel of land bounded by East Street, Bow Lane and East King Street. It would comprise of a lower ground car park and plant space, above which there will be 7 storeys of flats located around a central core.

3.4 Blocks B, C and D are located on the larger site between East Street and Ellerby Road. The blocks would vary in height but all have undercroft car parking at base level which is continued into an internal courtyard and parking area.

3.5 One key view that was clearly defined as part of the 2004 consented scheme was the view of St Saviour's church from the junction of East Street and Bow Lane. This key view has been retained and improved upon by the current scheme as the retained view would be located centrally on the tower of the church.

3.6 113 car parking spaces are proposed within the courtyard and undercroft, which would be accessed off Bow Street.

- 3.7 Approximately 1300sqm on-site amenity space would be provided as a useable landscaped terrace at the northern part of the site.

4.0 Relevant Planning History and History of Negotiations

- 4.1 Under planning reference 20/21/04/FU planning permission was granted for 185 flats, 300sqm offices and 255 undercroft car parking spaces. This permission was not implemented and expired in 2010.

- 4.2 Under planning reference 16/01825/FU, there is a current application for the demolition of the public house and construction of a five storey block of 16 apartments with associated car parking and landscaping, at the former Cavalier Public House site application to the north east of this site. The application is currently being considered at the time of writing.

- 4.3 Officers have had two meetings with the developer and their professional team in May 2016. The first pre-application scheme proposed buildings that were taller than the scheme approved in 2004. Discussions focussed on residential amenity, scale and mass, design, the setting of the listed buildings, highways safety, open space and drainage. Officers advised that the scale of the proposal needed to be more sensitive to the historic setting of the nearby listed buildings and conservation area. Officers were generally supportive of the detailed architectural treatment in red-brick with a well-ordered and proportioned framework, which would complement the setting of the nearby listed buildings. The developer revised their proposal with the following changes:

- Reductions in the height and mass of all blocks
- Increase separation of Block A from adjacent properties.
- Blocks C and D were split from one another to improve pedestrian links through the site and increase visibility between the blocks.
- Improved view to St Saviour's church from the junction of Bow Street and East Street.
- Block C lowered to existing footpath level to provide ground floor street presence.
- Block B had been extended up the hill to increase the size of the internal courtyard. This was shown as an 'L' shape in the plan for the previous submission.
- Landscape design was developed to improve pedestrian connectivity across the site and promote the use of amenity space to the northeast of the site.
- The vehicular entrance to the site was widened.
- Key views from the local and wider area in relation to St. Saviour's Church were assessed.

- 4.4 Burmantofts and Richmond Hill, and the neighbouring City and Hunslet, Ward Councillors, were consulted by email on 26 October 2016.

- 4.5 The applicant is aware of the need to consult with neighbours, the local community, and Historic England (who would be a statutory consultee for this scheme) before making their application.

5.0 Consultations

5.1 LCC Transport Development Services

No objection subject to the detailed matters discussed at section 6.4 of this report

5.2 **LCC Flood Risk Management**

No objection in principle. A drainage scheme (i.e. drainage drawings, summary calculations and investigations) detailing the surface water drainage works and SuDS features will need to be submitted for approval. The applicant should consult with Yorkshire Water regarding any sewer diversion works and to agree a foul drainage connection. The site is classed as a major development therefore a surface water greenfield discharge rate is applied where possible (5l/s per hectare). Infiltration drainage may not be appropriate on this site, therefore underground attenuation storage methods should be investigated to achieve a greenfield discharge rate along with SuDs for example green roofs on each building.

5.3 **Canal and Rivers Trust**

No comments to make.

6.0 **Relevant Planning Policies**

6.1 **The Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. Now that the Core Strategy has been adopted, this can now be given full weight as part of the statutory Development Plan for Leeds. For the purposes of decision making, the Development Plan for Leeds currently comprises the following documents:

1. The Leeds Core Strategy (Adopted November 2014)
2. Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013)
4. Any Neighbourhood Plan, once Adopted

These development plan policies are supplemented by supplementary planning guidance and documents.

6.2 **Leeds Core Strategy**

The 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 most relevant policies are set out in the paragraphs below:

- Spatial Policy 4 – Identifies the Aire Valley Leeds as a Regeneration Priority Programme Area. Priority will be given to developments that include quality housing, affordability and choice. Emerging work on the draft Aire Valley Area Action Plan has proposed the site as a housing allocation which could make a significant contribution towards meeting the area's requirement to provide 6,500 dwellings.
- 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. Being consistent with the site allocation in the draft AVLAAP, the proposed development will contribute to the achievement to the housing targets set out under both the above policies.
- 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 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 G4 Greenspace provision - Outside the City Centre the normal requirement is 80 sqm per dwelling. The delivery of a proportionate amount of open space per dwelling, both private and shared communal, and the provision of public realm, is important and is currently being discussed with the developer. Contribution to specific off-site greenspace enhancements to mitigate a shortfall on-site may be required.
- Policy G5 – Open space requirements – within the city centre, mixed use development on sites measuring more than 0.5ha or greater in area are required to provide at least 20% of the site area as open space or a minimum of 0.41 hectares per 1,000 population of open space, whichever is greater.
- 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 Heritage
- 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, a 20% improvement on building regulations and at least 10% low or zero carbon energy generation on-site is required.
- Policy EN4 District Heating. This site lies within the area identified as having potential in the Aire Valley & City Centre Energy Masterplan (Map 6 of the draft AVAAP).
- Policy ID2 Planning obligations and developer contributions

6.3 **Leeds Unitary Development Plan Review 2006 (UDPR) Saved Policies**

The site lies partially within the designated City Centre. Part of the site is also allocated as greenspace in the Saved UDPR. Saved policies that are relevant to this scheme are:

GP5 all relevant planning considerations
 N19 conservation areas and new buildings
 BD2 new buildings
 LD1 landscaping

6.4 **Leeds Natural Resources and Waste DPD 2013**

The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. Policies regarding sustainable drainage, land contamination, coal risk and recovery, air quality and trees are relevant to this scheme.

6.5 **Emerging Aire Valley Area Action Plan**

The site lies within the boundary covered by the emerging Aire Valley Leeds Area Action Plan (AVLAAP) which is being prepared in accordance with Core Strategy Spatial Policy 5 and will form part of the Local Plan when adopted. The AAP has been the subject of public consultation, and it signals the Council's aspirations and priorities for the future development of the area. The draft AVLAAP has been submitted to the Secretary of State and the Examination in public is to be held

between 24-26 January 2017 and is therefore at an advanced stage. Where policies and proposals are not subject to objection they can now be accorded significant weight in decisions. There have been no objections to the principle of the allocation or the planning requirements for this site.

The vision for the Aire Valley Leeds Urban Eco-settlement is to create transformational opportunities for new jobs and homes, within an attractive, safe, resilient, connected, low carbon environment, which together enhance the area's unique character and strategic location. The site falls within the East Bank, Cross Green and Richmond Hill sub-area of the plan, and the East Street Opportunity Area (Policy EB4), and the main objectives and opportunities for this area include:

- Distinctive, innovative and high quality buildings and spaces as a gateway into the City Centre.
- Active frontages to ground floors along main routes
- Delivery of a range of new homes, including affordable housing
- Improved public realm and greenspaces
- Improve pedestrian and cycle connectivity
- Conserve the setting of the area's heritage assets and the conservation area
- Explore opportunities to connect to local heat networks

The site is allocated for residential use in the emerging site allocations process under the draft Aire Valley Area Action Plan (AVAAP) under Policy AVL7, as sites AV28 (23 units) and AV29 (79 units). Para 3.3.9 of the draft AVLAAP makes clear that housing should form a significant proportion of the total development area and the capacity should therefore be treated as a minimum figure.

Under Policy AVL7 and paragraph 4.3.68 the following site requirements are specified:

- Site AV29 to contribute to improvement of the adjacent green space at Bow Street Recreation Ground to mitigate the loss of the existing Saved UDPR allocation of green space within the site.
- The development should provide a pedestrian/cycle route through the site to link Ellerby Road and Bow Street/East Street as indicatively shown on the area map.
- The sites are within/adjacent to a Conservation Area. Development should have regard to the Conservation Area Appraisal and management plan.
- Site AV29 is adjacent to the Grade I listed St Saviour's Church and other listed buildings. Any development should preserve the special architectural interest or setting of these buildings.

Policy EB1 part 3 requires improvements to crossings across East Street to improve connections between the area and the City Centre, Leeds Dock and the South Bank.

- 6.6 **Relevant Supplementary Planning Documents/Guidance includes:**
SPG Neighbourhoods for Living
SPD Building for Tomorrow Today: Sustainable Design and Construction
SPD Street Design Guide
SPD Parking
SPD Travel Plans

- 6.7 **National Planning Policy Framework (NPPF)**
The 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. It states that 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). The NPPF also considers the importance of promoting sustainable patterns of travel, including public transport. The Government attaches great importance to the design of the built environment. Section 7 (paras 56-66) 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. It also states that heritage assets should be conserved in a manner appropriate to their significance.

6.8 Other Material Considerations

6.8.1 The Leeds Standard and the Nationally Described Space Standard

The Leeds Standard was adopted by the Council's Executive Board on 17th September 2014 to ensure excellent quality in the delivery of new council homes. 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. This standard closely reflects the Government's Technical Housing Standards – Nationally Described Space Standard which seek to promote a good standard of internal amenity for all housing types and tenures. Whilst neither of these documents has been adopted as formal planning policy and only limited weight can be attached to them, given their evidence base in determining the minimum space requirements, they are currently used to help inform decisions on the acceptability of development proposals.

7.0 Issues

7.1 Principle of use and housing quality

7.1.1 The National Planning Policy Framework, 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 the Aire Valley Urban Eco-Settlement. The site is allocated for residential use in the emerging site allocations process under the draft Aire Valley Area Action Plan. The applicant will need to justify their approach to one, two and three bedroom dwellings in accordance with Core Strategy Policy H4.

7.1.2 The proposed flat sizes would meet the Nationally Described Space Standard. The scheme would be supported by a Sustainability Statement, which should set out in detail how 10% on-site low carbon energy generation, 20% betterment on carbon emissions above the 2013 building regulations, and the water usage target, will be achieved on-site. These measures are required by Core Strategy Policies EN1 and EN2. Core Strategy Policy EN4 District Heating identifies the potential for district heat networks to serve major developments such as this one. The AVAAP states at section 4.3.68 that the site is located within Phase 1 of the indicative heat network shown on Map 6 (AVAAP Section 3.7 and Policy AVL17 (Heat Networks in Aire Valley Leeds)). The scheme should be designed so that when the network from the Veolia RERF in Cross Green becomes available, connection from this scheme can be easily made.

7.1.3 Any application would need to be supported by noise and air quality reports to demonstrate the provision of adequate amenity for future residential occupiers, and these documents should set out measures to mitigate any identified environmental issues, such as high specification double or triple glazing systems and appropriately filtered mechanical ventilation systems.

7.1.4 In amenity terms, the principle of a courtyard-style development is considered appropriate at the site west of Bow Street (Blocks B and C). It is considered that there would be satisfactory privacy relationships between buildings in terms of distances between facing habitable room windows across the scheme. Within the context of a dense edge of centre urban grain it is considered that the distances between habitable room windows are generally acceptable where they exceed around 15-20m to avoid overlooking and loss of privacy between new dwellings. It is considered that Block A, sited between Bow Street and East King Street would not result in undue loss of daylight, sunlight and privacy to dwellings at East Street Mills some 20m away, and that the proposed flats would benefit from adequate outlook and daylight. At the larger site, blocks B and D would be sited some 40m apart, and the minimum distance between Blocks B and C would be 18.5m. Block A would be some 29m away from Robert's Wharf, and Block B some 32m to Rose Wharf to the south.

7.1.5 Do Members support the principle of residential use, and the emerging quality of accommodation?

7.2 Design and the setting of nearby listed buildings and the conservation area

7.2.1 When considering any planning application that affects a conservation area the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area (Planning (Listed Buildings and Conservation Areas) Act 1990). The site previously benefitted from a planning permission (ref. 20/21/04/FU) for a mixed use residential development. This scheme proposed an acceptable height and building footprint in relation to the local context and the setting of the heritage assets in the area, and the scheme was based on a thorough urban design and heritage analysis. The developer's architect has repeated the analysis of key views of the scheme and St. Saviour's Church, with the new proposal and on balance it is considered that the form and layout of the proposal would preserve similar glimpsed views of the church, whilst enabling a sustainable redevelopment of the site, in an architectural treatment and scale appropriate to East Street.

7.2.2 It is considered that the height and layout of the proposal would be appropriate to the scale and form of the nearby listed former mill buildings at East Street Mills, Robert's Wharf and Rose Wharf, whilst also being appropriate to high quality modern City Centre residential development.

7.2.3 In terms of detailed building design, details such as a clearly defined order of base-middle-top, the relationships between solid and void elements, rhythm of windows, junctions between different materials, depth of window reveals, and treatment of roof parapet lines have been considered by the architect. The architectural features and red-brick materials indicated are considered appropriate as an approach for this site as a high quality modern residential development, which would also be appropriate to the historic context of the surrounding area.

7.2.4 Do Members support the emerging layout, scale and detailed design?

7.3 Greenspace, public realm and pedestrian routes

- 7.3.1 The siting of the buildings, provision of public realm, balance of hard and soft landscaping, and location of future pedestrian routes, would be appropriate to create a sense of place and ensure good pedestrian connections linking across the site from the Ellerby Road in the north east to East Street and the riverside beyond, linking to the South Bank. Along East Street, sufficient space should be provided for new street trees.
- 7.3.2 Part of the site is currently allocated as greenspace in the Saved UDPR site allocations. The emerging AVLAAP removes the allocation on this proposal site because the principle for the loss of a small element of the park was established in 2004 when permission was granted. The Plans Panel West report from 23 September 2004 for the expired planning permission at the site (ref. 20/21/04/FU) states that the capital receipt for the site would compensate for the loss of this small part of the Bow Street Recreation Ground. The site was sold by the Council to the then developer and previous owner for £837,978 in 2005, and the capital receipt vested with Leeds Partnership Homes (now Renew). This met the requirement to compensate for the loss of Saved UDPR-allocated greenspace at this site.
- 7.3.3 Core Strategy Policy G4 requires that 80 square metres of greenspace is provided per dwelling in this location for the larger site that lies outside the designated City Centre, and Policy G5 would apply within the City Centre. Approximately 1300sqm of on-site greenspace is proposed, which would equate to approximately 14% of the total site area. It would be at the northern part of the site, in terraces leading up to Ellerby Lane. However, due to the high density of the proposal, there is likely to be a shortfall in on-site greenspace provision. This would lead to a commuted sum requirement of £790, 338 based on the percentage of accommodation within and outside the City Centre boundary. This sum would need to be targeted towards an identified scheme for new public space or improvements to existing, for example Bow Street recreation ground.
- 7.3.4 Public Rights Of Way officers have advised of claimed rights of way between East Street and Ellerby Road which should be retained. In addition, the sites are identified in the Aire Valley Action Plan for housing (refs; AV28 and AV29) and there is a site requirement that any development should provide a pedestrian/cycle route through the site to link Ellerby Road and Bow Street/East Street. All public accessible areas of the site, including routes between Ellerby Road and East Street, will need to be secured as publicly accessible land in the Section 106 agreement.
- 7.3.5 Do Members support the emerging amenity space, public realm and landscape design principles?**

7.4 Highways and Transportation

- 7.4.1 The site is located in a sustainable location with generally good access to facilities and public transport in the City Centre and Richmond Hill. Regarding highways and accessibility matters, the applicant will need to demonstrate that the scheme is practical and workable in terms of vehicle movements, parking levels, layout and facilities for vehicles, pedestrians, cyclists, disabled users, taxi pick up and drop off, and arrangements for shopping deliveries and refuse servicing. The applicant will need to demonstrate that the proposed level of car parking at 33% provision, and the approach to pedestrian accessibility would not result in adverse impact on highways safety or amenities, including visitor parking. A travel plan will be required,

including site specific travel plan measures such as car club trial provision for residents. Also required would be 10% electric vehicle charging points, long and short stay cycle parking for all uses in the scheme (including one space per flat).

7.4.2 Following concerns regarding the forward visibility of cars turning off East Street onto Bow Street and then into the site, Highways officers have advised that the proposed vehicle access to the courtyard is only acceptable if right turn movements are prevented between Bow Street and the site. An enlarged central island would be required at the junction of Bow Street and East Street to physically block right turning traffic at the site access, the detail of this would be subject to analysis and a safety audit at the application stage. Access between Bow Street and East Street would remain open for vehicles turning left in and left out.

7.4.3 It is considered that the scheme should contribute to improving connectivity between the City Centre and neighbouring communities and in particular will help to provide better connection between the East Bank/Richmond Hill and South Bank areas. AVAAP Policies AVL12 and EB1 (3) require a new pedestrian crossing to East Street to reduce severance along the car-dominated East Street and improve pedestrian safety and connectivity for an increased number of local residents that would live in this development, especially to the South Bank via the proposed bridge at Low Fold, or the existing one accessed from Neptune Street. Highways officers have identified the most appropriate location for an additional crossing along East Street. It is noted that this pedestrian crossing was identified as being necessary to support housing development at this site under the previous approval.

7.4.4 What are Members views to the approach to parking, vehicular access and pedestrian connectivity?

7.5 Planning obligations and Community Infrastructure Levy (CIL)

7.5.1 If acceptable, likely Section 106 agreement obligations would be:

- 5% affordable housing on-site (17 units), split 60/40 social rent/submarket rent with a pro-rata mix of units
- On-site publicly accessible greenspace at the northern part of the site, with a publicly accessible pedestrian route from East Street to Ellerby Road
- Off-site greenspace contribution £790, 338
- Sustainable Travel Fund £81, 812.50
- Travel plan monitoring fee £TBC
- Cooperation with local jobs and skill initiatives

7.5.2 A new pedestrian crossing across East Street is also recommended as off-site highways works, to improve pedestrian connectivity in the area, this is estimated at a cost of approximately £120, 000

7.5.3 CIL charging is applicable and based on the floorspace figures provided this would be £129, 240

7.5.4 However, the developer has indicated that it may not be viable to meet all the planning obligation requirements, and they submitted a viability appraisal in support of their case. At the time of writing, this is being independently assessed on behalf of the Council by the District Valuer.

8.0 Conclusion

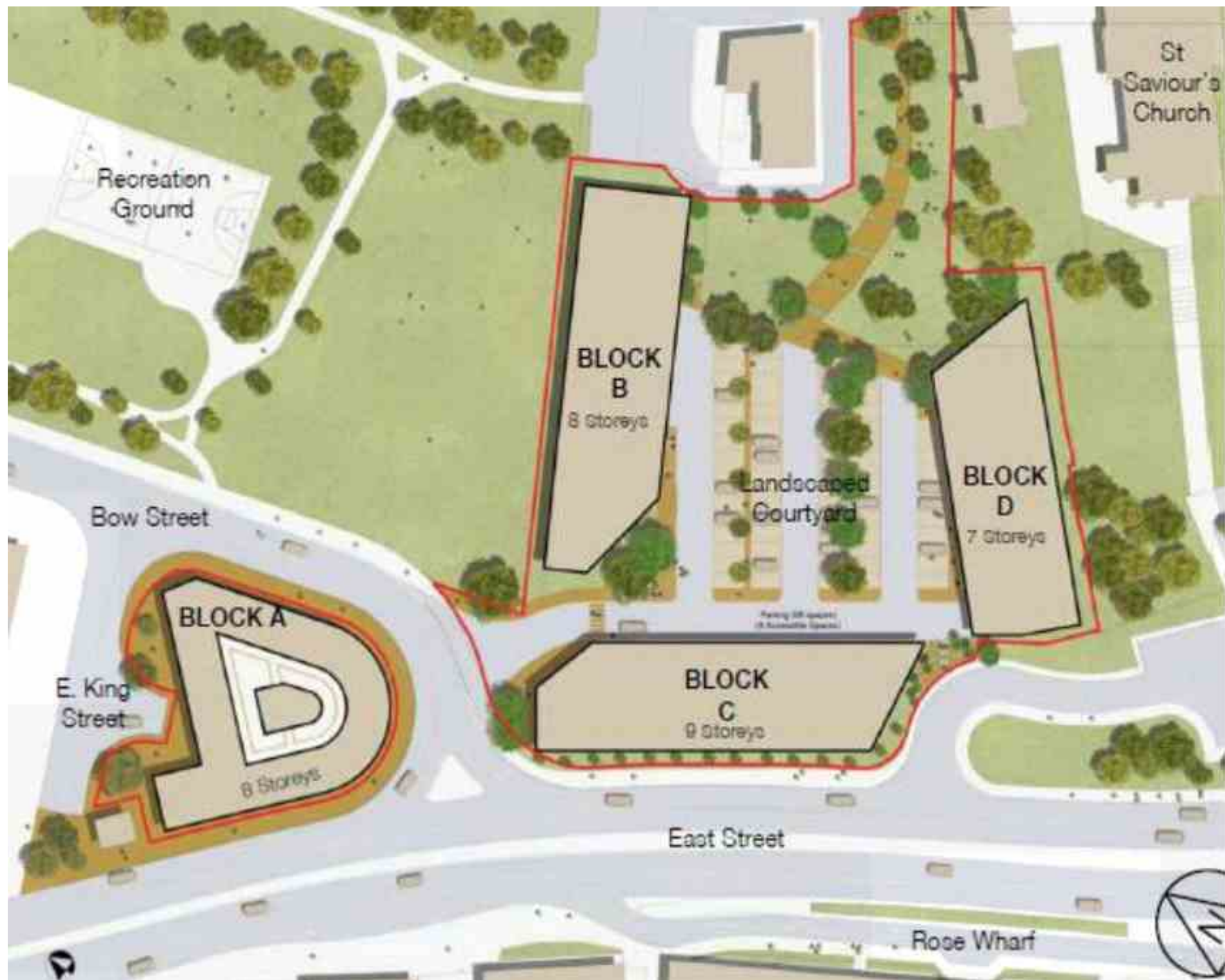
This proposal presents the opportunity to deliver 340 much needed new homes at a prominent longstanding vacant brownfield site on a major route into the City Centre,

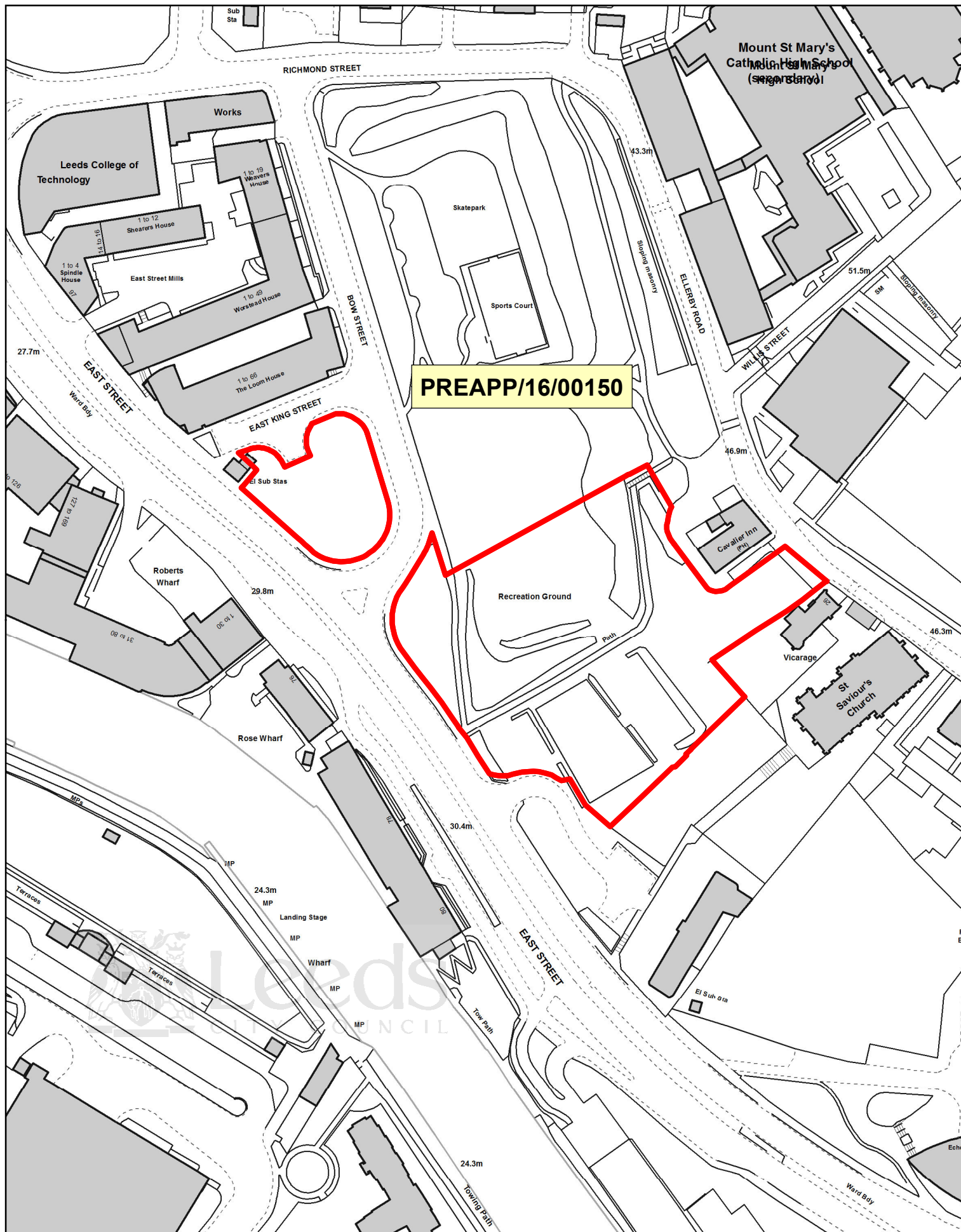
in the Aire Valley regeneration area. Members will be advised of the details of the emerging scheme and are asked to provide responses to the following questions:

- 8.1 Do Members support the principle of residential use, and the emerging quality of accommodation?**
- 8.2 Do Members support the emerging layout, scale and detailed design?**
- 8.3 Do Members support the emerging amenity space, public realm and landscape design principles?**
- 8.4 What are Members views to the approach to parking, vehicular access and pedestrian connectivity?**

Background Papers:

Pre-application file: PREAPP/16/00150





CITY PLANS PANEL

© Crown copyright and database rights 2016 Ordnance Survey 100019567

PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500

