



## Report of the Chief Planning Officer

### *CITY PLANS PANEL*

Date: 8<sup>th</sup> March 2018

**Subject: Outline planning application reference 17/07963/OT for residential development and associated basement parking at Sweet Street, Holbeck, Leeds LS11 9AA**

**Applicant**  
Oakapple Group (Mr. S. Mayes)

**Date Valid**  
23.11.2017

**Target Date**  
06.04.2018

**Electoral Wards Affected:**

City and Hunslet

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 set out in Appendix 1 (and any others which he might consider appropriate) and the completion of a Section 106 agreement to include the following obligations:**

- **5% Affordable housing to be provided in accordance with details at section 10.6 of this report**
- **Sustainable travel fund £32,212.50**
- **Car club contribution £21,000**
- **Travel plan monitoring fee £3,075**
- **Public access through the site**
- **Cooperation with local jobs and skills initiatives**

**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 for 17/07963/OT**  
**See Appendix 1**

## 1.0 Introduction

1.1 This application is brought to City Plans Panel because it relates to a major outline residential development on brownfield land in Holbeck, South Bank in the City Centre.

## 2.0 Proposal

2.1 This proposal is in outline with only Access and Scale to be determined at this stage. The applicant has prepared maximum parameters for floorspace, number of dwellings, building footprint and landscaping, together with floor layouts and building elevations for illustrative purposes only. Appearance, Layout and Landscaping would be reserved matters for future approval.

2.2 The maximum height of the building would be 10 residential storeys, approximately 33m. The maximum footprint would be U-shaped, fronting onto Sweet Street and Siddall Street and the new pedestrian/cycle route to the north, forming a west facing courtyard amenity space. The indicative building footprint would be set back approximately 10.5m from the boundary to the north, which would allow the provision of a 2.5m wide public pedestrian/cycle route and not prejudice the development of the sites to the north. There would be a residents' gym and communal lounge at ground floor

2.3 The proposal is for an indicative maximum of 215 flats in outline only, in the following indicative combination and size:

No.	Type	Mix	H4 target mix	Size
33	Studio	(included in one-bedroom target and size below)		
103	1 bed	60%	Min 0-Max 50%	35.58-43.5sqm
75	2 bed	35%	Min 30-Max 50%	61.9-67sqm
10	3 bed	5%	Min 20-Max 70%	85-90sqm

2.4 A pedestrian route is proposed along the northern edge of the site, this would be a minimum of 2.5m wide and would feature tree planting as shown on the indicative scheme. This route would be added to if neighbouring sites to the north and west were to come forward for redevelopment at any time in the future, in order to achieve the aspirations for enhanced connectivity within Holbeck from Siddall Street to Marshall Street.

2.5 Indicatively, the basement car parking for the block would be accessed from Siddall Street. This would provide 68 car parking spaces to serve the development, including 2 disabled bays and 6 electric vehicle charging points. The basement would also provide secure cycle parking for 215 cycles, 16 motorcycle spaces and bin storage.

2.6 A minimum of 10% energy generation would be developed through on site low carbon energy sources. The scheme would also deliver a reduction of at least 20% on building regulations carbon emissions. As this scheme is in outline only, further details will follow regarding how this might be achieved, however the applicant has indicated that this would include roof-top solar panels.

2.7 The applicant has prepared an indicative design to inform future reserved matters applications, and they have indicated that a likely palette of materials would include brick, glazing, and metal cladding.

2.8 The application proposal is supported by the following submitted documents:

- Indicative plans
- Planning Statement
- Statement of Community Involvement
- Design & Access Statement
- Planning application form
- Noise Assessment
- Daylight Assessment
- Sustainability Statement
- Energy Statement
- Bat Survey
- Arboricultural Report
- Transport Statement
- Wind Study
- Travel Plan
- Flood Risk Assessment
- Flood Risk Sequential Assessment Test
- Site Investigation Report

### **3.0 Site and Surroundings**

3.1 The site is currently a vacant warehouse site (0.3 hectare) in the Holbeck Urban Village area of Leeds South Bank, in the designated City Centre. The site is on the north side of Sweet Street at the junction with Siddall Street. The immediate surrounding context includes The Mint, an 8 storey office building immediately to the east, Manor Mills an 8-9 storey residential development to the north-east, a public square, a single storey telecommunications centre (with permission for office use) to the north, and a single storey warehouse to the west. Along the boundary with the site to the north is a group of approximately 25 partly self-seeded and partly planted rowan and silver birch. The wider context includes the 6-12 storey Dandara residential development, approved at City Plans Panel in 2015, and now under construction, to the east of The Mint, and the 10 storey residential building approved in principle at City Plans Panel on 2<sup>nd</sup> November 2017 at 16-18 Manor Road ref. 17/02666/FU. Opposite the site are single storey warehouses, with a wide grass verge and forecourt parking area. The immediate surrounding area offers a wide variety of modern architectural styles and materials including red brick, light and dark brown brick, render, copper cladding, glazed balconies, and natural stone. The site lies in flood risk zone 2.

### **4.0 Relevant Planning History**

4.1 13/04476/OT Outline application for demolition of existing building and erection of B1 office development including access and scale with all other matters reserved was approved in 2014, but this permission expired in January 2017.

### **5.0 History of Negotiations**

5.1 One meeting was held between the agent and architect with planning, highways and design officers on 7<sup>th</sup> March 2017.

5.2 City and Hunslet Ward Councillors were consulted on 27<sup>th</sup> March 2017 at pre-application stage.

5.3 The applicant presented their scheme to Members at City Plans Panel on 18 May 2017. In response to Members questions, the following issues were discussed:

- Could the adjacent site be included as part of the development?
- Clarification was required about the ownership of the adjoining land and its proposed future use
- The design of the building (the inverted C shape) why was this shape chosen

In responding to the issues raised, the applicant's representatives said the developers did not own the adjoining land, it was understood to be in Council ownership and its future use was unknown. Referring to the shape of the building, it was stated that this would enable the redevelopment of the adjoining site to the west in a sympathetic courtyard style scheme.

In offering comments Members raised the following issues:

- Reservations were expressed about the shape and scale of the building, there may be natural light issues for residents on the lower floors
- A desire to see space standards increased was expressed, designing apartments with no corridors may create more space
- The provision of electric charging points was requested
- The appearance of the building at street level was considered bland
- The area appeared to be "soulless" there was a lack of infrastructure in the area for future residents.

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

- Members were supportive of the principal of the proposed residential use
- Further justification was required on the mix of accommodation proposed
- Reservations were expressed about the design of the building, "the inverted C shape" and scale seemed to provide overly intensive development. It was suggested by Members that perhaps the building could be increased in height in order to achieve more space around the development.
- Members were supportive to the approach to car parking and accessibility
- Further information was required from the City Council's Asset Management Team on the ownership of the adjacent land and its possible future use

In summing up the Chair said there was general support for the scheme and if as suggested the building was to be increased in height, then a quality design would be expected.

## **6.0 Public response**

### **6.1 Planning Application publicity**

- Site Notice posted 05.01.2018
- Press Notice published 05.01.2018

### **6.2 Comments have been received from:**

#### **6.2.1 Leeds Civic Trust**

Supports the principle of the use, and the proposed size and scale of the building. However they have concerns regarding the indicative building elevations, which they feel have a dated appearance. They are also concerned about the lack of active frontage at ground floor, and the relatively low number of three-bed flats, in the context of the City's aspirations for family living in the South Bank.

#### **6.2.2 Leeds City Council (Director of City Development - Asset Management & Regeneration Service)**

The neighbouring building (38 Sweet Street) landowner Leeds City Council have confirmed that half of the building is vacant and the other half is likely to be vacated in July 2018. Leeds City Council as landowner intends to facilitate the redevelopment of this site to complement comprehensive regeneration proposals within the area and to help provide an enhanced setting for Temple Works. The landowner is keen to ensure that no part of the neighbouring site is sterilised for development as a result of the proposal. The indicative application drawings indicate a layout in the form of a reverse 'C' designed so that the only windows on the

western elevation are sufficiently setback to be overlooking an internal courtyard and not the Council's landholding. The sections of the building close to the boundary do not feature any windows, only automatically opening smoke vents. As such the Council as landowner is comfortable with the development in its current form although should the detail of the proposals change, they may object if there were any alterations to the fenestration which restricted the development potential of Council land and the city's aspiration for Temple Works.

## **7.0 Consultations**

### **7.1 Statutory**

7.1.1 Highways England  
No objection.

7.1.2 Environment Agency  
No comment to make on this proposal.

7.1.3 Coal Authority  
The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area, and therefore the Coal Authority do not offer any comments.

### **7.2 Non-statutory**

7.2.1 Leeds City Council (LCC) Transport Development Services  
Highways officers have advised that the proposal is acceptable in principle, subject to the considerations and conditions in section 10.4 of this report.

7.2.2 LCC Flood Risk Management  
No objection subject to the provisions set out in the Flood Risk Assessment and a detailed drainage scheme, to be controlled by condition.

7.2.3 LCC Nature Conservation  
There should not be any significant nature conservation issues as a result of this development.

7.2.4 LCC Waste Management  
19 x 1100 litre residual bins and 11 x 660 litre recycling bins are required

7.2.5 LCC Environmental Studies (Noise)  
The findings and conclusions of the submitted Noise Report are acceptable.

7.2.6 West Yorkshire Police  
General advice regarding video intercoms, physical building security, external lighting, cycle stores, Secured By Design, door and window locks, basement parking controls and communal letterboxes.

7.2.7 Wind  
The applicant has submitted a qualitative wind assessment in support of the proposal which states that the wind environment would be acceptable for all users in the vicinity of the building and that the building is unlikely to generate wind conditions that would cause distress to pedestrians, or result in a danger to high-sided or other road vehicles. The Council has instructed an independent wind expert to review the report and the conclusions will be updated verbally at Plans Panel.

## **8.0 Planning Policy**

## **8.1 Statutory Context**

8.1.1 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, the Development Plan for Leeds and relevant to this site currently comprises the following documents:

- The Leeds Core Strategy (Adopted November 2014)
- Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
- The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013) including revised policies Minerals 13 and 14 (Adopted September 2015).

## **Development Plan**

### **8.2 Core Strategy**

8.2.1 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. Relevant Core Strategy Policies include:

Spatial policy 1 location of development

Spatial policy 3 role of Leeds City Centre

Spatial policy 6 housing requirement and allocation of housing land

Spatial policy 8 economic development priorities

Policy CC1 City Centre development

Policy CC2 City Centre south

Policy CC3 improving connectivity between the City Centre and neighbouring communities

Policy H3 density of residential development

Policy H4 housing mix

Policy H5 affordable housing

Policy EN1 carbon dioxide reduction

Policy EN2 sustainable design and construction

Policy EN4 district heating

Policy EN5 managing flood risk

Policy G9 biodiversity improvements

Policy P10 design

Policy P12 landscape

Policy T1 transport management

Policy T2 accessibility requirements and new development

### **8.2.2 Saved Unitary Development Plan Review policies (UDPR)**

Relevant saved policies and allocations include:

Policy GP5 all relevant planning considerations

Policy BD2 new buildings

Policy BD5 residential amenity

Policy LD1 landscaping

CC31A Holbeck Urban Village Strategic Housing and Mixed Use Site

### **8.2.3 Natural Resources & Waste DPD**

The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Relevant policies include:

Minerals 3 mineral safeguarding area coal

Air 1 management of air quality through new development

Water 1 water efficiency

Water 2 protection of water quality  
Water 4 development in flood risk areas  
Water 6 flood risk assessments  
Water 7 surface water run-off  
Land 1 contaminated land  
Land 2 development and trees

### 8.3 **Relevant Supplementary Planning Guidance includes:**

Parking SPD  
Accessible Leeds SPD  
Street Design Guide SPD  
Travel Plans SPD  
Building for Tomorrow Today: Sustainable Design and Construction SPD

#### 8.3.1 **Holbeck South Bank SPD 2016**

The Holbeck South Bank SPD was adopted in June 2016 and the main aim of the SPD is to create vibrant, sustainable, mixed use communities whilst safeguarding the unique historic character of the area. The whole of Holbeck, South Bank, is designated as a mixed-use area which should include a mixture of working, living, retailing and recreational opportunities. It is intended that the area should meet some of the identified need for City Centre housing. Further improvements to connectivity are encouraged. A pedestrian and cycling friendly environment is sought in part by minimising through traffic in the area. Encouragement will also be given to developing with the minimum acceptable parking provision.

The site falls within the Eastern Gateway character area of the SPD. It may be appropriate for new buildings to gradually increase in height to the east away from the listed buildings. Buildings should define street frontages and provide pavement widths responding to building scale. New footpath links are encouraged and new public realm should be given an adequate sense of enclosure by the buildings that define them. Relevant specific proposals for this area include the provision of a new link between Siddall Street and Marshall Street, as part of a new network of routes between Victoria Road, Manor Road, Sweet Street and Marshall Street.

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

The NPPF identifies 12 core planning principles (para 17) which include that planning should:

- Proactively drive and support sustainable economic development to deliver homes;
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land)
- Seek high quality design and a good standard of amenity for existing and future occupants; and
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF states that local authorities should deliver a wide choice of homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (para 50).

### 8.5 **Other material considerations**

#### 8.5.1 **Emerging Site Allocations Plan (SAP)**

The site is allocated for mixed use development as part of the emerging SAP (site reference MX2-35 (5349) for 1000 units & 3.1 hectare employment uses in the Temple Works Mixed Use Site.

#### **8.5.2 Draft Holbeck Neighbourhood Plan**

Although the draft Plan area is to the south of Sweet Street and does not directly affect this site, a key objective of the plan is to seek better connections for pedestrians, cyclists and public transport in the area between Holbeck and the City Centre. The draft Neighbourhood Plan was subject to public consultation in 2016, however it has little planning weight at this stage.

#### **8.5.3 Private Rented Sector Housing and Affordable Housing**

With regard to Private Rented Sector (PRS) / Build To Rent (BTR) developments and Affordable Housing provision, on 22 March 2017 Leeds City Council's Executive Board endorsed an approach which recognises that the acceptance of commuted sums from PRS/BTR schemes may be appropriate and justified in accordance with Core Strategy Policy H5.

#### **8.5.4 The Leeds Standard and the DCLG Technical Housing Standards**

The Leeds Standard was adopted by the Council's Executive Board on 17th September 2014 to ensure excellent quality in the delivery of new council homes. Through its actions the Council can also seek to influence quality in the private sector. Those aspects of the Standard concerned with design quality will be addressed through better and more consistent application of the Council's Neighbourhoods for Living guidance. The standard closely reflects the Government's Technical Housing Standards – Nationally Described Space Standard (NDSS) which seek to promote a good standard of internal amenity for all housing types and tenures. A selective review of the Leeds Core Strategy is presently being undertaken (CSSR). The review includes policies to introduce residential space standards. The CSSR publication draft was agreed at the Council's Executive Board meeting on 7th February 2018 for consultation purposes, and therefore some weight can be attached to this emerging policy.

### **9.0 Main Issues**

- 9.1 Principle of the proposed development
- 9.2 Scale and Indicative Layout and Landscaping
- 9.3 Indicative Residential Quality, Mix and Sustainability
- 9.4 Highways, transportation and access
- 9.5 Flood Risk and Sustainable Drainage
- 9.6 Planning Obligations

### **10.0 Appraisal**

#### **10.1 Principle of the proposed development**

- 10.1.1 The existing building benefits was formerly in employment use. Core Strategy Policy EC3 seeks to protect existing employment land and industrial areas. The City Centre is not in an identified area of shortfall for employment land provision, and the loss of this site would not affect the deliverability of the employment needs for the Development Plan period. The building is currently vacant and the now expired office planning permission was not implemented despite marketing for over 3 years. The adopted saved allocation and the emerging Site Allocations Plan allocation for the area is for mixed use and housing. The Holbeck South Bank SPD vision for the area is to create a mixed-use City Centre neighbourhood, including a mixture of working, living, retailing and recreational opportunities. The redevelopment of this brownfield site for residential would contribute to the continuing regeneration of the Holbeck area of the South Bank, contribute towards the delivery of new homes in the

emerging Temple Works Mixed Use allocation area (c1000 dwellings), and the wider City Centre. Therefore the proposed use is supported in principle in accordance with Core Strategy Policies SP3, CC1, CC2, Saved UDPR allocation CC31A and the emerging SAP site MX2-35.

## 10.2 **Scale and Indicative Layout and Landscaping**

10.2.1 The Holbeck South Bank SPD 2016 (Part 2, Section 11 Eastern Gateway area p42-3) states that there is potential for a building at this site to be 7-9 storeys in height. Whilst this is a guideline, there is a generally consistent emerging height and building line to this part of Manor Road, formed by City Walk and Velocity in the east, the Dandara scheme that is under construction (14/04641/FU), The Mint offices, and the Manor Mills flats. The scale of existing and proposed buildings is generally around 8-10 storeys along the Sweet Street frontages for the Mint, 10-11 Sweet Street, City One and Ingram Row sites. The remainder of Manor Road and Sweet Street to the west is low rise. It is considered that development along Sweet Street should generally step down towards Marshall Street. Therefore, bearing in mind the height of the adjacent Mint office building, and the need for development to descend in scale westwards, it is considered that a maximum potential height for this site could be 10 residential storeys. The indicative footprint would create a defined street frontage, set some 2-3m back from the inside edge of the footway. This would continue the approach along Sweet Street of widened footways and with set-back urban scale 25-30m high buildings.

10.2.2 It is considered that the indicative layout generally offers satisfactory privacy relationships within and around the building. The detailed design of the ground floor residential accommodation would also need to ensure that the amenities of future occupants are protected. Within the context of a dense city centre urban grain it is considered that the distances between habitable room windows are generally acceptable where they are around 15-20m to avoid overlooking and loss of privacy between new dwellings. The proposed indicative layout would not prejudice the development potential of neighbouring sites to the north and west, by allowing sufficient clear outlook within the site boundary. Any neighbouring site could then offer a similar set-back to avoid overlooking and loss of privacy should development come forward in the future. The flats that would overlook the courtyard would be set some 23m from the site boundary to the west.

10.2.3 The Holbeck South Bank SPD promotes a series of new pedestrian routes and spaces, alongside surrounding buildings and infrastructure. The provision of a new pedestrian/cycle route to the north of the building is encouraged. The new route would promote better east-west links across the immediate area between Marshall Street, Sweet Street, Manor Road and Victoria Road, as a contribution to a wider set of new connections encouraged by the SPD. The scheme proposal makes provision for the diagrammatic layout indicated in the Planning Framework, giving a setback to the footways to Sweet Street and Siddall Street. This would result in some 13.7m between this building and The Mint. In the context of a commercial City Centre Street this distance is considered acceptable. This on-site contribution to a route between Siddall Street and Marshall Street would be added to in the event of development proposals coming forward on adjacent sites to the west and north. It is considered that the general siting of the building, provision of public realm and contribution to future pedestrian connectivity, would be appropriate to create a sense of place to Sweet Street, Siddall Street, and the start of a new pedestrian route to Marshall Street along the northern edge of the site.

10.2.4 An Arboricultural Report has been submitted in support of this application. Any future reserved matters application for landscaping will need to address the proposed loss

of the existing Rowan, Silver Birch and Goat Willow group of trees along the northern boundary of the site. These are not considered to be of a high amenity value, however their loss would require new trees and soft landscaping to be planted as part of this scheme to mitigate the proposed loss of biodiversity and landscape amenity value. The indicative landscaping scheme proposes 22 new trees in the landscaped courtyard, along the two street frontages and along the new pedestrian/cycle route. This approach is considered acceptable in principle subject to full details at reserved matters stage. Exact details of hard and soft landscaping, including details of tree pits and soil depths, planting plans, boundary treatments, bollards, raised planters, lighting, CCTV, landscape management and maintenance plans, and samples of surfacing materials, would be controlled by condition prior to commencement of development to ensure continuity of high quality materials and planting across the site.

10.2.5 In summary the proposed indicative scheme would meet Core Strategy objectives in Policies CC1, P10 and P12, Saved UDPR Policies GP5, BD2 and LD1, Leeds Natural Resources and Waste Plan Policy Land 2 and the Holbeck South Bank SPD.

### **10.3 Residential Quality, Mix and Sustainability**

10.3.1 The applicant has provided an indicative typical building layout that demonstrates that the proposed dwellings would generally be an appropriate size, layout, daylight, circulation and juxtaposition of living functions. The 27 studio flats shown on the indicative scheme would be 35.8 square metres in size. This is marginally below the 37sqm required by the emerging space standard policy, however this would be considered fully at reserved matters stage, in accordance with policy at the relevant time.

10.3.2 Core Strategy Policy H4 on Housing Mix requires a minimum provision of 20% of flats be provided containing 3 bedrooms across the Local Authority area. However, the policy allows the nature and location of the scheme to be taken in to account when assessing housing mix. The applicant has submitted evidence from a residential agent (Liv Group) who currently manage a large proportion of the units in Manor Mills on Ingram Street. They have advised of the strength of demand for smaller units in the Manor Mills building. This evidence identifies that the Liv Group received the greatest number of enquiries for studio apartments and that they have a waiting list for studio apartments during peak market periods. Furthermore, studio apartments received the most viewings on Rightmove. Liv Group conclude that studio apartments would meet the immediate prevailing demand in this area by delivering smaller, more affordable apartments alongside larger one, two and three bedroom apartments. This market evidence justifies why the indicative proposal has a higher proportion of smaller dwellings than the Policy H4 targets. Also, given that this scheme offers approximately 5% three-bed flats, and the provision of three-bed dwellings in the city centre currently stands at around 1%, this proposal would exceed the percentage of current provision in the area. Generally a 5% provision of three bed flats has been achieved in most major city centre residential planning applications approved since the adoption of the Core Strategy. However, as this application is in outline only, the exact mix of dwellings would be controlled at reserved matters stage.

10.3.3 The applicant has committed to meeting the Council's sustainable construction and energy generation targets at this outline stage. The indicative scheme includes solar PV panels on the roof as a renewable energy source. A planning condition which require details of how 10% on-site low or zero carbon energy generation, 20% reduction in carbon emissions above the 2013 building regulations target, and the

water usage target, will be achieved on-site at the detailed stage. These measures are required by Core Strategy Policies EN1 and EN2.

- 10.3.4 It is considered that the indicative scheme would on balance meet the residential amenity, housing mix and sustainability objectives of Core Strategy Policies CC1, H4, EN1 and EN2 and Saved UDPR Policies GP5 and BD5.

#### **10.4 Highways and transportation**

- 10.4.1 The Holbeck South Bank SPD highlights the desire to produce a pedestrian and cycling friendly environment, in part by minimising through traffic in the area and by developing with the minimum acceptable parking provision. The site is located in a sustainable City Centre location within a 10 minute walking distance of employment, leisure, supporting facilities and public transport including Leeds Station Southern Entrance and bus stops along Meadow Lane. The scheme would therefore meet the Policy T2 and the Accessibility Standards in Table 2 of Appendix 3 of the Core Strategy. The indicative plan proposes 68 car parking spaces (31.5% provision) including electric vehicle charging points and disabled car parking provision. The Council's parking guidelines do not set a minimum parking requirement for development in the City Centre but requires that the development does not result in adverse highway safety or amenity issues. The indicative plans demonstrate that secure long stay cycle parking can be provided at one space per flat in the basement along with waste and recycling storage, however vertical racking is not acceptable, and therefore this plan would need to be revised at reserved matters stage. The implementation of the travel plan and monitoring fee would be controlled through the Section 106 agreement. This would also include a Sustainable Travel Fund for the site, which would include car club trial provision for residents.

- 10.4.2 The applicant has demonstrated that the scheme is practical and workable in terms of arrangements for deliveries and refuse/recycling servicing. Siddall Street is proposed for servicing and safe turning movements have been demonstrated. It is proposed to remove a Pay & Display parking bay, this would require compensation for loss of income, however it may be possible to relocate this bay to the location of the current vehicular access. These alterations would be controlled under a planning condition along with any necessary changes to Traffic Regulation Orders. Dropped kerbs and tactile paving may be required for informal road crossing points, depending on the location of pedestrian routes. Reinstatement of footways with full height kerbs for any redundant accesses may also be required. In addition to at least 2m of landscaping, footways of 2m to Sweet Street and 3.5m to Siddall Street are proposed, which would be acceptable, however, agreement would be required regarding the proposed landscaping on the adopted highway at the back of footway on Siddall Street at the detailed reserved matters stage.

- 10.4.3 The proposed vehicle access to the basement car park is shown from Siddall Street, which would be acceptable. However, the car park, including the access ramp, should meet relevant guidance for underground car parks. At the time of writing, discussions are in progress with the applicant and the resolution of these detailed matters will be updated verbally at Plans Panel.

#### **10.5 Flood Risk and Sustainable Drainage**

- 10.5.1 The application has been supported by information which adequately demonstrates that the NPPF flood risk sequential test has been passed. The site is proposed for residential development however it is in flood zone 2 and therefore an exception test is not required. Leeds City Council Flood Risk Management have no objection to the application proposal subject to conditions regarding the implementation of the measures set out in the agreed flood risk assessment and details of the surface

water drainage. It is therefore considered that the submitted flood risk and drainage proposal would comply with the requirements of the NPPF, Core Strategy Policy EN5 and NRWDPD policies Water 4, 6, and 7.

## **10.7 Planning obligations**

10.6.1 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.

10.6.2 The proposal is for Private Rented Sector (PRS) flats. The National Planning Policy Guidance set out above makes a distinction for PRS provision which states that: 'The economics of such schemes differ from build to sale and should be determined on a case by case basis. To help ensure these schemes remain viable while improving the diversity of housing to meet local needs, local planning authorities should consider the appropriate level of planning obligations, including for affordable housing, and when these payments are required'.

10.6.3 It is accepted that PRS housing has specific characteristics, brought about through its funding model, which may make it unsuitable for the delivery of on-site Affordable Housing provision through a Housing Association or Registered Provider (RP). The applicant has proposed to pursue three options in turn starting with on-site provision with a Housing Association through to an off-site contribution if on-site provision is not possible. In some PRS schemes it has been possible to secure on site provision of affordable flats to be managed directly by the PRS provider at the Council's benchmark rents, in perpetuity, with compliance to a Local Lettings Policy. If this option is not possible, there may be a commuted sum payable, with no flats to be sold on for at least 10 years from completion. The flats would be provided in a pro-rata mix of one, two and three bed flats. This would be controlled through the S106 agreement. This is considered to be an acceptable approach given the March 2017 Executive Board report.

10.6.4 Adopted policies are likely to result in the following necessary Section 106 matters:

- Affordable Housing 5% on-site in a pro-rata mix of units in accordance with the policy for the area, in a tiered approach starting with:

- (a) on-site provision managed by a Housing Association,
  - (b) on-site provision managed by the PRS provider in accordance with the Council's benchmark rents as set out in the March 2017 Executive Board report and a Local Lettings Policy in perpetuity, and
  - (c) a commuted sum based on the Council's benchmark figures
- Sustainable Travel Fund £31,212.50
  - Car club trial provision £21,000
  - Travel plan monitoring fee £3,075
  - Public access to new pedestrian/cycle route
  - Cooperation with local jobs and skills initiatives

10.6.5 The proposal would be subject to the Community Infrastructure Levy (CIL) and this would be calculated at the time of the reserved matters applications.

## **11.0 Conclusion**

11.1 This scheme is a significant regeneration opportunity that will contribute to the delivery of the Council's adopted place-making vision for the transformation of the Holbeck area of Leeds South Bank, and high quality development which will bring with it a number of new sustainable dwellings. The scheme would provide a range of house types and sizes, and provide construction jobs. The proposed redevelopment would also enhance the character of the surrounding area, by regenerating a prominently-located unsightly and under-utilised brownfield site. The proposal is on balance in accordance with the Development Plan and national planning policy as described above.

### **Background Papers**

Application file 17/07963/OT

### **Appendix 1 Draft Conditions for 17/07963/OT**

## **Appendix 1 Draft Conditions for 17/07963/OT**

1) Application for approval of all reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be agreed.

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) Approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority, in writing before the development is commenced.

Layout  
Appearance  
The landscaping of the site

Plans and particulars of the reserved matters shall be submitted utilising a planning application form and shall be carried out as approved.

Because the application is in outline only and as no details have been submitted of the reserved matters, they are reserved for subsequent approval by the Local Planning Authority.

3) The development hereby permitted shall be carried out in accordance with the plans listed in the Plans Schedule

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

4) 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'.

5) 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.

6) 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.

7) Prior to the commencement of development, a Statement of Construction Practice shall be 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;
- d. location of contractor and sub-contractor parking;
- e. how this Statement of Construction Practice will be communicated by the developer to local residents
- f. Construction works and delivery hours shall be restricted to 0800-1800 hours Monday to Friday, 0800-1300 hours on Saturdays, with no works on Sundays and Bank Holidays.

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 residential amenity of occupants of nearby property

- 8) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:
- a. Ground floor finished levels shall be set no lower than 28.4m above Ordnance Datum (AOD).
  - b. preparation of a flood risk warning and evacuation plan.

To reduce the risk of flooding to the proposed development and future occupants, reduce the risks of flooding to occupants in a flood event, and to ensure safe access and egress from and to the site.

9) Building operations shall not commence until a drainage scheme (i.e. drainage drawings, summary calculations and investigations) detailing the surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The surface water discharges should be restricted to 5 l/s unless otherwise otherwise agreed in writing with the Local Planning Authority and surface water drainage scheme shall be accord with the Leeds City Councils Minimum Development Control Standards for Flood Risk. The works shall be implemented in accordance with the approved scheme before the development is brought into use.

To ensure sustainable drainage and flood prevention.

10) No piped discharge of surface water shall take place until works to provide a

satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development of that phase commences.

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

11) Prior to the commencement of building works, details of all external cladding materials, including a maintenance strategy, and a sample panel of all external facing materials, roofing and glazing types to be used shall be constructed on-site and approved in writing by the Local Planning Authority. The external cladding and glazing materials shall be constructed in strict accordance with the sample panel(s) which shall not be demolished prior to the completion of the development.

In the interests of visual amenity.

12) No building works shall be commenced until full 1 to 20 scale working drawing details of the following have been submitted to and approved in writing by the Local Planning Authority:

- a. soffit, roof line and eaves treatments
- b. junctions between materials
- c. each type of window bay proposed
- d. ground floor frontages

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

In the interests of visual amenity and the character of the surrounding area.

13) No surfacing works shall take place until details and samples of all surfacing materials have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The surfacing works shall be constructed from the materials thereby approved and completed prior to the occupation of the building.

In the interests of visual amenity.

14) Landscaping works shall not commence until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include:

- a. proposed finished levels and/or contours,
- b. boundary details and means of enclosure,
- c. other vehicle and pedestrian access and circulation areas,
- d. hard surfacing areas,
- e. minor artefacts and structures including CCTV and lighting
- f. proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).

Soft landscape works shall include

- g. planting plans
- h. written specifications (including soil depths, soil quality, tree pits, cultivation and other operations associated with plant and grass establishment) and
- i. schedules of plants noting species, planting sizes and proposed numbers/densities.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS

4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

To ensure the provision and establishment of acceptable landscape.

15) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

To ensure successful aftercare of landscaping.

16) 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

17) No building works shall take place until details for the provision of off-site highways works including footpath crossings and measures to control on-street parking in the immediate vicinity of the site and as shown on the submitted plan reference ..... have been submitted to and approved in writing by the Local Planning Authority for inclusion in the section 278 Highways Agreement or to be secured by such other procedure as may be agreed between the applicants and the Local Planning Authority. Works shall be completed prior to the occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of pedestrian and vehicular safety.

18) Notwithstanding the details shown on the plans hereby approved and prior to the commencement of building works, full details of the facilities for the parking of cycles and motorcycles for residents shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the cycle and motorcycle parking facilities thereby approved have been provided. The facilities shall thereafter be retained and maintained as such.

In in the interests of promoting sustainable travel.

19) Prior to the installation of any extract ventilation system or air conditioning plant, details of such systems shall be submitted to and approved in writing by the Local Planning Authority. Any external extract ventilation system/air conditioning plant shall be installed and maintained in accordance with the approved details. The systems shall limit noise to a level at least 5dBA below the existing background noise level (L90) when measured at the nearest noise sensitive premises including flats within the development with the measurements and assessment made in accordance with BS4142:1997.

In the interests of visual and residential amenity.

20) No building works shall commence until a detailed acoustic assessment of the

proposed building and a noise insulation scheme, including details of any necessary mechanical ventilation equipment, have been submitted for formal written approval by the Local Planning Authority. The scheme shall be designed to protect the amenity of the residents of the proposed dwellings from noise from surrounding roads, adjoining uses and any plant or equipment associated with the approved building. The noise insulation scheme for the development shall be designed to achieve internal noise levels in living spaces not exceeding 35dB LAeq and 30dB LAeq in bedrooms at night, with peak levels kept below 45dB LAmax. The approved scheme shall be implemented prior to occupation of the dwellings and retained thereafter

In the interests of residential amenity

21) Prior to the commencement of building operations an updated Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority for that phase, which shall include a detailed scheme comprising:

- a. a recycled material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit)
- b. a Site Waste Management Plan (SWMP)
- c. an energy plan showing the amount of on-site energy produced by the selected Low and Zero Carbon (LZC) technologies and that it produces a minimum of 10% of total demand, unless otherwise agreed in writing by the Local Planning Authority
- d. details that demonstrate a minimum of 20% carbon dioxide emissions reduction against Part L of the 2013 Building Regulations and meet the Low Water Usage Target

The development shall be carried out in accordance with the details as approved above;

- e. Within 6 months of the occupation of the development a post- construction review statement shall be submitted by the applicant including formal accreditation 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.

In the interests of sustainable development.

22) Prior to first occupation a scheme detailing the method of storage and disposal of litter and waste materials, including recycling facilities, shall be 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 and details of how the recyclable materials will be collected from the site with timescales for collection. The approved scheme shall be implemented before the development hereby permitted is brought into use and no waste or litter shall be stored in locations not in accordance with the approved scheme at any time.

In the interests of amenity and to promote recycling.

23) Notwithstanding details shown on the plans hereby approved the gradient of pedestrian ramps shall meet BS8300:2009+A1:2010. Works shall be carried out in accordance with the approved details and retained as such thereafter.

In the interests of accessibility for all.

24) No works to or removal of trees or shrubs shall take place between 1st March and

31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds nests immediately before (within 24 hours) the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority within 3 days of such works commencing.

To protect nesting birds in vegetation and built structures in accordance with the Wildlife and Countryside Act 1981 (as amended) and BS 42020:2013.

25) Development shall not commence until a plan showing details of the proposed vehicular access to the site and to the basement car park has been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed as approved prior to occupation and retained for the lifetime of the development.

To ensure the free and safe use of the highway

26) Notwithstanding the details shown on the approved Proposed Site Layout, development shall not commence until a revised Proposed Site Layout has been submitted to and approved in writing by the Local Planning Authority, demonstrating provision of disabled car parking (in accordance with current British Standard BS8300 unless otherwise agreed in writing). The agreed layout shall be implemented prior to occupation of any phase of the development.

To ensure the provision of disabled parking.



**Note:**  
Surrounding contextual buildings and information are based on received ordinance survey drawings and are shown for illustrative purposes only. assumed site boundary is subject to confirmation



Rev	Date	Description	Rev	By
A	30/08/17	Blue line outlined showing previous proposal	A,B	PSM
B	15/09/17	Ground floor plan updated	A,B	PSM
C	05/10/17	Ground floor plan updated	UK	A,B
D	23/11/17	Landscape plan updated	A,B	PSM
E	23/11/17	Ground floor updated, Landscape plan updated	A,B	PSM

Project Title  
**PROPOSED RESIDENTIAL DEVELOPMENT**  
Sweet Street  
Leeds

Client  
**OAKAPPLE**

Studio  
**Planning**

Scale  
**1:200**

Date  
**08/20/17**

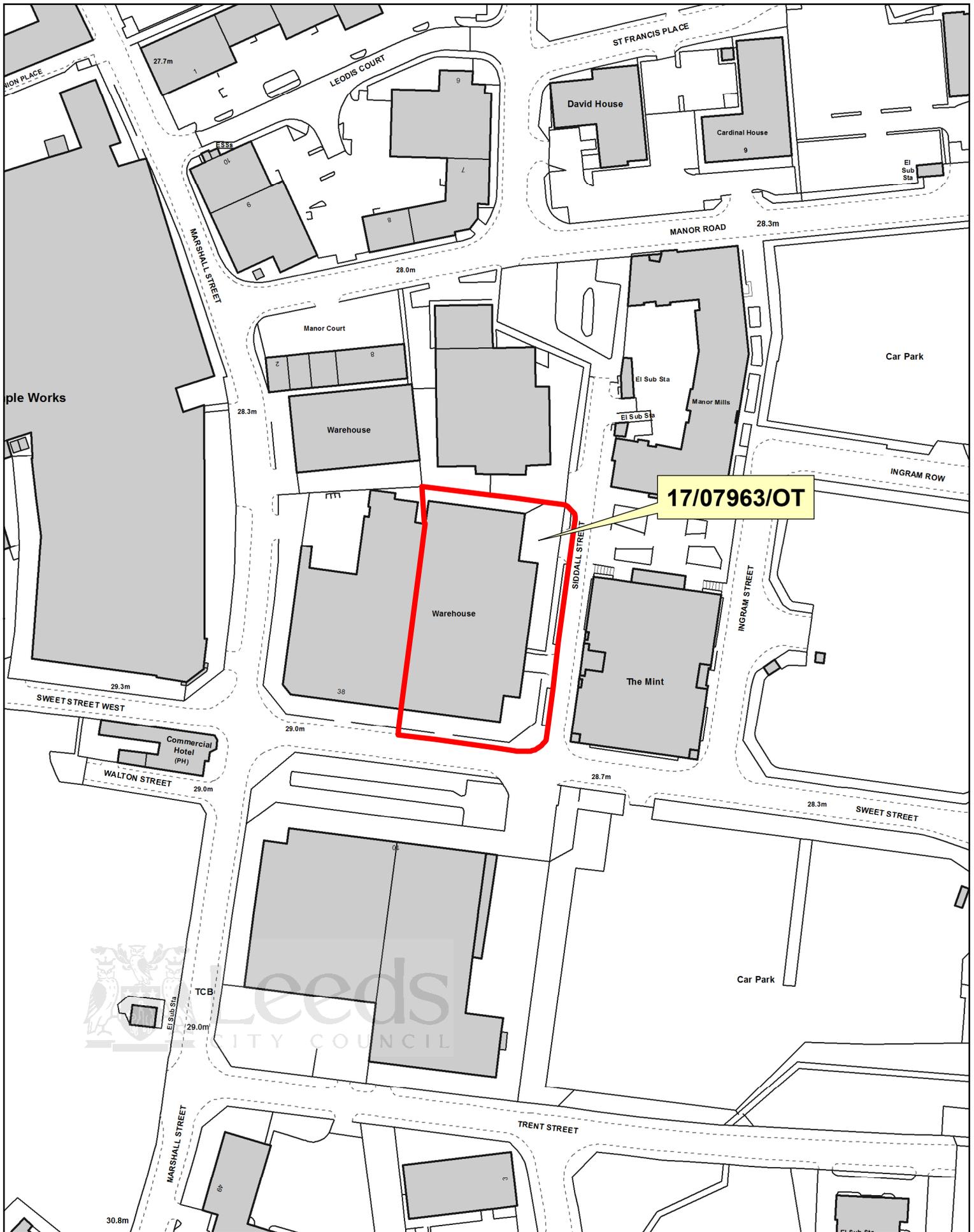
Drawing Title  
**PROPOSED GROUND FLOOR PLAN**

Job Dwg No  
**13377-(100) 030**

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# CITY PLANS PANEL

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SCALE : 1/1500

