



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:

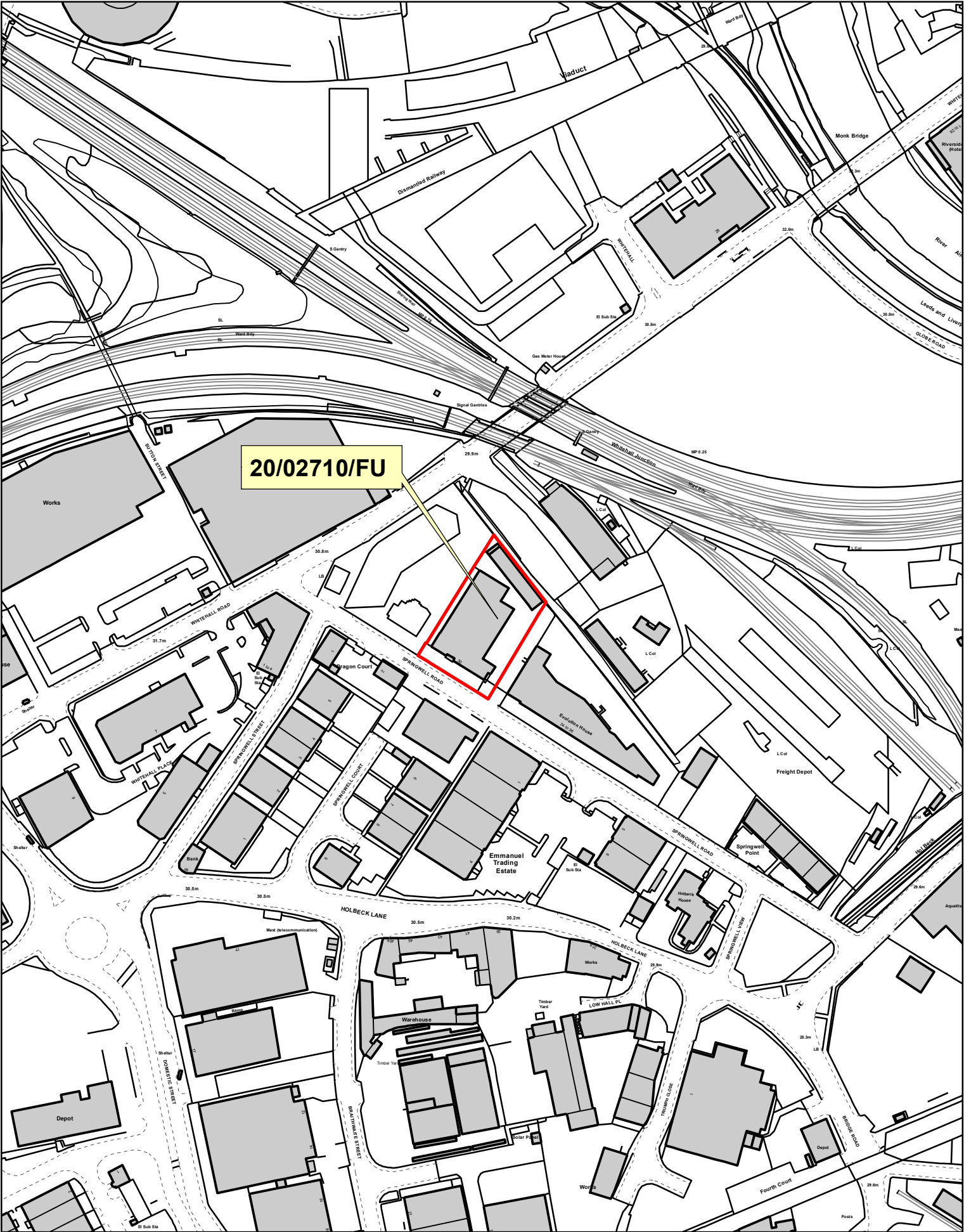
- Developer has proposed three other schemes in Holbeck which haven't been delivered

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



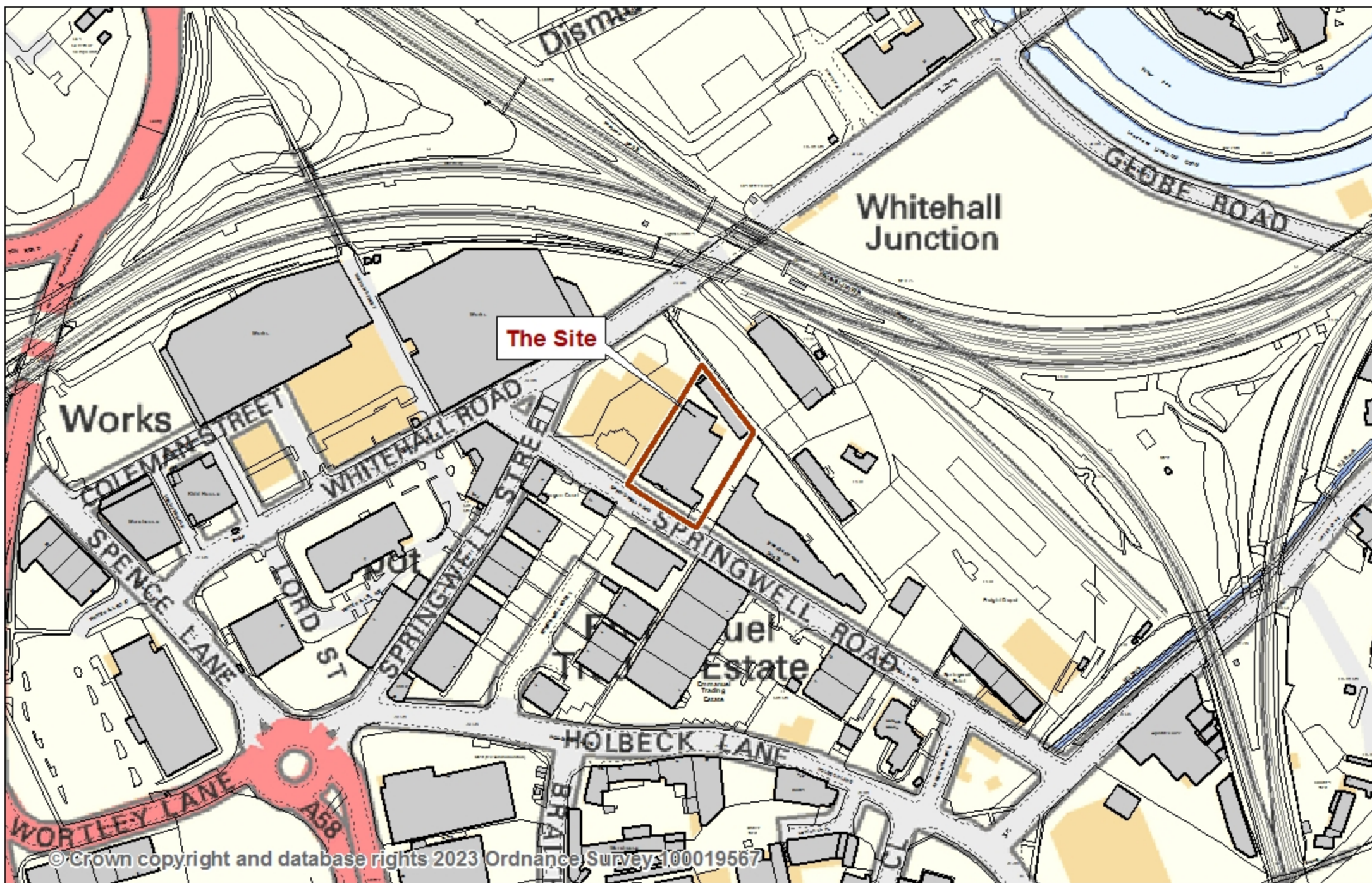
SOUTH AND WEST PLANS PANEL

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