



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 1st August 2019

Subject: 18/07930/FU - Residential development of 151 dwellings with community use area, cafe, gym, residents lounge, outdoor amenity area and roof terraces, land east of Carlton Gate and North of Clay Pit Lane.

Applicant: Engie Ltd

Electoral Wards Affected:

Little London & Woodhouse

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: POSITION STATEMENT: Members are requested to note this report on the proposal and to provide views in relation to the questions posed to aid the progression of the application.

1.0 Introduction:

- 1.1 This position statement follows an earlier pre-application presentation which was considered by Panel Members on the 14th June 2018. The scheme presented at that time was for a development of 160 apartments consisting of a mix of 1, 2 and 3 bedroom units. The latest iteration is for a split level development up to a scale of 17 storeys providing 151 units 1, 2 and 3 bedroom apartments with communal facilities. This is a council owned site and pre-application discussions have been ongoing for some time and the proposed scheme has been the subject of various amendments. An earlier iteration was also presented twice to the council's internal Planning Board for discussion.
- 1.2 The initial scheme first submitted in December 2017 was for a single eleven storey block of 213 residential units with associated parking, greenspace and commercial space. The scheme involved an angular shaped development, with landscaping and car parking and commercial space at ground level. The apartments comprised of a mixture of 1, 2 and 3 bedroom units.

- 1.3 Following a number of concerns raised at the time relating to the loss of the bund and the proposed scale and massing, the applicant produced two draft re-design options and this was presented to Planning Board in May 2018.
- 1.4 Both options involved a proposed development ranging from a 5 to 15 storey development providing 160 apartments. The first option cut into part of the bund and although a number of trees were shown as retained, in all probability these would be adversely affected during the construction process or their long term survival would be threatened.
- 1.5 The second option, and the applicant's preference, proposed the complete removal of the mound and landscaping with a re-profiled landform. This was designed to create a public pocket park with amenity space, seating and re-contoured landscape, providing informal recreation, natural surveillance and trees to soften the impact of the proposal.
- 1.6 At the time, Planning Board were of the view that this revised option, together with the amended design, represented a better overall solution as the surrounding landscape would be more useable and removed the need for retaining walls providing a better outlook for existing and prospective residents. It was agreed that the option to remove the landscaped bund and planting with a re-profiled landform to provide a more attractive and useable landscaped area should be considered further through the pre-application process and to invite Member comments through a pre-application presentation.
- 1.7 This presentation took place on the 14th June 2018. In summary, Panel Members made the following general comments:-
- Consultation with Ward Members and local residents should take place.
Concern regarding the proximity of street lighting to the new building.
Concerns with regards to the corner of the building and how close it was to Clay Pit Lane.
Materials for the building still needed to be finalised.
Members welcomed that affordable housing provision would be on site and not in the form of a financial contribution.
Details of projected rent levels were requested.
Noise attenuation required.
Local school provision – further information will needed be provided.
Members sought a supporting justification in relation to the size and mix of apartments.
- 1.8 In response to questions outlined in the report, the following was discussed by Members: further details needed to be provided as part of a landscape strategy. It was recognised that the layout and design of the building should evolve as part of a process of engagement with the council's urban designers. The affordable housing strategy was supported but further supporting details as part of a local needs assessment to support the number of studio / 1 bedroom apartments as well as further details on the rental model. Members supported the emerging amenity space, public realm and landscape design principles subject to consultation with Ward Members and the local community. Further information was requested with regard to the approach to parking, vehicular access and pedestrian connectivity.
- 1.9 The application has been supported by a full viability financial appraisal. This details the total cost of the development and the level of profit the development will generate and the scope for planning gain contributions such as affordable housing, public

transport improvements, payment in lieu of green space and travel plan monitoring. This has been reviewed by the District Valuer who concludes that the scheme cannot viably support more than 12.5% of the units let at 80% of market value. In addition, the scheme cannot support any other Section 106 contributions. The DV conclude that the developer is proposing to undertake the development based on a return of 2.8% of gross development costs which is significantly lower than typically expected levels of profit.

2.0 Site and Surroundings:

- 2.1 The site lies adjacent to Clay Pit Lane on the edge of the city centre which forms the southern boundary. To the west lies housing and Carlton Barracks and to the east Lovell Park Road. To the north lies further housing and apartment blocks. To the south of the site is an embankment which contains mature trees and buffer planting adjacent to Clay Pit Lane. The site is an irregular shape and slopes from west to east. The site comprises brownfield and greenfield land. This site, and the wider area, was previously developed and contained tower blocks and a number of maisonettes which were demolished and cleared in preparation for redevelopment and regeneration of the area.
- 2.2 The housing in this area has been recently constructed as part of a wider PFI regeneration programme aimed at improving the quality of housing provision and tackling issues of poor economic investment and social and environmental deprivation.
- 2.3 The initial PFI programme included proposals for the development of this site consisting of private and social housing offering a mixed tenure approach to regeneration and to support the longer term sustainability of the area. Following the down turn of the market, at that time, the original scheme was scaled down to take account of this market change. Part of the application site was set aside until market conditions improved and was laid out as temporary open space.

3.0 Proposal

- 3.1 The proposal is for a total of 151 flats, made up of one-bedroom flats, two-bedroom flats, and three-bed flats.
- 92 X 1 bed /studio apartment – from 37.5m²
 - 47 X 2 bed apartment – from 61m²
 - 12 X 3 bed apartment – from 87.3m²
- 3.2 All flats would meet the overall flat sizes prescribed within the Nationally Described Space Standards.
- 3.3 The scheme has been the subject of ongoing design discussions. The latest iteration comprises of one rectilinear tower block ranging from 5 to 17 storeys (with an undercroft arrangement). The highest element of the tower is positioned on the lowest part of the site and steps down gradually to 5 storeys utilising the changes in levels. Compared to the pre-application scheme as presented to Panel, and following on going design discussions, the scheme has been amended to include a point element feature together with a reduction in the scale and massing of the tower itself. The top of the tower is therefore slimmer to help improve verticality, articulation and to reduce the scale and massing of the block. Compared to the initial submission, the scale and massing of the block has been considerably reduced owing to the changes described

above and the building stepping down in a more deliberate manner creating a meaningful change in the distribution of mass.

- 3.4 In total 20 car parking spaces are proposed within an undercroft area with access off Primrose Circus. Amenity space is provided to create a public pocket park with amenity space, seating and re-contoured landscape, providing informal recreation, natural surveillance and trees to soften the impact of the proposal.

4.0 History of Negotiations

- 4.1 The application has been subject to extensive discussions relating to the design of the scheme and subsequent design changes including amendments to the landscaping strategy, technical changes to satisfy highway comments and changes to the affordable housing offer.

5.0 Relevant Planning History

- 5.1 PREAPP/17/00590 - 5-15 storey block of 160 residential units with associated parking and greenspace.
- 5.2 Outline planning permission was granted in 2008 under ref 08/02857/LA. The application was varied under ref 10/02792/LA and, as described above, as part of a number of variations to the original planning permission, this site was removed from the development. The original design and access statement did however show a general layout proposal for this site with a development providing an urban townscape overlooking and framing a central crescent of public open space. The blocks were drawn in a circular form and ranged in scale gradually stepping down the slope of the site. The initial layout showed the landscape buffer facing Clay Pit Lane retained and enhanced.

6.0 Public / Local response

- 6.1 The application was advertised by site notice on the 21.1.19. However following the receipt of the application, Ward Members have raised concerns relating to the extent of public consultation undertaken prior to the submission of the application and the lack of dialogue with Ward Members and the community. To this end, the applicant arranged a further community engagement event which was held on the 12th March at the communal room at Carlton Croft.
- 6.2 At the time of writing, 55 representations have been received. One representation is in support of the development on the grounds that the development will introduce modern purpose built affordable housing. The remainder are objections on the following grounds: scale and massing of the building, loss of light, increased noise and disturbance, loss of greenspace, trees and wildlife, loss of amenity, increased pollution, increased traffic and congestion, inadequate car parking, pressure on infrastructure and facilities, lack of genuine public consultation, loss of public right of way.
- 6.3 Cllr Akhtar has objected on the grounds of over development, massing / scale of the proposal and that the Little London area is already heavily built up, with many student and other blocks in the area. Concerns are also raised in respect of loss of light and overshadowing. The existing green area (Primrose Circus) has also been identified as a children play area and funds are available to invest in these measures. Parking issues are also raised as it is recognised that local residents already having problems parking outside their houses and this development will

create more issues. Traffic congestion, heavy traffic flow, speeding and rat runs are also major concerns and this area already has its fair share of such problems. Other concerns include the loss of green space and the environment impact of the proposal, the works will lead to the loss of more than 40 trees which are essential for absorbing CO2 and providing clean air. The development will also increase pressure on local amenities, schools – GPs etc. Loss of an important buffer zone, the combined earthworks and trees provide important sound and air quality insulation from the busy A58 (and nearby inner city ring road) to the residential properties.

- 6.4 A petition has also been received containing 104 signatures objecting to the development on the grounds of traffic and congestion, pressure on local amenities, loss of green space and overdevelopment.
- 6.5 A representation has also been received from Hilary Benn MP on behalf of a local resident requesting his constituents' views are taken into consideration. These concerns relate to the height of the building, overlooking, overshadowing, loss of amenity and parking issues.

7.0 Consultation responses

Children's Services - The development is likely to yield very low numbers of primary aged children that could potentially be absorbed by the established local schools, although there is existing currently school place pressure in the area. If required at a future date, options may exist within the surrounding area to expand local schools on a temporary or permanent basis in order to meet additional housing generated demand, however, understanding which schools have potential to expand requires a detailed feasibility study to be carried out, and this would only take place once a proposed solution is being taken forward.

Environmental studies – No objection to the noise impact and air quality assessment subject to conditions.

Housing Growth Team - No objection

Flood Risk Management – No objection subject to conditions.

LCC Design - Concerns regarding the loss of the bund, scale, massing and form of the development.

LCC Conservation - The proposed building has the potential to affect numerous heritage assets, including listed buildings along Woodhouse Lane, including the Parkinson Building, listed buildings in Blenheim Square and Queen's Square and several conservation areas. The Design and Access Statement says that the development will not affect these assets but does not provide substantiation. The impact of the development should be tested by providing rectified views from agreed viewpoints. The relationship with Broadcasting Place is a consideration. Whilst it is not a heritage asset it is within the setting of heritage assets and has a positive effect, particularly its visual "dialogue" with the former Friends' Meeting House, Parkinson Building and Blenheim Terrace. The proposed development should not disrupt this positive relationship.

Highways – The application has been amended on several occasions to address technical issues relating to protecting easements for highway maintenance works including access to high mast lighting columns.

Revised plans indicate a 5m easement to the adjacent highway structure on Lovell Park Road with a 1 in 3 slope down to a retaining wall. Details of this and associated works will need to be agreed under a mini s278 agreement

It is also noted that the wind report refers to some funneling of wind along open aspects of Clay Pit Lane which will combine with the corner effects of the building in the prevailing wind direction. It is not clear whether there is any worsening of the wind effect on the adopted highway.

Travel Wise Team – No objection in principle subject to updated travel plan, monitoring arrangements and provision of residential travel plan fund.

Landscape -comments below relate to the original scheme tabled at the December Planning Board but the description and landscape value of the mound remains constant. These are summarised as follows:

Apart from all the visual attributes the combined earthworks and trees provide an important sound and air quality insulation from the busy A58 (and nearby inner city ring road) to the residential properties. The construction of this buffer is likely to have been a strategic part of the original town planning of the area and this has been retained as part of the recent redevelopment of the locality so it would be very regrettable to lose it now. This would pose a great loss to the general Green Infrastructure of Leeds.

Loss of the buffer as an important backdrop.

The removal of the buffer would greatly diminish the value and quality of the public open space.

Latest comments on revised proposal – As the development is seen as a regeneration priority and if the council are minded to approve, the revised landscaping arrangements are positive and produce a better balance with useable public space and structured planting.

LCC Planning Policy - The site is part of a larger identified residential site in the adopted Leeds Site Allocations Plan (SAP) – HG1 239.

Metro – No objection subject to provision of real time passenger displays on adjacent bus stop corridor and sustainable transport measures

West Yorkshire Police – No objection in principle.

8.0 Relevant Planning Policies

The Development Plan

- 8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds Comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) the Natural Resources and Waste

Development Plan Document (2013) the Aire Valley Leeds Area Action Plan (2017), the Site Allocations Plan (2019) and any made Neighbourhood Plan (there is currently no Neighborhood Plan in place for this area).

8.2 The following Core Strategy policies are considered most relevant

- SP 1: Location of development
- H2: New housing development on non-allocated sites.
- H3: Density of residential development.
- H4: Housing mix.
- H5: Affordable housing.
- P10: Seeks to ensure high quality design
- P12: Landscape
- T2: Accessibility requirements and new development.
- G1: Extending and enhancing green infrastructure.
- G4: New greenspace provision.
- G8: Protection of species.
- G9: Biodiversity improvements.
- EN1: Climate change and carbon dioxide reductions
- EN2: Sustainable Design and Construction
- EN5: Managing flood risk.
- ID2: Planning obligations and developer contributions

Saved Policies - Leeds UDP (2006)

8.3 The following saved policies within the UDP are considered most relevant to the determination of this application:

- GP5 - Development proposals should resolve detailed planning issues.
- BD5 – New buildings to be designed with consideration of their own amenity and that of their surroundings.

8.4 The following Supplementary Planning Policy documents are relevant:

- Leeds Street Design Guide (2009)
- Parking SPD (2016)
- SPD Building for Tomorrow Today: Sustainable Design and Construction
- SPD Travel Plans
- Tall Buildings Design Guide (adopted April 2010)
- Neighbourhoods for Living (2013).

8.5 The Leeds Site Allocations Plan was approved on the 10th July 2019, the policies and allocations within it now carry full weight.

8.6 Core Strategy Selective Review (CSSR)

8.7 The Council's CSSR was subject to hearing sessions in February. The policies subject to independent examination were:

1. Reviewing the housing requirement.

2. Extending the plan period to 2033, given that 5 years has elapsed into the Adopted Core Strategy plan period.
3. Incorporating new national policy regarding the Code for Sustainable Homes by updating the wording of Policies EN1 and EN2.
4. Reviewing Affordable Housing Policy in response to the Housing White Paper and changes in national legislation.
5. Reviewing the requirement for Greenspace Policy in new housing developments by amending Policy G4.
6. Incorporating National Housing Space and Accessibility Standards for new housing
7. New policy relating to Vehicle Electrical Charging Points

8.8 The Inspector has recommended a small number of proposed Main Modifications to the policies within the Plan which are now subject to consultation prior to the Inspector issuing her final report. Policies not subject to modifications by the Inspector can be afforded significant weight. Of specific relevance to the Application is the policy relating to National Housing Space and Accessibility Standards as well as emerging policy EN2 and vehicle electrical charging points, neither of which are proposed for modification so do now carry significant weight in the consideration of the application.

8.9 **National Planning Policy Framework (NPPF)**

The National Planning Policy Framework (NPPF), was updated in July 2018. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

Relevant paragraphs are highlighted below.

Paragraph 12 Presumption in favour of sustainable development

Paragraph 34 Developer contributions

Paragraph 59 Boosting the Supply of Housing

Paragraph 64 Need for Affordable Housing

Paragraph 91 Planning decisions should aim to achieve healthy, inclusive and safe places

Paragraph 108 Sustainable modes of Transport

Paragraph 117 Effective use of land

Paragraph 122 Achieving appropriate densities

Paragraph 127 Need for Good design which is sympathetic to local Character and history

Paragraph 130 Planning permission should be refused for poor design

Other Material Considerations

The Leeds Standard and the Nationally Described Space Standard

8.10 The Leeds Standard was adopted by the Council's Executive Board on 17th September 2014 to ensure excellent quality in the delivery of new council homes. Through its actions the Council can also seek to influence quality in the private sector. Those aspects of the Standard concerned with design quality will be addressed through better and more consistent application of the Council's Neighbourhoods for Living guidance. This standard closely reflects the Government's Technical Housing Standards – Nationally Described Space Standard which seeks to promote a good standard of internal amenity for all housing types and tenures. Whilst neither of these documents has been adopted as formal planning policy and only limited weight can

be attached to them, given their evidence base in determining the minimum space requirements, they are currently used to help inform decisions on the acceptability of development proposals.

Leeds Core Strategy Selective Review (CSSR)

- 8.11 This has been submitted to the Secretary of State in August 2018 and was the subject of an examination in public in February 2019. Due to the stage that the review has reached the revised policies are a material consideration which can be afforded some weight. The formal application, depending on its timing and determination, may be therefore be subject to these revised requirements.
- 8.12 The CSSR seeks to review some existing policies and introduce some new ones. This includes EN1 climate change – carbon dioxide reduction, EN2 sustainable design and construction, EN4 district heating, EN8 electric vehicle charging. Due to the stage that the review has reached the revised policies are a material consideration which can be afforded some weight.

9.0 MAIN ISSUES

1. Principle of development
2. Design and Character
3. Affordable housing and housing mix
4. Impact on residential amenity
5. Landscaping
6. Highways.
7. Sustainability and Climate Change
8. Wind impact
9. Other issues
10. Planning obligations and legal agreement and community infrastructure levy
11. Conclusion

10.0 Principle of development

- 10.1 The principle of development has already been established following the granting of an outline planning permission for residential development.
- 10.2 At the time of the granting of the initial outline submission, the scheme included the development of private and social housing across the development as part of a mixed tenure approach to regeneration to further support the longer term sustainability of the PFI investment. Following the approval of this initial outline decision, the market suffered a considerable economic downturn. It is well documented that at the time, the housing market suffered considerably and that the availability of private investment reduced significantly. At the time and in response to this, the project was redrawn and scaled down to take account of this market change. It was agreed and envisaged that the scheme would initially be public sector led and developed in phases. The area reserved for private development, which is formed by part of this development was therefore set aside and laid out as landscaping until market conditions changed. It was therefore always envisaged that the development of this site would help complete the regeneration programme for the area and frame the circus.
- 10.3 Furthermore, the site is identified in the approved SAP (HG1 239) as being a site which will contribute towards the Council's housing target up to 2023. This should be accorded full weight now the SAP is adopted. In this context and given the previous

planning history, it is considered that the principle of development has already been accepted.

Design and Character

- 10.4 The pre-application previously presented to Members illustrated a development proposal arranged over 5 and stepping up to 15 story's providing 160 residential units. Members sought some refinement to the design strategy and architectural treatment of the building.
- 10.5 The latest iteration, shows a tower block ranging from 5 to 17 storeys. The highest element of the tower is positioned on the lowest part of the site and steps down gradually to 5 storeys utilising the changes in levels. Compared to the earlier scheme, as presented to Panel, the proposal has been amended to include a point element feature together with a reduction in the scale and massing of the tower itself. The top of the tower is now more pronounced and now reads as a feature with a sleeker point feature creating more definition and verticality which in turn creates better articulation and reduces the overall scale and massing of the block. It is therefore now considered that the building form has been reconfigured to improve the relationship with Primrose Circus & Clay Pit Lane with together with enhanced landscaping maintaining a green edge to Clay Pit Lane.
- 10.6 Parking is provided in an undercroft form to ensure the visual impact of parked cars is minimised whilst bin storage areas and other areas of servicing have been sensitively located within the building to reduce their visual impact to an appropriate level.
- 10.7 The proposed development seeks to deliver a high-quality mix of residential properties that complement the existing townscape of the area, in particular to link the high-rise buildings to the south and east with the lower buildings to the north and west. A distinctive design has therefore been developed of high quality
- 10.8 The proposed architectural approach involves a grid pattern arrangement designed to emphasise the tower feature with a strong elevational form creating a consistent rhythm and depth and a balanced architectural aesthetic. The proposed material palette is limited and predominantly consists of concrete cast panels emphasised with some texture to articulate the quality and precision of materials, forming interest through contrast and shadows.
- 10.9 Overall it is considered that the design responds positively to the local context, scale and the materials palette connect with local material colours.
- 10.10 The dwellings fully comply with NDSS (and emerging policy H9) and each dwelling either meets or exceeds the nationally described standards for dwelling sizes. The proposed development is therefore considered to be acceptable in this regard.

In the light of the above design changes, do Members have any comments in respect of the proposed layout of the site and the design of the building?

Affordable Housing and Mix

- 10.11 The proposed affordable housing provision would be delivered via a flexible rental model. The flexi-rent scheme would be tenure blind with an identical specification and service for all apartments. The scheme is of sufficient scale to enable people to

naturally move in or out, thus allowing the flexibility for rents to move up or down, as required, to maintain the defined income from the scheme. The total rent for the scheme will be linked to inflation while the percentage of discounted versus full price apartments within the scheme will flex to account for changes in open market rents and affordability.

- 10.12 On this basis it is proposed that the development will initially provide 20% of the apartments as affordable homes, operated under a flexible rent mechanism, of which 12.5% of the apartments will be let in perpetuity as affordable housing. The affordable homes will be pepper-potted across the scheme and managed as one single tenure blind community alongside the market rented apartments.
- 10.13 All of the Affordable Housing units will be let at affordable rents which will be capped at 80% of the market rent of other comparable rented properties in the area but not to the policy compliant lower decile / lower quartile earning levels. Members have previously approved this type of rental product on other Affordable Housing units secured in PRS / build to rent schemes.
- 10.14 The applicant will offer the council Nomination Rights on first and subsequent lets which will be secured via a Nomination Agreement and Local Lettings Policy (LLP). The proposed LLP intends to give preference to economically active households, keyworkers, Emergency Service and Armed Forces Personnel, city centre workers and other eligible households. The LLP will be operated and managed by Housing Leeds who have been consulted and are comfortable with this proposal.
- 10.15 The National Planning Policy Framework states that affordable housing on build to rent schemes should be provided by default in the form of affordable private rent, a class of affordable housing specifically designed for build to rent. Affordable private rent and private market rent units within a development should be managed collectively by a single build to rent landlord.
- 10.16 If a traditional affordable housing model were proposed, the current policy would require a 5% provision albeit as part of the CSSR this is to be revised to 7%. This scheme however is presented as a build to rent development. In terms of build to rent schemes, the affordable housing provision as set out in emerging CSSR and the NPPF sets a 20% benchmark for the level of affordable private rent homes to be provided (and maintained in perpetuity) in any build to rent scheme. Emerging CSSR policy and national affordable housing policy also requires a minimum rent discount of 20% for affordable private rent homes relative to local market rents.
- 10.17 In terms of this offer, initially 20% of the units are to be let at 80% of local market rents albeit 12.5% of the units will only be guaranteed as affordable units. Compared to emerging local planning policy and national guidance benchmarks, this would potentially create a shortfall of 7.5% after the initial first lets have been terminated.
- 10.18 In this case however, the applicant has submitted a viability assessment which seeks to demonstrate that the scheme, if fully policy compliant, is not financially viable. The appraisal has been independently assessed by the District Valuer who has concluded that the scheme cannot viably support more than 12.5% of the units let at 80% of market value. Notwithstanding the details of the initial offer, based on the DV's assessment, realistically, given the viability case presented, the number of units will flex down to 12.5%. These are to be secured as a S106 obligation.

10.19 The part of Policy H5 of the Core Strategy Selective Review (which has significant weight now that the Council has consulted on the modifications that the Inspector thinks are necessary to make the CSSR sound) concerning build-to-rent development proposals is as follows, including the modifications:

Build-to-rent developments shall provide either:

- i) on-site, according to national policy advice, currently 20% Affordable Private Rent dwellings at 80% of local market rents administered by a management company with appropriate arrangements for identifying households in need, including city council nomination rights, which apply in perpetuity, or**
- ii) on-site, the percentage of affordable housing specified for zones 1-4 and mix of Intermediate and Social Rented types of affordable housing set out in the first paragraphs of this Policy at affordable housing benchmark rents administered by either a registered provider or a management company with appropriate arrangements for identifying households in need, including City Council nomination rights, which apply in perpetuity, or**
- iii) a commuted sum in lieu of on-site provision of affordable housing of option ii).**

Departures from this policy should be justified by evidence of viability considerations.

10.20 Home Group's flexi rent proposal aims to meet option i) of the policy. Initially, thirty two (20%) of the total 151 dwellings proposed will be rented at a 20% discount of local market rents albeit only 12.5% of the units are guaranteed to be discounted in this way.

10.21 Concern is raised about the acceptability of the scheme given that in certain market conditions the number of affordable dwellings could fall below the 20% expected according to part i) of Policy H5. Two observations are made about this. Firstly that the District Valuer has accepted that the viability of the development is marginal and would not be capable of making the full provision of affordable housing according to normal expectation. Secondly, the scheme is proposed by a registered provider. The supporting text to Policy H5 makes clear that exceptions can be made for developments led by registered providers:

10.22 For development schemes led by Registered Providers for social housing the Council will take a flexible approach to determining the appropriate quantity and type of affordable housing taking into account the needs of the area and the wider benefits of development.

10.23 It should also be noted that a higher number of affordable dwellings for private rent, over and above the 20% requirement could be achieved, if positive rental conditions prevail.

10.24 A further matter of concern is how the level of local market rents is calculated. If local comparison rents are drawn from the Little London area, they will be lower and more affordable than comparison rents drawn from the city centre. As a new policy, Leeds does not yet have a track record of application in terms of determining which areas are covered. In this case the site is located outside of the city centre, but it does adjoin the boundary, so can be said to be within the influence of both city centre and inner area housing markets. If an approach was taken to draw a radius

of 500m from the centre of the site it would take in both city centre and Little London housing markets. It would seem reasonable for an “edge of city centre” area to be used for establishing market rent rather than solely Little London or solely city centre.

- 10.25 Policy H3 relates to housing density. A minimum density Policy is needed for Leeds to ensure sustainable housing development. This means efficient use of land in order to avoid more greenfield land being developed than is necessary and in order to achieve a higher population in proximity to centres. Housing development in Leeds should meet or exceed the following net densities unless there are overriding reasons concerning townscape, character, design or highway capacity. The area of the proposed development 0.45 Hectares. The number of proposed units is 151. Therefore the resultant density (dph – dwellings per hectare) is 355. This density is the same or greater than the minimum levels outlined in Policy H3 and this policy is considered to be satisfied.
- 10.26 Policy H4 relates to housing mix. This Policy seeks to achieve an appropriate Housing Mix that reflects the objectively assessed housing need in Leeds as defined by the SHMA 2011. However it is understood that not all areas of Leeds are the same and will have local housing needs. A preferred housing mix is contained in the Table H4 of the Core Strategy that builds in tolerances that reflects the differences in local housing need.
- 10.27 Developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long term taking into account the nature of the development and character of the location. This should include the need to make provision for Independent Living (see Policy H8). For developments over 250 units, in or adjoining the Main Urban Area and Major Settlements or for developments over 50 units in or adjoining Smaller Settlements, developers should submit a Housing Needs Assessment addressing all tenures so that the needs of the locality can be taken into account at the time of development.

| 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 |

- 10.28 The proposed development is 100% Flats. Paragraph 5.2.11 of the Core Strategy states that the:
 ‘...The form of development and character of area should be taken into account too. For example, a scheme of 100% flats may be appropriate in a particular urban context...’

In this case officers are of the view that a 100% flatted scheme is appropriate. The proposal has a total of 60.1% 1 bed units. This is 10.1% above the maximum preferred in Table H4 above. The proposal has a total of 31.1% 2 bed units. This is 1.1% above the minimum preferred in Table H4 above. Although marginally over this satisfies

Table H4. The proposal has a total of 7.9% 3 bed units. This is 12.1% below the minimum preferred in Table H4 above. The variation of the scheme from the preferred mix in terms of 1 bed and 3 bed units is significant. The site is however regarded as edge of city centre and influenced by this and inner area housing markets.

Do Members support the affordable housing model and housing mix as proposed?

Impact on Residential Amenity

- 10.29 It is considered that the proposal has been designed to protect the amenity of nearby residents. The site, which is adjacent to two main roads, ensures adequate separation distances are achieved to both the south and south east of the development. Within the Little London neighbourhood itself, the nearest residential units would be positioned to the north west and some 46m away at the nearest point, to the immediate north and directly opposite the 'circus' the nearest units are some 84m away and to the north east some 74m. Although of an overall height of 52.1m the building is stepped with 5 (16.4m) and 7 (24m) storey elements to break down its scale and massing.
- 10.30 In terms of overshadowing and loss of light, the applicant has produced sunlight diagrams taken at key stages throughout the year. In summer, spring and autumn where it is demonstrated that the open space of Primrose circus enjoys access to good sunlight with the proposed building in place nor is there any overshadowing of adjacent buildings.
- 10.31 The proposed development has to be considered in terms of its impact upon the residential amenity afforded to nearby residents. The development is located within an area of predominantly residential character. The site is occupied by an established landscaped mound designed to shield and protect surrounding properties from noise and pollution associated with the use of the ring road. In terms of noise generation issues, it is considered that the development will act in the same way as the bund and provide a shield to deflect noise and a visual interlude.
- 10.32 In terms of pollution issues, colleagues in Environmental Studies Transport Strategy Team have raised no objections to the principle of development and accept the content of the applicants' air quality report. Furthermore, the future residents will benefit from good on-site amenity provided not just within the apartments but also with the additional facilities at ground floor including the community hub/café, residents lounge and gym.
- 10.33 In assessing the impact the proposed development will have upon the living conditions of surrounding residents, it is considered that there are no noise, pollution or direct overlooking issues and the separation distances are acceptable.

Are Members satisfied with the impact the development will have on the living conditions of surrounding residents?

Landscaping

- 10.34 Although the site contains a number of mature trees, which create a notable landscape feature, the trees themselves are considered to be of a low arboricultural value both individually and collectively. Additionally, at present, the site provides poor

natural surveillance and its steeply graded embankment creates accessibility issues and challenges. It is considered that the opportunity to re-profile this landscape with a robust landscape buffer onto Clay Pit Lane, which provides quality public realm and is visually attractive and accessible, is sufficient justification to modify the existing landscape. Following various revisions to the scheme, the latest design shows a public pocket park with amenity space, seating and re-contoured landscape, providing informal recreation, natural surveillance and trees to soften the impact of the proposal. Overall this is considered to be a positive solution as the surrounding landscape would be more useable as public open space and also offer prospective residents a better outlook.

10.35 The loss of the existing bund and trees is clearly of concern. However it is considered that the siting of the building and improvements to the public realm provide for a suitable landscape strategy as well as strong pedestrian connectivity, creating a sense of place whilst ensuring good pedestrian connections linking the site and the wider area to the city centre.

10.36 In terms of new green space provision, as part of the Selective Review of the Core Strategy, a revised formula to policy G4 has been applied in this instance. The green space requirement is expressed as an amount of green space per dwelling, high density developments (65dph (net)) usually found in or on the edge of town centres may generate requirements for greenspace that cannot be delivered on-site. For such schemes an expected level of 20% of green space should be provided on-site with the residual being provided off-site or in the form of a commuted sum. However, it is accepted that there may be particular site circumstances to justify a higher or lower quantity than 20% onsite.'

10.37 According to Policy G4 - assuming 20% green space is to be provided on site

| | | |
|---------------------------|-------------|------------|
| Number of 1 Bedroom Units | 92 x 23 sqm | = 2116 sqm |
| Number of 2 Bedroom Units | 47 x 33 sqm | = 1551 sqm |
| Number of 3 Bedroom Units | 12 x 44 sqm | = 528 sqm |

Total green space requirement = 4195 sqm
20% of the requirement to be provided on site = 839 sqm

10.38 Typically this would lead to a commuted sum requirement of £157,831 based on the percentage of accommodation, however in this instance the applicant has indicated that this is not financially viable. The District Valuer in assessing the related viability appraisal supports this view. Therefore no commuted sum would be payable in this instance and the application, for reasons of viability, is not policy compliant.

Do Members support the greenspace and public realm strategy?

Highways

10.39 The application site is located in a sustainable location close to the edge of the city centre. The application is supported by a Transport Statement which provides an assessment of the sites accessibility against Appendix 3 of the Councils Core Strategy document. The TS expresses distances from public transport connections, local services and facilities which are all shown to be within acceptable parameters.

10.40 The application has been amended on several occasions to address technical issues relating to protecting easements for highway maintenance works including

access to high mast lighting columns. Although these details still require clarification, it is considered that they can be technically achieved.

- 10.41 Revised plans indicate a 5m easement to the adjacent highway structure on Lovell Park Road with a 1 in 3 slope down to a retaining wall. Details of this and associated works will need to be agreed under a mini s278 agreement
- 10.42 It is also noted that the wind report refers to some funneling of wind along open aspects of Clay Pit Lane which will combine with the corner effects of the building in the prevailing wind direction. It is not clear whether there is any worsening of the wind effect on the adopted highway.
- 10.43 In summary, subject to resolving the above, there are no objections in principle subject to conditions to secure a suitable easement to the adjacent highway structure, to secure highway works and TRO alterations for the layby and footway, cycle/motorcycle parking, electric vehicle charging, permit parking restrictions, hard surfacing etc.

Are Members content with the approach to highway related matters?

Sustainability and Climate Change

- 10.44 Members will be aware that the Council has recently declared a Climate Change emergency. Existing planning policies seek to address the issue of climate change by ensuring that development proposals incorporate measures to reduce the impact non-renewable resources.
- 10.45 Core Strategy EN1 requires all developments of 10 dwellings or more to reduce the total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate and provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.
- 10.46 Core Strategy Policy EN2 requires residential developments of 10 or more dwellings (including conversion) where feasible to meet a maximum water consumption standard of 110 litres per person per day. The dwellings will be designed to encourage rain water collection and less water consumption with restricted water flow taps, showers etc.
- 10.47 With regard to emerging policy EN8, the applicant has confirmed that electric vehicle charging points would be provided. The new EV charging points and a travel plan, albeit with no contributions, would contribute to improving air quality and assist in the shift away from carbon base modes of transport to more sustainable modes.
- 10.48 The proposed dwellings will be energy efficient. A condition could reasonably be imposed requiring compliance with policy EN1 in terms of the total predicted carbon dioxide emissions to achieve at least 20% less than the Building Regulations Target Emission Rate. In addition the proposed dwellings will be built to maximise solar gain to reduce energy consumption for heating. The roofs of the properties will be designed so they can accommodate low carbon technologies with photo voltaic panels. A condition requiring the inclusion of such renewable energy installations and securing at least 10% on site energy consumption from renewable energy could also reasonably be imposed if the application were to be approved.
- 10.49 In addition, the concrete frame construction provides superior robustness and longer life expectancy of the building compared to other construction materials. Concrete

framing provides superior noise suppression between the floors of the building. The acoustic performance of internal walls and doors between apartments has also been carefully considered to minimise noise disturbance and exceeds the basic requirements. Concrete frame provides superior levels of fire protection above the basic requirements for buildings of this type. All insulation materials are non-combustible, providing reassurance to residents.

- 10.50 The decorative concrete façade panels are to be manufactured off-site in factory conditions. The impact of this will speed up the construction of the façade but also reduce dust and noise from construction activities. Thermal performance of the building fabric is proposed as above the national minimum standards as defined by Building Regulations.
- 10.51 No gas supply to the building is proposed and instead is reliant on electricity which contributes to better air quality in the city centre which can be procured from renewable electrical providers.
- 10.52 The development is well connected to transportation routes and is within walking distance of a number of local services and transport routes / hubs. The proximity to the city centre makes the development an ideal location for a local city centre workforce who can walk/cycle to work. The development includes a secure cycle store with a variety of different cycle storage options with cycle washing / maintenance facilities. As mentioned above, electric vehicle charging points (EVCP) are provided within the undercroft car parking area. The applicant states that recycling facilities are provided throughout the development. All units come with mechanical ventilation, reducing internal noise environment. Lighting is all to be low energy LED lighting, contributing to a reduced energy demand. All units are provided with broadband to allow home working opportunities for the residents.
- 10.53 The applicant states that overheating calculations have been completed and the risk of this has been accounted for within the design using passive natural features, not air conditioning. The scheme comes with renewable features in the form of photovoltaic solar panels and air source heat pumps, the performance of which exceeds Building Regulations standards and local adopted renewables / carbon dioxide emissions policy.
- 10.54 The design of parking areas, ground floor windows and doors has all been considered with respect to security, reducing the risk of crime and making residents feel secure. The development is situated directly opposite an area of public open space provided good quality external amenity space. The landscape design of the scheme offers good opportunities for amenity. The landscape strategy will also have benefits to the local ecology, attracting native species of birds and insects. The proposed trees have been selected to mature into quality specimens that will complement the building and setting for the life of the building. The level 7 roof terrace is also planted with flowers and shrubs, providing ecological value but also opportunity for secure outdoor group socialisation for residents.
- 10.55 The café/hub located on ground floor will act as a social hub for the residents and local residents. The development comes with low flush toilets and efficient water usage devices to taps, baths and showers. The development does not discharge rainwater into the local sewer network, thereby not contributing to local flooding.

Are Members satisfied with the approach to sustainability in the context of existing and emerging planning policy?

Wind Assessment

- 10.56 The proposal is for a tall building. Guidance on taller buildings is contained in the Leeds Tall Buildings Design Guide (2010) and emerging revised guidance and the Leeds City Centre Urban Design Strategy. The council's urban designer has not raised an objection in this regard. It is considered that the proposal is close to edge of the city centre and would be viewed in the context of other buildings of considerable height. However, the erection of buildings, particularly tall buildings, changes a site's microclimate. It is therefore essential that the types of environment created are considered in detail during the site planning stage. The guide requires that the design of tall buildings create attractive ground level frontages to adjacent streets and should provide high quality conditions within the public realm, user friendly and legible entrances, good street level architecture and a good microclimate and comfort zone with counteraction to downdraughts.
- 10.57 As such the applicant was required to undertake a wind study. In accordance with procedure, a peer review has been carried out by an independent consultant to assess the modelling.
- 10.58 The applicant's model of assessment, submitted by Ramboll is a Computational Fluid Dynamics (CFD) as an alternative to wind tunnel modelling. It is noted that the strongest most frequent winds at the site for all times of the year blow from the southwest quadrant. The winds are generally warm and wet. Almost all cases of serious annoyance due to strong winds around buildings are caused by these winds. Winds from the southeast are generally light, warm in the summer, cold in the winter and are generally associated with dry conditions. These are rarely associated with annoying ground level winds and this is also the least frequent wind direction.
- 10.59 Winds from the northwest can be as strong as those from the southwest but are less frequent. They are relatively cold and can bring snow in winter. Conversely, northeast winds are almost as common as the southwest winds during the spring but are weaker. They are often associated with cold dry conditions and poor internal conditions, due to cold air infiltration through doors. Northeast winds may be more unpleasant than suggested by their strength due to the lower than average air temperature.
- 10.60 Mean wind speed speeds have been calculated for the sixteen wind directions using industry standards. The data item takes detailed account of the variation of the upwind topography and terrain in each wind direction to define the wind profiles at the site.
- 10.61 The submitted wind study notes that the three most common effects to understand that are reported in this type of assessment that result in accelerated wind speeds are:

Downwash - Wind flows are induced downward to street level. A simple rectangular building will have a zone of increased wind speed at the base of its windward face, due to downwash. The taller the building, the greater the pressure difference driving the wind.

Funnelling – Can occur when street ends are open to the prevailing winds and narrow towards the end or when the proposed buildings are more than five storeys high, more than 100 meters long, and the upstream and downstream funnels are clear of obstructions.

Corner effects - The air concentrated at the base of the windward face of a building naturally flows rapidly from there around the windward corners of the building towards its relatively more sheltered sides and rear. The size of the transition zone between high- and low- speed wind flows at these corners is small. Pedestrians crossing this zone encounter, unexpectedly and hence in a potentially dangerous way, sudden changes in wind speed. The greatest wind speeds are generated within a distance equal to the width of the building face

10.62 The priority areas for this analysis of outdoor wind comfort are chosen to be those visited most often by people, either pedestrians or cyclists, accessing the building or using landscaped grounds. The priority areas considered are as follows:

- Main Entrance
- Village Hall Entrance
- Rear Entrance
- Bike Store Entrance
- Vehicle Entrance
- Fire Door Exit
- Emergency Exit
- Landscaped Grounds

10.63 The submitted modelling shows that immediately adjacent to the proposed development at street level it is rated as category C4, whilst towards the south perimeter is rated C3 and these conditions are considered to be suitable for general outdoor recreation. The proposed development site will be windiest along the western perimeter whilst the tower will provide shelter from the winds to the east. The applicant's consultant concludes that the proposed development will have no adverse effect on the wind climate of the surrounding area.

10.64 As part of the peer review BMT have been commissioned to assess the findings and assumptions the applicant has made in this regard. Throughout this process there has been a number of technical detailed exchanges however as BMT have indicated from the very beginning of this process, the results being presented do not exhibit a number of fundamental wind velocity patterns which would be expected when placing a comparatively tall development into an otherwise open Context. With this in mind, BMT remain, at the time of writing, of the view that they (BMT) are being asked to take rather a lot on faith and remain in a position where the assessment cannot be signed off.

10.65 To address this issues the applicant has now provided additional details and further convergence results for further reassessment. At the time of writing there remains uncertainty in terms of the impact of the development on the surrounding microclimate and the impact upon public safety including funnelling along Clay Pit Lane.

Other issues

10.66 Colleagues in Environmental studies have raised no objection on the grounds of local air quality from road transport sources. The air quality assessment submitted with the application indicates that air quality standards will not be exceeded either at the application site or elsewhere as a result of the development.

10.67 The Council's Environmental Health officer has assessed the application and does not object to the proposal. A noise report has been submitted to support the application which suggests that the site is dominated by considerable road traffic

noise. This will require enhanced glazing and a ventilation system to the flats that provides sufficient cooling with the windows closed.

- 10.68 In relation to issues raised in connection with school places, Children's Services have indicated that the development is likely to yield very low numbers of primary aged children that could potentially be absorbed by the established local schools, although there is existing currently school place pressure in the area.

Planning obligations and Community Infrastructure Levy (CIL)

- 10.69 As set out in paragraph 1.9 of this report. The applicant has submitted a viability assessment and the District Valuer has concluded that a policy compliant scheme is not viable and cannot support the S106 contributions relating to:

- Off-site greenspace contributions
- Sustainable Travel Fund
- Travel plan monitoring fee

The S106 agreement will relate to the delivery of affordable housing (12.5% provision) and co-operation with local jobs and skill initiatives. Notwithstanding, the findings as set out in the viability report, funding will be required to cover likely traffic regulation order fees.

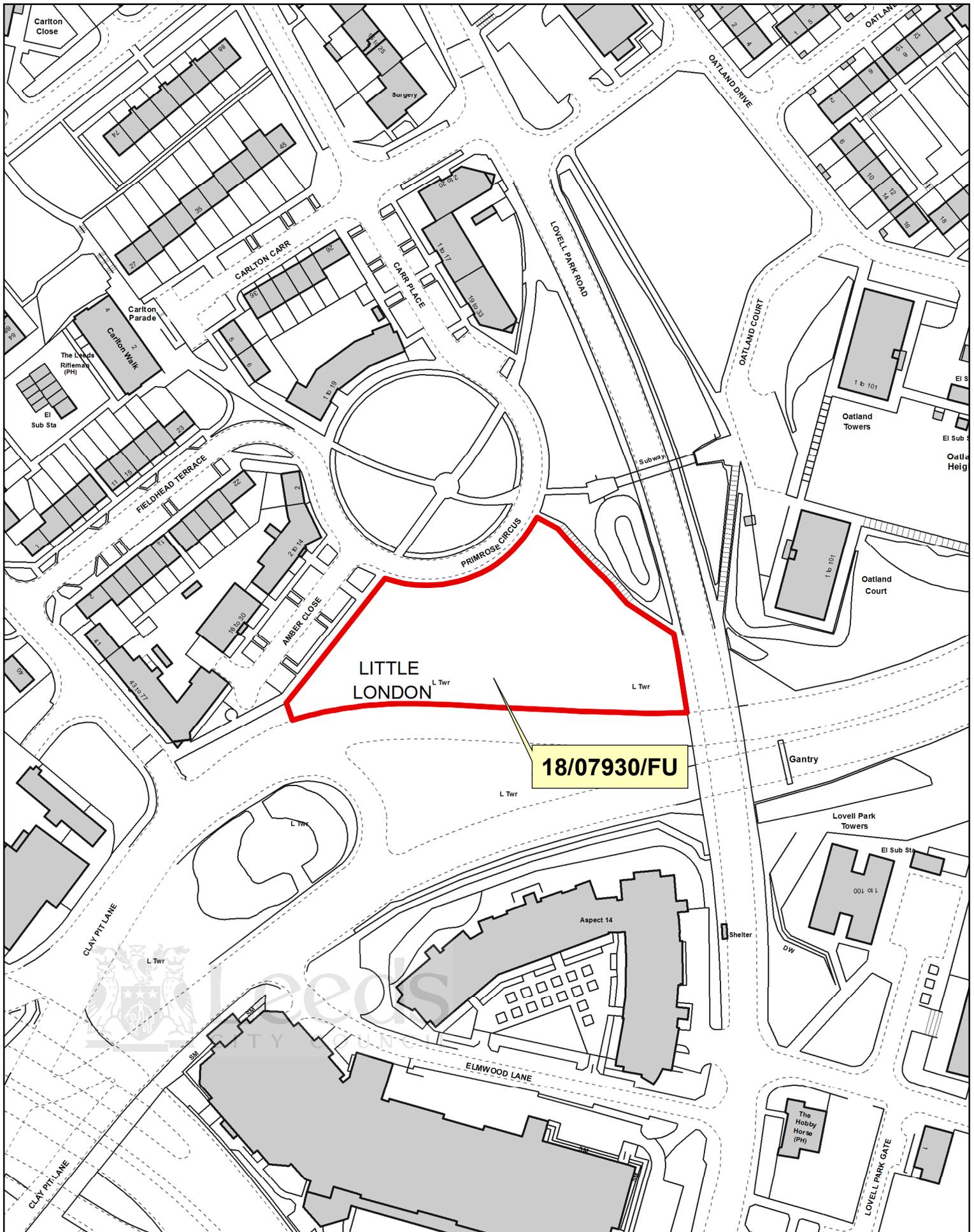
- 10.70 CIL charging will be applicable and based on the floorspace provided.

11.0 Conclusion

- 11.1 The Little London area is recognised in development plan terms as a regeneration area and has the benefit of an adopted development framework. The previous outline planning approval has already established the principle of development, albeit involving less impact on existing trees and landscaping. The redevelopment of this site will complete the original regeneration programme and help frame the circus as it was originally intended. The modified development is considered to be more acceptable in visual and amenity terms, and appears to present an appropriate transition in scale between the edge of city centre and more suburban scale developments beyond. It is recognised that the loss of the existing bund and trees is contentious. On balance however, the provision of a public pocket park with amenity space, seating and re-contoured landscape, providing informal recreation, natural surveillance and improved connectivity appears to provide justification for this loss.
- 11.2 The project would contribute to delivering housing growth with a significant amount of affordable housing provision including family accommodation. The scheme seeks to address climate change and sustainability matters in proposing an energy efficient development in a sustainable location, making optimum use of this urban location.
- 11.3 Matters in relation to the wind assessment remain outstanding; these need to be resolved before the matter can be brought forward to Panel for determination.
- 11.4 In the meantime Members are respectfully asked to provide responses to the following questions set out in the report.

- **In the light of the above design changes, do Members have any comments in respect of the proposed layout of the site and the design of the building?**
- **Do Members support the affordable housing model and housing mix as proposed?**
- **Are Members satisfied with the impact the development will have on the living conditions of surrounding residents?**
- **Do Members support the greenspace and public realm strategy?**
- **Are Members content with the approach to highway related matters?**
- **Are Members satisfied with the approach to sustainability in the context of existing and emerging planning policy?**

Background Papers:



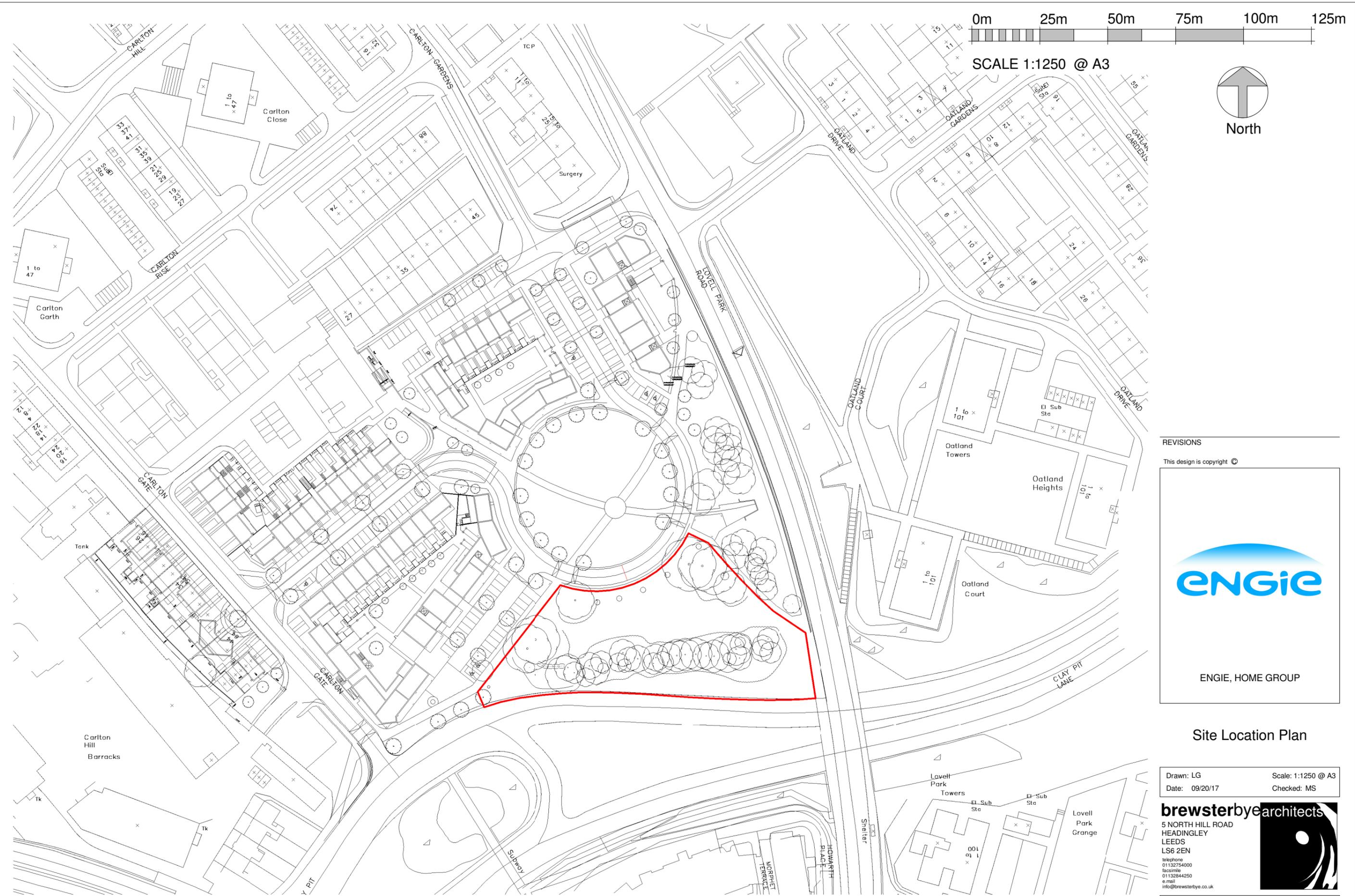
SOUTH AND WEST PLANS PANEL

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SCALE : 1/1500





SCALE 1:1250 @ A3



REVISIONS

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ENGIE, HOME GROUP

Site Location Plan

Drawn: LG
Date: 09/20/17
Scale: 1:1250 @ A3
Checked: MS

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Dwg No 531/02(02)102

1:1250 Site Location Plan