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**Report of the Chief Planning Officer**

**CITY PLANS PANEL**

**Date: 23 November 2017**

**Subject: Application 17/06296/FU for a mixed use development comprising of 300 residential dwellings, a retail unit, a health care centre, vehicle and pedestrian access, parking, landscaping and associated works at land off Flax Place, Richmond Street and Marsh Lane, Leeds, LS9 8HG**

**APPLICANT**  
Neighbour Group Ltd

**DATE VALID**      **TARGET DATE**  
26 September 2017    26 December 2017

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**Electoral Wards Affected:**

**Burmantofts and Richmond Hill**

☐ Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

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**RECOMMENDATION: Defer and Delegate to the Chief Planning Officer for approval, subject to the resolution of highways and wind issues and the conditions at Appendix 1 and any others which the Chief Planning Officer considers appropriate and subject to the completion of a Section 106 agreement to secure the following:**

- 1. Affordable Housing at 5% of the total units results in the provision of 15 affordable units (as discussed below in paragraphs 10.34 to 10.37)**
- 2. Employment and training of local people**
- 3. An off-site greenspace contribution of £80,351**
- 4. The fee for the monitoring and evaluation of a Travel Plan of £3,500**
- 5. A Sustainable Transport Fund Contribution £73,674.00**
- 6. A Car Club space**
- 7. A management fee – dependent on the number of obligations**

**In the circumstances where the Section 106 has not been completed within 3 months of the Panel resolution to grant planning permission, the final determination of the applications shall be delegated to the Chief Planning Officer.**

A list of draft Conditions is provided in the Appendix to this report.

## **1.0 INTRODUCTION:**

- 1.1 The application is brought to Plans Panel to allow Members to consider this proposal submitted as a full planning application for a mixed use development comprising of 300 residential dwellings, a retail unit, a health care centre, vehicle and pedestrian access, parking, landscaping and associated works. The proposal is brought to City Plans Panel as the development involves the creation of a significant number of new dwellings, the re-use of brownfield land and a major investment in an important site on the East Street corridor.

## **2.0 PROPOSAL:**

- 2.1 The proposed development seeks to provide a predominantly residential development across two stepped blocks of 8 to 10 storeys in Block A and 12 to 14 storeys in Block B, housing a total of 300 apartments.
- 2.2 These will be laid out typically with 14 apartments to each floor in Block A ((6 x 2 Bed, 7 x 1 Bed and 1 x Studio) and 13 apartments to each floor in Block B (6 x 2 Bed, 6 x 1 Bed and 1 x 3 Bed). Each of the apartments would have a south, west or east facing aspect. The apartment types would be split to create the following proposed mix;
- 11 studio apartments (3.3%)
  - 147 one bedroomed apartments (50%)
  - 130 two bedroomed apartments (43.3%)
  - 12 three bedroomed apartments (3.3%).
- 2.3 In addition to the front corner of the site where it meets Marsh Lane, East Street and Richmond Street a 200 sq m convenience shopping A1 Use Class retail unit and a 440 sq m Use Class D1 health centre/surgery are also proposed. The landscape scheme features include public open spaces around the buildings and roof top terracing for private resident's usage at the 8<sup>th</sup> floor of Block A and the 12<sup>th</sup> floor of Block B. Car, motorcycle and cycle parking is also proposed with the added opportunity to provide a City Car Club space within the site.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is located within the defined City Centre and lies within the boundary covered by the recently adopted Aire Valley Leeds Area Action Plan (AVLAAP). The AVLAAP identifies the site for housing use under Policy AVL6.
- 3.2 The site is approximately 0.5 hectares and is currently an open, but overgrown, brownfield patch of land which sites in an area of changing character. Traditionally the surrounding area has had a mix of commercial industrial and residential uses, however in recent years this mix has changed introducing much more residential dwellings as well as some hotel and office uses. The site is to the south eastern edge of the City Centre on the junction of Marsh Lane and Richmond Street, and is bound by roads to 3 sides. The site is close to, but outside of the Eastern Riverside Conservation Area.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 Approval was granted at the site for a part 5 and 9 storey block of 195 flats with ground floor retail unit and basement car parking on 11 November 2005, under planning reference 20/408/04/FU.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The proposals have been the subject of pre-application discussions between the Developers, their Architects, and Local Authority Officers since February 2017. These discussions have focused on scale, massing and design, the landscape scheme, flood risk, parking levels and access, affordable housing and room size standards.

- 5.2 Members received a preapplication presentation on the scheme at City Plans Panel on 23 June 2017 and raised questions on the following points;

Was the building energy efficient?

- Had consideration been given to the provision of balconies
- The two blocks appeared to be relatively close together leading to possible light issues for residents, could consideration be given to the use of lighter material in order to reflect light
- Use of lighter materials may lead to graffiti issues at lower levels
- Welcome the affordable housing provision on site
- Lack of school and health care provision in the area

In responding to the issues raised, the applicant's representatives said; the building would achieve an energy rating of; Code for Sustainable Homes Level 4 and would include thick walls to provide good insulation properties, photovoltaic cells would be located on the roof and connectivity to the district heating system was achievable. On the issue of balconies, it was suggested that the proposed large glazed floor to ceiling windows would provide more light for residents and this could not be achieved through the provision of balconies. Lighter materials would be considered, a suggestion that darker material be used on the base of the buildings to avoid graffiti issues was welcomed. (Material samples could be provided at the formal application stage). On the issue of school provision, it was reported that the application would include a Community Infrastructure Levy (CIL) contribution which could be put forward towards this type of infrastructure improvement. The applicant's representative also advised that they were willing to consider alternative uses for the proposed commercial retail space such as a healthcare facility if there was a demand for this.

In offering comments Members raised the following issues:

- Members welcomed the fact that all apartments met National Space Standards.
- Treatment of the outside space was important including public access and connectivity through the site to neighbouring communities.
- Consultation was needed with local community groups



In drawing the discussion to a conclusion Members provided the following feedback;

- Members were of the view that the principles of the development were appropriate
- Members were supportive of the emerging scale, massing and design of the development
- Members were generally supportive of the emerging landscaping scheme and highlighted the need for public access through the scheme and connectivity to neighbouring communities
- Members were supportive to the approach to car and cycle parking provision and arrangements.
- ☐ Members welcomed the flexibility of the developer around the use of the commercial units

In summing up the Chair said Members were supportive of the proposal and welcomed the submission of a formal application

## 6.0 PUBLIC/LOCAL RESPONSE:

6.1 Ward Members were consulted on 29 September 2017. No comments have been received to date.

6.2 One letter of comment received on 11 October 2017 from the Chair of the Saxton Gardens Residents Association stating as follows:

"We have recently heard rumours that the Health Centre within the plan is either to be blocked or removed from the application. We would like to point out that there is a great need for a health centre within this area. We have a large elderly population within this area at Saxton Gardens and having had 3 local GP's close within the past few months, the need has increased as now local practices are difficult for residents to travel to.

We also have a number of developments proposed in the area that will significantly increase the local community population. We would also like to support the proposal for including a retail unit within the development as again the local amenities are scarce and our residents have difficulties accessing the existing ones located in the city centre which are the closest to the area. We understand that the decision for the health centre will be made ultimately by the CCG for the area but would like it to be placed on record our support and need for the facility to be included in any planning decision. Could you please register our Group, Saxton Gardens Residents Association as an interested party and if possible include us in on any invitation to speak prior to any decisions being finalised."

Response: The Applicant has stated that the Use Class D1 health centre/surgery remains within the mix of uses as proposed.

6.3 One letter, dated 9 November 2017, to the developer, Neighbour, from Leeds Civic Trust into which the Chief Planning Officer has been copied states as follows:

"As you will have appreciated from the discussion, the Trust's Committee was very impressed with the project and, in particular, the thought that has gone into the development of the design. Ideas we liked in particular included the modelling of the facades, the classical proportions, the articulation of the roofscape and the rooftop gardens. The scheme has potential to make a vast difference to this part of the city. However, we do have some observations which we hope you will pick up in any further design development work:

The appearance of the 'wall' along Marsh Lane – you stated that you are still working on this and we would welcome the stepped landscape form that you said was under consideration

We feel that the natural pedestrian route to the city centre from your development would be out of the north-west corner of the site and then across Marsh Lane towards the Duke Street railway bridge or along Kirkgate – should you put an access point in this location?

As discussed, we feel that the highway immediately outside the location of the proposed corner shop does not need to cater for such fast-moving traffic and so the slip-road into Richmond Street could be removed to create an addition piece of public realm – the amended layout shown on the plan attached would simplify crossings for pedestrians and cyclists, a key consideration now more people are living along East Street. We accept that this may not be in your control, but this is something that is worthy of a discussion with Leeds City Council

You did say that you felt there was not sufficient demand for more 3 bedroom units but anecdotally, through local conversations in the development world, we feel that this market is only just developing – there is no demand because there is no provision and, with new schools and surgeries now arriving, could this be about to

change with long-stay families being a particularly good 'catch' for PRS companies?"

Response: The design and layout suggestions are being discussed with Officers. The suggested works to Richmond Street would not be acceptable to Highways as they would have the potential to be detrimental to capacity at the junction requiring an additional phase to call the pedestrian crossing on Richmond Street. This is due to the fact that this area is effectively part of the Inner Ring Road, which is becoming increasingly busy and will be relied on even more following the closure of City Square. Therefore removal of highways capacity here would have a negative impact in the vicinity and to the wider transport network.

## **7.0 CONSULTATIONS RESPONSES:**

- 7.1 **Environment Agency** state that they have no objection to this development on the basis that the western boundary of the site is marginally in Flood Zone 2 and provided that there is no built development along the said boundary.  
Response: The built parts of the development are set away from the western boundary with only one corner of one block being 3.5 metres from the site boundary and the scheme being elevated on a podium as the site rises back from street level at this point by some 4.7 metres
- 7.2 **Flood Risk Management** state that the maximum rate of surface water discharge will need to revert back to the greenfield situation, which for this size of development implies a figure of 5 l/s and that below ground storage should be designed for the critical 1 in 100 year storm, including 30% uplift for climate change. Conditions covering surface water drainage and an oil and petrol interceptor will be required.  
Response: Such conditions are recommended.
- 7.3 **Air Quality Team** state that they do not object but would like to see electric vehicle charging points provided in the scheme.  
Response: This matter will be addressed via a recommended condition.
- 7.4 **Contaminated Land Team** state that Conditions should be applied to cover submission of a phase 2 site investigation report, a remediation report, a verification report and the importation of soils.  
Response: Such conditions are recommended.
- 7.5 **Highways** state that additional information is required with regard to the intended uses of the retail and health centre units and their potential impact on the transport network and parking requirements at the site and in the surrounding area. They also advise that conditions are required to cover footpath crossing, areas for vehicles to be laid out, parking details, disabled parking, electric vehicle charging points, cycle and motorcycle parking, a construction management plan and provisions for contractors vehicles the control of on street parking, no doors opening over the highway and waste management provision. They also identify a series of off-site highways works that will be required via a Section 278 legal agreement, which are as follows:
- a) A new access to Flax Place
  - b) The reinstatement of the footway at the existing access on Flax Place
  - c) A layby and footway on Flax Place
  - d) An emergency access footway crossing
  - e) A Traffic Regulation Order for loading and unloading
  - f) Modifications to any lines and signs
  - g) Land to be dedicated on Marsh Lane and Flax Place

- h) Footway widening construction and installation of a shared cycle / pedestrian facility on Marsh Lane
- i) Upgrading of crossings to Toucan type on East Street / Marsh Lane / Richmond Street
- j) A camera to reduce right turn violations at East Street / Richmond Road.

Response: The issue of the impact of the two units on parking and traffic remains under discussion with Officers and an update will be given verbally at Plans Panel. The other matters are recommended to be addressed via conditions and informatives.

- 7.6 **Policy & Plans Team** state that the level of 1 bed units is slightly higher than is sought by policy, however the amount is marginal and the general principle of housing development is acceptable and supported by the extant planning permission for housing and the allocation in the Aire Valley Leeds Area Action Plan and that the proposed A1 retail store use is acceptable provided this is conditioned to restrict it to convenience retailing only. The proposed health centre use is also considered to be consistent with relevant Core Strategy Policy P9.

In addition they stated that due to the fact that the landscape scheme on the site does not lend itself to being publicly accessible an off-site greenspace contribution is required for the sum of £80,351 this is calculated on the basis that for 300 units the minimum open space requirement is calculated to be 2,091 sq m per hectare

Response: A Planning condition is recommended address the A1 retail unit needing to be a convenience store and the greenspace contribution will be addressed via the S106 legal agreement. The level of this contribution complies with the requirements of Policy G5 in terms of providing the required level of greenspace.

- 7.7 **Environmental Health Team** have given no objections to the proposals.

- 7.8 **Housing Growth Team** state that the development is located in Affordable Housing Zone 4 which has a 5% Affordable Housing requirement. The scheme identifies 15 units for Affordable Housing out of the 300 dwellings proposed and is therefore policy compliant. 40% (6 Units) of which should be affordable housing for households on lower quartile earnings and 60% (9 Units) affordable housing for households on lower decile earnings.

They would be supportive of the developers' proposed housing mix of Studio (3%), 1-bedroom (50%), 2-bedroom (43%) and 3-bedroom (3%) apartments, however, state that the studio apartments provided would not be preferable for the affordable units as these are not unit types the Council offers via its housing register.

Response: The Applicants have been made aware of these comments.

- 7.9 **Yorkshire Water** state that Planning conditions need to be applied to ensure that no new landscape features is located over or within 5 (five) metres either side of the centre of any public sewer, that an oil, petrol and grit interceptor/separator is required and that development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment.

Response: Such Planning conditions are recommended.

- 7.10 **West Yorkshire Combined Authority** have not provided any comments.

- 7.11 **TravelWise** state that the following obligations and a full Travel Plan are required:
- a) The Travel Plan monitoring and evaluation fee is to be £3,500 to be paid prior to occupation
  - b) The provision of one Leeds City Council Car Club parking space to be prior to occupation (there will be a plan for this to follow)

c) The provision of a Residential/Sustainable Travel Plan Fund to be £245.58 per dwelling giving a total of £73,674.00 to be paid prior to occupation (this fund to be used for the provision of Travel Plan measures for the dwellings on the development and/or other sustainable travel measures to encourage the use of sustainable travel modes by the residents of the dwellings, as set out in the approved travel plan, such as Public transport ticketing personalised travel planning, cycle purchase schemes, car sharing/walking, cycle measures/promotion and/or further infrastructure enhancements and Car Club Trial and usage, support and marketing.

Response: Such obligations will be secured via the Section 106 legal agreement and the Travel Plan is being revised.

7.12 **West Yorkshire Archaeological Service** have not provided any comments to date

7.13 **Landscape Team** state that detailed consideration and implementation of the landscape scheme should be addressed via conditions and particular attention is required with regard to the proposed planting of trees on top of the deck over the basement car parking to ensure adequate soil depths and volume are achieved.

Response: the landscape scheme will be addressed on detail via recommended conditions.

## **8.0 RELEVANT PLANNING POLICIES:**

### **8.1 National Planning Policy Framework (NPPF)**

8.2 The National Planning Policy Framework 2012 (NPPF) was adopted in March 2012 and sets out the Government's planning policies and how they expect them to be applied.

8.3 Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and paragraph 14 goes on to state that there should be a presumption in favour of sustainable development.

8.4 Paragraph 17 of the NPPF sets out the Core Planning Principles for plan making and decision taking. The 4th principle listed states that planning should always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

8.5 The 6th principle listed states that planning should support the transition to a low carbon future and encourage the use of renewable resources, including the development of renewable energy.

8.6 The 8th principle listed states that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

8.7 The Government statement on Energy Efficiency in Buildings of 25 March 2015 states that the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level

8.8 The Development Plan for Leeds currently comprises the following documents:

1. The Leeds Core Strategy (Adopted November 2014)
2. Saved Leeds Unitary Development Plan Policies (Reviewed 2006), included as Appendix 1 of the Core Strategy

3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013) including revised policies Minerals 13 and 14 (Adopted September 2015).
4. Aire Valley Leeds Area Action Plan (Adopted November 2017)
5. Any Neighbourhood Plan, once made.

## 8.9 **Leeds Core Strategy**

- 8.10 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district.
- 8.11 Spatial Policy 1: Location Of Development states that;
- (i) The majority of new development should be concentrated within urban areas taking advantage of existing services, high levels of accessibility and priorities for urban regeneration and an appropriate balance of brownfield and greenfield land
- 8.12 Spatial Policy 3: Role Of Leeds City Centre states that the importance of the City Centre as an economic driver for the District and City Region will be maintained and enhanced by:
- (iv) Comprehensively planning the redevelopment and re-use of vacant and under-used sites and buildings for mixed use development and new areas of public space;
- 8.13 Spatial Policy 5: Aire Valley Leeds Urban Eco-settlement  
Aire Valley Leeds (Urban Eco–Settlement) is identified as a strategic location, providing a minimum of 6,500 new homes, at least 250 hectares of land for employment uses (including research and development, industrial, and warehouse development) and new retail services of an appropriate scale.
- 8.14 Spatial Policy 11: Transport Infrastructure Investment Priorities states that the delivery of an integrated transport strategy for Leeds will be supported, which takes account of:
- (iv) Expansion of the Leeds Core Cycle Network to improve local connectivity;
  - (v) Improved facilities for pedestrians to promote safety and accessibility, particularly connectivity between the ‘Rim’ and the City Centre;
- 8.15 Policy CC1: City Centre Development  
The City Centre will be planned to accommodate at least the following:
- (iii) 10,200 dwellings.
  - b) Encouraging residential development including new buildings and changes of use of existing providing that it does not prejudice the town centre. Addressing where and how much A1 retail is appropriate.
- 8.16 Policy EN1: Climate Change – Carbon Dioxide Reduction states that all developments of over 1,000 square metres of floorspace, (including conversion where feasible) whether new-build or conversion, will be required to:
- (i) Reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate until 2016 when all development should be zero carbon; and,
  - (ii) Provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.
- 8.17 Policy EN2: Sustainable Design and Construction states that to require developments of 1,000 or more square metres or 10 or more dwellings (including conversion) where feasible) to meet at least the standard set by BREEAM or Code for Sustainable Homes. In line with the Government’s guidance the standard is for Code for Sustainable Homes Level 4 or equivalent.



- 8.18 Policy EN5: Managing Flood Risk states that the Council will manage and mitigate flood risk:  
 (iii) Requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigated where appropriate.  
 (iv) Reducing the speed and volume of surface water run-off as part of new build developments.  
 (v) Making space for flood water in high flood risk areas.

- 8.19 Policy G5: Open Space Provision in the City Centre states that within the City Centre, open space provision will be sought for sites over 0.5 hectares.

- 8.20 Policy H4: to achieve an appropriate Housing Mix on residential sites, for setting targets for different dwelling sizes and types as detailed in the table below.

Table H4: Preferred Housing Mix (2012 – 2028)

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

- 8.21 Policy H5 incorporates Targets and Thresholds for affordable housing. In this case 5% of the total units to be provided on site must be affordable housing.

- 8.22 Policy ID2: Planning Obligations and Developer Contributions states that Section 106 planning obligations will be required as part of a planning permission where this is necessary, directly related to the development, and reasonably related in scale and kind in order to make a specific development acceptable and where a planning condition would not be effective.  
 In order to provide the necessary infrastructure and facilities to support the growth of Leeds and the proposals and policies in the Core Strategy, developer contributions will be sought through Section 106 planning obligations and the Community Infrastructure Levy as appropriate.

- 8.23 Policy P9 states that access to local community facilities and services, such as education, training, places of worship, health, sport and recreation and community centres, is important to the health and wellbeing of a neighbourhood. New community facilities and services should be accessible by foot, cycling, or by public transport in the interests of sustainability and health and wellbeing.

- 8.24 Policy P10: Design states that: New development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis to provide good design appropriate to its scale and function.  
 New development will be expected to deliver high quality innovative design that has evolved, where appropriate, through community consultation and which respects and enhances the variety of existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place, contributing positively towards place making and quality of life and be accessible to all.

- 8.25 Policy T1: Transport Management states that support will be given to the following management priorities:  
c) To support wider transport strategy objectives for sustainable travel and to minimise congestion during peak periods.
- 8.26 Policy T2: Accessibility Requirements and New Development states that new development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility:  
(i) In locations where development is otherwise considered acceptable new infrastructure may be required on/off site to ensure that there is adequate provision for access from the highway network, by public transport and for cyclists, pedestrians and people with impaired mobility, which will not create or materially add to problems of safety, environment or efficiency on the highway network.
- 8.27 **Leeds Unitary Development Plan Review 2006 - Retained Policies**  
Policy ARC6 (Conditions required with regard to preservation of archaeological details by record)  
Policy BD2 (Design and siting of new buildings)  
Policy BD5 (All new buildings and amenity)  
Policy GP5 (All planning considerations)  
Policy LD1 (landscaping schemes)  
Policy N23 (Space around new buildings)
- 8.28 **Leeds Natural Resources and Waste DPD 2013 including revised policies Minerals 13 and 14 (Adopted September 2015).**
- 8.29 The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies regarding land use, energy, coal recovery, drainage, flood risk and waste will be relevant to this proposal.
- 8.30 **Aire Valley Leeds Area Action Plan (AVLAAP)**
- 8.31 The AVLAAP identifies the site for housing use under Policy AVL6.
- 8.32 The site is on the edge of the Richmond Hill Green Infrastructure Corridor as identified in the AVLAAP where the key functions/indicators identified are open space, biodiversity, landscape, food production, health, accessibility, recreation, the quality of the environment, land and property values and economic growth.
- 8.33 **Supplementary Planning Guidance**
- 8.34 Tall Buildings Design Guide (Spring 2010)
- 8.35 Parking (January 2016)
- 8.36 Street Design Guide (August 2009)
- 8.37 Supplementary Planning Document 'Travel Plans' (February 2015)
- 8.38 **Other Material Considerations**

- 8.39 DCLG – Technical Housing Standards 2015 – Sets out internal space standards within new dwellings and is suitable for applications across all tenures. The housing standards are a material consideration in dealing with planning applications. The government's Planning Practice Guidance advises that where a local planning authority wishes to require an internal space standard it should only do so by reference in the local plan to the nationally described space standard. With this in mind the city council is currently developing the Leeds Space Standard to be incorporated as part of the Selective Review of the Core Strategy. However, as the Leeds Standard is at an early stage within the local plan process, and is in the process of moving towards adoption, only limited weight can be attached at this stage but this may change as the proposals are progressed through the planning system.
- 8.40 On the 22 March 2017 Leeds City Council's Executive Board endorsed an approach which recognises that the acceptance of commuted sums from BTR schemes may be appropriate and justified in accordance with Core Strategy Policy H5.

## **9.0 MAIN ISSUES**

1. Principle of the proposed mix of uses
2. The impact on the character and visual amenity of the host site and surrounding area
3. Residential Amenity
4. Vehicle Parking, Sustainable Transport and Travel Planning
5. Landscape Proposals
6. Sustainability Measures
7. Wind Study
8. Section 106 Legal Agreement

## **10.0 APPRAISAL**

- 10.1 1.Principle of the proposed mix of uses
- 10.2 The proposal is for a predominantly residential scheme for 300 apartments with a 200 sq m convenience shopping A1 Use Class retail unit and a 440 sq m Use Class D1 health centre/surgery, both of which would be at street level fronting the Marsh Lane/East Street/Richmond Street corner. The surrounding area has had a significant change in character over recent years with a high number of conversions and new built residential schemes replacing former industrial and commercial uses. The adopted Leeds Aire Valley Area Action Plan allocates the site for housing.
- 10.3 The developer, Neighbour, is proposing to operate the scheme as a Build to Rent (BTR) housing development and as such could provide a significant number of new rentable residences within the proposed development.
- 10.4 Unlike the traditional build for sale product, BTR avoids costs associated with sales and marketing focusing instead on longer term investment return associated with holding the investment rather than initial development profit. Build to Rent tends towards high density development, aimed at young professionals and non-family housing, such as apartment blocks (typically 150 plus units) to reduce management costs
- 10.5 The proposal provides a good mix of accommodation types, with there being 11 studio apartments (3.3%), 147 one bedroomed apartments (50%), 130 two bedroomed apartments (43.3%) and 12 three bedroomed apartments (3.3%). The

number of 3 bedroomed apartments proposed is lower than the percentage aimed for under Policy H4 resulting in a higher number of one bedroomed flats proposed. However the increased number of one bedroomed units is marginal (3% over the Policy requirement) and Policy H4 states that the nature and character of a location should be taken into account. In this case the scheme involves the redevelopment of a brownfield site (that has been vacant for over 10 years) with a high quality development. The submitted Housing Needs Assessment put forward a case which indicates that the scheme will provide housing that meets an acknowledged need for one and two bedroomed apartments for a demographic high in single and couple occupiers. In addition it identifies that the BTR model differs from other residential schemes, as is detailed in the paragraph 10.4 above. As such the proposed mix is considered to be acceptable in this case.

- 10.6 The proposed retail unit would be for convenience shopping only and would be relatively small in scale and ancillary to the main use of the site as residential. Members identified at the preapplication stage that there was a requirement for additional health centre facilities to support not only the future residents of the proposed scheme but also the existing community. Reference to this need has been made in comments received from the Saxton Gardens Residents Association and it is the case the addition of the D1 health centre use within the proposed scheme is consistent with the requirement of Core Strategy Policy P9.
- 10.7 As such the proposed mix of uses is considered to be appropriate for this site provided the retail unit is restricted to convenience goods only which will be achieved via a Planning condition.
- 10.8 2.The impact on the character and visual amenity of the host site and surrounding area
- 10.9 The proposal is divided into two stepped blocks, one that steps up from 12 to 14 storeys and the other which steps up from 8 to 10 storeys. The blocks are positioned so that their wings visually slide out against each other. This will allow the placement of a higher number of windows in the facades to provide high levels of natural light and views out. The heights of the proposed blocks reflects the mixture of building heights that already exist in the wider area, where buildings range from 2 storeys up to 14 storeys. The orientation of the blocks reflects the strong rhythm established in the blocks within Saxton Gardens to the rear of the site, as well as responding positively to the alignment of East Street, Marsh Lane and Flax Place.
- 10.10 The site is a transition, rather than a gateway location, and is within an area with a wide variety of building styles and eras. As such the design, scale and positioning of the blocks reflects the need for a scheme which can comfortably sit alongside a broad mix of buildings from differing architectural periods.
- 10.11 As a result the facades of both blocks are proposed to have a calm modernist architecture incorporating cool toned silver/grey (a Yorkstone like tone) brick areas and dark bronze aluminium panels, with large glazed windows which will have side panels incorporating vents in a dark bronze finish, set into deep reveals. The areas of brickwork will be more heavily rusticated at ground floor level to add visual interest. The horizontal levels of the blocks will be emphasised by light toned pre-cast concrete spandrels. Vertical glazed slots will be set at the height step changes within the blocks and the top of each of the buildings will be finished with a slender top rail to a glass and metal balustrade. Variety in the building elevations will be expressed through the deep modelling of the grid pattern in the facades that provide interest and gravitas.

10.12 The overall design is of a high quality, contemporary, appropriately scaled and positioned scheme that would be appropriate for this site and would make a positive aesthetically appropriate contribution to the context of the wider area.

10.13 3.Residential Amenity

10.14 The proposal is to be sited in a location surrounded by buildings already operating as residential, hotel, office, commercial and industrial uses. The scheme would be positioned a minimum of 24.8 metres from the residencies at the Saxton Gardens buildings to the east of the host site, at least 17.6 metres from the dwellings in the residential development in the nearby former College of Technology to the south of the proposal's site. In addition the development would be a minimum of 47 metres from the existing residential and hotel blocks at the Gateway to the west and a generally 6.6 metres (although down to some 2 metres at one corner) from the industrial units to the north of the site. As such there would be no loss of privacy as a result of the proposals.

10.15 It is the case that some of the apartments will be single aspect. However, windows are generously sized to ensure adequate light and natural ventilation levels can be achieved. A daylight and sunlight assessment has been undertaken by the applicant in respect of the surrounding sites identified above in paragraph 10.14. This demonstrates that whilst the two proposed blocks are relatively tall only a very small area of solid wall on the Saxton Gardens building would be overshadowed to a significant level. More significant areas of the Gateway hotel building affecting 10 windows will receive reduced levels of sunlight at certain times of the day. However as the building occupants will be of short stay and will not have extended experience of the daylight conditions prior to the construction of the proposed development, the perceived impact on access to sunlight will not be significant.

10.16 In addition the details set out for the habitable space in all of the proposed apartments indicates that all units will accord with the guidance laid down by the DCLG in the Technical Housing Standards in respect of adequate space provision.

10.17 4.Vehicle Parking, Sustainable Transport and Travel Planning

10.18 The proposal site is within walking distance of the City Centre and transport links within it. As such the proposal will aim to promote sustainable transport and therefore provides only 90 residents and 5 visitor basement/undercroft car parking spaces as well as 4 spaces for the retail unit. These would be accessed from Flax Place. The spaces would be at basement/undercroft level due to the need for the site to be elevated from the street level of East Street. In addition electric vehicle charge points will be provided at a ratio of 1:10 car parking spaces. Some 30 motorcycle parking spaces are also to be provided as well as cycle parking spaces which will be provided at a ratio of 1 space per apartment (300).

10.19 The Highways Team have also stated that additional information is required with regard to the intended uses of the retail and health centre units and there potential impact on the transport network and parking requirements at the site and in the surrounding area. This matter continues to be a subject of discussion by the Applicant with Officers and as such a verbal update will be provided at Plans Panel.

10.20 A Travel Plan has been submitted which includes the following measures and targets:

1. To promote, and make available to residents, sustainable travel choices to and from the site.
2. To ensure good accessibility to the site by non-car modes;
3. To actively promoting non-car travel choices, through facilities and information provision within the development and incentives for new site occupants (residents and staff),
4. To market and raise awareness of the Travel Plan and its purpose.
5. A 2.5% increase in the proportion of journeys made to/from the site by walking compared to, and within one year from, the initial travel survey.
6. A 2.5% increase in the proportion of journeys made to/from the site by cycling compared to, and within one year from, the initial travel survey.

- 10.21 The scheme will house an internal bin store within the basement/undercroft area which will be accessed by refuse collectors from Richmond Street. In addition, a new lay-by will be created on the west side of Flax Place to allow refuse, delivery and servicing vehicles to pull into a safe place away from the heavily trafficked Marsh Lane side of the site. The proposal is considered to comply with the Council's transport and access policies T1 and T2 of the Core Strategy.
- 10.22 5.The Landscape Proposals
- 10.23 The scheme proposes to layout open areas at ground floor level, with a mix of hard and soft landscape features. The Applicant has stated that the aims of the various elements of the landscape scheme are that they will be considered to be a green infrastructure that creates accessible space, play space and habitat to support biodiversity. In response to the AVLAAP's requirements in respect of the adjacent Richmond Hill Green Infrastructure Corridor the Applicant has stated that the landscape scheme will deliver the following;
- The scheme contribution to improve existing green spaces in the local vicinity
  - The scheme will incorporate green roofs
  - The scheme will incorporate allotments for residents on the 8th and 12th floor terraces
  - The scheme will create landscaping along Richmond Street; and
  - The scheme will incorporate methods to retain biodiversity and wildlife at the site.
- 10.24 At ground level the space between the buildings would be between 12 to 22 metres wide and would lead to larger garden areas of differing character, one of which (to the northern end) would be private for residents only to use. The soft landscaping at this level would focus on grassed areas, foliage/shrub planting with carefully positioned trees.
- 10.25 In addition, more private roof terrace areas are proposed for use by the residents of the development which could incorporate, as stated above, allotment spaces for the residents. In addition a green roof is proposed to sit above the ground floor level retail unit which fronts the site
- 10.26 Due to the levels change across the site from adjacent footway, the orientation and layout of the scheme, and whilst the majority of the spaces at ground floor level (apart from the aforementioned northern garden) are intended to be open access, it would be difficult to give them an appearance of being publicly permeable. In addition the adjacent site is a series of industrial and commercial units on to which there is no public access. Therefore, there is not an opportunity to create a connected route through the site to the adjacent uses. As such an off-site contribution for public open greenspace of £80,351.00 will be required. This will be

secured via the Section 106 legal agreement. The approach taken to the provision of on site and off site green space is in accordance with all relevant policies.

10.27 6.Sustainability Measures

10.28 The proposal incorporates a variety of sustainability measures including;

- Use of a brownfield site
- Introducing a mix of uses that will serve and add to the needs of the local community
- Creation of employment opportunities for local people during the construction period and in the A1 and D1 units, adding to the economic prosperity of the local area and wider city
- Creation of greened landscaped areas around the buildings adding to biodiversity in the area and enhancing resident's sense of wellbeing
- Designed to take account of the potential to plug into the Leeds District Heating System (DHN)
- Highly efficient LED lighting systems where possible
- Consideration of the use of air source heat pumps, ground source heat pumps or Combined Heat and Power provision if connection to the DHN proves to be unviable.
- Consideration of the use of Building Integrated PhotoVoltaics
- Water efficiency standards employed of 110 litres per person per day
- Reduce the energy demands of the new building by passive means such as high insulation levels, air tightness, natural ventilation and high levels of access to day lighting to reduce the amount of energy consumed

Such measures would assist the development to achieve a 20% reduction in CO<sub>2</sub> emissions and 10% energy generation or provision from renewable sources and would ensure the scheme's compliance with Core Strategy Policies EN1 and EN2. Full details of the sustainability measures will be controlled by Planning Condition.

10.29 7. Wind Study

10.30 A wind study was submitted as part of the application documents which states it aim is to provide an assessment of the wind environment at locations around the proposed development in terms of pedestrian comfort. The report concludes that the site as developed with the proposed scheme, would, at street level, be suitable for general outdoor recreation. The study identifies that the proposed development would be windiest along the western perimeter of the site whilst providing shelter from the winds between the two blocks of dwellings and in the region of Flax Place, but that even at the windiest areas the conditions would remain generally suitable for walking or strolling. Detailed comments from the Local Planning Authorities wind consultants was still being awaited at the time this report was written and as such an update will be given verbally at Plans Panel.

10.31 8.Section 106 Legal Agreement

10.32 A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -  
(a) necessary to make the development acceptable in planning terms,  
(b) directly related to the development; and  
(c) fairly and reasonably related in scale and kind to the development.

- 10.33 There is a requirement for the following obligations that sit outside the Community Infrastructure Levy regime:
1. Affordable Housing at 5% of units of the total units results in the provision of 15 affordable units with 40% for households on lower quartile earnings and 60% for households on lower decile earnings.
  2. Employment and training of local people
  3. An off-site greenspace contribution of £80,351
  4. A monitoring and evaluation fee for the Travel Plan of £3,500
  5. A Sustainable Transport Fund Contribution £73,674.00
  6. A Car Club space
  7. A management fee – dependent on the number of obligations
- 10.34 The proposed obligations have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly this can be taken into account in any decision to grant planning permission for the proposals.
- 10.35 The Applicant has stated that as a BTR scheme their intention is to provide and manage the required affordable units on-site directly and not involve a Housing Association. This is because the involvement of another party in the management and provision of some of the rented accommodation would affect the costs and effectiveness of delivering the development. Also the long term investor in the BTR scheme requires a 'clean title'.
- 10.36 However the developer will provide the units in line with the Council's rental levels and would accept nominations off the Council's affordable housing waiting list through agreement of a local lettings plan. Whilst we have agreement that affordable housing will be provided in the first instance on site, the rental rates are yet to be agreed via the S106 legal agreement. The fall back for not providing on-site affordable housing provision would be a commuted sum however this would require the submission of a robust justification including a financial viability appraisal.
- 10.37 The proposal as it stands, with the Applicant providing and managing the affordable units themselves and on-site would still be considered to meet the requirements of Policy H5 although there would be no involvement of a Housing Association. The provision of the affordable units directly by the Applicant would be controlled by the S106 legal agreement. The proposal is therefore considered acceptable and accords with the more flexible approach towards affordable housing provision promoted in the Executive Board report referred to above in paragraph 8.40.
- 10.38 The development is Community Infrastructure Levy (CIL) liable and is estimated to be in the region of £145,494.00. CIL is generally payable on the commencement of development. The payment of CIL is not material to the determination of the planning application. Accordingly, this information is presented simply for Members information.

## **11.0 CONCLUSION**

- 11.1 In conclusion it is considered that the proposal is an appropriate mix of uses, scale, design and style for this site which would result in a high quality, appropriate development. The scheme would bring much needed housing as well as adding to the vibrancy and vitality to the area and furthering its regeneration to the benefit of both the existing and emerging community in the wider area. Therefore the proposal is in accordance with the Development Plan and is considered to be acceptable and



is recommended for approval, subject to the conditions set out in Appendix 1 and the planning obligations set out at the head of this report.

**Background Papers:**

PREAPP/17/00138

17/06296/FU





st/v:	date:	description:	by:	chk:	rev:	date:	description:	by:	chk:	key plan:	notes:	client:	drawing title:
00	11.09.17	PLANNING	SB	RD							Do not scale from this drawing. Drawing to be read in conjunction with all relevant architect's/engineers' drawings & specs.	Neighbour	Block Plan - Ground Floor Proposed General Arrangement
												project:	
												Flax Place, Leeds	
												<b>DOONE SILVER KERR</b>	
												Ground Floor 40 Clifton Street London EC2A 4DX	
												+44 (0)20 7092 9012 www.doonesilverkerr.com contact@doonesilverkerr.com	
												scale @ A1: 1/200	
												scale @ A3: 1/400	
												date: 11.09.2017	
												by: SB	
												chk: RD	
												proj no:	
												origin:	
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## **Appendix – Draft Conditions List**

<b>WARD</b>	Burmantofts & Richmond Hill	<b>Application</b>	17/06296/FU
<b>Address</b>	Land Off Flax Place, Richmond Street And Marsh Lane Richmond Hill Leeds	<b>Applicant</b>	Neighbour Group Ltd
<b>Proposals</b>	Mixed use development comprising of 300 residential dwellings, retail unit, health care centre, vehicle and pedestrian access, parking, landscaping and associated works		

### **RECOMMENDATION:**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

For the avoidance of doubt and in the interests of proper planning.

- 3) The Use Class A1 retail unit of circa 200 square metres hereby approved shall not be used for any A1 uses other than convenience food shopping, within the A1 use class (The Town and Country Planning (Use Classes) Order 1987 and its subsequent amendments, last amended May 2017) unless otherwise agreed in writing by the Local Planning Authority.

To ensure the use within the unit hereby approved functions as a convenience use, ancillary to the main functions of the area such that they serve a local need.

- 4) No building works to Blocks A, B and C shall take place until details and samples of all external walling and roofing materials for these said Blocks have been submitted to and approved in writing by the Local Planning Authority. Samples shall be made available on site prior to the commencement of building works, for inspection by the Local Planning Authority which shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

In the interests of visual amenity.

- 5) No building works to the hard surfaced and landscaped areas shall take place until details and samples of all surfacing materials to the said hard surfaced and

landscaped area have been submitted to and approved in writing by the Local Planning Authority. The surfacing works shall be constructed from the approved materials.

In the interests of visual amenity.

- 6) No building works on Blocks A, B and C shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning Authority-
- (i) 1 to 20 scale drawings of the detail of roof line treatments and ground floor treatments
  - (ii) 1 to 20 scale section drawings of each type of window detail and the depths of the reveals
  - (iii) 1 to 20 scale section drawings of all new external doors and entrances
  - (iv) 1 to 20 scale section drawings of the junctions of different materials

The works shall be carried out in accordance with the details thereby approved.

In the interests of visual amenity.

- 7) No works shall begin on any phase of development until a Statement of Construction Practice has been submitted to and approved in writing by the Local Planning Authority. The Statement of Construction Practice shall include full details of:
- a) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
  - b) measures to control the emissions of dust and dirt during construction;
  - c) location of site compound and plant equipment/storage and contractor's vehicles and access and egress points
  - d) details of access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles (including workforce parking) and
  - e) how this Statement of Construction Practice will be made publicly available by the developer.
  - f) the hours of construction

The approved details shall be implemented at the commencement of work on site, and shall thereafter be retained and employed until completion of works on site. The Statement of Construction Practice shall be made publicly available for the lifetime of the construction phase of the development in accordance with the approved method of publicity.

In the interests of the amenity of occupants of nearby buildings.

- 8) No development of Block A, B and C shall take place until a scheme detailing the method of storage and disposal of litter and waste materials, including recycling facilities, has been submitted to and approved in writing by the Local Planning Authority. The details shall include a description of the facilities to be provided including, where appropriate, lockable containers, details of recyclable materials collection with timescales. The approved scheme shall be implemented before the

development is brought into use and no waste or litter shall be stored or disposed other than in accordance with the approved scheme.

In the interests of residential amenity and to promote recycling.

- 9) No installation of externally mounted plant or equipment shall take place until details of the installation and/or erection of any air conditioning or extract ventilation system, flue pipes, window cleaning equipment or other excrescences proposed to be located on the roof or sides of the building, including details of their siting, design, noise attenuation, and external appearance have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details and retained as such thereafter.

Plant and machinery operated from any commercial premises shall limit noise to a level at least 5dBA below the existing background noise level (L90) when measured at the nearest noise sensitive premises with the measurements and assessment made in accordance with BS4142:1997.

In the interests of amenity and visual amenity, in accordance with Saved Unitary Development Plan Policies GP5, BD2 and BD4, Leeds Core Strategy policy P10 and the NPPF.

- 10) Prior to the commencement of development a Sustainability Statement shall be submitted which will include a detailed scheme to demonstrate compliance with Core Strategy policies EN1 and EN2 and comprising:

- (i) a recycle material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit);
- (ii) a Site Waste Management Plan (SWMP) for the demolition and construction phases.

Within 6 months of the first occupation of each phase a post-construction review statement for that phase shall be submitted and approved in writing by the Local Planning Authority;

The development and buildings comprised therein shall be maintained and any repairs shall be carried out all in accordance with the approved detailed scheme and post-completion review statement or statements.

To ensure the adoption of appropriate sustainable design principles in accordance with Core Strategy Policies EN1 and EN2, Leeds Sustainable Design and Construction SPD and the NPPF.

- 11) Notwithstanding the details on the hereby approved plans and to avoid doubt, deliveries, collections and servicing shall not take place Monday to Friday between 7.00am and 10.00am or between 4.00pm and 7.00pm with no deliveries or collections on Saturdays, Sundays and Bank Holidays.

In accordance with the loading restrictions in the area and in the interests of amenity and highway safety, saved UDPR policy GP5, Core Strategy policy T2 and advice within the NPPF.

- 12) No new landscape features shall be located over or within 5 (five) metres either side of the centre line of any public sewer i .e. a protected strip width of 10 (ten) metres, that crosses the site . If the required stand-off distance is to be achieved via diversion or closure of the sewer , the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area , the approved works have been undertaken.

In order to allow sufficient access for maintenance and repair work at all times

- 13) Surface water run-off from hardstanding (equal to or greater than 800 square metres) must pass through an oil , petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer .

To prevent pollution of the aquatic environment and protect the public sewer network

- 14) The development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment prepared by Ramboll Environ - Report 1620003863-FRA-R02), unless otherwise agreed in writing with the Local Planning Authority

In the interest of satisfactory and sustainable drainage

- 15) Development shall not commence until a scheme detailing surface water drainage works, including hydraulic calculations, has been submitted to and approved in writing by the Local Planning Authority. A discharge rate of 5 l/s shall be allowed from the site where infiltration is proven not to be feasible for the surface water drainage. A surface water attenuation system shall be provided which ensures that the allowable discharge rate is not exceeded for the 1 in 100 year event including a 30% uplift for climate change. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.

To ensure sustainable drainage and flood prevention

- 16) The approved Phase I Desk Study report indicates that a Phase II Site Investigation is necessary, and therefore development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority.

Where remediation measures are shown to be necessary in the Phase II Report and/or where soil or soil forming material is being imported to site, development shall not commence until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site 'suitable for use'.

- 17) Remediation works shall be carried out in accordance with the approved Remediation Statement. On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. The site or phase of a site shall not be brought into use until such time as all verification information has been approved in writing by the Local Planning Authority.

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use.

- 18) If remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. An amended or new Remediation Statement shall be submitted to, and approved in writing by, the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Statement.

To ensure that any necessary remediation works are identified to make the site suitable for use.

- 19) Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use. A methodology for testing these soils shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto site. The methodology shall include information on the source of the materials, sampling frequency, testing schedules and criteria against which the analytical results will be assessed (as determined by risk assessment). Testing shall then be carried out in accordance with the approved methodology. Relevant evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto the site.

To ensure that contaminated soils are not imported to the site and that the development shall be suitable for use.

- 20) Hard and soft landscape works shall not take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include
- (a) proposed finished levels and/or contours,
  - (b) means of enclosure,
  - (c) car parking layouts,
  - (d) other vehicle and pedestrian access and circulation areas,
  - (e) hard surfacing areas,
  - (f) minor artefacts and structures (eg, furniture, play equipment, refuse or other storage units, signs, lighting etc.),
  - (g) proposed and existing functional services above and below ground (eg. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).
- Soft landscape works shall include

- (h) planting plans,
- (i) written specifications (including cultivation and other operations associated with plant and grass establishment),
- (j) schedules of plants noting species, planting sizes and proposed numbers/densities,
- (k) soil volumes for tree pits and planted beds
- (l) implementation programme.

Hard and soft landscaping works shall be carried out in accordance with the approved details prior to the occupation of any part of the development in accordance with the programme agreed with the Local Planning Authority and to a reasonable standard in accordance with the relevant provisions of British Standard BS 4428:1989 Code of Practice for General Landscape Operations or other recognised codes of good practice.

To ensure the provision and establishment of acceptable landscape in accordance with adopted Leeds Core Strategy Policy P12, Saved Leeds Unitary Development Plan Review (2006) policies GP5 and LD1, Leeds Natural Resources and Waste DPD, and the National Planning Policy Framework.

- 21) No hard or soft landscape works shall take place until a plan, schedule and specification for long term landscape management has been submitted to, and approved in writing by, the Local Planning Authority. This shall include reference to planting and hard landscaped areas, including paving, fencing and other features. The schedule shall identify the frequency of operations for each type of landscape asset and reflect the enhanced maintenance requirement of planted areas during the establishment period. It shall provide for an annual inspection during late summer for any areas of failed tree or shrub planting, and the identification of the replacements required in the autumn planting season. Prior to planting, all landscaped areas shall be cultivated and maintained in a weed free condition by mechanical cultivation or chemical control. Maintenance shall be carried out thereafter in accordance with the approved management plan.

To ensure the provision and establishment of acceptable landscape in accordance with adopted Leeds Core Strategy Policy P12, Saved Leeds Unitary Development Plan Review (2006) policies GP5 and LD1, Leeds Natural Resources and Waste DPD, and the National Planning Policy Framework.

- 22) If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

To ensure maintenance of a healthy landscape scheme, in accordance with adopted Leeds Core Strategy Policy P12, retained Leeds Unitary Development Plan Review (2006) policies GP5 and LD1, the Leeds Natural Resources and Waste DPD, and the National Planning Policy Framework.



- 23) The landscape details to be submitted pursuant to condition 21 shall provide full construction details of tree pits and any raised planted areas to be provided in paved areas. These shall include:
- a) the depth and area of growing media;
  - b) specification of topsoils including additives and conditioners;
  - c) proprietary structures to support paving over extended sub-surface rooting areas
  - d) tree grilles and guards and means of anchoring root balls;
  - e) passive irrigation including directed use of grey water / roofwater or surface water;
  - f) active temporary irrigation systems, using mains water or filtered, re-cycled greywater, its application rate, distribution system and controls;
  - g) means of positive piped drainage of pits.

To ensure that the cultural requirements for viable landscape and tree establishment are integrated into the development scheme design and to accord with Core Strategy Policy P10.

- 24) No building works shall take place until plans of the site showing details of the existing and proposed ground levels, proposed floor levels, levels of any paths, parking areas and the height of any retaining walls within the development site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the details so approved and shall be retained thereafter as such.

To ensure that the works are carried out at suitable levels in relation to adjoining properties and highways in the interests of visual amenity and in accordance with retained Leeds Unitary Development Plan Review (2006) Policy GP5 and the National Planning Policy Framework.

- 25) Prior to the commencement of the superstructure of any individual block containing residential accommodation a scheme for protecting future occupiers of the proposed residential units from noise from the commercial uses within the scheme, from nearby commercial premises and from road traffic noise, shall be submitted to and agreed in writing by the Local Planning Authority.

The use of the block shall not commence until the agreed sound insulation works have been completed and any such noise insulation as may be approved shall be retained thereafter.

In the interest of residential amenity.

- 26) Notwithstanding the details on the hereby approved plans, and prior to commencement of the development details, including the number and locations, of electric car charging points within the car park shall be provided. The electric car charging points so approved shall be made available prior to first use of the relevant part of the development and thereafter maintained, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety, sustainable transport.

- 27) Notwithstanding the approved details, before development is commenced full details of cycle/motorcycle parking and facilities shall be submitted to and approved in

writing by the Local Planning Authority. The development shall not be occupied until the approved cycle/motorcycle parking and facilities have been provided. The facilities shall thereafter be retained for the lifetime of the development.

In the interests of highway safety.

- 28) Prior to the commencement of the development the applicant will submit for approval by the Local Planning Authority construction details of the proposed footway crossings and reinstatement to full height footway of any redundant existing crossing along the site frontage at Flax Place and Richmond Street. The crossings and reinstatement must be constructed in accordance with the approved details and be fully implemented prior to the first occupation of the development to the satisfaction of the Local Planning Authority.

In the interests of the free and safe use of the highway

- 29) The disabled parking shown on the approved plans shall be laid out prior to occupation of the development and retained for the life of the development.

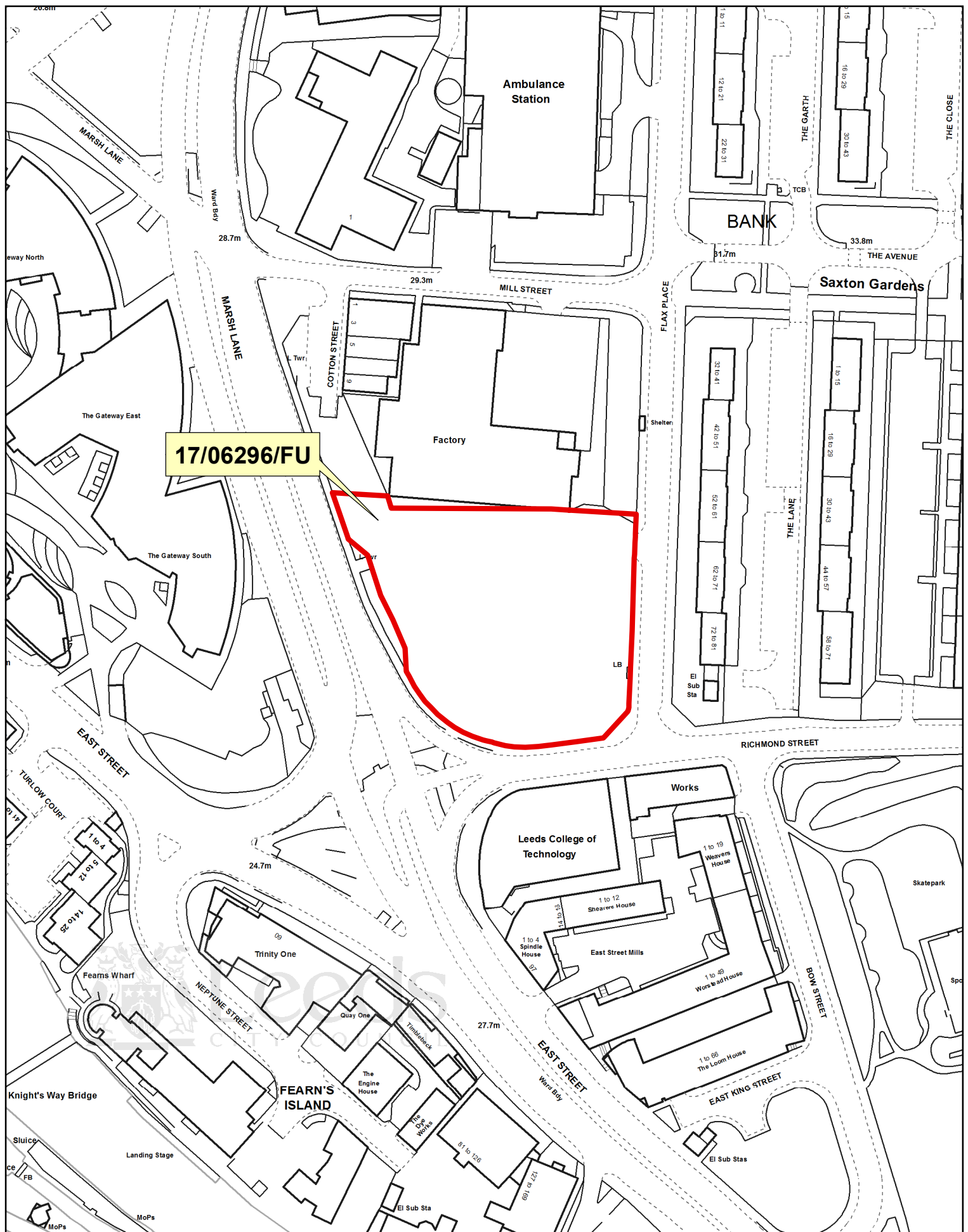
In accordance with Core Strategy policy T2 and the Leeds Parking Policy.

- 30) Development shall not be occupied until details of measures to control on-street parking in the vicinity of the site comprising modifications to address the loading and unloading Traffic Regulations Order required for Flax Place and timescales for implementation have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented and retained in accordance with the approved timescales.

To ensure highway and pedestrian safety.

- 31) Full details of the off-site highways works details on drawings reference XXXXXX shall be submitted to and approved in writing by the Local Planning Authority. These off site highways works shall be carried out prior to first occupation of the residential dwellings, retail unit or health care centre.

To ensure that priority is given to the introduction of new transport infrastructure by supporting public transport.



# CITY PLANS PANEL

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

SCALE : 1/1500

