



SOUTH AND WEST PLANS PANEL

**Meeting to be held in Civic Hall, Leeds on
Thursday, 26th October, 2023
at 1.30 pm**

MEMBERSHIP

Councillors

C Campbell

R Finnigan

T Smith

E Taylor

J Garvani

H Bithell (Chair)

E Bromley

L Buckley

N Manaka

A Rontree

P Wray

Please do not attend the meeting in person if you have symptoms of Covid 19 and please follow current public health advice to avoid passing the virus onto other people.

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**Agenda compiled by:
Tasha Prosser
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Enquiries specific to planning applications on the agenda should be directed to Panel Team; Phone 0113 3786980 Email;

planspanel@leeds.gov.uk

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A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>CONFIDENTIAL AND EXEMPT ITEMS</p> <p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF INTERESTS</p> <p>To disclose or draw attention to any interests in accordance with Leeds City Council's 'Councillor Code of Conduct'.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES OF THE PREVIOUS MEETING - 28 SEPTEMBER 2023</p> <p>To consider and approve the minutes of the previous meeting held Thursday, 28th September 2023 as an accurate record.</p>	9 - 20
7			<p>22/06335/RM - LAND AT OWLCOTES ROAD, PUDSEY, LEEDS</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding a reserved matters (appearance, landscaping, layout, and scale) application for 50 dwellings and 4 apartments to outline permission 21/10203/OT, on land at Owlcotes Road, Pudsey, Leeds.</p>	21 - 46
8			<p>20/02710/FU - CARTWRIGHT HOUSE, SPRINGWELL ROAD, HOLBECK, LEEDS, LS12 1AX</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the demolition of existing building and construction of a 30 Storey residential development totalling 345 apartments with ancillary commercial space, landscaping and external amenity space - Cartwright House, Springwell Road, Holbeck, Leeds, LS12 1AX.</p>	47 - 78

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9			<p>23/05968/S106 - FORMER AIREDALE MILLS, MOSS BRIDGE WORKS, TOWN STREET, RODLEY, LEEDS, LS13 1HP</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application under S106A for the modification or discharge of Planning Obligations pursuant to Section 106A of the Town and Country Planning Act 1990 to vary the existing S106 Agreement to application 18/01501/OT to remove the build to rent and PRS covenants at Former Airedale Mills, Moss Bridge Works, Town Street, Rodley, Leeds, LS13 1HP.</p>	79 - 86
10			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note the date and time of the next scheduled meeting as Thursday, 23rd November 2023 at 1.30pm.</p> <p><u>Third Party Recording</u></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties– code of practice</p> <ul style="list-style-type: none"> a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete. 	

CONFIDENTIAL AND EXEMPT ITEMS

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

9.0 Confidential information – requirement to exclude public access

9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

9.2 Confidential information means

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

10.0 Exempt information – discretion to exclude public access

10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Exempt information means information falling within the following categories (subject to any condition):

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

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SOUTH AND WEST PLANS PANEL

THURSDAY, 28TH SEPTEMBER, 2023

PRESENT: Councillor H Bithell in the Chair

Councillors R Finnigan, T Smith, J Garvani,
E Bromley, L Buckley, N Manaka,
A Rontree and P Wray

SITE VISITS

Councillors Smith, Garvani, Bithell, Bromley, L Buckley, Manaka, Rontree and Wray all attended site visits earlier in the day.

26 Appeals Against Refusal of Inspection of Documents

There were no appeals.

27 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

28 Late Items

There were no formal late items.

29 Declarations of Interests

Members did not raise any interests. However, Councillor H Bithell made the Panel aware that she knew the applicant of Agenda Item 7 – 23/03811/FU – Children’s Care Home (C2) at No.8 Chatsworth Crescent, Pudsey, LS28 8LD, in a professional capacity and confirmed she will consider the application with an open mind.

30 Apologies for Absence

Apologies were received on behalf of Councillor C Campbell and E Taylor.

31 Minutes - 3rd August 2023

RESOLVED – That the minutes of the previous meeting held Thursday, 3rd August 2023 be approved as an accurate record.

32 Reserved matters (appearance, landscaping, layout, and scale) application for 50 dwellings and 4 apartments to outline permission 21/10203/OT, on land at Owlcotes Road, Pudsey, Leeds.

Officers suggested that this application be deferred until a later date, further to new information that has been received following the publication of the agenda, that requires a further equality impact assessment to be carried out.

A motion was put forward to defer the application. This motion was moved and seconded, and the Panel unanimously voted in favour.

RESOLVED – That the application be moved to a future South and West Plans Panel meeting for consideration, subject to the relevant information being received.

33 Application 23/03811/FU: Change of use from Dwelling (C3) to Children’s Care Home (C2) at No.8 Chatsworth Crescent, Pudsey, LS28 8LD

The report of the Chief Planning Officer presented a change of use application from Dwelling (C3) to Children’s Care Home (C2) at No.8 Chatsworth Crescent, Pudsey, LS28 8LD.

Members of the Panel attended a site visit earlier in the day.

Photographs and slides were shown throughout the officer presentation, and the following information was provided:

- The proposal is for the change of use of a dwelling house within the Use Class C3 to a residential home within Use Class C2.
- The use class is intended to provide safe accommodation for children who have a bad start in life and are put into the care system.
- The site is located in Pudsey, and the wider character of the area is residential with detached and semi-detached dwellings of single and two storey heights.
- The current set up of the property comprises a detached 5-bedroom semi-detached dwelling, with a driveway down the side of the property and a garage to the rear.
- The proposals will accommodate up to 3 children, typically aged between 10 – 16. Although there may be children aged between 8 – 17. There will be a 24 hour staffing system, with 48 hours on working time and 48 hours off; 1 of them residing in one of the bedrooms.
- There is a condition proposed to control the number of children at any one time, 3 being the maximum.
- The proposal is no different to the current layout and instead of 5 bedrooms being occupied, the proposal is for 3 of the bedrooms to be used by the children and 1 of them for the staff onsite at that particular time. The other bedroom is intended to be used as a staff office.
- There is parking for up to 3-4 vehicles.
- No physical or internal changes to the appearance are proposed.
- The representations received raise concerns regarding noise and disturbance. Appeal decisions in the past relating to similar change of use applications have concluded that they do not have an impact on neighbours in terms of anti-social behaviour and disturbance.
- The applicant must submit a range of documents to OFSTED for the regulation of a children’s home.
- Officers do not believe that the scale of the application will be harmful to its surroundings and there are conditions in place to limit the number of children and staff.

Councillor Amanda Carter attended the meeting and set out her objections as follows:

- The children's home will be a commercial venture for the applicant and is a loss of a residential unit.
- The emotional difficulties of a child can contribute to anti-social behaviour and disturbance as children with such difficulties find it hard to articulate themselves.
- Concerns regarding not delivering a secure environment these children need.
- The property is situated on a bend and there are concerns regarding accidents in that location. Chatsworth Crescent is a well-known rat run.
- Councillor Carter suggested that the application be deferred until further evidence is looked at in terms of the impact of the proposals in this location, against statistics and other associated information.

Further to questions from Panel Members, Councillor Carter explained:

- Her concerns related to the most vulnerable children in our society, and it will be children who have been taken away from their families that may cause disturbance to the next door bungalow, which is the home of a disabled elderly lady.
- Councillor Carter explained that the street is known for speeding and residents have been asking for speed mitigation measures on Chatsworth Crescent.
- Further to concerns raised regarding private sector vs public sector providing child care, the Chair reiterated that the identity of the applicant is not a material consideration in planning law.
- There is not a lot recreation wise for the current children living in the area to do. It was also mentioned that there is a lot of anti-social behaviour related issues in Pudsey with children. There are also extremely difficult cases with vulnerable children being brought into crime that West Yorkshire Police are currently dealing with.

Officers were not aware of the existing transport routes and frequency of public services but confirmed that the site is in a sustainable location and people will utilise bus services in the area. Councillor Finnigan commented that the application should be deferred until further details are put forward in relation to local provision of services and exploration of comments received by Councillor Amanda Carter. A motion was put forward that the application be deferred. This motion was moved and seconded. This motion failed and therefore the debate proceeded.

Further to questions to officers, the following was confirmed:

- If the applicant or neighbours have any concerns, they have the ability to erect a fence. Care providers may also stipulate that boundary treatment up to 2m in height may be required. Further to a suggestion that a condition be incorporated to include the erection of a fence, officers suggested that this is not imposed, as the neighbour may not want this.
- The transport situation is no different to its current use and the property can currently house up to 3 or 4 children. The proposal includes a condition to minimise the number of children at any one time.

Further to comments from Panel Members, it was commented that the proposals regulate the number of children in the property, and it is believed that its current use is no different to what is proposed or add to any disturbance that may be created by its existing use. It was also noted that there is a great need for children's care services. Contrary to this, some Panel Members suggested that further information is required regarding issues on the impact of amenity and there is also currently no clarity regarding transport routes. Concerns were also raised regarding the number of cars parked onsite and whether this would limit room for children to play.

A motion was put forward to grant planning permission as per the officer recommendation. This motion was moved and seconded, and the vote was carried. Therefore it was

RESOLVED – To grant planning permission.

34 21/04988/RM – Reserved Matters application for 57 dwellings including provision of Public Open Space and associated infrastructure, relating to scale, layout appearance and landscaping pursuant to Outline Application 17/02068/OT at Land South of Pool Road, Pool in Wharfedale

The report of the Chief Planning Officer presented a Reserved Matters application for 57 dwellings including provision of Public Open Space and associated infrastructure, relating to scale, layout, appearance and landscaping pursuant to Outline Application 17/02068/OT at Land South of Pool Road, Pool in Wharfedale.

Members of the Panel attended a site visit earlier in the day.

The officer explained that additional representations have been received from Councillors Barry and Caroline Anderson in terms of the building materials, relationship to the gas pipeline, drainage, and lack of consultation with residents. Late representations have also been received from residents regarding the width of the mounds and additional documentation being added online without consultation. It was noted that this information related to the house types and 3D representation of the plans and did not require consultation.

It was also noted that since publication of the submitted report, there is a proposal to increase the number of stone properties which is intended to create a more meaningful cluster at the front of the site, as well as amending boundary changes. In light of the changes, the officer suggested that the recommendation be altered to defer and delegate approval to the Chief Planning Officer, with amendments ultimately being approved by the Chair.

Photographs and slides were shown throughout the officer presentation and the following information was provided:

- The proposal is for a residential development which lies to the South of Pool Road (A659) and is a greenfield site. The site is situation on the

edge of the village of Pool-in-Wharfedale. The site is bordered by existing residential properties to the east.

- The eastern side of the site lies within a Conservation Area.
- Access to the site will be from Pool Road with a main spine road proposed along the western edge of the site and has been agreed through the outline planning consent.
- The proposal will provide 20 affordable houses in a mix of 12 two-bedroom houses, 6 three-bedroom houses and 2 four-bedroom houses.
- A landscape and biodiversity buffer zone are proposed to run outside the site along its western edge. This buffer zone is also proposed to accommodate a cycle and pedestrian pathway which will form part of the future Wharfedale Greenway route. Part of this buffer zone falls within an area of land accommodating an underground high pressure gas pipeline. The gas pipeline runs to the western part of the site. Northern Gas have objected to the application and the applicant will need to evidence compliance with the Northern Gas Networks' publication Safe working in the vicinity of Northern Gas Networks high pressure gas pipelines and associated installations in relation to the East Bierley – Pannel High Pressure Pipeline. Separate consent will be required from Northern Gas before works are carried out near the gas pipeline.
- There are 3 main greenspaces to the northern and southern parts of the site with a central public green space. This is the same as what was proposed previously, and the inspector did not object to this.
- The existing trees onsite will be retained and there will be a lot of enhancement of new trees. Some of the northern developments will include a condition to disable species growing too tall and blocking light for neighbouring properties.
- Further details of the mounds will be requested through a condition.
- The layout of the scheme is similar to the previous application that went to an appeal. The inspectors reasons for refusal related to design and appearance.
- The proposals to the house types have been changed, and it is proposed that there will be more stone properties, ordered facades, better materials, as well as chimneys. The proposed boundary treatments also reflect this palette of materials in prominent locations, alongside hedging and estate railings. Officers consider the new house types and design to be acceptable in terms of the Conservation Area and compared to the previous appeal decision, there has been an up-lift in the materials that are now proposed.
- The site is visible from some long-range views to the south, in particular from Leeds Road. The proposed use of a low-profile grey roofing material and chimneys will help the development assimilate into the adjacent settlement, along the proposed landscaping which will mitigate any harm further.

Local residents and a local ward councillor attended the meeting opposing the application. The informed the Panel of the following information:

- The development is visible from Pool Bank and Pool Road, and this poses a harmful impact on the Conservation Area.
- It is felt that the proposals are 'generic', and houses of this type can be placed anywhere. Additionally, it was commented that additional stone properties are needed to preserve the Conservation Area.
- The proposed buffer zone is not acceptable near the main gas pipeline and the proposed tarmac surface will interfere with access for maintenance works carried out by Northern Gas. It is believed that the tarmac surface over the top of the pipeline could be catastrophic.
- It is believed that Leeds City Council have not adequately consulted with Northern Gas regarding the issues associated with the pipeline and whilst there have not been any accidents in the UK, gas pipelines have exploded in other countries.

Further to questions from Panel Members, the objectors in attendance added:

- The gas pipeline is approximately 4ft underground and is a major gas line. Whilst it was confirmed that roads run over gas pipelines elsewhere, it is believed that this is not the same as proposing a housing development over the top of it and Northern Gas require access to carry out maintenance works.
- There is a mixture of proposed render properties in a block, and it is felt this is not in keeping with the surroundings. The objectors felt that additional stone properties are required to ensure a quality development in the local area. Additionally, it was commented that the houses that can be seen looking down from the A660 should be built in stone to preserve the character of the area visually.
- The objectors in attendance were mixed in opinion on the number of stone properties they believe should be proposed. Some commented that all of the properties should be built in stone, whereas some explained they would at least like to see at least half of the units in stone that can be visually seen from long distances and nearby properties.

The applicants representatives attended the meeting and provided the following information:

- The previous appeal decision outlined that the house types were not readily found in the nearby settlement and that has been the main focus in the proposed application. The applicant has focused on the character areas and how this is implemented across the development. The applicant has carried out a detailed analysis of the surrounding areas and incorporated features such as arc features in chimneys, doors, and windows. There has been a significant change to the materials proposed.
- Stone built properties and half stone and render properties can be found in the locality and are considered not out of character of those on Church Close.
- There is a reduction of units proposed and the removal of dormer windows.

- The house types are bespoke to Poole in Wharfedale and will not be found elsewhere.
- The viewpoint will not significantly change and will be improved with a landscape buffer along the northern boundary.
- The applicant is over delivering on Public Open Space in relation to policy requirement and there is extensive landscape buffering proposed. Trees onsite will also be retained.
- Separation distances have carefully been considered.
- The applicant has included a generous benefits package in terms of S106 monies and monies for offsite highways contributions.

Further to questions from Panel Members, the applicants representatives confirmed the following:

- The applicant has taken steps to ensure they have observed the local surroundings and has taken this into consideration to preserve the Conservation Area. The applicant has looked at materials used in neighbouring properties and looked at the proportions of windows and chimneys.
- The proposed greenery has increased and included onsite.
- The applicant has engaged with Northern Gas and detailed responses have been sent regarding construction methods. The applicant is aware that a risk assessment has been requested and further information is required as per one of the conditions in the planning consent.
- The applicant is also working on a development in Harrogate where works are similar in terms of the gas pipeline and the same level of objection has not been received. The applicant has experience and will undertake a refreshed risk assessment that will be submitted to Leeds City Council and Northern Gas.
- There is an element of solar panels proposed on all properties.
- There is a nearby play area offsite and the applicant is not proposing equipped play onsite. There are 3 areas of Public Open Space proposed for sitting, reading and informal play.

Further to questions from Panel Members, officers confirmed the following:

- Northern Gas will have to provide their specialist response in terms of whether they are satisfied with the information provided in terms of the gas pipeline. It is then within the power of the Local Authority to determine whether that specific condition can be discharged. If the applicant cannot come to an agreement with Northern Gas, they may have to propose an alternative layout to the scheme.
- The Conservation Officer initially raised concern regarding the materials used for the house types. However, an additional 3 houses are proposed in stone and focused on the area most visible to the gateway therefore it is considered that this is enough to enhance views to the proposed development.
- The green boundary provides a buffer to long distance views, and it is not reasonable for officers to request that all properties should be in stone.

- It is intended that existing access road running from east to west will be, in part, diverted as part of the proposed layout and will be pedestrianised to improve access for existing residents.
- The only Permitted Development (PD) right that has been removed is the ability to put dormers to the rear of properties. This does not affect occupiers to add green improvements.
- As part of the previous appeal decision, the inspector did not request any type of equipped play in the Public Open Spaces. Officers added that the Public Open Spaces are relatively small and may not maintain standoff areas to be able to utilise spaces with such equipment.

Members were generally supportive of the proposals but were keen to see additional houses built in stone and were not completely satisfied with the materials as proposed. Further to this, the applicant confirmed that they are satisfied to include further houses in stone as part of the proposals.

Additionally, Members raised concern that equipment in the Public Open Spaces has not been provided for children. A suggestion was made that the applicant consider logs or alternative informal play equipment.

A motion was made to defer and delegate approval of the application to the Chief Planning Officer, subject to the submission of the revised plans increasing the number of properties to be constructed in stone (33), natural stone walling and the conditions as set out in the submitted report as well as the following conditions:

- Details of the quins (material and cross-section)
- Revised landscaping proposals to deliver a low-level planting area to the north of plot 4 (currently shown as small copse mix (x2) on landscaping plans)
- Addition of landscape implementation details to condition 8.

RESOLVED – To defer and delegate approval to the Chief Planning Officer as set out above.

Councillor Wray left at this point in the meeting.

35 22/07648/FU Application for the erection of a 120 capacity Wedding Venue, 40 Holiday Lodges, and a Cafe/Community Hub building at Fleet Lane Oulton Leeds LS26

The report of the Chief Planning Officer presented a position statement on an application for the erection of a 120 capacity wedding venue, 40 holiday lodges and a café/community hub building at Fleet Lane, Oulton, Leeds, LS26.

Photographs and slides were shown throughout the officer presentation, and the following information was provided:

- The site is a fuel depot, currently unused for that purpose, situated within the Green Belt between Woodlesford and Allerton Bywater. The site is situated on a portion of land surrounded by the River Aire and the Aire and Calder Navigation.

- The site is allocated in the Natural Resources and Waste DPD as a protected wharf under policy Minerals 13. There are only 3 protected wharfs in Leeds, with only 1 in use.
- The wedding venue is proposed to sit in the centre of the site with the holiday lodges spread across the site with a network of various paths.
- There will be car parking spaces for each of the lodges.
- It is proposed that there will be 40 holiday lodges, ranging from 1-bed, 2-bed and 4-bed as well as a honeymoon suite.
- To the north of the site is where the community hub / café is proposed. This will be for customers to the wedding venue or lodges and will have a green roof and solar panels.
- There will be increased biodiversity onsite with 196 trees proposed to be planted.
- The site is proposed to be raised 3-4m above ground levels.
- The proposals are intended to be contemporary in design with large, glazed windows.
- There is a proposed roof terrace and bar, with lift access.
- There are several objections from Commercial Boat Operators Association, West Riding Branch of Inland Waterways Association and residents. As well as several comments of support from residents, Swillington Ings Bird Group, Leeds Civic Trust, and Oulton and Woodlesford Neighbourhood Forum.
- Matters that remain outstanding for consideration relate to the loss of a protected wharf site, the impact on the Greenbelt, flooding of the site, access of the site, scheme raised above ground level and will be spread across the site, the main access to the site is narrow and has poor foot links and transport.

Councillor Golton, a supporter of the application attended the meeting and provided the following information:

- The proposals have the endorsement of local ward councillors and the wider community.
- The application is unfairly weighted towards an officer refusal recommendation.
- The fully Adopted Local Plan has not been used when considering the proposals. The Plan shows how the proposals will fit in with the geography and policies referred to are outdated.
- The proposals will increase leisure usage of the area and an enhanced leisure destination.
- Officers object to parking in the Greenbelt, but the proposals formalise what is already onsite.
- The Canals and Rivers Trust provides no parking or little bin facilities.
- The adjacent RSPB St Aidan's is a major attraction, with only 1 official car park located 2.3m away.
- Comments as written by the officers in the application do not seek to deliver optimal outcomes for the locality.

Further to questions to officers, the following was confirmed:

- There is a current demand for freight to be carried in this area and Stourton is over capacity. Any additional information regarding statistics can be provided at a later date should a full planning application be presented.
- The Adopted Local Plan will be fully included in any full application that may be presented.
- The flood risk test has not been adequately addressed and the flood risk team have raised an objection. The applicant has confirmed that there will be offsite flooding as a result of raising the land.
- Each of the lodges have an allocated parking space and there is also an offsite car park.
- Officers raise concerns in relation to noise and light pollution on St Aidan's Local Wildlife Site and Lemonroyd Marina. Raised levels of the site will also impact on noise travelling.
- Officers confirmed that the applicant is hesitant to undertake further work regarding the application if the direction of travel from officers cannot fully resolve issues. If members take a different view, the applicant may be willing to submit further information and proceed with the application.
- The green credentials of the holiday lodges are not yet known and a dependent outcome on this is awaited.
- Any land contamination will be dealt with by specific conditions. It is presumed that the storage containers are onsite are empty.

Members comments in relation to the officers questions in the submitted report were relayed as follows:

Question 1: Do Members agree that Green Belt policy is not satisfied? Yes. Members requested that further information is required from the applicant to accept that the development of this site is acceptable in the Greenbelt.

Question 2: Do members agree that the issue of flood risk has not been resolved? Yes. Members requested that further information is required from the applicant to accept that the development of this site does not present a flood risk.

Question 3: Do members consider loss of a protected wharf site is justified? Not currently as further information is required to understand the need/demand for the use of this wharf.

Question 4: Do members consider the loss of an employment site is justified? Members requested further information to be persuaded. However, they were clear that it was not necessarily a loss of employment as jobs in hospitality is employment. Members also noted that there is currently minimal opportunities for jobs onsite and the proposals seek to add additional employment in the area.

Question 5: Do members consider the location is acceptable according to the locational policies of the plan? Members concerns were raised about its location in sustainability and accessibility terms but did not wish the site to

remain derelict for a prolonged period waiting for a form of employment that would fit within the Policy description of 'Employment' that may never happen. Members do not object to the development, but commented that highway boundaries and works need to be considered.

Question 6: Are there any other matters, that relate to the scope of consideration of this application, that Members wish to raise? the Panel broadly supported the application and understood the policy context but considered that the proposal would be good for the area if it could be made to work in a sustainable manner.

RESOLVED – To note the contents of the report on the proposals and to provide views in relation to the questions posed in the submitted report to aid the progression of the application.

36 Date and time of next meeting

To note the date and time of the next meeting as Thursday, 26th October 2023 at 1.30 p.m.

The meeting concluded at 17.10.

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Originator: Ian Cyhanko
Tel: 0113 3787953

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 26th October 2023

Subject: Planning Application 22/06335/RM

Reserved matters (appearance, landscaping, layout, and scale) application for 50 dwellings and 4 apartments to outline permission 21/10203/OT, on land at Owlcotes Road, Pudsey, Leeds.

APPLICANT	DATE VALID	TARGET DATE
Leeds Federated Housing Association and Keyland Developments Ltd	16th September 2022	27 th October 2023

<p>Electoral Wards Affected:</p> <p>Calverley and Farsley</p> <p><input type="checkbox"/> Yes Ward Members consulted</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input checked="" type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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Appendix A of the report has been designated as exempt from publication under the provisions of the Councils Access to Information Procedure Rule 10.4 (1)

RECOMMENDATION: DEFER AND DELEGATE to the Chief Planning Officer for approval subject to the specified conditions (or any amendment to the same or others as the Chief Planning Officer seems necessary):

- 1. Compliance with Approved Plans**
- 2. Access to be completed prior to first occupation of development**
- 3. All vehicular spaces to be laid out**
- 4. Installation of 3m high hoarding along southern boundary with the properties located along Owlcotes Road, prior to commencement of development**

- 1 The application is brought to Plans Panel given the large-scale nature of the development, and the very high level of local interest, at the request of Councillor Andrew Carter, who has stated he considers the application needs to be brought before Members due to design and amenity concerns. These are valid planning reasons for an application to be referred to Plans Panel as set out in the adopted 'Development Management and Enforcement and Member Communications Protocol'.
- 2 Given that the proposal concerns an application within the Member's Ward which they represent and that the Ward Member considers that the development would have a significant effect on the Ward, affecting more than just neighbouring properties. It is considered that one of the exceptions, as set out in the Officer Delegation Scheme, is met and it is appropriate to report the application to Plans Panel for determination.
- 3 Since the application was deferred from the last South and West Plans Panel (28th September) the Equality Impact Assessment has been updated to take into account the new information received. As a consequence, further negotiations have resulted in amendments to the scheme. Plots 51-52 being sited a further 2m away from the rear boundary of no 74 Owlcotes Road. The exact relationship with this property is explained in full in paragraph 40 of this report. It is also worth noting that a Panel site visit took place on 28th September 2023 where Members viewed the site and surrounding context.

PROPOSAL

- 4 The proposal is determination for Reserved Matters following the granting of Outline planning consent which established the principle of residential development plus means of vehicular access for Outline Planning Permission ref 21/10203/OT. Reserved Matters approval is therefore sought for the appearance, landscaping, layout, and scale of the proposed development. The scheme is to be developed by a Housing Association and will provide 100% affordable housing.

A total of 54 dwellings are proposed comprising the following mix:

Type	Amount	Percentage
1-bed house (58 sq. m)	1	1.9%
2-bed house (70 sq. m)	25	46.3%
2-bed bungalow (80 sq. m)	2	3.7%
3-bed house (86 sq. m)	12	27.7.%
4-bed House (120 sq. m)	10	18.5%
1-bed Apartments (2x 52sqm + 2x 62.3 sq. m)	4	7.4%

- 5 The majority of the development comprises of semi-detached properties (42 units). The four flats are within 2 separate blocks, and there are two blocks of 3 terraced properties (6 units) and 2 detached bungalows.
- 6 The properties are mainly 2 storeys in height (with the exception of the two bungalows). A select few have accommodation within the roof space. There is a centrally located area of green space and a landscaping buffer is also proposed along the northern boundary of the site. The scheme does include the planting of a total of 86 trees, including a number of trees to be planting along the main spine road through the site.
- 7 The application is supported by the following documents
- Design and Access Statement
 - Ecological Impact Assessment
 - Planning Statement
 - Statement of Community Involvement
 - Energy Statement
 - Bio-Diversity calculations

SITE AND SURROUNDINGS:

- 8 The site consists of an irregular shaped area of green field land, which lies on the northern side of Owlcotes Road. The site is approximately 2.06 hectares in size and is currently vacant except for two telecommunication masts, one to the northern boundary on the southeastern side and one to the south-eastern corner. The site is verdant in nature and is covered with well-maintained short grassland.
- 9 Suburban styled semi-detached properties lie to the west on Hillfoot Crescent, and to the south (in part) fronting Owlcotes Road. The properties on Owlcotes Gardens lie adjacent to part of the eastern boundary of the site. Adjacent to the site, to the north-east lies a Yorkshire Water covered reservoir which is open and verdant in nature, bound by a high metal fence and trees. Access to the reservoir is currently provided from the eastern corner of the application site. The locality is suburban in character with adjacent properties appeared to have been constructed in the 1950/ 60's. To the north of the site lies open green fields, which are designed as an Urban Green Corridor and other Protected Open Land, through saved UDP polices.
- 10 Level changes across the site are minimal. There is a gentle slope down from east to west and a total level difference of approximately 7m. There is an existing access from Owlcotes Road which provides maintenance access to the telecommunication masts and to the reservoir beyond the site to the north. The reservoir adjacent to the site is bound by a metal fence to its perimeter. There is a timber post and rail fence in the southeastern part of the site.

RELEVANT PLANNING HISTORY:

- 11 Outline planning consent for residential development, up to 77 units with the means of access, was granted on 10th September 2021 (Ref/ 21/10203/OT).
- 12 Planning consent was granted on 23rd October 2017, ref (17/02105/OT) for '*Outline application for residential development up to 12 dwellings including access*', for

approximately 1/5 of this application site area. This consent has not been implemented. This consent has now lapsed.

HISTORY OF NEGOTIATIONS

- 13 The layout of the application has been altered since its original submission to address Officer concerns on the spacing, relationship between plots, and dominance/ amount of frontage parking, improved landscaping and tree planting. As a result, a total of 12 units have been omitted from the scheme since its original submission.

PUBLIC/LOCAL RESPONSE:

- 14 The application was originally publicised by 5 site notices which were posted adjacent to the site on 17th October 2022. A notice was also placed in the local press on 7th October 2022, and letters of notification were sent out to all the contributors to the outline application. To date 17 objections have been received from local residents. The points raised in these objections are highlighted below.

- The scheme lacks quality. Should provide a design appropriate to the locality
- No additional infrastructure to support this development
- Local schools and doctors cannot cope with additional population
- Access is dangerous, highway mitigation is required
- The proposal is totally contrary to the climate change emergency declared by Leeds City Council
- Brownfield land should be developed ahead of greenfield land
- The proposal has a 'low' biodiversity net gain
- Impact on traffic
- Disruption for local residents during the build
- Proposal will endanger kestrels
- A 3m wide landscape buffer to the boundary with the properties located on Owlcotes Road should be included in the plans
- Noise from play area. This is not required, other play areas exist nearby
- A reduced palette of materials, would suit the area better
- Loss of view, privacy and loss of light to gardens of adjacent properties
- A solar glint assessment is required, to ensure glare doesn't affect drivers on Owlcotes Road
- The proposal could encourage anti-social behaviour
- Loss of wildlife and nature
- Traffic calming measures are required on Owlcotes Road
- Concern over possible contaminated as land was previously a quarry
- Local roads cannot cope with additional traffic
- Proposal will have a disproportionate. adverse impact on the health of an adjacent resident who has a protected characteristic

- 15 Ward Members Councillors Amanda and Andrew Carter have objected to the application on the following grounds.

- The site should not have been included for housing
- The existing green space has much local amenity value
- Potential to develop adjacent Green Belt land
- Proposed public space is not adequate

- Dwellings are sited too close to existing dwellings, causing privacy issues
- Off-site highway works are required to mitigate the development

CONSULTATION RESPONSES:

- 16 Contaminated Land
No new information has been submitted with this Reserved Matters application. Conditions placed on the outline consent are still outstanding.
- 17 West Yorkshire Archaeology Advisory Services
The scheduled monument of Owl Cote deserted medieval village lies 300m to the north of the application site but is not threatened or impacted by the development (National Heritage List for England 1005779 and WYHER MWY1457). There is no requirement for archaeological work
- 18 Environmental Studies
No objection, the A647 is situated some distance away. No acoustic assessment is required
- 19 Yorkshire Water
No objections subject to conditions being imposed on the approval which relate to the protection of existing infrastructure, separate systems of drainage and no piped discharge.
- 20 Highways
No objections subject to conditions.
- 21 Mains Drainage
No new information has been submitted with this Reserved Matters application. Conditions placed on the outline consent, which restricts water discharge to 3.5 l/s still applies.
- 22 Landscape
Raised concerns on the size of the buffer to the Green Belt, amount of frontage parking, gradients and surveillance over the area of central green space.
- 23 Nature Conservation
The proposal although provides a net gain in bio-diversity hedgerow planting, overall the scheme provides a net loss of 4.39 habitat units or a biodiversity net loss of 60.77%.
- 24 Environmental Health
No objections, construction activities should be covered by planning conditions.
- 25 Design
No objection to the revised layout and house types.

PLANNING POLICIES:

- 26 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

The development plan for Leeds currently comprises the Core Strategy (as amended 2019), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP), the Site Allocation Plan (2019) and the Natural Resources and Waste Local Plan (NRWLP) 2013, and any made Neighbourhood Plan (although there is no made neighbourhood plan for this area).

Relevant Policies from the Core Strategy are:

SP1	Location of development in main urban areas on previously developed land.
SP6	The Housing Requirement and Allocation of Housing Land
SP7	Distribution of Housing land and Allocations
H2	Housing development on non-allocated sites.
H3	Housing density
H4	Housing mix
H5	Affordable housing
H8	Housing for Independent Living
H9	Minimum Spacing Standards
H10	Accessible Housing Standards
P10	High quality design.
P12	Good landscaping.
T2	Accessibility.
G4	Greenspace
G8	Protection of Important Species and habitats
G9	Biodiversity improvements.
EN1	Climate Change – Carbon Dioxide Reduction
EN2	Sustainable design and construction
EN4	District heating
EN5	Managing flood risk.
EN7	Protection of mineral resources (coal, sand, gravel).
EN8	Electric Vehicle Charging Infrastructure
ID1	Implementation and Delivery Mechanisms

27 Relevant Saved Policies from the UDP are:

GP5	– General planning considerations
N8	– Urban Green Corridor
N11	– Other Protected Open Land.
N23	– Incidental open space around development.
N24	– Landscaping between development and open land
N25	– Landscaping and site boundaries
BD5	– General amenity issues
LD1	– Landscaping

28 Relevant NRWLP Policies are:

GENERAL POLICY1	– Presumption in favour of sustainable development.
MINERALS3	– Surface Coal resources
AIR1	– Major development proposals to incorporate low emission measures.
WATER1	– Water efficiency, including incorporation of sustainable drainage
WATER4	– Effect of proposed development on flood risk.
WATER6	– Provision of Flood Risk Assessment.
WATER7	– No increase in surface water run-off, incorporate SUDs.
LAND1	– Land contamination to be dealt with.
LAND2	– Development should conserve trees and introduce new tree planting.

29 The following SPGs and SPDs are relevant:

- SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds
- Neighbourhoods for Living Memoranda to 3rd Edition (2015)
- Transport SPD (2023)
- Travel Plans SPD (2023)
- Sustainable Design and Construction SPD: Building for Tomorrow Today
- Accessible Leeds SPD (2016)

National Planning Policy Framework

30 The National Planning Policy Framework was updated September in 2023 and sets out the Government's planning policies for England and how these are expected to be applied. The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the Plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.

Given the nature of the application, the following paragraphs in the NPPF are considered relevant: -

Paragraph 65	Inclusion of Affordable Housing within new major housing developments
Paragraph 77	Ensure that proposals for new Housing are implemented in a timely manner
Paragraph 111	Seeks to ensure that any proposal has safe access and will not have a severe cumulative impact upon the site and wider area.
Paragraph 130	Relates to high quality developments that respect the distinctive character of a site and wider area. It also stresses the importance of design in creating good living conditions for existing and future occupants.
Paragraph 174	Planning decisions should contribute to and enhance the natural and local environment
Paragraph 180	Biodiversity should be integrated into the design of new developments and gives overall principles to be applied when determining planning applications with regard to biodiversity.

31 National Planning Practice Guidance

The National Planning Practice Guidance (NPPG) offers guidance in addition to the NPPF. The NPPG advises that reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application (i.e. that can be 'reserved' for later determination). These reserved matters are defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as:

- ‘Appearance’ – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- ‘Landscaping’ – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- ‘Layout’ – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- ‘Scale’ – the height, width and length of each building proposed within the development in relation to its surroundings.

32 The Equality Act 2010

Through the application process, the Local Planning Authority (LPA) have been made aware of some particular circumstances and sensitive issues, where it is necessary to have regard to the Equality Act (2010). The Equality Act 2010, defines discrimination under the law as unfair treatment because of what it terms ‘protected characteristics’.

As a decision maker, LPA’s have a duty under the Equality Act to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations. In particular, the Public Sector Equality Duty states that public body must, in the exercise of its functions, have due regard to the need to:

1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In accordance with (2) above, a public body must also have due regard to the need to advance equality of opportunity persons who share a relevant protected characteristic and persons who do not share. This involves having due regard, in particular, to the need to:

1. remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
2. take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
3. encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Based on information received, this application raises matters of Protected Characteristics which must be considered by the Local Authority in its capacity as LPA, in discharging its Public Sector Equality Duty. In taking the information received into account, having regard to the Equality Act 2010 in the assessment of this particular application. Consequently due regard has been given to the impact of the application on a nearby resident who shares a protected characteristic. More detail and assessment is provided in relation to this later in the Report.

MAIN ISSUES

- Layout
- Layout/ Impact on adjacent Occupiers
- Layout- Highway Arrangement
- Appearance
- Scale
- Climate Change Emergency, Sustainability and Bio-Diversity
- Landscaping
- Public Sector Equality Duty

APPRAISAL

33 The principle of this development has already been established through the granting of the outline planning permission for up to 77 units, with means of access. The site is allocated through the SAP as a Housing site (ref HG2-67). The appraisal of this application will therefore not re-assess matters granted through the outline consent such as the principle of development, means of access, and impact on the local highway network. Reserved Matters approval is sought for the appearance, landscaping, layout, and scale of the proposed development.

Layout

34 The layout of development has been subject of much negotiation between Officers and the applicants. A series of amendments have been made which have reduced the quantum of development to increase the spacing within the site, between the dwellings. It is now considered that the layout is acceptable. The amendments have re-sited the on-site green space so that it is now centrally located. A few of the properties proposed face onto this area of green space, which does provide a focal point for the development. The layout has also improved the patterning between the plots (with fewer house types) to provide a more cohesive appearance and a greater number of properties which feature side driveways with front garden areas, as opposed to frontage parking. The layout also provides an active frontage along the Owlcotes Road frontage with 3 properties orientated onto it.

35 The majority of the properties are semi-detached which matches the urban grain of the surrounding properties. It is considered the site provides a good degree of visual relief through the site and the proposal is not overly dense or cramped. There is a degree of frontage parking, however this is generally broken up by an adjacent property which does not have frontage parking, but which has a front soft landscaping area.

36 It is important to note that layout of the development and any design/ spacing aspirations must be considered in tandem with the need to provide a minimum density. Within urban areas, policy H3 of the adopted Core Strategy requires a minimum of 40 units per hectare. This development equates to 26.2 units per hectare. This is mainly due to the requirement not to develop over the mains water supplies. Therefore, increasing the space between the properties within the site would further increase the deviation from the requirements of policy H3. The proposal also provides a good mix of housing, which range from 1-bed to 4-bed and includes

bungalows, dwellings and flats. The proposal does accord with policy H4 with regard to Housing Mix.

37 The centrally located open space includes trees which are adjacent to the highway, and the layout does include a number of street trees which are located adjacent to the spine road, but outside the curtilage of individual properties. This will enhance the quality, appearance and character of the development. A development of this housing mix at 54 units, generates a minimum on-site green space at 0.1975ha (following the formula of policy G4). This proposed layout provides on-site green space at 0.223. This exceeds the minimum requirements of G4.

38 All of the properties have their own private rear gardens, the majority of which are generous in size. The two blocks of flats, also have a dedicated garden area which is shared between 2 units. All of the units proposed meet the minimum spacing standards of policy H9. The size of each unit type is illustrated in the table in paragraph 4. It is therefore considered the proposal will offer a good degree of amenity to its future occupiers.

Layout - Impact on Adjacent Occupiers

39 The application site is surrounded by dwellings to the south, located on Owlcotes Road, Hillfoot Crescent to the west, and Owlcotes Gardens to the east. The properties situated along Owlcotes Road have generous rear gardens, which vary between 18.5m and 21m in length. The existing properties situated on Owlcotes Road which are located opposite the proposed development, are numbers 74, 86, and 88. The application is also supported by sectional drawings which show the land levels and heights of the proposed properties, in relation to the existing dwellings which surround the site.

40 A landscaping buffer is proposed beyond the rear boundary of no 74, which includes retained trees. Beyond this, is the side elevation of plot 54. The blank side elevation of this plot faces towards the rear of no 74. The distance between the rear elevation of no 74, and the side elevation of Plot 54 is between 27.5m and 29m. Whilst comments have been received regarding the proximity of the proposed development to existing properties, it should be noted that the distances far exceeds the minimum spacing standards of the adopted SPD 'Neighbourhoods for Living'. This SPD requires a minimum distance of 12m between opposite Main and Side elevations. This exceedance equates to between 15.5m and 17m.

41 The side elevation of Plot 54, at its nearest point is also located between 8.5m and 10m from the rear garden boundary of no 74. This also far exceeds the minimum spacing standards of the adopted SPD 'Neighbourhoods for Living' which requires a minimum distance of 2.5m between a side elevation and opposite side boundary. This exceedance equates to between 6m and 7.5m.

42 Similar distances exist between the side blank gable of Plot 42, and the properties located opposite at no's 86 and 88, all of which significantly exceed the minimum spacing standards of 'Neighbourhoods for Living'. The development is also located to the north of these properties which further minimises the impact of the development.

43 A significant landscaping buffer is retained along the western boundary and the rear of the plots 35-39 lie approximately 45m from the nearest properties located along Hillfoot Crescent. This far exceeds any minimum spacing standards of 'Neighbourhoods for Living.'

44 The side elevation of Plot 7 faces opposite the rear of 14 Owlcotes Gardens. The distance between these properties varies between 13.2m and 16.4m. This side elevation is also located 8.8m away from the boundary with this property. This also exceeds the minimum spacing standards of the adopted SPD 'Neighbourhoods for Living' which requires a minimum of 12m between main and side elevations. The rear elevations of plots 3, 4 and 5 lie 12m from the side boundary of 58 Owlcotes Road and 16.9m from the actual side elevation of this property. These distances too, all exceed the minimum spacing requirements of 'Neighbourhoods for Living'. It is not considered that the proposed development would over-look or over-shadow any existing properties which surround the application site. The development is generously spaced and significantly exceeds all the minimum spacing requirements of the adopted SPD 'Neighbourhoods for Living'.

Layout- Highway Arrangement

45 The means of vehicular access into the site, was approved at the outline stage (up to 77 units). The revised layout plan now shows a mixture of tandem and double driveways, which are acceptable. Bin and cycle stores have also been shown.

46 The Section 38 Highways Adoption team confirmed that the submission consists of mostly Type 2 Local Residential Streets, meeting the requirements of the Transport SPD. Further information will be required regarding the surface materials and some amendments to the kerb edging and tie-ins, which could be dealt with as part of the Section 38 process.

47 The overall level of car parking provision across the site is acceptable. The driveway dimensions are also acceptable. All driveway / parking spaces will need to be fitted with Electric Vehicle Charge Points (EVCP). This was secured through a planning condition placed on the outline planning consent, along with other standard highway conditions which relate to surfacing etc.

Appearance

48 The design of the properties has been amended to introduce features such as artstone cills and heads to all window openings (initially these were only proposed on the front windows), bay windows and additional windows to side elevations on corner plots (to reduce the general massing of the development) which also aids natural surveillance. Some properties feature bay windows and entrance canopies. The range of house types has been reduced to provide an increasingly cohesive and distinct appearance, with an increased degree of character and uniformity.

49 The proposed use of brick and re-constituted stone is appropriate given the location of the site and the appearance of surroundings properties. Conditions for the exact materials were conditioned on the outline consent. The properties feature over-hanging eaves and vertical rendered sections which add a degree of visual interest to the properties, whilst reducing their massing. Where properties are located at prominent junctions within the site, the side elevations feature large main windows to provide dual frontages, to avoid stark blank elevations. This also improves the degree of surveillance throughout the site. Overall, it is considered that the proposal complies with policy P10.

Scale

50 As stated in paragraph 36, the scale of development falls under minimum density requirements of H3. However, this is mainly due to the need to leave land over water mains undeveloped. The development matches the scale of the surrounding dwellings in terms of their height, footprint, general massing and roof pitch etc. It is considered that the development is of an appropriate scale.

Climate Change Emergency, Sustainability and Bio-Diversity

- 51 Leeds City Council declared a climate emergency on the 27th March 2019 in response to the UN's report on Climate Change. The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear at paragraph 152 that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.
- 52 As part of the Council's Best Council Plan 2019/20 to 2020/21, the Council seeks to promote a less wasteful, low carbon economy. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.
- 53 The Site Allocation Plan (SAP) was formally adopted on the 10th of July 2019. This application site was not previously designated as Green Belt in the UDP but was UDPR (2006) Policy N11 Rural Land. As part of the examination process, the Inspectors considered whether the Council's site selection process was sound. Paragraph 109 of their report refers to their conclusion:
- The overall process represents a sound approach to identifying those sites considered to represent the best and most sustainable choice for development in each HMCA to contribute to the target requirement.*
- 54 The Inspector therefore found the site HG2-67 as one of the best and most sustainable choices for development within the Outer West HMCA to meet the area's housing need. As part of the SAP process each site is scored on its sustainability, through a Sustainability Appraisal (SA). With the SA the site scored positively in sustainability terms for key indicators including SA3 (Education), SA4 (Health), SA15 (Transport network) and SA16 (local needs met locally). The SA is scored on 22 topics and only scored negatively on 2 topics, SA11 (Greenfield/ Brownfield) and SA21 (Impact on the Historic Environment).
- 55 The application site also scored highly in the SA when considered against the SA scores of the other sites that are allocated within the SAP and Outer West Area. The site scored 5/5 for highways accessibility. The SAP Infrastructure background paper defines:
- Accessibility to public transport - rank of 5/5 as it 'Meets Core Strategy accessibility standards with good footway network and walking distance of local services'.
 - Highway Access - rank of 5/5 as it has 'Adequate frontage/s for suitable access/s and visibility splays within site / adopted highway'
 - Impact on Local highway network - rank of 4/5 as it has 'Spare local capacity and suitable network but likely cumulative impact issues'.
- 56 The declaration of the Climate Change Emergency does not preclude new build housing on green field sites. The Council has a duty, following the advice of the NPPF to have a 5-year supply of housing across the city and the adopted SAP and Core Strategy enables the Local Planning Authority to have an up-to-date plan with sufficient housing to be delivered over the Development Plan period. However, the refusal of housing sites that have been identified and allocated in the Plan jeopardises the LPA's 5-year housing supply and erodes the effectiveness of the Development Plan. This in turn could mean development outside of the SAP will need to be considered in future and piecemeal development is likely to prevail that will not

contribute significantly towards local infrastructure, due to their individual scale and nature.

57 The application is also supported by an Energy Statement, which outlines the measures incorporated not the scheme to achieve Carbon Dioxide Reduction. The proposal includes Solar PV panels to all plots, which overall is predicted to provide 40% of the site energy demand. This far exceeds the minimum requirements of policy EN1 which states 10% of energy should be provide on-site. This is a real benefit, and positive trait of the development that all future occupiers would benefit from, due to reduced running costs.

58 The applicants, Leeds Federated Housing Association have adopted an energy efficient and Low and Zero Carbon approach which achieves a 20.62% reduction in predicted CO₂ emissions on the site. The reduction in CO₂ is due to the increased thermal performance of the building envelope along with controlled ventilation, solar PV panels and waste water heat recovery systems evidenced within the energy specification.

59 The application has been supported by a 'Ecological Impact Assessment.' This includes Biodiversity Net Gain calculations. This is summarised below.

- Baseline Habitat Units = 7.23 (6.84 to lose, 0.24 to retain, 0.15 to enhance)
- Post-development Habitat Units = 2.83 (0.24 retained, 2.27 created, 0.32 following enhancement)

- The figures provided in the EclA and Calculation Tool indicate the scheme will result in a reduction of 4.39 habitat units or a biodiversity net loss of 60.77%.

- Baseline Hedgerow Units = 0
- Post-development Hedgerow Units = 0.95 (0.95 created)

- The figures provided in the EclA and Calculation Tool indicate the scheme will result in an uplift of 0.95 hedgerow units or an acceptable level of biodiversity net gain for hedgerow units.

60 The proposal does result in a biodiversity net loss of 60.77% and is therefore not compliant with Policy G9 or NPPF to achieve a measurable net gain for biodiversity. The mitigation for 4.4 units x £25,000, equates to £110,000. However, as this application is for Reserved Matters only, this sum cannot be secured through a Section 106 Agreement and there were no related planning conditions attached to the outline permission. Notwithstanding that, this issue needs to be considered in the overall planning balance, notably the fact outline permission exists for up to 77 units, alongside the benefits of the application which include 100% Affordable Housing provision, which significantly exceeds the policy requirements of 15% within this locality.

Landscaping

61 All of the trees upon the site are situated around the site perimeters. The application has been supported by a full Tree Survey, which has revealed a total of fifteen individual trees and seven groups of trees. Of these, six trees/groups were identified as retention category 'B' and sixteen trees/groups were identified as retention category 'C'. There was no retention category 'A' or 'U' trees identified. Light pruning works have been recommended to one tree on this site, for reasons of public safety and to ensure the long-term health of this tree. Two category 'C' trees are proposed

for removal. Conditions were imposed on the outline application for the retention and protection of the trees on site.

- 62 The proposal does include significant new tree planting, 86 trees in total. 35 of these are defined as 'Extra Heavy Standard' being 4.25m – 6m in height. The remaining 51 are defined as 'standard' and are between 3m and 3.5m in height. These significantly exceed the requirements of policy LAND2, which requires replacement tree planting at a 3:1 ratio. The proposal includes a landscaping buffer between plot 54 and the existing property at 74 Owlcotes Road which includes the planting of 2 new trees and mixed native hedgerow planting. Conditions for landscape management and tree protection were imposed on the Outline approval.

Public Sector Equality Duty - Impact on Community and Mitigation Measures Proposed

- 63 This section looks in more detail at the impact on the Community that the development causes, and whether the Council fulfils its duty under the Public Sector Equality Duty to ensure its actions do not disproportionately affect a group of people. The proposal is considered here in terms of the existing and future residents with protected characteristics and whether they would be impacted negatively or positively. It is concluded that these very specific impacts have been reasonably considered and mitigated appropriately. Within this context, the Council has fully discharged its duties both proportionately and responsibly.
- 64 An objector has stated that the proposal would disproportionately affect their family, as a family member suffers from a condition that means the development as proposed would have very serious implications for their health. Under the Equality Act 2010, such an illness is defined as a Disability and comes under the definition of protected characteristics. The LPA have therefore conducted an Equality Impact Assessment, in order to have proper regard to this characteristic. This Assessment (at Appendix A) is confidential in nature and has therefore been designated as exempt from publication under the Access to Information Procedure Rules 10.4 (1) and Schedule 12A to the Local Government Act 1972. Given that the information within this appendix relates to an individual, it is deemed that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The assessment ensures that the LPA have considered the impact regarding equality, diversity, cohesion and integration to accord with its Public Sector Equality Duty. The Assessment has been supplied to the decision makers (as exempt Appendix A) and will be discussed in a closed session at the meeting, should the Panel resolve to do so'.
- 65 In response to these circumstances being raised with the LPA, the application has been amended in respect of the comments/ objection received. The purpose of this is to minimise the impact of the development on their property and family member. These changes can be summarised as follows. The proposed plot located to the rear of their property has been rotated around by 90 degrees, to ensure a side gable end faces towards their rear garden, and not a main façade as previously proposed. This will ensure an increasing degree of privacy on this household. Officers have also negotiated the inclusion of a landscaping buffer, located at the end of this properties rear garden, located between the existing house and the proposed new development. This will also provide a visual screening function to the new development. The distances between this property and the

nearest new build (proposed through this application) far exceeds the minimum spacing standards of the adopted SPD 'Neighbourhoods for Living'. See paragraph 40 of this report.

- 66 The applicants have stated it is not possible to relocate plots 51-54 further north, so they were located directly behind plots 48-50 (essentially swapping the location of these with the open space), as it would not be a feasible option. This is due to the fact more trees would be lost (including T3/ T4 due to the need to relocate the storage tank), and it would erode into the Public Open Space, producing a less regular-shaped recreation area. They have also stated that an irregular shaped storage tank causes difficulties in respect of maintenance and may not be supported by Yorkshire Water.
- 67 Planning conditions were imposed on the Outline consent (no's 11 and 12 of 21/10203/OT) which related to details to minimize the impact through Construction, and a restriction on construction hours, and means to control dust. As such there is no need to repeat this condition on this Reserved Matters application. However, in response also to concerns raised with the LPA, a requirement to erect a hoarding along the boundary during the construction process will be imposed on this application.
- 68 The applicants have stated that in discharging the condition for the Statement of Construction Practice, they have already been liaising with Sirius (the construction contractors) who have suggested the following measures be put in place to have regard to this issue raised in the objection, specifically.
- Communication with the resident regarding the timing and duration of site activities close to this boundary, and those likely to cause low level vibration and noise.
 - Once works in areas close to this boundary are complete a localised exclusion zone can be established. Works in this vicinity will be resourced to be as shorter duration as practicable.
 - Location of the compound away from boundary in question.
 - Location of stockpiles and haul roads away from the boundary in question, to minimise site traffic movements near to it.
 - Install fence netting on the residential boundary fences to mitigate dust risk and reduce visibility of site activity. If optics were deemed to be a significant factor and a mitigation measure is required for the long term, the client may take the view that hoarding at this location might be appropriate.
 - Haul roads and working areas to be damped down as necessary to mitigate the risk of fugitive dust leaving the site. (Fugitive Dust is an environmental air quality term of very small particles suspended in the air primarily mineral dust). This will be checked daily for its effectiveness and adjusted accordingly.
 - During works in proximity to the boundary in question a freshwater atomiser will be positioned in between the works and the boundary to provide an additional level of mitigation to the risk of fugitive dust.
 - Monitoring at sensitive boundaries for vibration, noise and dust to demonstrate compliance during the works.

These measures will be considered once the Discharge of Condition application is submitted.

- 69 The above interventions and changes to the proposed development, have been put in place in response to the concerns raised with the LPA. From a Planning perspective these changes are considered to be appropriate in addressing the

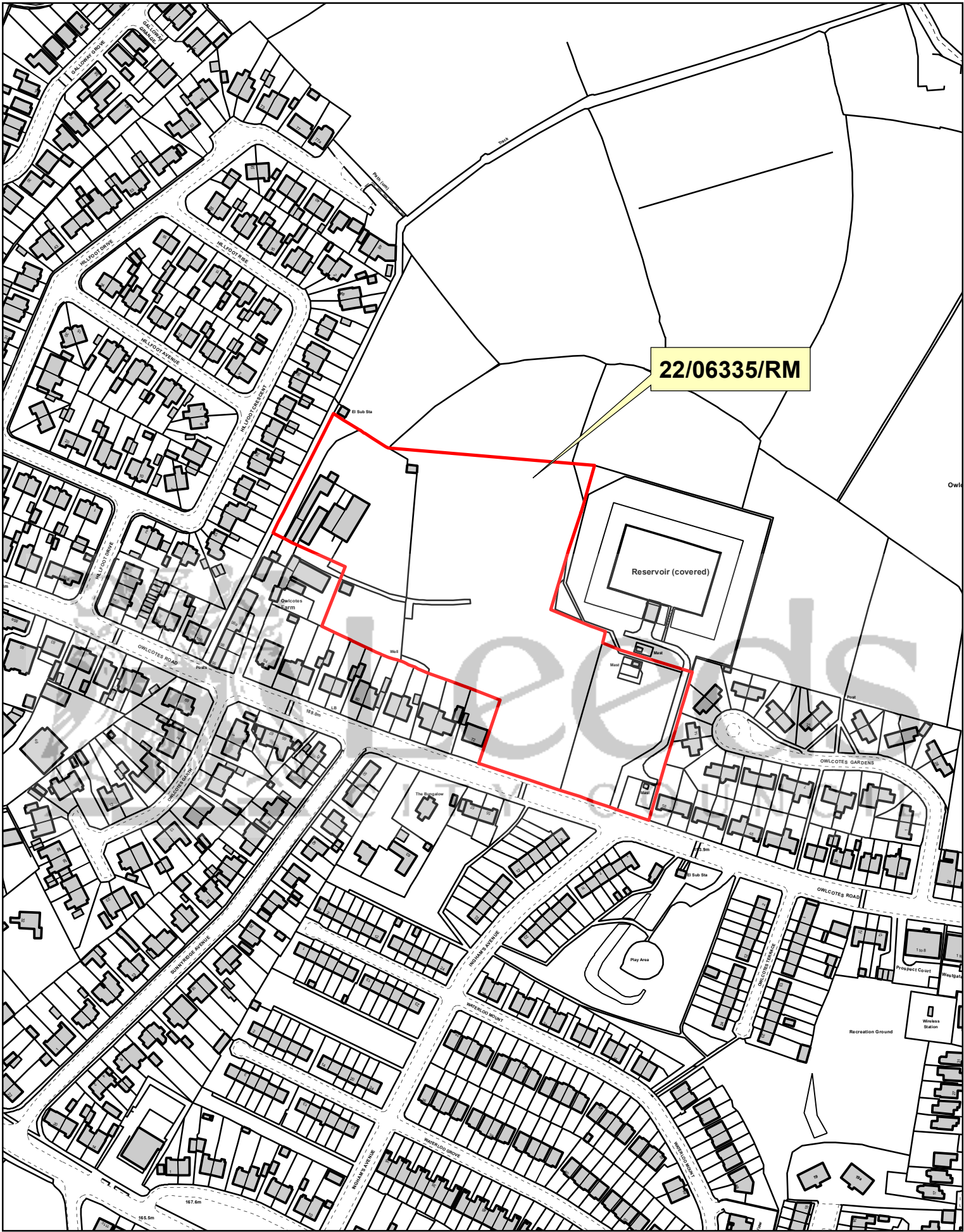
sensitive issues which have been raised in respect of protected characteristics and the Council's duties under the Equalities Act.

Other issues- matters raised by representations.

- 70 Many issues raised by the objections received are not relevant to this Reserved Matters application. The principle and means of access of this application have already been established through the granting of Outline Planning consent, and therefore is not a consideration of this application, nor is the loss of greenfield land.
- 71 There is no evidence to suggest the proposal would create anti-social behaviour, or excessive levels of noise from children playing. As discussed in paragraph 48 it is considered that the proposal would provide good levels of natural surveillance within the site which would discourage anti-social behaviour and crime. There is no requirement for the applicants to submit a solar glare assessment.
- 72 All of the others matters raised in the representations, such as design concerns, layout, potential over-looking and impact on wildlife and nature have been previously addressed in this report.

CONCLUSION

- 73 As discussed above, the principle of the development for housing on this site is supported by the up-to-date Local Plan and the adopted SAP. The proposal is in accordance with the existing site allocations and this was afforded very significant weight in consideration of the outline application. This is such that the proposals here are bringing forward the Reserved Matters of appearance, landscaping, layout, and scale for consideration and determination by Members. The personal circumstances and sensitivity of the family who have been the subject of the Equality Impact Assessment have been carefully and fully considered through this application and as described in this report, the scheme has been amended, and mitigation proposed, to reduce the impact of this development on this family.
- 74 The LPA have a statutory duty to determine this Reserve Matters application, the development will provide much needed Affordable Housing, within a quality designed, and spaced development, which includes on-site open green space. The benefits of this, are considered to outweigh any harm caused by a net loss of biodiversity. With consideration being given to all other matters including those duties that are required by the Equality Act 2010 and the amendments more recently made therein, the application is recommended to be deferred and delegated to the Chief Planning Officer for approval, subject to the conditions noted (and any amendment to or addition of others that he in his discretion deems appropriate).



SOUTH AND WEST PLANS PANEL







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PLANS PANEL PRESENTATION

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Originator: Adam Ward
0113 378 8032

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 26th October 2023

Subject: 20/02710/FU - Demolition of existing building and construction of a 30 Storey residential development totaling 345 apartments with ancillary commercial space, landscaping and external amenity space - Cartwright House, Springwell Road, Holbeck, Leeds, LS12 1AX

Developer: City Life Holdings 5 Ltd

Application valid 12.05.20 Target Date 14.06.23

Electoral Wards Affected:

Beeston & Holbeck

Yes

Ward Members Consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions (and any amendment to these and addition of others which he might consider appropriate) and the completion of a Section 106 agreement to include the following obligations:-

- Affordable Housing on site provision (24 units)
- Offsite Greenspace contribution commuted sum (£424,223)
- Travel Plan Review fee of £5,416
- Provision of a Residential Travel Plan Fund of £89,647.39
- Leeds City Car Club Parking Spaces (with EVCP) x3
- TRO amendments contribution £10,000
- Loss of revenue from on street parking £15,000
- Cycle Scheme contribution £117,000 (TBC)

- **Provision of Bus Shelter on junction of Springwell Road and Whitehall Road (£23,000)**
- **Employment & Skills co-operation / initiatives**
- **Section 106 management fee**

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.

Conditions

1. Time Limits
2. Development in accordance with approved plans
3. Details and samples of external materials (building and paving)
4. Details of boundary treatments
5. Landscaping scheme
6. Replacement of landscaping
7. Landscape management plan
8. Wind mitigation measures implemented in phases
9. Architectural details (junctions between materials, ground floor frontages)
10. Biodiversity monitoring report
11. Biodiversity
12. Construction Environmental management Plan (CEMP)
13. Lighting Design Strategy for bats
14. Contamination conditions
15. Post construction Accessible Housing certification
16. Closing off redundant accesses
17. Visibility splays
18. Cycle and motorcycle parking details
19. Parking areas laid out, sealed and drained
20. Car Park & Service Management Plan
21. Condition survey of Whitehall Road and Springwell Road
22. Construction details of the proposed footway crossings
23. Details of EVCPs
24. Hours of construction
25. Statement of Construction Practice
26. Off-site highways works completed
27. Development undertaken in accordance with drainage statement
28. Scheme of sound insulation works and testing
29. Sound insulation scheme of gym and other amenity areas
30. No external lighting
31. Details of a CCTV strategy
32. Hours of commercial deliveries
33. No speakers or amplified music
34. Odour Management Plan
35. Development implemented in accordance with Energy & Sustainability Statement
36. Details of site waste management plan
37. Details of glint and glare assessment
38. Separate systems of drainage for foul and surface water on and off site.
39. Surface and foul water drainage details
40. Details of interim and temporary drainage measures

41. Details of in stores

42. Commercial uses limited to Use Classes E and F1

1 INTRODUCTION

2 The proposal relates to a major residential-led scheme of 345 apartments over 30 storeys with ancillary commercial to the ground floor in Holbeck on the fringe of Leeds city centre.

3 The scheme is presented by the developer as a second phase of development associated with the adjacent development for 223 apartments over 16 storeys and a commercial unit at ground floor, previously approved under application reference 16/05198/FU in June 2017 and includes some shared external amenity space.

4 The proposed scheme is brought to South and West Plans Panel, following a Position Statement that was reported to Panel on 6th July of this year. This also follows an earlier pre-application presentation of the proposals by the applicant at City Plans Panel, presented on 21st November 2019. The scheme presented at pre-application stage differed substantively from the scheme presented here, being for a block of 24 storeys with a different use of materials.

5 At the Panel meeting on 6th July 2023, Members were supportive with the principle of developing this site for combined residential and commercial use and answered a specific set of questions posed as set out within the position statement. Below is an extract from the approved Minutes of that meeting:

Question 1: Do Members continue to support the principle of a residential tower in this location? *Members supported the location of the residential tower.*

Question 2: If so, do Members support the height of the tower at 36 storeys? Members felt that the proposal is overbearing in that location and overshadows Phase 1. *Members were mixed in opinion on the height of the tower, but generally a 31 tower building would be supported if its benefits outweighed other material considerations.*

Question 3: Do Members support the design of tower including use of materials? *Members were content with the proposed materials.*

Question 4: Do Members support the proposed Housing Mix? *It is acknowledged that the proposed mix is policy compliant.*

Question 5: Do members support the provision of Affordable Housing across floors 2,3,4 and 30? *Members raised concern regarding the distance between the 3-bed units to the 1 and 2-bed units.*

Question 6: Do Members consider the levels of amenity provided for residents to be sufficient? *Members felt that amenity spaces could be better utilised for residential use and the proposals do not currently include options for families and assurances were sought that flexible areas and spaces are included for young children and families.*

Question 7: Do Members consider the relationship between Phases 1 and 2 to be acceptable? *Members considered the relationship to be unacceptable due to the*

height of the proposed development and the impact this has on Phase 1. A suggestion was also made that outdoor spaces need 'softening' to promote child safety.

Question 8: Do Members consider the provision of funding towards local greenspace projects an acceptable alternative to on-site provision? *Members asked officers to provide details on greenspace projects in the pipeline for the immediate locality. It is considered that the current greenspace provision is not adequate for the density of the development, and further options needs to be looked at to provide reassurances to members. A further comment suggested that the applicant needs to re-consider more 'out of the box' approaches to the greenspace provided on-site and more options for children. Overall, members would like to see alternative options in terms of design and greenspace areas and the development of a City Centre Greenspace Strategy.*

Question 9: Are Members happy with the low level of parking being off-set by the requirement of a contribution towards cycling infrastructure? *Members acknowledged that the development does not need to meet the maximum but agreed that 18 spaces is too low for a development of this scale.*

Question 10: Do Members consider the amount of wind mitigation required and the emerging design solutions acceptable in principle? *Members generally supported the design element of the sculptures as proposed.*

Members commented that the height of the building should be reduced but uncertain by how much. Members would be comfortable with the development being reduced but, a decision on the acceptable height could not be made until responses are received to other questions raised by Panel.

6 In response to the feedback provided by Members at the Panel meeting on 6th July, the applicant has taken on board the comments and made amendments to the scheme as follows:

- Reduction in height of the building from 36 to 30 storeys;
- Reduction in the number of apartments from 402 to 345;
- An increase of 9 car parking spaces, raising the provision from 18 to 27 spaces;
- Designing the internal and external space to be child/family friendly by:
 - omitting the swimming pool and reducing size of gym;
 - providing an internal studio / children's play area on the 1st floor;
 - the ground floor use could be flexible between commercial / community use;
 - provision of an external children's play area – directly accessible from the 1st floor play area; and
 - provision of a community meeting room on the top (29th) floor;
- Submission of further detail of wind mitigation structures (trees);
- Review of impact upon living conditions of adjacent Phase 1 scheme;
- Officers have consulted with Ward Members to understand what potential Greenspace schemes are possible within the area, with options available;
- All of the affordable units are located on floors 2, 3 and 4, which is closer to the play areas.

7 The application, including the previous position station has been brought to South and West Plans Panel for determination under the terms of the officer/member delegation agreement due to the scale and significance of the proposals. It has been agreed that, due to the length of time since the initial pre-application presentation and the subsequent changes to the scheme, it would be appropriate to put the final scheme before South and West Plans Panel rather than City Plans Panel due to the main impacts and benefits being focused in the Beeston and Holbeck Ward which falls within the South and West Plans Panel area.

8 **SITE AND SURROUNDINGS:**

9 The site lies close to the junction of Whitehall Road, Springwell Road and Springwell Street, which is located in an area of transition just outside the boundary of the designated City Centre, the boundary of which aligns with the railway line just to the north-east. The site is also located along the Whitehall Road corridor, which links traffic (including regular public transport) to and from Leeds Railway Station. The site is approximately 15 minutes' walk to the Station.

10 The site is currently occupied by low rise (two storey), mid to late 20th century commercial buildings, which appear to be in partial / limited employment use. Springwell Road itself contains further late 20th century commercial and office blocks, generally two / three storey or similar.

11 To the north-east of the railway line / junction, within the City Centre, there are partially built sites containing modern offices (Doncaster Monkbridge / "Latitude") and cleared land (Globe Road / "Green Bank").

12 The site lies in an area which was historically more characterised by heavy industry and the railway. As the historical industries have ceased, many nearby sites have been cleared and benefit from planning consents for large, new mixed uses which include much residential development.

13 Heading north-east, towards Leeds Railway Station, there are a number of large-scale office blocks currently under construction along the Whitehall Road corridor, in particular at Wellington Place (MEPC). Other recently completed developments include a new Premier Inn Hotel, and a large mixed used development ('Central Square') on the former Lumiere site. More directly south-west of the site is a relatively modern 4 storey mixed use block which accommodates a carpet and sandwich shop on the ground floor, with flats above. Further south-west along Whitehall Road, some warehouse and car showroom buildings are also evident in the locality.

14 To the immediate north-east side of the boundary, a Network Rail goods yard and sidings exists connecting with the Whitehall Rail junction. This is allocated in the Natural Resources & Waste Local Plan. The main part of the sidings is currently operated by Biffa Waste Services who are in effect operating a waste transfer facility which deposits Council street cleaning waste products by lorry and which is removed

during the early hours of the morning by freight trains. A second part of the area is currently used by Network Rail for other uses including track maintenance trucks and signal design teams housed in portacabin blocks. An older warehouse style building also exists, which is largely unused. Should a viable further freight operation (or expansion of the current operation) be demonstrated it is possible that the use of these sidings could be further expanded.

15 The western edge of Holbeck Conservation Area lies at its closest point, approximately 100m to the south of the site. The Holbeck, South Bank Urban Village boundary lies at its closest point around 225m to the south-east on Water Lane. Holbeck (Lower Order Local Centre) at its closest point lies about 475m to the south.

16 **PROPOSAL:**

17 The proposed development is for the demolition of existing buildings and construction of a 30 storey residential development with ancillary commercial space, landscaping and external amenity space.

18 The development provides 345 residential apartments broken down into the following:

- 169 x 1 bed apartments (49%)
- 141 x 2 bed apartments (41%)
- 35 x 3 bed apartments (10%)
- 111m² of flexible commercial / community floorspace at ground level
- First floor gym (97.5m²) and studio/play area (94.2m²)
- External amenity spaces and children's play area at podium level;
- Internal sky garden (126.4m²) on 29th (top floor)
- Meeting/function room (22.2m² on 29th (top floor)
- Secure cycle storage; space to accommodate up to 348 bicycles (basement)
- Secure parking for 27 cars including 2 disabled spaces. All parking spaces to have an Electric Vehicle Charging point.
- Secure parking for 14 Motorcycle spaces

19 All of the residential apartments are designed to meet or exceed the nationally described space standards as set by Leeds Core Strategy Policy H9. The proposed development also incorporates a communal garden sky garden terrace at roof level providing panoramic views of the city centre and beyond.

20 The Proposed Development provides 7% on site affordable housing units; 24 units in total with a mix of 1-bed (10), 2-bed (8) and 3-bed (6) units, located on floors 2, 3 and 4.

21 The proposal will include a wind mitigation elements which comprise sculptures designed to resemble trees. These will be located at the base of the building and predominantly located along the Springwell Road frontage and southern side of the building. A number of baffle type structures will also be located to the south. These proposals have been the subject of detail wind analysis and modelling and have been verified by the Council's appointed and independent consultant.

22 **RELEVANT PLANNING HISTORY:**

23 There is no relevant history on the site itself with regards the proposals for residential development. On the adjacent site (Phase 1 Springwell Gardens) the following permissions are noted:

16/05198/FU - Demolition of existing buildings and erect multi-level development comprising 224 apartments and commercial unit with associated car parking and landscaping Approved – 07.06.17 (Applications for various discharge of condition applications approved in 2019 Refs: 19/03777/COND, 19/04105/COND and 19/05498/COND)

24 On the adjacent railway sidings site, the following is noted: 18/00775/FU - Waste treatment facility for the recycling and transfer of street cleaning residues including ancillary buildings and external fixed plant. Approved - 15.02.2019 (operative on site)

25 **HISTORY OF NEGOTIATIONS:**

26 A proposal for a 24 storey residential block constructed in brick was put before City Plans Panel on 21.11.19 as part of a pre-application presentation. Members were supportive in principle of a tall residential block in this location. The proposal differed from the current proposal in terms of height, landscaping and balcony provision and it is considered that the current proposal is a markedly different scheme to the one put before Panel. Given the additional height and increase in number of dwellings, the difference in building materials and removal of external landscaping and balconies, along with the amount of time since Members at City Centre Panel came to a view, it has been decided between Officers and Panel Chairs that the current full application should be determined at South and West Plans Panel. In this way the scheme for a tall structure will have been looked at by Members both in a City Centre context and with regard to impacts and benefits in the area outside the City Centre, specifically in Beeston and Holbeck.

27 The application originally came in at 46 storeys. This was reduced to 36 by negotiation with Officers and the relevant re-consultations took place. Consequently further negotiations took place with regard to impacts on heritage, which continued from discussions relating to the 46 storey version of the proposal.

28 Following presentation of a Position Statement to Panel on 6th July, further negotiations have also taken place with Officers with regard to provision of off-site highway works and with regard to wind mitigation. Issues related to the adjacent railway siding and associated waste transfer use currently operational on the site have been discussed and appropriate mitigation with regard to noise and odour agreed upon. Furthermore, the applicant has reduced the scheme to 30 storeys and incorporated flexible spaces that could be used as a children’s play area and community space, as well as increasing the car parking provision.

29 An Environmental Impact Assessment (EIA) Screening Opinion has been carried out, concluding that significant wide ranging environmental effects are not expected to arise from the proposed development, either individually or cumulatively with other developments, and therefore an EIA is not required.

30 **RELEVANT PLANNING POLICIES:**

31 **Statutory Context**

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. For the purposes of decision making at this site, the Development Plan for Leeds currently comprises the following documents:

- The Leeds Core Strategy (Adopted November 2014 and as amended by the Core Strategy Selective Review 2019)
- Saved Leeds Unitary Development Plan Policies (UDPR 2006)
- The Natural Resources & Waste Local Plan (NRWLP 2013) including revised policies Minerals 13 and 14 (2015).
- Leeds Site Allocations Plan (SAP 2019)
- Holbeck Neighbourhood Plan (2018)

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

32 **Development Plan**

33 Leeds Core Strategy (CS)

Leeds 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 site is located outside the City Centre boundary. The most relevant policies are set out below:

- Spatial Policy 1 Location and scale of development.
- Spatial Policy 2 hierarchy of centres and spatial approach to retailing, offices, intensive leisure and culture
- Spatial Policy 6 Housing requirement and allocation of housing land
- Spatial policy 7 distribution of housing land and allocations
- Spatial Policy 8 Economic development priorities
- Spatial Policy 9 Employment
- Spatial Policy 11 Transport infrastructure investment priorities such as pedestrian improvements
- Policy CC3 Improving connectivity between the City Centre and Neighbouring Communities.
- Policy H3 Housing Density
- Policy H4 Housing Mix
- Policy H5 Affordable Housing
- Policy P10 Design
- Policy P11 Heritage
- Policy P12 Landscape
- Policy T1 Transport management
- Policy T2 Accessibility requirements and new development
- Policy H9 Space Standards
- Policy H10 Accessible Dwellings

- Policy EN1 Carbon dioxide reduction
- Policy EN2 Sustainable design and construction
- Policy EN4 District heating
- Policy EN5 Managing flood risk
- Policy EN8 Electrical Vehicle Charging
- Policy G5 Open space provision
- Policy G8 Protection of important species and habitats
- Policy G9 Biodiversity Improvements

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

Relevant Saved Policies include:

- Policy GP5 all planning considerations
- Policy N25 Boundary Treatments
- Policy BD2 / BD5 design and siting of new buildings
- Policy LD1 landscaping

35 **Leeds Natural Resources and Waste DPD**

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.

Relevant policies include:

- Air 1 management of air quality through new development
- Water 1 water efficiency including sustainable drainage
- Water 7 surface water run-off
- Water 2 protection of water quality
- Water 4 development in flood risk areas
- Water 6 flood risk assessments
- Land 1 contaminated land
- Land 2 development and trees
- Minerals 2 sand and gravel
- Minerals 3 coal safeguarding
- Minerals 13 Transport Modes

36 **Holbeck Neighbourhood Plan (2018)**

Vision: To make Holbeck a more attractive and healthier place for everyone, it will have a thriving local centre with a range of community facilities, a choice of quality but affordable housing, a variety of local job opportunities, all set in a green environment, respecting the heritage and local character of the area, and well connected to the city centre and adjoining neighbourhoods. Relevant policies include:

- Policy R1 – Continuing Regeneration
- Policy LC3 – Convenience Retailing
- Policy H1 – Affordable Housing
- Policy H2 – Housing Mix

- Policy E3 – Spaces around buildings
- Policy G2 – Local Green Space (relevant for s106 contributions)
- Policy G4 – Improving the Public Realm
- Policy HC7 – Positive Design
- Policy T1 – Opportunities for walking and cycling
- Project G-1 – Whitehall Road/Springwell Road (Green Space Opportunities)

37 **Relevant Supplementary Planning Documents/Guidance (SPD/SPG):**

- SPD Tall Buildings Design Guide (2010) and Consultation Draft (2019)
- SPD Building for Tomorrow Today: Sustainable Design and Construction (2011)
- Transport SPD (2023)
- SPD Accessible Leeds (2016)
- SPG Neighbourhoods for Living (2003, 2015)

38 **Site Allocations Plan**

The Site Allocations Plan was adopted in July 2019. Following a statutory challenge, Policy HG2, so far as it relates to sites which immediately before the adoption of the SAP were within the green belt, has been remitted to the Secretary of State and is to be treated as not adopted. All other policies within the SAP remain adopted and should be afforded full weight.

The SAP identifies the adjacent site, with which the application site shares some land, as general employment (SG-21). The adjacent site has planning permission for 224 apartments which has been implemented.

39 **National Planning Policy Framework 2023 (NPPF)**

The NPPF sets out the Government's planning policies for England and how these should be applied (para 1) and is a material consideration in planning decisions (para 2). It states that the purpose of the planning system is to contribute to the achievement of sustainable development (para 7). So that sustainable development is pursued in a positive way at the heart of the Framework is a presumption in favour of sustainable development (paras 10-11). It states that decision makers at every level should seek to approve applications for sustainable development where possible (para 38).

The Framework sets policies on the following issues which are relevant to this planning application proposal (including section numbers):

- 2 Achieving sustainable development (paras 7-14)
- 4 Decision making (paras 38 - 58)
- 5. delivering a sufficient supply of homes (60-80)
- 6 Building a strong competitive economy (81-83)
- 8 Promoting healthy and safe communities (92-97)
- 9 Promoting sustainable transport (104-113)
- 11 Making effective use of land (119-125)
- 12 Achieving well designed places (126-135)
- 14 Meeting the challenge of climate change and flooding (152-169)
- 15 Conserving and enhancing the natural environment (174-188)

16 Conserving and enhancing the historic environment (including paras 189-208)

40 **Other Legislation**

Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (the “Listed Building Act 1990”) reads:

“In considering whether to grant planning permission... for a development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”

41 **Consultations Undertaken**

It must be noted that the majority of the consultation responses received relate to the proposal for the initial scheme which was for a 46 storey building, whereas it has now been reduced to 30 storeys.

STATUTORY

Yorkshire Water:	No objection subject to conditions.
Highways:	Further information and amendments required and subsequently provided. No objection subject to conditions and S106 obligations.
HSE:	Does not fall under the remit of Planning Gateway One due to it being validated prior to 01.08.21.
Leeds Bradford Airport:	Required further information which was provided. No objection subject to informative.
Network Rail:	Expresses concerns with the proximity of residential development adjacent to the boundary of the site. The Network Rail site is designated as a Supplemental Strategic Freight Site, which means that Network Rail is obliged to make the land available to any freight company where a viable freight use is demonstrated and has no authority to limit the nature of the operations on land, hence current occupation of the site by Railfreight and Biffa for the movement of waste by rail. Network Rail point out that all rail operators have a statutory defence against noise nuisance and they question the impact the necessity for mechanical ventilation and non-opening windows could have upon the housing environments and amenities of future occupiers. Any future occupiers of adjacent sites will be unable to seek redress for noise nuisance through Environmental Protection legislation. If the LPA is minded to approve the application Network Rail asks for conditions to be

added relating to various other potential impacts such as lighting, drainage and boundary treatments.

Holbeck Neighbourhood Forum: No response

NON-STATUTORY

Education Services: No response

District Heating Network: It is likely that Leeds PIPES heat network will be available in this area in the next 3 years. However, if the building has been designed using an entirely electric system it is understandable that a future connection is not considered viable.

Sustainable Development Unit: Further information required and supplied.

Flood Risk Management: Further information required and subsequently agreed. No objections subject to conditions.

Historic England: **02.02.20** Required submission of a Heritage Impact Assessment (HIA)

14.12.20 (Following the submission of the HIA):

Conservation Areas: Agree with the HIA assessment that the proposed tower would cause less than substantial harm to the significance of Holbeck Conservation Area and the Canal Basin Conservation Area, although it is not clear exactly the extent of the visual impact with regard to the Grade II* listed Midland Mill.

Temple Mill, Grade I Listed: Require confirmation that the proposed tower will be screened from key views.

Leeds Minster, Grade 1 Listed: Require further assessment_/ verification of south and west-facing views of the church.

Parkinson Building: Plate 110 [in the HIA] shows how the proposed new tower would compete in terms of colour and angle to the Parkinson tower.

Where less than substantial harm has been identified to the significance of heritage assets, this should be given considerable weight in the planning balance.

19.07.22 (Following reduction in height):

Reiterate previous advice relating to Marshall's Mill, Temple Mill and Leeds Minster as the HIA has not been updated.

18.10.22 (Following updated HIA)

Historic England has no objection to the application on heritage grounds, however the following still needs to be addressed: No verified views have been provided for previous issues raised relating to Marshall's Mill, Temple Mill and Leeds Minster. The Authority should consider the potential impact on these assets and be satisfied that the level of impact would be in line with the conclusions of the revised HIA. In reaching a decision the LPA will need to consider whether there are any public benefits arising from these proposals which outweigh any harm to the significance of heritage assets as identified by the HIA.

Design Team:	Do not consider they can support the application due to the scale.
Landscape Team:	Object to the application on the grounds of impacts on the local green corridor to the rear of the site, overshadowing effects on the greener development to the north and lack of greenspace/amenity space for residents.
Access Officer:	Pleased to see the M4(3) units include 3 beds and 2 beds. Ideally there would also be some smaller 1 beds available as H10 asked for choice of type of unit. Advice has also been provided relating to the wind mitigation measures, which will require further detail.
Local Plans:	Discussion of policy implications which contributes to the assessment in the main body of the report.
Conservation Team:	No objections with regard to heritage.
Environmental Health:	No objection subject to conditions.
West Yorkshire Archaeology:	No apparent significant archaeological impacts
Contaminated Land:	No objection subject to conditions
Minerals Team:	Note that the adjacent rail siding is protected under Policy Minerals 13 for rail freight use and recommend that consideration be given to the

potential impacts of such a 24/7 intensive industrial use. The applicant should also demonstrate how the use and operation of Site 13 would not be prejudiced by the proposed development.

WYCA:	Support the principle of residential development with ancillary commercial space in this location and the significant contribution it will make to increasing housing growth and employment opportunities within Leeds and the wider City Region. Support the provision of cycle storage and the application of a Residential Travel Plan Fund for the site. Suggest that the level of motor cycle parking provision seems high. Support the provision of affordable housing.
Influencing Travel Behaviour:	S106 obligations to be agreed
Environmental Studies:	No objection subject to a condition relating to glazing specification and ventilation strategy.
West Yorkshire Police:	No response
Employment and Skills:	Employment and skills targets to be included in the S106 agreement.
Ramblers Association:	No response
Public Rights of Way:	The development has no impact on the PROW network and no objections are raised.
Nature Team:	Raise some concerns addressed in the report
Wind:	The proposed scheme includes a number of mitigation measures that are necessary to control wind safety on and off site. LCC should ensure that the proposed measures are acceptable.
Environment Agency:	No response

42 **Public Response**

43 The application was advertised in the Yorkshire Evening Post on 5th June 2020 and by site notice on 27th May 2020. 7 letters of objection were received and 5 letters of support. The comments below are based upon the initial consultation for the taller building. The application was also amended and recently reduced to 30 storeys and site notices were posted on 23rd August 2023. Since then, no further representations have been received.

44 Issues Raised

Objections

- Concerns re height at 46 storeys
- Concerns re provision of associated infrastructure
- Have wind and flooding been taken into account?
- Vertical access – provision of sufficient lifts and stairs (Civic Trust)
- Lack of daylight to at least 2 flats per floor and lack of natural ventilation (Civic Trust)
- Totally enclosed lobbies with too many units (Civic trust)
- Too little outdoor open space (Civic Trust)
- Lack of local amenities (Civic Trust)
- Sustainability credentials (Civic Trust)
- Key view identified in neighbourhood plan along Holbeck Top Moor side neglected (Civic Trust)
- New block over-dominant with the adjacent scheme (Civic Trust)
- Concerns re space standards
- Concerns re means of escape
- Concerns re impact on Holbeck Conservation Area
- No private amenity space
- Substandard internal layout with too many flats round a core
- Developer has proposed three other schemes in Holbeck which haven't been delivered

Support

- New business opportunities
- First glass tower in Leeds
- Design well-mannered and of high quality (Civic Trust)

45 Ward Members provided the following responses:

46 As three ward councillors we would like to object to this development. We feel the following:

- Overall we feel that it is too big and would dominate the skyline in some parts of Holbeck.
- There clearly is not enough parking and we believe that this could have an impact on Holbeck residents. We do not believe it is close enough to the City Centre that people opt to not have cars.
- There isn't even enough secure bike storage for everyone who is expected to live in the building, which seems particularly unhelpful.
- Not enough community green space. While there is a small amount of green space available for residents, this is very exclusive and does not provide a benefit to the wider community.
- We are concerned about the wind impact given Bridgewater Place and fear future mitigations could be unsightly (but necessary).

- The project meets only the minimum social housing requirements

47 The application was then re-advertised, after amendments, by site notice only on 27.05.23. No further representations were received.

48 **KEY ISSUES**

- Principle of development
- Design and Heritage
- Housing Mix
- Affordable & Accessible Housing
- Residential Amenity
- Landscaping and Public Realm
- Highways
- Wind
- Climate Change
- Safety and Security

49 **APPRAISAL**

50 Principle of development

Employment Uses

51 The site contains a use currently/last recognised for employment purposes. The site is also recognised in the Holbeck Neighbourhood Plan as being part of a wider area along the Whitehall Road axis in which light industrial uses are encouraged. The site is recognised as not being in an employment shortfall area. The adjacent site, considered by the applicant to be 'Phase 1' of a scheme for two tower blocks, is allocated within the SAP for employment uses, although this allocation was given after permission for a residential scheme was granted on the site.

52 Although the proposal site would contain a commercial use at ground floor this is likely to be retail rather than light industrial and would be ancillary to the residential scheme above. Policy EC3 in the Core Strategy states that proposals for a change of use on sites which were last used or allocated for employment will only be permitted where the proposal would not result in the loss of a deliverable employment site necessary to meet the employment needs during the plan period. Spatial Policy 9 requires a minimum of 493ha of general employment land. As the site is only 0.3 ha in size, not allocated for employment in the SAP and adjacent to an implemented housing site, it is not considered that the site would be either a deliverable employment site or necessary to meet employment needs over the Local Plan period. Furthermore, the site will still deliver a commercial use to the ground floor which will provide some employment opportunities. However, the unit is also small in scale, measuring 111 sqm and is in line with the Holbeck Neighbourhood Plan which supports new convenience retailing.

53 While Policy E1 in the Holbeck Neighbourhood Plan encourages the development of employment uses in the locality, this is subject to a consideration of amenity issues.

As mentioned above it is not considered that general industry (B2) would necessarily be deliverable due to proximity with emerging residential uses in the vicinity but the proposal does include a commercial element more in keeping with the emerging context. The proposal would, moreover, contribute to the delivery of policy R1 which states that development should seek to make Holbeck a more attractive and healthier place to live and work through providing, amongst other things, providing a choice of quality but affordable housing, creating the opportunities for a variety of local jobs in an improved environment, enhancing green infrastructure and local greenspace and improving connections to the city centre and adjoining neighbourhoods.

- 54 On balance it is considered that the loss of a small area of employment land is outweighed by the benefits the scheme will generate, especially with regard to the provision of affordable housing, cycle and pedestrian infrastructure and off-site contributions towards local green space which will in itself amount to circa. £424,000.

Residential Use

- 55 Policy H2 in the Core Strategy states that new housing development will be acceptable on non-allocated land, providing that the number of dwellings does not exceed the capacity of transport, educational and health infrastructure and should accord with accessibility standards. It is noted that objectors have raised the issue of educational and health infrastructure.

- 56 It is not considered that the proposal exceeds the capacity of transport, educational and health infrastructure. Highways have raised no objections to the proposal with regard to the impact on the local highway network. CIL contributions would be made available to provide additional health care and education provision. Given the size of the units proposed, and location of the development it is considered the demand on education provision would not be substantial. It is also considered the proposal complies with the adopted Accessibility Standards. The site lies adjacent to the boundary of the city centre and is within a 10-15 minutes' walk to local services both within the city centre and Holbeck. Imgram Road Primary School (within Holbeck) is within a 20 walk and direct bus service from the site, and Ruth Gorse Academy, Black Bull Street (secondary school) is also within a direct 30 minute walk from the site.

- 57 With regard to housing density, Policy H3 in the Core Strategy requires net densities within the City Centre and fringe (defined as up to 500m from the boundary) to be as a minimum 65 dwellings per hectare. The proposed development comes in at over 1200 units per hectare and therefore meets the minimum density requirement.

Retail uses

- 58 The proposal includes 111sqm of 'flexible commercial floorspace' which would be restricted by condition to include E, F1 and F2 only. Such uses would provide an active ground floor frontage, generate footfall, provide vibrancy to the development and serve the residents and users of the scheme in the main but would also be open to the local community. Any retail space would be limited in floorspace and range of goods (i.e. small scale convenience retail only where within Class E of the general Permitted Development Order) and on this basis is not considered to undermine the vitality of the prime shopping area within the city centre; providing a direct and targeted element of convenience retail / food eatery types uses to support the other

proposed uses in the scheme and vicinity of it. Control of this matter will be addressed by conditions.

Minerals

- 59 The proposal site is located within mineral safeguarding areas for both sand/gravel and coal, protected by policies Minerals 2 & 3 in the NRWLP. However, at 0.3ha in a built-up area with an emerging residential context, the footprint of the site is too small to feasibly extract either mineral on a commercial basis.
- 60 The proposal site is located adjacent to a protected railway siding covered under policy Minerals 13. The site is protected from development that would prejudice its long-term ability for rail freight. It has been argued by Network Rail that a residential development so close to the site could prejudice its long-term survival. However, Network Rail also point out that all rail operators have a statutory defence against noise nuisance which would suggest that the site is not in jeopardy by complaints generated by an adjacent use. Furthermore, case law relating to ‘agent of change’ principle has set a precedent in this regard in which the later development would be responsible for its own protection with regard to amenity. This will be taken up later in the report but in terms of principle, it is not considered that the terms of policy Minerals 13, which is quite vague on the matter, are breached.
- 61 On the whole, the principle of a residential scheme on the proposal site is accepted by Officers, as has been the case on phase 1 of Springwell Gardens which lies adjacent to this site and is substantially complete.

Tall Buildings

- 62 The location of tall buildings in and around the city centre is governed by the adopted Tall Buildings Design Guide SPD. There is also an updated version of the SPD in progress which is currently out for consultation and carries some weight at the current time. At 30 storeys the proposed building does fall into this category and, although the applicant argues that it is one of a pair, the first of which has already been approved, it should be pointed out that the approved building is only 16 storeys in height and the design steps up to this in an interesting way. In terms of principle, however, the approval of a 16 storey building adjacent does form part of the emerging context of the surrounding area, as do the developments to the north just across the railway line. It is considered that the proposed tower would form part of a cluster with developments at Globe Road, Latitude and Whitehall Riverside, as well as the adjacent block currently under construction. The Tall Buildings Design Guide as adopted states that groups of high buildings are to be preferred to a few dispersed or lonely solutions. Clusters are desirable in the right places – away from neighbourhoods but linked to public transport interchanges which the proposed would be. The consultation draft of the updated SPD shows the proposal site to be within a ‘preferred area’ for tall buildings, which takes into account the emerging context of more recent developments to ensure that tall buildings are clustered together. In this respect, the proposed building would sit immediately adjacent to a 16 storey building recently approved and substantially complete, as well as within very close proximity to other tall buildings either in the process of being constructed or which already have permission.

- 63 In principle, therefore, it is considered that a tall building would be acceptable in the location proposed. This is a view which was reached by Members at the Panel meeting on 6th July, although it was considered that the height at that point in time of 36 storeys was too high. A reduction to 30 storeys is considered to be a positive response to the views of Members and would sit together in a cluster of other tall buildings in this part of the city.
- 64 Design and Heritage
- 65 Policy P10 in the Core Strategy states that new development for buildings and spaces should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. This is complemented by guidance in the Tall Buildings Design Guide. Policy P11 states that development proposals will be expected to demonstrate a full understanding of historic assets affected. Where appropriate, heritage statements assessing the significance of assets, the impact of proposals and mitigation measures will be required to be submitted by developers to accompany development proposals. Concerns have been raised by Ward Members about impact on the skyline and by other objectors in relation to impacts on Holbeck Conservation Area.
- 66 While the Council's Design Team have expressed concerns about the height of development, a previous iteration of the proposal, at 24 storeys was considered acceptable in principle by City Centre Plans Panel at pre-application stage. It is noted that the Civic Trust expressed concerns over the height at 46 storeys and this had now been reduced to 36, and now more recently to 30 storeys. This is still a tall structure and it has to be said that the relationship between the proposed and the adjacent development known as 'One Springwell Gardens' presented as 'Phase 1' of the development is slightly awkward. Whereas the first Phase is being developed out in brick in a stepped arrangement which curves around the boundary of Springwell Road and Whitehall Road, the proposed sits nestled within the curve. There is a striking contrast between height, shape and materials between the two, with the proposed development being a tall, sleek losenge, faced in glass with metallic panelling. It is a matter of opinion as to whether or not this contrast works but the overall impact is certainly less visually heavy than it would be using brick throughout. The simple form of the building is elegant, with a crown element at the top and brick-plinth element to the ground floor. The ground floor frontage will include the reception area and a commercial use, creating an active frontage at ground level. The requirement for wind mitigation, also picked up by Ward Members, has been looked at closely and has gone through a number of iterations. The proposed structures, which echo tree forms in their in design, will add an element of interest to the streetscene by providing distinctive sculptural forms.
- 67 In terms of longer views, the impact on the skyline of Leeds will be significant but the views considered important within the TBDG have been accounted for. It is not considered that the building would harm the skyline but would contribute to its distinctiveness as the city centre moves southwards. This movement forms part of an emerging pattern of development and has been accounted for in the updated TBDG which is still out for consultation. The adopted TBDG states that redirection and restraint is required with tall buildings so that the city can develop as part of a meaningful composition, especially when seen from a distance. The proposed building will be seen from longer distances, in terms of its height, location and design as having a visual connection with Bridgewater Place to the east, providing a lighter

contrast to the emerging tall but less high structures being constructed in brick around the southern part of the city centre.

68 With regard to Holbeck Conservation Area and the wider Heritage impacts around the City Centre, a Heritage Statement has been submitted which takes into account 55 heritage assets and 10 key views. It has been demonstrated that the proposed development will sustain the significance of the vast majority of heritage assets and key views. In the following cases, the proposed development was found to cause less than substantial harm to significance:

- Former Yorkshire Bank, Holbeck Lane (non-designated)
- Holbeck Conservation Area (designated)
- Central Area Canal Wharf Conservation Area (designated)
- View from Cabbage Hill, Upper Wortley (key view)

69 Further views were requested by Historic England, relating to Marshalls Mill, Temple Mill and Leeds Minster, some images have been provided and the only slight concern remains with the impact on Leeds Minster as shown on Plate 96 in the Heritage Statement. The Statement argues that the 1.7km distance between the proposed Tower would mitigate the impact on the key view west towards the Minster and it is accepted that this would most likely be the case. Neither Historic England nor the Council's Conservation Team have objections to the proposal with regard to heritage.

70 It is considered that the less than substantial harm would be outweighed by the public benefits of the scheme, which is the test set out at paragraph 202 of the NPPF. Those public benefits would include:

- Redevelopment of a vacant brownfield site in a sustainable location;
- Provision of 345 residential units encouraging sustainable, city-centre living;
- Provision of 24 affordable dwellings on site;
- Improvements to local Greenspace by provision of a commuted sum; and
- Improvements to local cycle infrastructure by provision of a commuted sum.

71 The Heritage Statement also demonstrates that the cumulative impact of the proposed development, when taken in combination with nearby existing and approved developments, is less harmful than if the development were to go forward in isolation. This is due to the fact that a cluster of tall buildings would be created which would rationalise and integrate the large-scale development in this location. Therefore, the proposed development is consistent with and complementary to the emerging planning context of the site.

72 Overall, it is considered that the proposed development is acceptable with regard to Design and Heritage and would make a positive contribution to the Leeds skyline.

73 Housing Mix

74 Policy H4 in the Core Strategy stipulates that developments should include an appropriate mix of dwelling types and sizes to address needs measured over long term, taking into account the nature of the development and the character of the location. For developments of over 250 units a Housing Needs Assessment should be submitted, addressing all tenures so that the needs of the locality can be taken

into account at the time of the development. The supporting text to the policy provides a guide as to the preferred housing mix. The supporting text also states that policy H4 aims to ensure that the new housing delivered in Leeds is of a range of types and sizes to meet the mix of households expected over the plan period, taking account of SHMA preferences and, crucially, difference in demand in different parts of the city. A scheme of 100% flats, for example, may be appropriate in a particular urban context.

75 In this case the proposal relies on 100% flats and would be undeliverable otherwise. Although the location is city centre fringe, this is considered acceptable as it forms part of a general movement south of city-scale tall buildings and is considered to have a positive impact in terms of the regeneration of the area.

76 With regard to size, the table provided in support of policy H4 suggests that, across the whole of Leeds, the target is a mix of 10% 1 bed, 50% 2 bed, 30% 3 bed and 10% 4 bed+. The current proposal offers a mix of 49% 1 bed, 41% 2 bed, 10% 3 bed units. This fits within the maximum provision suggested in the supplementary table to H4 for 1 & 2 bed units and within the minimum allowance for 4 bed+ but falls short of the guidance for a minimum of 20% 3 bed units. The applicant justifies this level of provision within their Housing Needs Assessment by arguing that lower numbers of 3 bed units have been previously approved by the local planning authority on similar schemes. The applicant then goes on to argue that the 10% figure is significantly higher than the existing city centre provision which is at just 1% 3 beds and refers to other schemes in the area.

77 Policy H4 itself does not require compliance with the supplementary table which serves as guidance only, but the policy does require consideration of the nature of the development and the character of the location. The high density means that the development does provide 35 x 3 bed units which is not an insignificant number of family units. With regard to the form of development and character of the location, it should be borne in mind that the level of amenity space provided within the development is not necessarily geared towards children and would likely appeal to a different demographic. However, following concerns raised by Members at the meeting on 6th July, the applicant has introduced a small children's external play area at podium level as well as a small indoor play space at first floor level, making the gym area smaller to accommodate this. Green space provision in general within the locality, however, would be improved by the contribution provided under policy G4 (see below). The applicant argues that the proposed mix is in line with the aspirations of policy H2 in the Holbeck Neighbourhood Plan which states that single bedroom properties should be prioritised, subject to an updated local Housing Market Assessment where appropriate.

78 Although the Housing Needs Assessment as submitted does not provide a local Housing Market Assessment, it does rely on demonstrating that the proposed development would be consistent with other recently approved developments of a similar nature and, on this basis, Officers consider the proposal to be acceptable with regard to Housing Mix.

79 Affordable & Accessible Housing

80 The applicant has stated that the proposed development would consist entirely of Public for Sale housing (PFS). As such, Policy H5 in the Core Strategy requires 7% on-site provision, with 40% affordable housing for Intermediate or equivalent

affordable tenures and 60% affordable housing for Social Rented or equivalent affordable tenures. The affordable units should be a pro-rata mix in terms of sizes and house types of the total housing provision and they should be suitably integrated throughout the development site. Out of a total of 345 units, the proposal includes 10 x 1 bed and 8 x 2 bed and 6 x 3 bed. This works out to 7% with an acceptable mix. The full provision, along with the 40/60 tenure split would be secured within the S106 agreement.

- 81 Policy H10 requires 30% of dwellings to meet the requirements of M4(2) 'accessible and adaptable dwellings' of Part M Volume 1 of the Building Regulations and 2% of dwellings to meet the requirements of M4(3) 'wheelchair user dwellings' of Part M volume 1 of the Building Regulations. Where the scale of development would generate more than one accessible dwelling, the mix of sizes, types and tenures of M4(2) and M4(3), unless the applicant can demonstrate an evidenced need locally to provide accessible housing in dwellings of a particular size, type and/or tenure. Drawings illustrate the proposed provision of accessible housing to be policy compliant in terms of number and this will be supplemented by an appropriate condition with regard to mix. However, as set out in the submission, the applicant has confirmed that 2% of the units will meet M4(3) requirements which equates to 8 wheelchair apartments, while all of the remaining units (237) will meet M4(2) requirements and is therefore well in excess of the policy requirement.
- 82 The proposal is considered acceptable with regard to Affordable and Accessible Housing.

Residential Amenity

- 83 Objectors have raised issues relating to space standards, available light, lack of natural ventilation, lack of private amenity space and relationship with the adjacent block. Concerns were raised by Members at the meeting on 6th July with regard to lack of facilities for families and children and the potential impact upon the living conditions of the new occupants of the adjacent Springwell Gardens Phase 1 development in terms of impact on sunlight and daylight and dominance.
- 84 With regard to space standards, Policy H9 in the Core Strategy provides standards regarding gross internal floor area and built-in storage. With regard to floor area, plans demonstrate that the proposal is policy compliant in this regard, with a commitment in the Design and Access Statement to fulfilling the other terms of the condition. This can be supplemented by a planning condition to ensure full compliance.
- 85 With regard to available light, Policy BD5 in the UDP states that all new buildings should be designed with consideration given to both their own amenity and that of their surroundings. This should include usable space, privacy and satisfactory penetration of daylight and sunlight. The Civic Trust raise the point that, on any typical floor plan, the two pairs of flats opening into the recess will be in the shadow of the two wings on either side on an almost permanent basis. The applicant has taken this on board with the amended design, which lowers the original scheme from 46 to 36, and now more recently to 30 storeys and changes the internal layout to provide more spacious corridors and, instead of recesses, the design has changed to create a slight projection which doesn't block the sunlight from any windows.

- 86 There will undoubtedly be shadow cast between the proposed development and One Springwell Gardens which sits to the north west. The sun, travelling from east to west along a trajectory to the south would take direct sunlight away from all of the windows on the eastern elevation of One Springwell Gardens. This will add to the domineering relationship between the two. However, the applicant argues that One Springwell Gardens was designed with the proposed development in mind, which is why the former development included roof-terraces which face south, with the curvature of the building following the trajectory of the sun during the afternoon. This does mitigate the impact somewhat, with another outcome being the generous distance between developments. This allows for extended hours of sunlight within the communal podium space which should afford the apartments in One Springwell Gardens sufficient, if not direct, sunlight. The applicant has submitted a Sunlight Assessment to provide any further clarity or comfort with regard to this which shows there will be some inevitable impact, but daylight impact is within tolerable limits. Furthermore, the reduction of scale of the building from 36 to 30 will help mitigate the impact to some degree, but given the scale of the building, it is noted that the presence of a building, even if reduced to the scale of One Springwell Gardens at 16 storeys, would have some degree of impact. However, given the separation distances between the 2 buildings, their scale and shape, on balance, the level of amenity for occupants of both buildings is considered to be acceptable.
- 87 With regard to natural ventilation, Policy BD5A stipulates that the design of all development should maximise opportunities to conserve energy and water resources and use materials appropriate to these aims. The applicant's Design and Access Statement states that the construction methodology as currently modelled minimises the space heating and DHW heat load for the development. This construction takes into consideration the merits of air tightness and thermal insulation which assist in achieving thermally efficient buildings. Policy BD5 is also relevant in that the closed ventilation system is a requirement of reducing noise internally from the nearby railway sidings and is also essential to manage any potential breaches in the environmental permit for the adjacent waste processing and storage use with regard to odour. Having said this, there is an option for residents to open ventilation panels that sit behind fixed perforated facing panels which form part of the external structure. This would enable residents to have natural ventilation if required.
- 88 With regard to noise and odour emissions from the adjacent railway sidings, the Environmental Health Team are satisfied that this can be managed by mitigation being factored into the construction methodology of the building, along with appropriate management schemes which can be conditioned in.
- 89 With regard to lack of private amenity space, the most recent version of the scheme does include a 'an internal and external sky garden', gym and children's play area and podium-level communal terrace (shared with the adjacent development known as 'One Springwell Gardens'). The amendments recently made shows that the applicant has listened to the comments made by Members of the Panel at the previous meeting, and made it a more family friendly development.
- 90 Given the scale, nature and location of the development, it is not feasible to provide the Greenspace on site required under Core Strategy Policy G4. Instead, the policy allows a contribution to be taken in lieu which would be used off site. Following the concerns raised by Members at the last Panel meeting, officers have met with Ward Members to understand their concerns and whether there are any local Greenspaces

where contributions could be utilised to help mitigate the impact. In this respect, plans for a scheme at Holbeck Moor Park are being developed to improve a well used area of Greenspace that is in need of new investment, and it is envisaged that a large proportion of the £424,000 could be used at Holbeck Moor Park.

91 The relationship with the adjacent block, currently under construction, is, by city centre standards, quite generous. Separation distances between primary windows come in at 35m, which is ample, but there is undeniably an overbearing impact. The applicant justifies this by presenting the two as connected developments, including shared podium level amenity space and vehicular access arrangements. It is notable that no Glint and Glare assessment has been submitted and this may be an issue of some concern to potential residents of the adjacent block. On the south-eastern side of the building the distance between primary windows and the adjacent frontage comes in at 18m angled away so that the relationship is less domineering. The adjacent land use is commercial and the site is not allocated for housing so any further residential development would be a windfall site and is not to be taken as a given. There are, however, some benefits to the addition of a further residential block for the existing One Springwell Gardens. It does provide a visual screen from the commercial area further along Springwell Road and it helps to formalise the location as a residential area, more associated with Whitehall Road and the similarly dense residential developments known as 'Globe Road' and 'Latitude Purple'. On balance, the relationship between One Springwell Gardens and the current proposal is considered a positive one, given the context and edge of centre location.

92 On balance the proposal is considered acceptable with regard to residential amenity. Although there remain concerns regarding Glint and Glare it is considered that impacts can be mitigated by treatment of the surfaces and the requirement for an assessment to be made can be carried over to conditions stage.

93 Landscaping and Public Realm

94 The proposed development doesn't provide any public realm benefits on site, other than a widening of the footpath where the wind mitigation structures are located. Ward Members have picked up on this and have raised concerns. The Council's Landscape Team also have concerns relating to the loss of existing trees and impact on the Leeds Habitat Network.

95 Policy G9 in the core strategy stipulates that there is no significant adverse impact on the integrity and connectivity of the Leeds Habitat Network. A strip of land adjacent to the north-east boundary of the site forms a strip designated within the local plan as part of Leeds' Habitat Network. Although this is not programmed for removal within the development proposals, care will have to be taken to ensure the integrity of the strip is retained. This can be achieved by planning condition. The proposal does involve the loss of 2 groups of trees which have been identified as category C in poor condition. New tree planting is proposed throughout the external garden space which will occupy the podium-level amenity area.

96 Policy G9 also requires that the design of new development enhances existing wildlife habitats and provides new areas and opportunities for wildlife and that there is an overall net gain for biodiversity commensurate with the scale of development. In order to demonstrate this the applicant has submitted a BNG assessment which concludes that the proposed development will provide a net gain for biodiversity in compliance

with Policy G9. This would involve an increase in both habitat units and hedgerow units of over 100%. However, it is noted that the proposed development does not meet the required trading rules set by DEFRA Metric 4.0. This is due to the loss of mixed scrub, which is a medium distinctiveness habitat under the metric. In order to satisfy the trading rules, native scrub planting is recommended by the report to provide a minimum of 0.11 habitat units. This could be achieved by replacing 0.017ha of introduced shrubs with moderate condition Mixed Scrub of native species. This can be managed by condition. It is considered that the proposal complies with Policy G9 if the proposed conditions are added.

- 97 Policy G4 in the Core Strategy stipulates that residential developments of 10 dwellings or more provide a prescribed amount of publicly accessible green space either on-site or, if this is not achievable, through either equivalent off-site provision or financial contribution. In this case the applicant states that on-site provision is unachievable due to the constraints of the site and the nature of the connection between the proposed development and One Springwell Gardens. Consequently, the applicant accepts the need to provide a financial contribution which will deliver the required level of green space improvement within the locality. The calculation of the amount has been carried out in line with policy and comes to £424,223. This will be secured through the S106 agreement.
- 98 As previously mentioned, discussions have taken place with Ward Members as well as officers in Parks & Countryside to ascertain where the Greenspace contributions could be spent. In this regard, contributions could be used at Holbeck Moor Park, Beggars Hill, and the routes between there and the site in order to make the route more visually interesting to pedestrians.
- 99 It is considered by Officers that the wider benefits to public amenity achieved by the financial contribution outweigh the planning harm caused by the lack of on-site provision, particularly given the locality. On balance the proposal is considered acceptable with regard to landscaping, green space and biodiversity.

Highway Issues

- 100 Ward Members have picked up on the relatively low level of parking and have raised some concerns at this. There were also concerns raised about the level of bike provision initially but this has been subsequently improved to accommodate the number of residential units. Policy T2 in the Core Strategy and the Transport SPD provide the policy context for Highway matters.
- 101 The proposal site is located in a highly sustainable area and easily meets the accessibility criteria set out in Appendix 3 of the Core Strategy. Leeds Rail Station is only 1km distant, and the heart of the City Centre is just over 1km. Whitehall Road is a main arterial route into the City Centre and benefits from excellent public transport links. The nearest bus stops are located within a 5 minute walk. There is also opportunities to access to leisure and retail services on foot. Owing to the site's location, a low level of parking provision (27 spaces all with EVC's) is considered acceptable. This was increased when it was last reported to Panel in July following some concerns by Panel Members where the level of parking was 18 spaces. The overall parking stock is to be shared with One Springwell Gardens (223 apartments with 53 spaces), equating to a total of 568 apartments with 80 spaces (12%). As there is a likelihood of detrimental on-street parking as a result of the proposed development

the developer will be required to make a contribution towards Traffic Regulation Order amendments in the surrounding streets. A contribution of £10,000 to be secured by S106 agreement. Proposed levels of EVC charge points, disabled spaces and bicycle parking in the final scheme provided are considered acceptable. Off-site highway works would be required to implement the vehicular access and the provision of car-club spaces. The works would be delivered via an appropriate agreement between the developer and the Council.

102 The applicant has submitted a comprehensive Travel Plan in line with policy, which is considered by the Council's Influencing Travel Team to be very good and the proposal to develop a dedicated App to promote sustainable travel is a welcome addition. A Residential Travel Plan Fund and monitoring fee will be secured by S106 agreement. As part of the Council's ongoing push to improve cycling infrastructure which would to a large degree benefit the residents of the proposed development a contribution is being sought to be put towards the provision of a cycle scheme along Whitehall Rd.

103 Overall the proposal is considered acceptable with regard to highway safety and sustainable travel.

104 Wind

105 The Tall Buildings Design Guide states that appropriate mitigation in the form of wind diffusers, resilient trees, podium buildings, large canopies and appropriate building massing should be considered to prevent excessive wind speeds. For safety reasons, soft landscaping is not considered appropriate to mitigate wind impacts on the public highway or pedestrian walkways. The TBDG also recognises that wind mitigation is a specialist area and advice should be sought from experienced practitioners. As the project has evolved, a number of iterations of the wind/microclimate assessment have been submitted by the applicant and peer reviewed by the Council's consultant. The latest Review accepts the findings of the applicant's report, which concludes that pedestrian level wind conditions in the nearby surroundings are predicted to meet the safety criteria and are predicted to be substantially acceptable for existing and planned pedestrian uses. The Review advises that a view should be taken by the LPA as to the acceptability of the proposed measures in planning terms.

106 The measures proposed involve sculpted structures on the front and side elevations, raised baffles a partition at podium level, screens within the podium garden area, arranged in spokes and a series of large screens to the rear. The applicant's report also recommends that a bus shelter for the bus stop at the junction of Springwell Road and Whitehall Road be agreed in the S106 agreement. The baffles and screens within the site are not considered to be visually intrusive and the screen to the rear, while of a significant size, would serve also as a visual screen to the railway sidings and would not be prominent as viewed from the street. The most significant structures are the sculpted elements on the footway to the front of the development. Following revisions and re-siting, the structures have been re-positioned to that they do not impinge on Highway land or obstruct the ground floor active frontage. Visually, the designs have the ability to provide visual interest which would make a positive contribution to the street scene. Final design details would be resolved at condition stage but it is not thought that they will differ greatly from the initial drawings and models shown within the applicant's wind report. Further detail will also be sought to make sure that none of the structures cause unnecessary difficulties for those with impaired mobility and

vision, as advised by the Access Officer to ensure compliance with the Accessible Leeds SPD.

107 On the whole the proposed mitigation, while substantial, is considered potentially acceptable with regard to highway safety and visual amenity, although further details are awaited.

108 Climate Change

109 Policy EN1 in the Core Strategy requires all developments of 10 dwellings or over to achieve 20% less than Building Regulations Target Emission Rate and to provide a minimum of 10% of the predicted energy needs of the development from low carbon energy. Applicants are expected to submit an Energy Assessment with their application based on expected end user requirements to demonstrate compliance with this policy. The applicant has submitted the required Assessment which, after some requested further details, demonstrates compliance with the policy.

110 The proposal also complies with Policy EN2 which requires major residential developments to meet a water standard of 110 litres per person per day.

111 With regard to Policy EN4, which requires a connection to a District Heating Network, the Councils District Heating Network Team accepts that the proposal relies entirely on a dry electrical heating system which provides the lowest carbon solution for the development and is in line with the Net Zero Carbon in operation transformation.

112 Overall the proposal is considered acceptable with regard to Climate Change mitigation.

113 Safety and Security

114 Policy P10 in the Core Strategy requires developments to create safe and secure environments that reduce the opportunities for crime. Policy GP5 in the UDP requires development proposals to seek to avoid danger to health or life. Some objections have been received which refer to safety issues related to the internal layout such as the number of units being served per core. It is noted that since the original scheme was submitted amendments have been received to the internal layout of the building which improves these features.

115 With regard to reducing opportunities for crime, conditions relating to CCTV coverage, secure bicycle storage and access control measures. Subject to detailed design to be secured by a security strategy condition and details of all built measures in the public realm being addressed in tandem with the finalised landscaping scheme (to maximise opportunities to design such features into the public realm and minimise their visual impacts) the development would accord with CS policy P10.

116 Policy T30C in the UDP requires buildings to take into account aviation safety. Leeds/Bradford Airport has been consulted and, after recommendations were complied with are satisfied that sufficient details have been submitted to ensure appropriate aviation safety measures such as lighting will be applied. An informative is recommended which relates to the developers obligations in this regard.

117 With regard to fire safety and internal layout the applicant confirms that the building has been designed in compliance with BS 9991:2015, Fire Safety in the design, management and use of residential buildings. Although HASE has been consulted with regard to fire safety, as the application was validated prior to August 2021, it does not fall within the remit of Planning Gateway One Regulations and so no further comments have been made.

118 The proposal is therefore considered acceptable with regard to Safety and Security.

119 Drainage

120 A Flood Risk Assessment has been supplied by the applicant in accordance with Policy Water 6 in the NRWLP. The Flood Risk Management Team accept that the application site is located in Flood Zone 1 and not at risk of any critical flood risks that require specific mitigation. With regard to Policies Water 1 and 7, (water efficiency and surface water drainage), the FRM Team are satisfied with the submitted surface water drainage strategy, which includes SUDS in the form of a 'Blue Roof', subject to conditions.

121 Planning Obligations and CIL

122 A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010 (as amended in 2019). These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

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

The proposed scheme produces the need for the following obligations which it is considered meet the legal tests:

- Leeds City Council Travel Plan Review fee of £5,416
- Provision of Leeds City Council Car Club provider parking spaces x 3
- Provision of a Residential Travel Plan Fund of £89,647
- Affordable housing on site provision (24 units)
- Offsite Greenspace contribution commuted sum (£424,223.)
- Contribution towards Whitehall Road cycle infrastructure (£117,000) (TBC)
- Provision for TRO amendments (£10,000)
- Loss of revenue from on-street parking (£15,000)
- Provision of Bus Shelter on junction of Springwell Road and Whitehall Road (£23,000)
- Employment & Skills co-operation / initiatives
- Section 106 management fee

123 This development is liable to the Community Infrastructure Levy (CIL) and is likely to generate a significant contribution. The infrastructure requirements for this development are likely to relate to public transport and public space provision. Consideration of where any Strategic Fund CIL money is spent rests with the Council's Executive Board and will be decided with reference to the Regulation 123 List (or

Infrastructure Funding Statement as the case may be) at the time that decision is made.

124 Representations

125 All of the issues raised by representations have been addressed in the report above with the exception of the following:

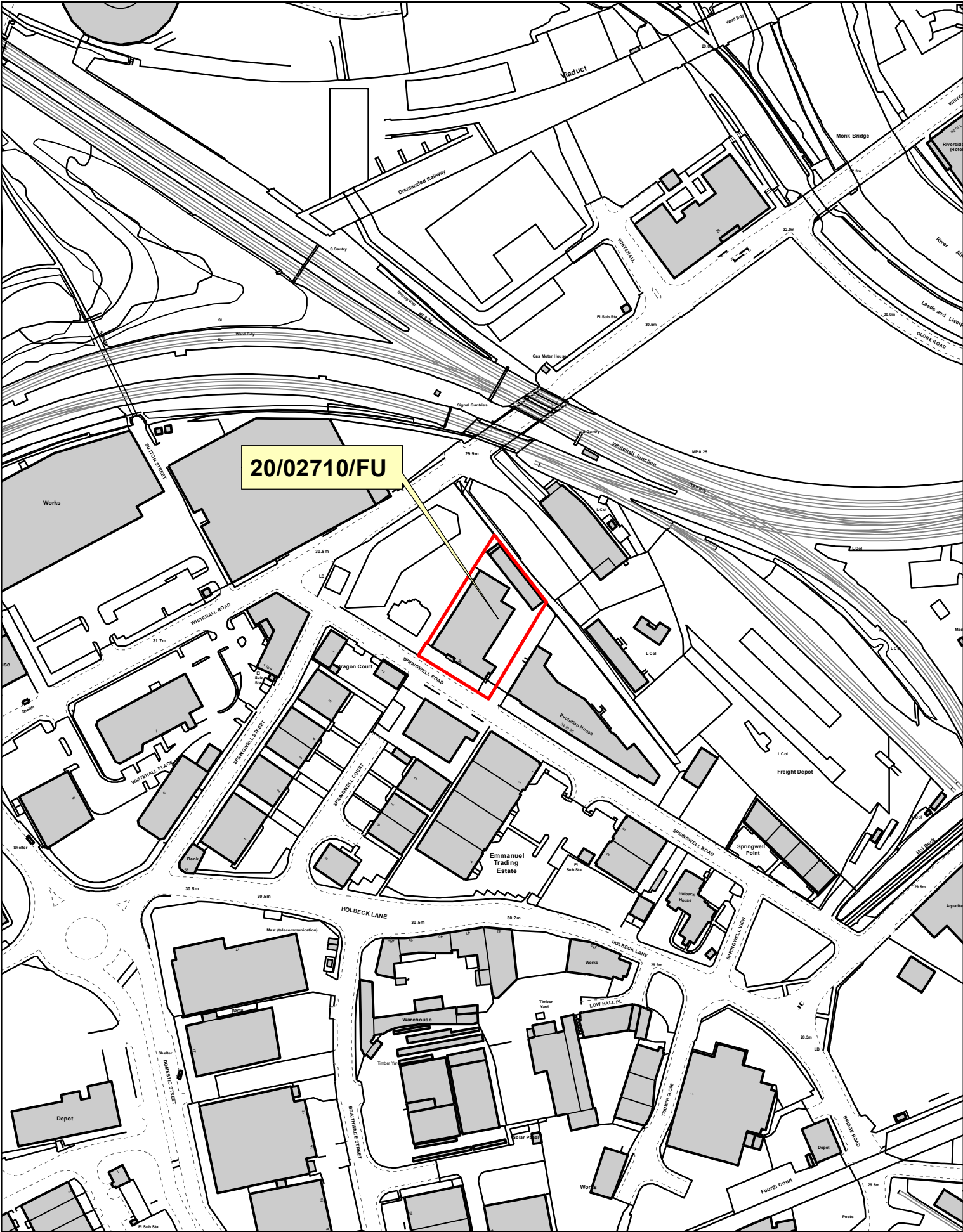
- Developer has proposed three other schemes in Holbeck which haven't been delivered

This matter is not a material planning consideration.

126 **CONCLUSION**

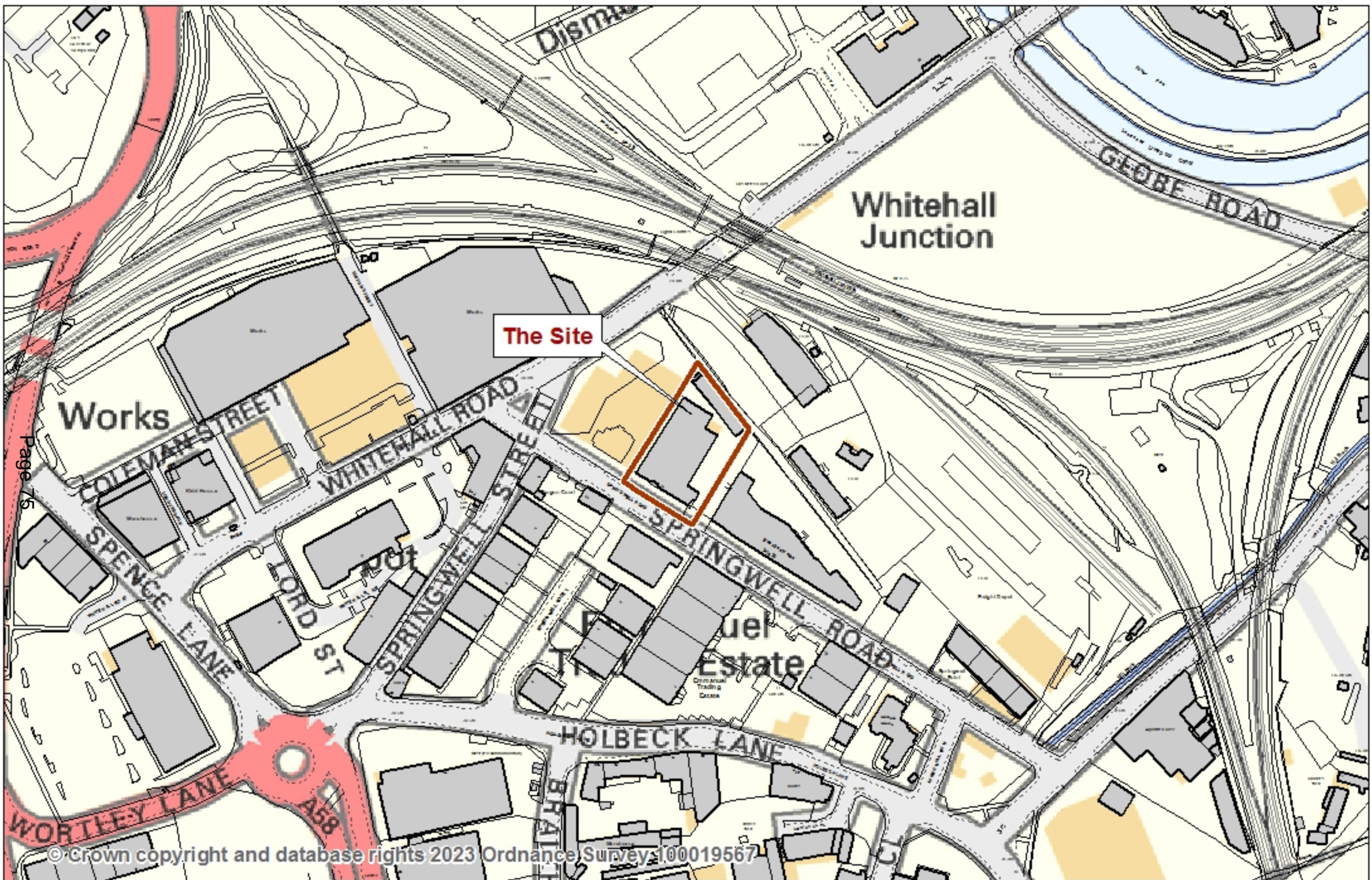
127 This proposal would provide a large-scale residential development incorporating residential units that will meet adopted space standards and have an acceptable level of amenity in an accessible and prominent location. The proposal would include 7% Affordable Housing, to be provided within the scheme. The commercial unit would provide employment opportunities and service occupiers in the local area. The form and scale of the proposal would enhance the character of this part of Springwell Road and the landscaped areas would improve environmental quality. The additional commuted sum required under Policy G4 of the Core Strategy would contribute significantly to accessible green space in the Beeston and Holbeck area. Furthermore, whilst noting that the building would result in less than substantial harm to heritage assets, this is outweighed by the public benefits that would arise. It is considered that this proposal would act as a catalyst for the regeneration of the area and, for the reasons set out above, the application on balance is considered acceptable subject to the attached conditions and the obligations to be included in the Section 106 Agreement.

Background Papers: Application file 20/02710/FU and 16/05198/FU



SOUTH AND WEST PLANS PANEL





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PLANS PANEL PRESENTATION

SCALE 1:2500



Originator: Michael Doherty

Tel: 0113 37 87955

Report of the Chief Planning Officer

South and West Plans Panel

Date: 26th October 2023

Subject: 23/05968/S106 - Application under S106A for the modification or discharge of Planning Obligations pursuant to Section 106A of the Town and Country Planning Act 1990 to vary the existing S106 Agreement to application 18/01501/OT to remove the build to rent and PRS covenants at Former Airedale Mills, Moss Bridge Works, Town Street, Rodley, Leeds, LS13 1HP

Applicant: Rodley Limited

Electoral Wards Affected:

**Bramley & Stanningley
Calverley & Farsley**

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 subject to the S106 agreement, as amended, being completed after the expiry of the 21 day publication period.

PROPOSAL

- 1 This Application has been brought to Plans Panel in accordance with the Chief planning Officers delegation arrangements whereby the Chair in consultation with the Chief Planning Officer considers that the application should be referred to this Plans Panel for determination because of the significance of the proposal to vary an existing S106 agreement to 100% Affordable Housing. The existing s106 Agreement was completed on 01.07.2019 for planning application 18/01501/OT
- 2 This application is to vary the existing s106 Agreement by of Deed of Variation (“DoV”) pursuant to s106A of the Town and Country Planning Act 1990 (as amended). The

variation sought seeks to remove the reference within the current agreement to providing affordable housing provision restricted as private rented housing. The proposed variation seeks to clarify and ensure that the developer can now provide 100% affordable housing.

- Remove the Build to Rent / PRS (Private Rented Sector) covenant. The PRS covenant requires occupation of all of the dwellings in the development as 100% rented housing which is owned and managed by a single PRS operator. This restriction (in para 2 of the First Schedule of the Deed of Variation) needs to be removed as the scheme will not be delivered as 100% rented housing with associated amendments to remove the PRS Limitation Period and remove definitions relating to the PRS Housing (e.g. PRS Operator, PRS Units etc).
- Inclusion of definitions of the Affordable Housing proposed (e.g. Social Rent, Social Rented Affordable Units, Intermediate Affordable Units, Intermediate Price) and removal of the definitions of Benchmark BTR Affordable Units, alongside any references to the rental price.
- Removal of the restriction on occupying the Benchmark BTR Affordable Units only as Benchmark BTR Affordable Units.
- Inclusion of a Registered Provider exclusion clause (save for compliance with the specific affordable housing provisions)
- Flexibility to provide 100% affordable housing so that any open market dwellings can be used as additional affordable housing but that the units are not affordable units for the purposes of the s106.

3 This current application for a DoV seeks to remedy the reference within the current agreement to providing affordable housing provision restricted as private rented housing. The proposed changes seek to add flexibility to provide 100% affordable housing so that any open market dwellings can be used as additional affordable housing meaning the units are not simply affordable units for the purposes of the S106 agreement.

HISTORY OF NEGOTIATIONS AND PLANNING HISTORY

4 The site has been the subject of a previous outline permission (18/01501/OT) which granted consent for the principle of the development including means of access with all matters reserved (09.07.2019). The development site was considered to lie within a sustainable location along with its allocation being considered via the adoption of the Site Allocations Plan. A full assessment of the proposed access, including replacement swing bridge, associated modelling data and transport assessment was considered by highways officers and found to be satisfactory.

5 Reserved Matters consent (21/09266/RM) was granted via Plans Panel resolution on 08.06.2023 considering layout, scale, appearance, and landscaping for the erection of 67 dwellings pursuant to outline permission 18/01501/OT.

6 A Section 106 Agreement pursuant to Reserved Matters consent 21/09266/RM was signed and completed on 25.09.2023 including provision for 15% affordable housing,

as defined traditionally as rented housing owned and managed by a registered PRS operator. Additionally securing an off-site greenspace contribution of £50,000.

PUBLIC/LOCAL RESPONSE:

7 Site Notice – posted 12.10.2023 (21-day publicity period)

The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992.

Publicity for applications by local planning authority

(1) When a local planning authority receive an application for the modification or discharge of a planning obligation they shall publicise the application by–

(a)posting notice of the application on or near the land to which the planning obligation relates for not less than 21 days; or

(b)serving notice of the application on the owners and occupiers of land adjoining that land; or

(c)publishing notice of the application in a local newspaper circulating in the locality in which that land is situated.

(2) The notice posted, served, or published in accordance with paragraph (1) shall be in the form set out in Part 3 of the Schedule and shall invite representations on the application to be made to the local planning authority within 21 days of the date on which the notice is posted or served, or within 14 days of the date on which the notice is published, as the case may be.

(3) The local planning authority shall make a copy of the application and the relevant part of the instrument by which the planning obligation was entered into available for inspection during the period allowed for making representations pursuant to paragraph (2).

(4) In paragraph (1)(b) “owner” in relation to any land means any person who–

(a)is the estate owner in respect of the fee simple; or

(b)is entitled to a tenancy granted or extended for a term of years certain of which not less than seven years remain unexpired.

CONSULTATION RESPONSES:

8 Legal

The DoV has been passed to Legal and the wording contained therein is considered to be appropriate to achieve the aims of the proposed DoV and thus allow delivery of 100% affordable housing.

RELEVANT PLANNING POLICIES

9 There are no planning policies that are relevant to the application and the limits to be considered focus solely on the acceptability of the proposed variation to the s106 to omit the requirement to provide 15% provision of affordable housing units for the purposes of the S106 agreement.

10 A DoV is a mechanism provided by s106A of the Town and Country Planning Act 1990, which states that a planning obligation may not be modified or discharged except *either* by agreement between the “appropriate authority”, meaning *inter alia* the LPA, and the person(s) against whom the obligation is enforceable.

- 11 Periods within which applications to modify an obligation can be made, are as follows:
- For obligations entered into on or before 6 April 2010 – an application can be made at any time.
 - For obligations entered into after 6 April 2010 – an application can be made after 5 years beginning with the date the obligation has been entered into.

MAIN ISSUES

Deed of Variation

- 12 The proposals seek to remove the standard restrictions within the current S106 agreement, para 2 of the First Schedule of the Deed of Variation, as the applicant is proposing the scheme not to be delivered as 100% rented housing. In essence the removal of this restriction omits the Private Rented Sector (PRS) limitation period and definitions relating to PRS housing, PRS Operator(s) and PRS Units. The PRS covenant requires occupation of all of the dwellings in the development as 100% rented housing to be owned and managed by a single PRS operator. This restricts the applicant from providing an alternative 100% affordable housing scheme due to the definitions.
- 11 The applicant has identified an affordable housing provider whom would take the development forward and thus seek to implement a scheme providing 100% affordable housing, above and beyond the 15% policy requirement.
- 12 It is proposed that the S106 is amended to incorporate an alternative restriction on the affordable housing remaining as affordable units in perpetuity and thus protecting the units, subject to a list of relevant exclusions including exercising the right to buy, staircasing, acquiring the whole lease through a buy basis and mortgagee exclusion clauses.

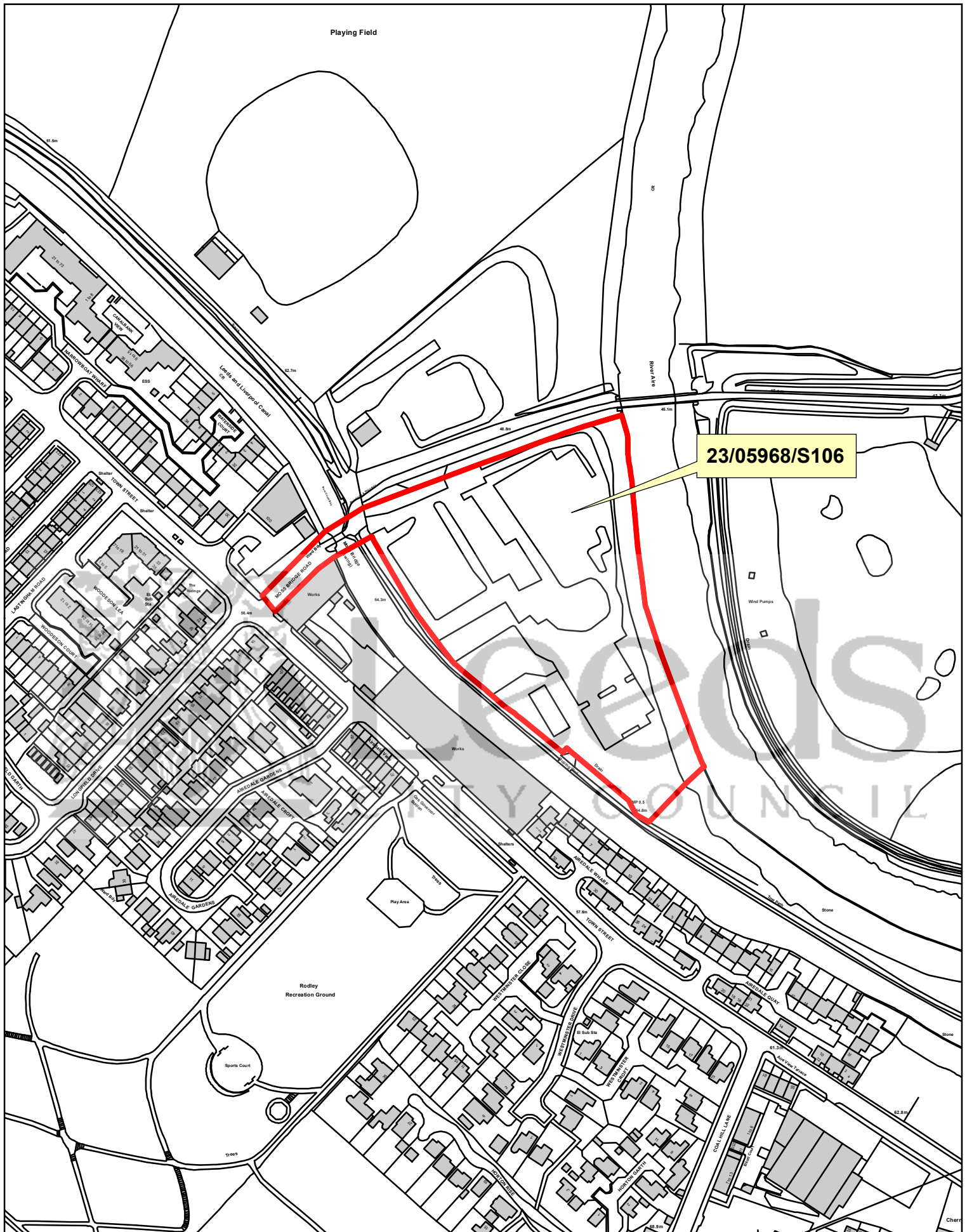
7.0 Conclusion

- 13 The proposed DoV is considered to be acceptable given the wider benefits proposed through the creation of a development incorporating 100% affordable housing and thus adding a significant number of units within the city. It is considered allowing such flexibility for an affordable housing provider is acceptable and the proposed changes do not undermine the aims of the original S106.

Background Papers:

Application files 23/05968/S106

Certificate of ownership: Certificate B signed by the agent



23/05968/S106

SOUTH AND WEST PLANS PANEL

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The Site

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