



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 5th December 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

DATE VALID
24.12.18

TARGET DATE
31.7.19

Electoral Wards Affected

Little London & Woodhouse

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: To seek Members agreement for Officers to make representations on the appeal against non-determination on behalf of the City Council on the following grounds;

- The visual harm caused by the removal of the landscaped mound and all (but one) of the mature trees on site;
- The siting, scale and design quality of the development;
- Sustainability of the proposal in terms of the loss of trees and its impact on climate change and the health and wellbeing of surrounding residents;
- Potential impact from wind and effect on microclimate;
- Absence of a S106 agreement for the provision of affordable housing

1.0 Introduction

- 1.1 Panel Members will be aware that this application was presented to Panel on the 1st August 2019 as a position statement. During the discussion, Panel Members raised a number of concerns relating to visual harm caused by the removal of the existing landscaped mound, the resulting loss of tree cover, related issues concerning the impact on climate change and the health and wellbeing of surrounding residents. In addition further concerns were made relating to the scale and massing of the development as well as the quality of the architecture. Issues were also raised in relation to the potential impact from wind and channeling around the vicinity of the building and compliance with affordable housing policy.
- 1.2 Panel Members may recall that 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 (DV) who concluded 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.
- 1.3 Panel Members are advised that the applicant has now lodged an appeal for non-determination. Although the site is owned by the council, it is understood the landowner is committed to completing disposal of the site subject to the granting of planning permission. In the event such a permission is obtained, the council would be compelled or otherwise in breach of contract and potentially subject to litigation were it not to proceed with the land sale.
- 1.4 As the applicant (herein referred to as the appellant) has now lodged an appeal for non-determination it is necessary to establish reasons for refusal had the council been able to determine the application. In terms of background details, the application was presented to South and West Plans Panel on the 1st August 2019 as a position statement. This was preceded by a 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 18 storeys providing 151 units 1, 2 and 3 bedroom apartments with communal facilities.
- 1.5 Based on the comments and concerns raised by South and West Plans Panel Members on the 1st August and an earlier plans panel presentation, it is suggested the following reasons for refusal are supported:
 1. The local authority considers that the proposed development and associated earthworks will lead to the complete loss of an extensive mound and landscaped area which will lead to the loss of mature trees and part of the city's green infrastructure, to the detriment of the visual amenity and biodiversity of the area. The proposal is therefore contrary to policy G9 of the adopted Core Strategy and Land 2 of the Natural Resources and Waste Local Plan, Leeds Saved Policies N9,

N24 and GP5 as well as to guidance in SPG Neighbourhoods for Living, and the NPPF.

2. The proposed development would appear overly dominant and represent a cramped, poor and unsympathetic form of development which is at odds with the general character of the immediate locality of Little London by reason of its siting, excessive height and massing in relation to context. The proposed development is therefore detrimental to the visual amenity of the area and character of the locality. The proposal is considered contrary to Leeds Core Strategy policy P10, Leeds UDPR Saved Policies GP5 and BD2, the NPPF and adopted SPG Neighbourhoods for Living.
3. The proposed development would result in the extensive loss of mature trees in a heavily trafficked location and adjacent to a recognised air quality management area. It is considered that the loss of trees, which positively contribute to the sustainability of the area by storing carbon in their biomass, would be harmful to climate change and the health and wellbeing of surrounding residents, contrary to adopted Natural Resources and Waste Development Plan Document LAND2 and Core Strategy policy P10 and UDPR Saved Policy GP5 and the NPPF.
4. In the absence of an agreed wind assessment, including wind velocity patterns and convergence patterns, the LPA are concerned that the development will have a detrimental effect on the surrounding microclimate which would be harmful to general public safety and highway safety contrary to Core Strategy Policy T2 and UDPR Saved policy GP5.
5. The proposed affordable housing model, to be delivered as a build to rent scheme, fails to provide the 20% benchmark provision of affordable units in perpetuity, contrary to the policy requirement as set out in H5 of the adopted Core Strategy Selective Review and National Policy Guidance Build to Rent.

2.0 Proposal

- 2.1 The proposal is for a total of 151 flats arranged over 18 floors (including undercroft), 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
- 2.2 The scheme has been the subject of ongoing design discussions. The latest iteration comprises of one rectilinear tower block ranging from 5 to 18 storeys (including an undercroft). 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 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 reduced to some degree to help create a meaningful change in the distribution of mass, however the overall massing remains heavy and bulky.

- 2.3 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

3.0 Site and Surroundings

- 3.1 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 of 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.
- 3.2 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.
- 3.3 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.

4.0 Relevant Planning History

- 4.1 PREAPP/17/00590 - 5-15 storey block of 160 residential units with associated parking and greenspace.
- 4.2 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.

5.0 History of Negotiations

- 5.1 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 in an attempt to satisfy highway comments and changes to the affordable housing offer.

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 did raise 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 appellant 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 Akhatar 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

- 7.1 Childrens 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 assessment which has been submitted in support of the application subject to conditions relating to the specification for glazing and ventilation.

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 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.

LCC Planning Policy - The site is part of a larger identified residential site in the proposed Leeds Site Allocations Plan (SAP) – HG1 239. As the Plan is at a very advanced stage substantial weight can be given to the allocation. With this in mind the site is considered appropriate for housing. Comments made in relation to greenspace and housing mix as well as climate change.

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 Planning Policies

Development Plan

8.1 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 at this site, the Development Plan for Leeds currently comprises the following documents:

- The Leeds Core Strategy (CS - Adopted November 2014 and CS Selective Review –Adopted September 2019)
- Saved Unitary Development Plan Review Policies (UDPR - Adopted 2006)
- The Natural Resources & Waste Local Plan (NRWLP - Adopted January 2013) including revised policies Minerals 13 and 14 (Adopted September 2015).
- Leeds Site Allocations Plan (SAP - Adopted July 2019)
- Aire Valley Leeds Area Action Plan (AVLAAP) (2017)

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
- T1 &T2: Transport management and accessibility requirements for 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

- 8.3 The CS Selective Review: was adopted by Full Council in September 2019 and this has resulted in the following policy changes. Subsequent to adoption, all policies subject to the CS Selective Review can now be afforded full weight.

Policy H5 - increases the amount of affordable housing to be provided and includes a new section on Affordable Housing and Build to Rent Schemes. This offers the following options: 20% of the units to be let at 20% below market rent; 7% of the units to be let on a 60/40 split lower decile/lower quartile; financial contribution for provision off site.

Policy H9 – Sets minimum space standards in line with the Nationally Described Space Standards

Policy H10 - requires accessible and adaptable housing to be provided.

Policy EN2 - requires residential development to achieve a maximum water consumption of 110 litres per person per day.

Policy G9 Biodiversity improvements

8.4 **Leeds Unitary Development Plan Review 2006 - Saved Policies**

Policy CC2 (City Centre boundary)

Policy BD2 (Design and siting of new buildings)

Policy BD4 (Plant equipment and service areas)

Policy BD5 (All new buildings and amenity)

Policy GP5 (All planning considerations)

Policy LD1 (Landscaping schemes)

Policy N9 (Respect and enhance value of land fulfilling a green corridor function)

Policy N24 (Assimilation of development proposals into landscape)

Policy T24 (Car parking standards)

8.5 **Leeds Natural Resources and Waste DPD 2013 including revised policies Minerals 13 and 14 (Adopted September 2015)**

The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Relevant policies include:

Air 1 management of air quality through new development

Water 7 surface water run-off

Land 1 contaminated land

Land 2 development and trees

8.6 **Leeds Site Allocations Plan (SAP)**

The site is part of a wider area allocated for housing in the SAP (HG1 239)

8.7 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) and draft version (2019)
- Neighbourhoods for Living (2013).

National Planning Policy Framework (NPPF) 2019

- 8.8 The NPPF and the National Planning Practice Guidance (NPPG) set out the national policies for England and how these are expected to be applied. One of the key principles running through the NPPF is a presumption in favour of Sustainable Development set out in three parts: Economic, Social and Environmental. The revised NPPF (2019) now seeks to tighten definitions on the presumption in favour of sustainable development, increases the emphasis on high-quality design and place-making.
- 8.9 Paragraph 59 of the revised NPPF directs Local Planning Authorities to apply a presumption in favour of sustainable development and that they should approve development proposals that accord with an up-to-date development plan without delay.
- 8.10 The below sections of the Revised NPPF are also considered to be relevant:

Section 9: Promoting Sustainable Transport – developments should give priority first to pedestrian and cycle movements and facilitate access to high quality public transport; address the needs of people with disabilities; create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicles; avoid unnecessary street clutter; respond to local character and design standards; allow for the efficient delivery of goods, and access by service and emergency vehicles; be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Section 11: Making effective use of land - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land

Para 123 (c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Section 12: Achieving Well-designed places

Para 127: Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

9.0 Main Issues

1. Principle of development
2. Design and Character
3. Affordable housing provision
4. Impact on residential amenity
5. Highways.
6. Landscaping
7. Sustainability and Climate Change
8. Wind assessment
9. Conclusion

10.0 Appraisal

Principle of Development:

- 10.1 The principle of development has already been established following the granting of an outline planning permission for residential development which included a wider area of land, which has since been developed for housing under a regeneration PFI scheme.
- 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 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 under the aforementioned PFI housing regeneration programme.
- 10.4 The buffer therefore performs an important physical and aesthetic role. It provides an important acoustic and technical landscape barrier to the highway. The bund and trees help to mitigate the spread of noise and air pollution from the highway. The bund also provides important visual and amenity respite to the occupants of surrounding housing. It provides an outlook for the adjacent community that is landscape and trees and not the harsh traffic environment. It provides a softer sense of enclosure to Primrose Circus.
- 10.5 The appellant in their appeal statement, refers to the 're-profiling' of the bund and reshaping it to providing a 'pocket park' and amenity space for residents. This implies that the integrity of the bund is to remain in some way. In truth, to achieve this, that actually means the total removal of the existing trees and the removal of the earthworks.
- 10.6 It is accepted that the site, forms part of a larger area allocated in the adopted Leeds Site Allocations Development Plan (HG1-239) as a housing site (APPENDIX A). The majority of this allocation has however already been built out and the capacity target for delivery already achieved. The area left over is therefore residual. Furthermore the designation alone, does not create a justification to completely remove a functional and attractive landscape buffer. It is considered that this buffer, which forms part of the city's green infrastructure and acts as a transition between the city centre and more domestic scaled properties. It is therefore considered that this should be retained insofar as reasonably possible whilst allowing development to take place within 'buildable' areas. To simply maximise development on the basis that this contributes to housing growth, without recognising its spatial and aesthetic importance would cause demonstrable planning harm and particularly so given the delivery target for the site has already been satisfied.
- 10.7 The removal of the buffer, in its entirety, as proposed, is not positive and does not represent an appropriate design solution. Consistent with previous plans panel comments and pre-application advice, it is considered that buildable areas within the site should be identified and a scheme developed which responds to the urban fabric and recognises this site as an important interlude between the edge of the city centre and more suburban scaled development.
- 10.8 The principle of removing this edge of city centre green infrastructure, in its entirety, is therefore considered to be unacceptable and will cause demonstrable planning harm contrary to planning policies Land 2 , N9, N24 and GP5.

Design and character

- 10.9 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.
- 10.10 The latest iteration, shows a tower block ranging from 5 to 18 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 in an attempt to create a sleeker point feature. Although it is considered that these changes help create more definition and verticality, the overall scale and massing of the block remains heavy and bulky and out of context with the surrounding Little London area.
- 10.11 It is therefore considered that the associated scale and massing of the scheme is incongruous to the contextual setting. The proposal offers very large stacked block forms which, due to the scale and massing, is too close to the adjacent domestic nature of the existing housing. This would engender an oppressive outlook for the existing properties and erode the spatial quality of Primrose Circus and the associated open space. There are taller buildings nearby in the townscape but these have further spatial separation from the properties adjacent to Primrose circus. The height, scale and massing of the proposal is excessive for the proximity to the existing properties. Additionally the form is challenging. Rather than clear vertical elements it is a series of stacked block forms culminating at an excessive height and massing for the context. This results in erosion of the spatial setting from one of soft landscape to one of highly dense built elements which is considered to be visually unacceptable.
- 10.12 In this case, the impact on the character of the area is a key consideration. Current guidance on design matters aims to raise the standards of urban design and to create safe and distinctive places that have their own identity but respond to and reinforce local character.
- 10.13 The City Council's adopted Supplementary Planning Guidance 'Neighbourhoods for Living' (NfL) was produced to complement related development plan policies. On page 10 (NfL) (Appendix AA figure 1) of this document it is stated that "developing in existing urban areas requires a response to context". This requirement is promoted further in the *use* principles set out on pages 15 &16 (Appendix AA figure 2) where it is set out that proposals should "relate the site to its particular neighbourhood or character area and consider how particular attributes or activities can be strengthened". In particular, page 16 discusses the issue of density and it states 'increasing density should not be at the expense of the amenity and quality of the environment'.
- 10.14 In the *form* section local character is discussed and it is stated page 40 (Appendix AA figure 3) that a key objective is "to ensure that proposals respect the local character by enhancing the positive attributes whilst mitigating negative aspects". It goes on to

state that “the site context should be analysed in detail to determine its positive and negative characteristics” ...and “a more thorough analysis will be expected in sensitive areas, such as conservation areas or adjoining listed buildings. A development should reinforce or enhance the positive aspects of the locality.”

- 10.15 In respect of design, the NPPF states that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.
- 10.16 The Little London area is an area of residential form and recently redeveloped, in part, by removing tower blocks and creating a more suburban character area with properties ranging from 2 – 5 story’s with gaps between properties and landscaped areas which are important to the character of the area and provide an attractive suburban setting; helping to create a sense of openness.
- 10.17 From examination of the details submitted it is evident that the layout and scale of the development the proposed building would appear cramped in its plot and would create an over dominant and incongruous feature.
- 10.18 The cramped nature of the proposed development would therefore be out of character with the development in the surrounding Little London community area, which although fairly dense, is characterised by properties of a domestic scale. Although high rise blocks are located in the vicinity of the site these are separated by the inner ring road and respond to the context of the city centre and not this residential community. Given the limited size of the site and the nature of the development, the proposal would significantly intrude into the existing open space, thereby creating a highly dominant development that would adversely affect the existing green and open character, especially given its prominence within the existing street scene. This is further exacerbated by almost the complete removal of existing trees.
- 10.19 In terms of the proposed external treatment of the building, it is considered that there is a lack of verticality within the architecture. The expressed grid or frame across the façade frame is imbalanced and superficial. The solid to void ratio of window to wall is also out of proportion with a slight excess of solid elements which engenders a heavy aesthetic. Combined, aesthetically, this creates a confused visual solution where the end result is one of an oppressive building unrelated to the adjacent character context.
- 10.20 In light of the above concerns it is considered that the proposed development would be seriously harmful to the character and visual amenity of the locality. It would be at odds with the urban design aims of policy P10 of the adopted Core Strategy which recognises the importance of high quality inclusive design requiring the size, scale, design and layout to be contextual. Furthermore the P10 also requires the spatial arrangements between buildings and the need for high quality design that recognises the distinctiveness and variety of the settings within local areas. The proposal is also considered to conflict with UDP policy BD2 which requires the provision of a visually attractive setting to new developments to complement and enhance existing vistas, skylines and landmarks.

Affordable housing provision

- 10.21 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.

- 10.22 On this basis it is proposed that the development will initially provide 20% of the apartments as affordable homes, operated under the 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.
- 10.23 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.
- 10.24 The appellant 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.
- 10.25 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.
- 10.26 In terms of affordable housing policy requirements, if a traditional affordable housing model were to be proposed the revised requirement, as set out in the adopted CSSR, would be a 7% provision. In terms of build to rent schemes however, 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. National affordable housing policy also requires a minimum rent discount of 20% for affordable private rent homes relative to local market rents.
- 10.27 In terms of this offer compared to local planning policy and national guidance, this provides a shortfall of 7.5%. In this instance the applicant has submitted a viability assessment which seeks to demonstrate that the scheme 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 albeit 20% of the units are to be initially offered as affordable units.
- 10.28 The part of Policy H5 of the adopted Core Strategy Selective 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.

- 10.29 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 no more than 80% of local market rents. Depending whether market rents increase or decrease over future years the percentage of affordable dwellings will increase or decrease after year 2. If market rents exceed CPI the number of affordable units would extend. In the example given by Home Group of CPI + 1% per year, the number of affordable dwellings would increase to 38 (year 3), 43 (year 4), 48 (year 5) and 52 (year 6). This could continue up to a maximum of 75 units. However, if market rents decrease against CPI, the number of affordable dwellings would decrease, with a cap at 19 units (12.5% of total units).
- 10.30 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:
- 10.31 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.
- 10.32 Therefore, in principle the scheme can be regarded as policy compliant. It should also be recognised that a higher number of affordable dwellings than the 20% requirement could be achieved if positive rental conditions prevail.
- 10.33 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.

- 10.34 Although it is considered that policy H5 articulated above, could be satisfied, the provision of affordable housing would require a signed S106 agreement to be completed. The appellant has not provided details of an appropriate agreement and therefore in the absence of such the development is considered to be unacceptable.

Impact on Residential Amenity

- 10.35 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.
- 10.36 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.
- 10.37 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 mound and provide a shield to deflect noise and visual interlude.
- 10.38 Against this background it is considered that the living conditions of residents have been safeguarded in this regard and policy GP5 of the development plan is satisfied.

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 The revised Transport Statement advises that the amount of proposed car parking is intended for low levels of car ownership within the development, thereby promoting alternative transport and travel modes to that of a private car. Residents or visitors to the development would not be permitted to park on street in close proximity to the building as they would not be eligible for parking permits in the adjacent permit controlled zone, this would need to be controlled by condition of any planning permission. If residents or visitors to the development do not have access to the limited number of spaces in the undercroft parking area they would have to pay to park in the city centre car parks.
- 10.42 Two electric vehicle charge points are proposed in the undercroft parking area, details of this would also be required by condition of any approval. The revised TS derives a vehicle trip rate based on surveys of affordable/local authority flats located in town centres and edge of town centre locations. A survey of the existing area and adjacent development would have provided a more accurate figure but it must be accepted that vehicle trips would be low level and that only a proportion of the cars parked in the 20 space undercroft area would travel during the peak hours. The conclusion that the development would have a negligible impact on the local and strategic highway network is therefore accepted.
- 10.43 77 cycle parking spaces are proposed amongst 151 resident properties, the Transport Statement advises that the demand for cycle parking will be continuously reviewed and increased if necessary. This approach is acceptable in terms of the amount of spaces to be provided and it is noted that the type of storage is varied, many of the bays are stacked but some provision would be suitable for less able bodied cyclists.
- 10.44 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 not fully resolved it is considered that this can be technically satisfied. It is therefore considered that a suitably worded condition relating to a revised hedge and fence positions should be imposed.
- 10.45 Colleagues in travelwise have also assessed the application and in principle have raised no objections to the development subject to appropriate travel plan monitoring arrangements and provision of residential travel plan fund. As however alluded to earlier in this report, the application has been subject to a viability assessment, accepted by the District Valuer, which concludes that the scheme is not viable and no funding is available to cover these requirements.
- 10.46 The council's highway engineer has noted that the supporting microclimate 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.

Landscaping

- 10.47 The proposed development involves the complete removal of a landscaped mound which acts as a buffer and forms an important backdrop to the new park "Primrose Circus". The removal of this feature would greatly diminish the value/quality of the

public open space only to be replaced with the hard edge of a multi-story block and it's over dominance of the space.

- 10.48 The trees can be viewed from the surrounding area. For example from Lovell Park road and from the surrounding Public Rights of Way. Also many of the trees can be seen from as far away as Clay Pit Lane by the Merrion Centre (APPENDIX B- (Part 1 figures 1-4). Any replacement planting would take some 30 years to have any effect in terms of restoring the visual amenity of a belt of planting that averages 40 years old. The buffer forms an important backdrop to the 'Primrose Circus'. The removal of this area would greatly diminish the value/quality of this open space and would be replaced with the hard edge of a multi storey block and it's over dominance of the space (APPENDIX B – figure 5)
- 10.49 The mound and the trees form part of a continuous green infrastructure corridor that runs along Clay Pit Lane to Meanwood road. The gap caused by the loss of the trees in particular would break up the continuity of the corridor. Any replacement planting would take some 30 years to have any effect in terms of restoring the connectivity. This would therefore be harmful to bio-diversity that runs along the corridor. The removal of the tree belt is contrary to LCC Core Strategy Policy N9 Urban Green Corridors and Development. The objective is to retain and enhance corridors (APPENDIX B- (Part 2) figure 6).

Sustainability and Climate Change

- 10.50 As a result of the recently declared council's climate change emergency, existing mature trees must be valued in terms of carbon storage and their year on year carbon sequestration. Mature trees can remove in the region of 3.5tonnes of CO2e a greenhouse gas from the atmosphere. New tree planting on the other hand make a negligible contribution to CO2 until they reach the age of about 30years.
- 10.51 The tree belt affected by this application contains a mix of trees of good quality. The general average of the trees is about 40- 50 years. In terms of CO2e capture of the 40 plus trees and using a calculation based on a recent Leeds University study using "i-trees". Leeds Ecosystem, Atmosphere & Forest (LEAF) Centre measured Carbon Storage (and sequestration) in all trees on the university campus, the following is derived.
- 10.52 The loss of the 40 trees on this development site can be summarised as follows:
1. tCO2e to date sequestered/stored by 40 trees:
= 60 tonnes CO2e
 2. tCO2e future sequestration by 40 trees for minimum of 30 years: approx
1.12 tonnes CO2e/ year for next 30 years
= 30 tonnes CO2e

Total loss of carbon for lifetime of trees = approx. 90 tonnes CO2e

- 10.53 The appellants appeal submission recognises the value of the tree loss and has produced a document referenced as appendix 12 Carbon_balance. This document uses the Forestry Commission woodland carbon code calculator to estimate the carbon sequestration of the proposed replacement planting scheme. The conclusion of appellant's document is: **After approximately 35 years the carbon balance**

would be positive – i.e. sequestered carbon in the planted trees would exceed the lost carbon from: felled biomass, disturbed soils, and any future sequestration associated with the existing trees.

- 10.54 There is therefore no dispute that any replacement scheme would take 35 years to balance the status quo i.e. the functionality of the existing trees in terms of the current CO₂ greenhouse gas removal from the atmosphere. This also assumes that all the replacement planting is also successful from day one.
- 10.55 The National Planning Policy Framework (NPPF) recognises the contribution green infrastructure can make to improving air quality. Paragraph 181 states that ‘Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.’
- 10.56 Mature trees in urban environments can reduce pollutant loads by between 7% and 26% (*Tiway et al. 2009*). In studies in UK cities, *McDonald et al. (2007)* found that planting trees on one quarter of the available urban area was able to reduce the PM₁₀ concentration by between 2% and 10%.
- 10.57 Trees are not only effective at collecting particulate matter PM₁₀, but also at scavenging other pollutants through the uptake of ozone (O₃), sulphur dioxide (SO₂) and nitrogen oxides (NO_x) (*Broadmeadow & Freer-Smith 1996, Scott et al. 1998*).
- 10.58 Poor air quality and climate change are closely linked. For instance the air pollutant black carbon deposits are a cause of global warming on top of greenhouse gases. Poor air quality results in health impacts such as eye and nose irritation/ linked to respiratory and cardiac mortality as a result of mainly particulate matter (pm) NO_x nitrogen dioxide and nitric oxide and ground level ozone (O₃) smog.
- 10.59 The use of green infrastructure to reduce exposure to air pollutants is a relatively new and fast-evolving area of research. Until such times as when the sources of pollution are reduced, green infrastructure can have a beneficial effect on air quality. The removal of the landscaped mound cannot therefore have any merit in air quality terms.
- 10.60 Similarly the Air Quality Expert Group (AQEG), which advises government on current research and thinking around air quality, has reviewed available research on the impact of vegetation on air pollution and concluded: “*vegetation and trees in particular are regarded as beneficial for air quality, but they are not a solution to the air quality problems at a city scale.*”
- 10.61 As part of the appeal submission the appellant has submitted an air quality assessment. This submission does not however consider the impact of the removal of the vegetative barrier or reduction in the mound. Instead the assessment only considers the potential air quality impacts during the construction phase – impact of dust etc. Assessment of potential air quality impacts during the operational phase – impact of additional traffic. The proposed development is approximately 378m from a Leeds Air Quality Management Area.

- 10.62 The adjoining dual carriageway is an alert transport corridor for air quality concentrations within the Council's Air Quality strategy. The alert is for a range of 100m from the centre of the highway. This means that the highway here is at risk of exceeding national air quality objectives due to having similar traffic circumstances to the nearby AQMA (APPENDIX B – figure 6).
- 10.63 The green space at Primrose Circus is within this range at approx. 60m from the centreline of the road. National air quality objectives are not currently breached nor would they be with this development. However if there is a barrier in existence which mitigates air quality and is beneficial to human health and wellbeing, it should not be removed as this would be counterproductive.
- 10.64 No site studies have been carried out but in this instance pollution levels are likely to be reduced within a potential zone of influence over a distance 48m from the tree belt (barrier ht=17m). This calculation is based on the following research: *Scalar Fluxes from Urban Street Canyons. Part II Model, Harman et al. (2004)* (APPENDIX B – (Part 3) figures 8 &9).
- 10.65 The public green space Primrose Park is within 21m from the belt and there are residential properties within the 48m range. As the trees continue to grow in years to come this distance will increase. The benefits are mainly attributable to dispersion (pollutants diluted with cleaner air) and the effects tail off with increasing distance. Some pollutants will also be removed on passing through the belt via deposition.
- 10.66 The deposition of pollutants in the air that pass through the tree and shrub belt onto the leaf surfaces will have a small but beneficial. This can be as little as 2% up to 10%. The prevailing wind is to the south so this belt will be intercepting the polluted air coming from the adjacent dual carriageway into the area.
- 10.67 The belt contains many of the essential features of a very good air quality screen/buffer. It is 15-20m wide (deep) and 17m high. It includes low level, medium shrubs as well as trees. It contains very dense foliage (including some evergreens) from the ground level up to the top of the trees.
- 10.68 The loss of the tree belt combined with mound reduction will result in harm to air quality for local residents by removing a feature that is currently beneficial to human health. To replace this feature through new planting would take in the region of 35 years to replicate the current arrangement. Health and Wellbeing linked to traffic pollution is an imperative for today not something that can wait 35 + years. It is therefore considered that the proposed development fails to satisfy planning policies LAND 2, P10 and GP5 of the development plan as well as national planning guidance set out in the NPPF.

Wind Assessment

- 10.69 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. 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 albeit beyond the community of Little London. 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.

- 10.70 As such the appellant 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.
- 10.71 The appellant'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.
- 10.72 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.
- 10.73 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.
- 10.74 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

- 10.75 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
- 10.76 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.
- 10.77 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.
- 10.78 To address these issues the appellant had been requested to provide additional details and further convergence results for further reassessment. Following the receipt of the appeal for non-determination this issue has not been advanced albeit, the appellant has submitted a wind comfort statement in support of their appeal. Following a review of this submission however, it still appears that this issue has not been addressed and uncertainty remains in terms of the impact of the development on the surrounding microclimate and its impact upon public safety immediately adjacent to the proposed development and funnelling along Clay Pit Lane.

Section 106 and Planning Obligations

- 10.79 The following planning obligations would normally be required to make the application acceptable.
- Travel Plan monitoring fee £3,000
 - Residential Travel Plan Fund £500.50 per dwelling
 - Metro – Real time displays £20,000
 - Commuted Sum for Off-Site Greenspace of £157,831
 - Affordable housing provision

- 10.80 Following the submission of a viability appraisal and receipt of the District Valuers report, it is considered that the scheme can only viably support the provision of affordable housing at a rate of 12.5% provision and that none of the other planning obligations can be met in this instance.

Community Infrastructure Levy

- 10.81 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12th November 2014 and was implemented on the 6th April 2015.

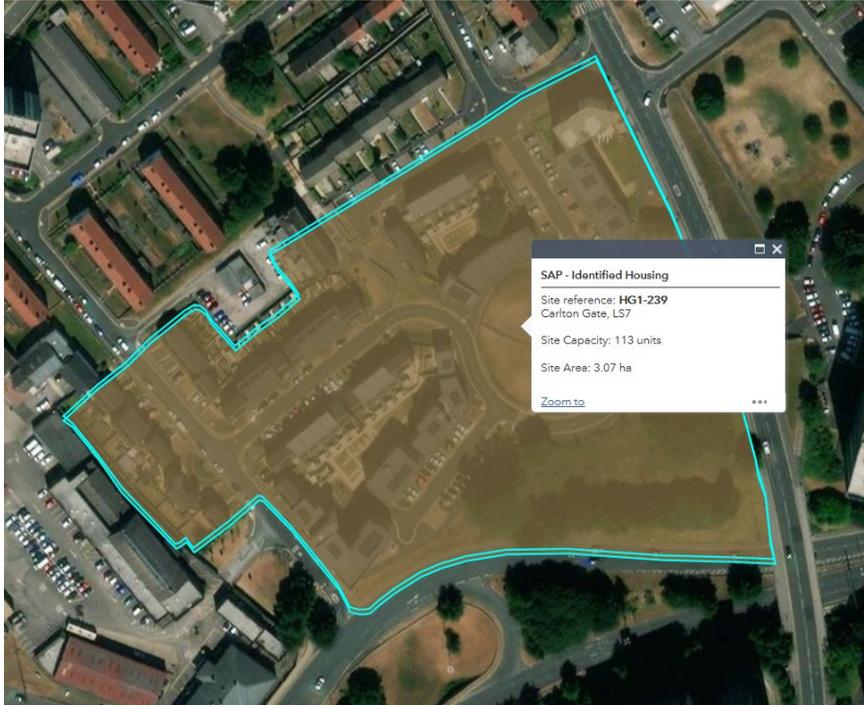
11.0 Conclusion

- 11.1 Although the site forms part of a larger housing allocation in the Site Allocations Plan (HG1 239), it was never envisaged, as part of the Little London Development Framework, that the buffer, in its entirety, would be removed together with all but one of the mature trees. Indeed, the majority of this allocation has already been built out and the capacity target for housing delivery achieved. In visual terms this is not considered to be positive arrangement and combined with a proposed design solution, which is considered to be out of scale and context with the immediate character of Little London, causes demonstrable planning harm.
- 11.2 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 wider site allocation.
- 11.3 The removal of the buffer would greatly diminish the value/quality of the public open space only to be replaced with the hard edge of a multi-story block and it's over dominance of the space. Given the scale of the development and its associated footprint and servicing area, there is no is meaningful space left to properly replace the buffer and replicate the extent of the tree loss.
- 11.4 In addition, in the light of the recently declared council's climate change emergency it is considered that the associated loss of the green infrastructure, which positively contributes to improving local air quality and storing carbon, is unacceptable and contrary to the councils ambitions on such matters. The appellant's offer of mitigation will take a minimum of 35 years to replicate the current arrangement on the assumption that all replacement planting is successful.
- 11.5 For the reasons set out in paragraph 1.5 of this report, the proposed development is considered to be unacceptable and had the Local Planning Authority determined the application, it is recommended it should have been refused for the reasons set out.

12.0 Background Papers:

- 12.1 Planning application files:
- 12.2 Certificate of ownership.

Appendix A



neighbourhoods for living



A GUIDE FOR RESIDENTIAL DESIGN IN LEEDS



LEEDS
CITY COUNCIL

DEVELOPMENT DEPARTMENT

DECEMBER 2003

Better Design

Leeds has a rich legacy of housing. Throughout history 'models' have been used to develop housing. A variety of house types were based on previous models, such as the Georgian terrace, the Victorian suburban villa, the 'back to back', the 1960s tower block, the 1930s semi. Some of these are more successful than others.

In recent years the model for new design has been limited and the design quality stifled. The rigid approach to house and layout design has led to detached or semi-detached plans with poorly enclosed front gardens and unimaginative architecture which are dominated by unrelieved vehicular provision. This has become a model that has failed to meet a number of the aspirations for housing.

An important aim of this guide is to encourage a variety of models (and some special individual designs) - building on the successful historical models that still work today. Developing in existing urban areas requires a response to context that has been lacking in recent years. In particular, there is a need to vary the limited 'palette' of volume house builders, which has been responsible for significant detrimental impact on the 'local distinctiveness' of Leeds. There are diverse character areas throughout Leeds, ranging from the intensive city centre to leafy suburbs. Situations from which appropriate design solutions may develop can be classified as city centre, urban, suburban and edge.

Highest quality design solutions should emerge in Leeds based on best practice.



GEORGIAN TERRACED HOUSE
In most city centre situations these have been converted to offices, but could still become attractive houses/flats



VICTORIAN SUBURBAN VILLA
Many have become high quality flats with private garden space

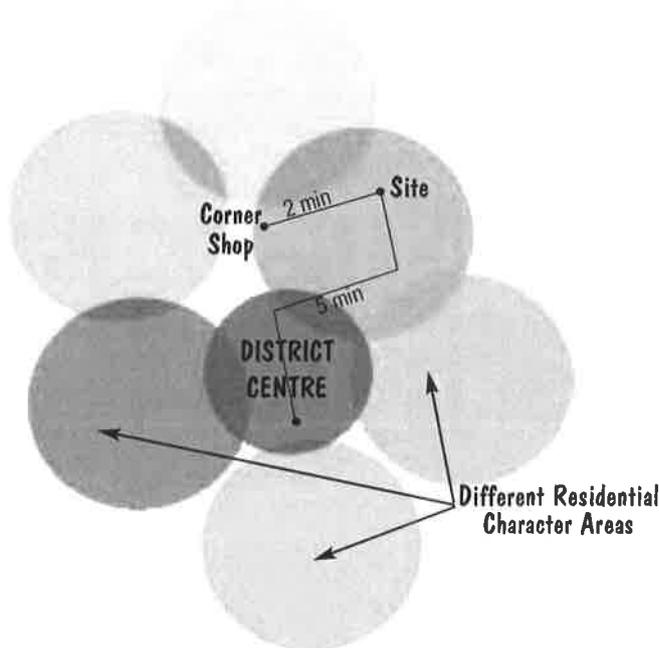


VICTORIAN ROW OF TERRACED HOUSES IN INNER SUBURBS
Robust buildings have lasted well and provide excellent streets provided the car is tamed



DISTINCT CHARACTER AREAS

Becketts Park and Grove Lane are two distinctive neighbourhoods in Headingley with varied characteristics organised around distinctive neighbourhood units. It will often be useful to refer to historical sources which will give clues to the special characteristics of an area, any former activities, or historical attributes which should be strengthened



ACCESS TO LOCAL FACILITIES

New developments should ensure that there is easy walking access to existing local facilities. With very large developments provision of new local facilities would be considered as part of the development provided it meets UDP requirements

Principles

- **relate the site to its particular neighbourhood** or character area and consider how particular attributes or activities can be strengthened (1)
- **avoid sites which do not have easy access to existing local facilities** (2)
- **consider the scheme as part of the larger community** to ensure compatible with each other, balanced with a range of services, without increasing reliance on the car (3)
- **address needs of whole community and create neighbourhoods that offer choice** in housing and ensure access to local facilities, with new development organised around these neighbourhood units (4)
- **link development into overall network of facilities**, and relate it to its locality, promoting the development of additional facilities where necessary (5)
- **ensure that new development is within easy walking distance of local facilities** and networks. (6)

FURTHER GUIDELINES

"People should be able to walk in 2-3 minutes (250metres) to the post box or telephone box: the newsagent's should be within 5 minutes (400 metres). There should be local shops, the bus stop, the health centre and perhaps a primary school within a walking distance of (say) 10 minutes (800 metres)."

English Partnership: URBAN DESIGN COMPENDIUM page 35

density and mixed uses

KEY OBJECTIVE

To create vitality, with increased development densities supporting a range of services, mixed uses and public transport.

Higher density development can reduce land take and the need to travel whilst encouraging better public transport and range of local services.

However, density is only a measure; it is a product of design, not a determinant of it. Therefore increasing density should not be at the expense of amenity and quality of the environment, good access for disabled people, or how well connected the site is, nor should it lead to other problems such as on-street parking. In some areas higher densities may not be appropriate such as where landscape considerations should dominate. In the city centre the overall scale of development and good accessibility means that some very high quality developments can achieve very high densities.

In some areas of Leeds there are large extended families. The measure of dwellings per hectare (dph) does not take into account family size, and by implication house size. There needs to be a flexible approach to appropriate solutions.

Mixed use developments provide the opportunity for higher densities, particularly in the city, town, district and local centres where the use of larger buildings can be maximised. They are especially appropriate for single people or couples without children, as part of a balanced community that includes affordable family housing. Mixed uses and a variety of house types also ensure that people are around throughout the day increasing natural surveillance and vitality. Care needs to be taken when mixing uses to avoid conflict between residents and car/goods vehicle parking, use and associated activity.



MIXED USE

Residential blocks with ground floor retail uses create a more active ground floor frontage - This will give the flats better security by being elevated from the public realm as well as better all round surveillance



local character

KEY OBJECTIVE

To ensure that proposals respect the local character by enhancing the positive attributes whilst mitigating negative aspects.

CONTEXT ANALYSIS

GENERAL FEATURES

Topography - development should be determined by the shape of the land and not obscure the topography but mould itself to it.

Views into and out of the site should be identified, and their importance rated. Identify which views should be safeguarded or where they can be enhanced.

Landmark features and buildings - those of city-wide importance should be identified, where they are visible from, and opportunities for new landmarks.

Edges and barriers such as green corridors, major routes, or screening elements should be identified.

Landscape structure - development should respect and retain natural features such as hedges, trees and open spaces and perpetuate landscape qualities where they contribute to local distinctiveness.

Older settlement patterns such as stone walls, fences, and buildings need to be retained where they will perpetuate or contribute to local distinctiveness.

Townscape Character

Spatial organisation - building groupings usually take one of three distinctive forms :
Urban - buildings contain the spaces usually in the form of streets, squares and courts.

Suburban - houses set in plots with loose containment of spaces.

Rural - landscape dominant with buildings contained by the landscape.

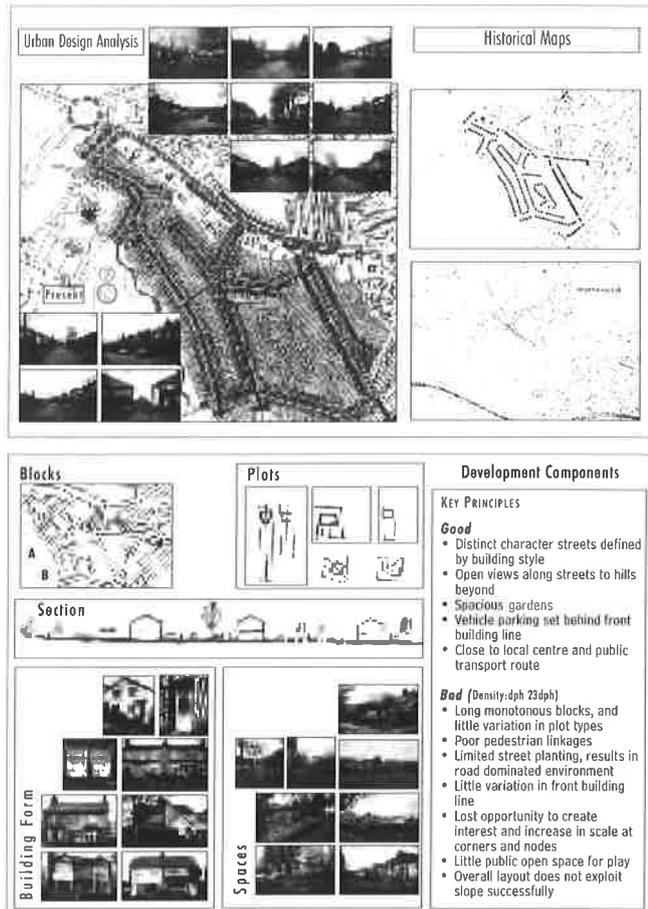
Shape - spatial organisation of a settlement may have a distinctive shape, such as linear, square, random or formal / informal. New development should respond to the shape of existing settlements.

Grain - proximity of buildings to the street, massing and scale of spaces between them all contribute to the character.

Building types - size and shape, terraced or detached, rhythm of building components.

The site context should be analysed in detail to determine its positive and negative characteristics. Any analysis should ensure that it also identifies any proposals that will effect the area. A map based analysis supplemented with photos and sketches will help give a broad overview and initially identify the more general aspects before more detailed ones are considered. A more thorough analysis will be expected in sensitive areas, such as conservation areas or adjoining listed buildings.

A development should reinforce or enhance the positive aspects of the locality. These could include continuity of street enclosure, or quality of green spaces, whilst more detailed elements may include rhythm of bays or window form and pattern. Local character has a social/heritage dimension and that needs to be part of any analysis. Development should retain and sympathetically treat listed buildings and unlisted buildings in conservation areas that make a positive contribution. Negative aspects, such as highway domination of spaces, will determine what should be avoided. It may be appropriate in some cases to depart from the context, for example, with high quality innovative proposals. Where there are few positive characteristics to build on, a contrast could be beneficial.



EXAMPLE OF A RESIDENTIAL APPRAISAL
 Analyse the positive and negative attributes of an area

APPENDIX B LANDSCAPE ISSUES

1. LOSS OF PUBLIC AMENITY



Figure 1- View Lovell Park road



The red shading denotes the tree belt proposed for removal

The trees can be viewed by the local community of Little London and from the surrounding area

In particular the adjoining Lovell Park road and in the background from Leeds Arena Clay Pit Lane

Figure 2- tree belt removal in red

APPENDIX B LANDSCAPE ISSUES

1. LOSS OF PUBLIC AMENITY



Figure 3 - View Lovell Park road bridge



Figure 4—View Clay Pit Lane

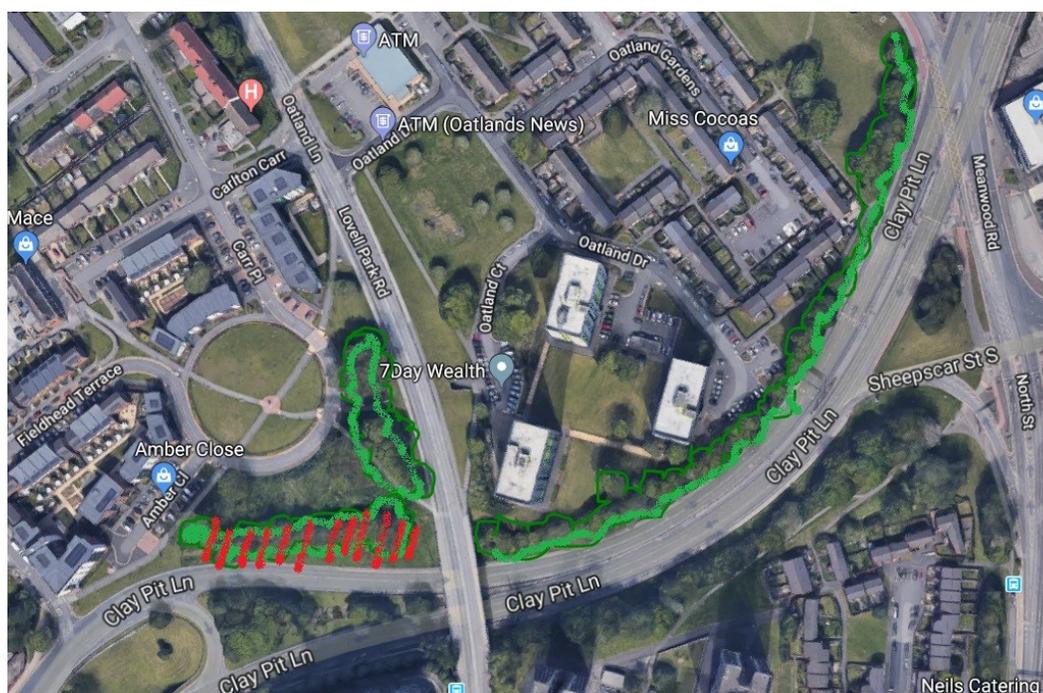
APPENDIX B LANDSCAPE ISSUES

1. LOSS OF PUBLIC AMENITY



Figure 5- Impact view from Primrose Circus Public Green

2. HARM TO LOCAL GREEN INFRASTRUCTURE CORRIDOR



The red hatching denotes the tree belt proposed for removal

Figure 6- The Mound and the trees form part of a continuous Green Infrastructure corridor that runs along Clay Pit Lane to

APPENDIX B LANDSCAPE ISSUES

3. HEALTH AND WELLBEING (loss of Air Quality benefits)

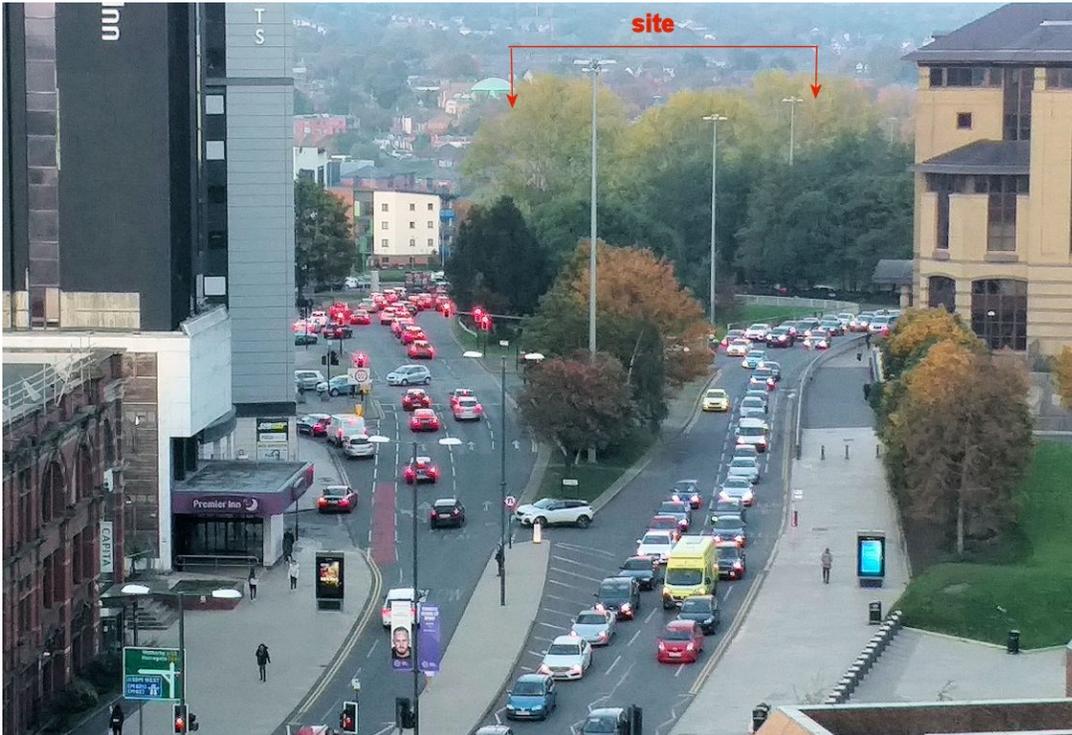
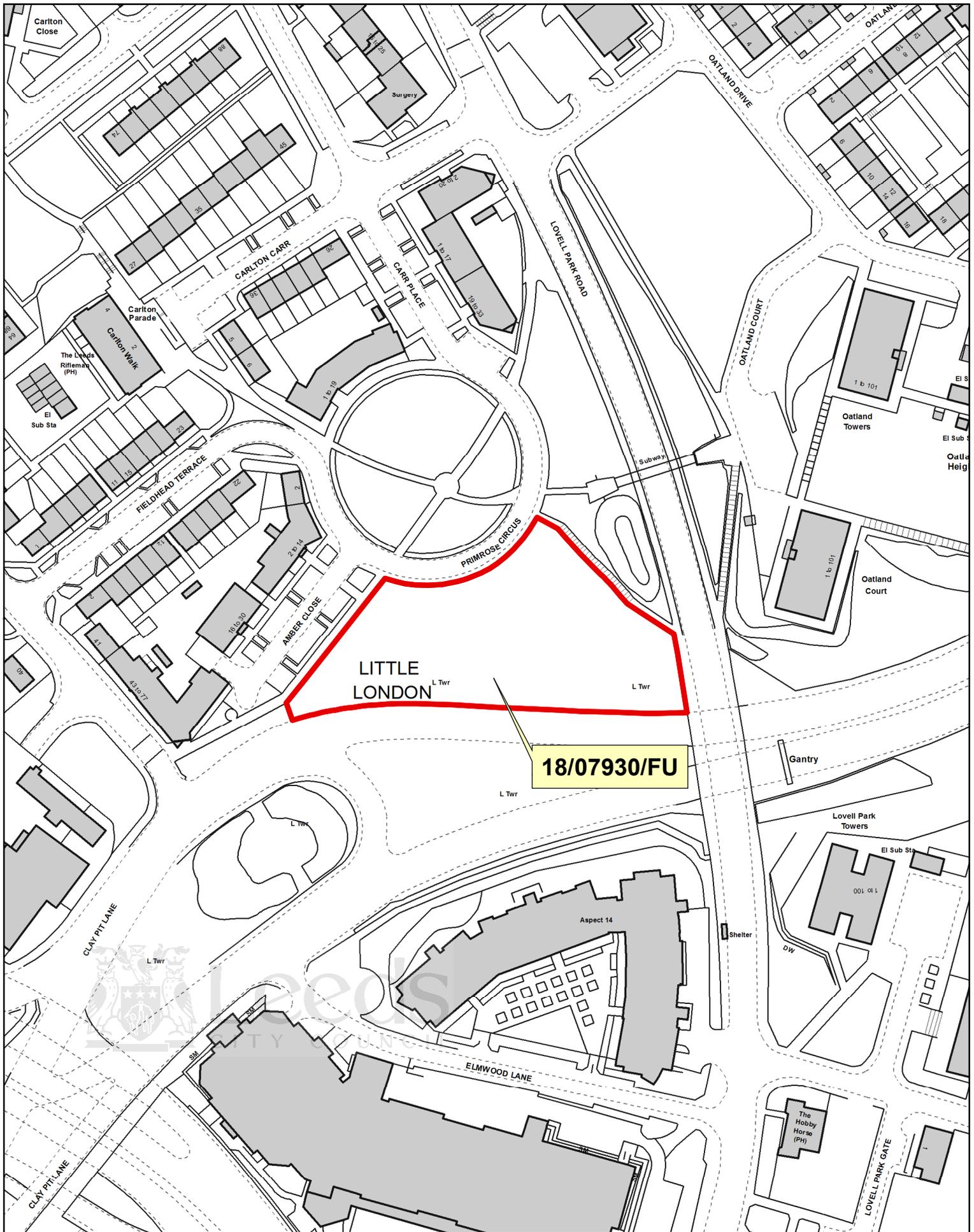


Figure 6– traffic volume / air quality context of the site



Figure 7– site located behind tree belt



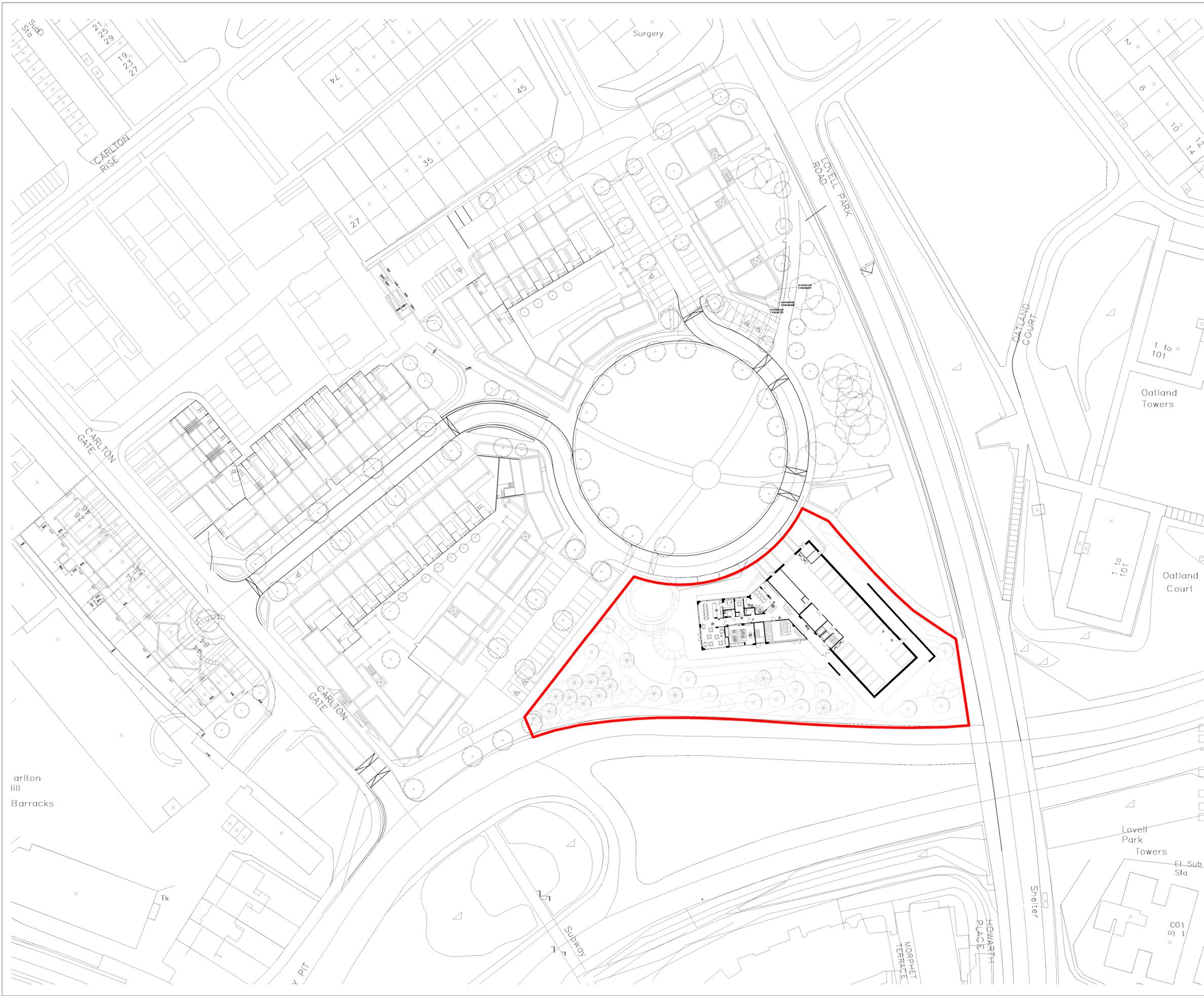
SOUTH AND WEST PLANS PANEL

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