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**Report of the Chief Planning Officer**

***SOUTH AND WEST PLANS PANEL***

**Date: 13<sup>th</sup> February 2020**

**Subject: PREAPP/19/00645 - Pre-application presentation for Residential Development, Land East of Carlton Gate and North of Clay Pit Lane.**

**Applicant: Engie Ltd.**

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**Electoral Wards Affected:**

Little London & Woodhouse

Yes

Ward Members consulted

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION: This report is brought to Panel for information. The applicant will be asked to present the emerging scheme to allow Members to consider and comment on the proposals.**

**1.0 Introduction:**

1.1 This pre-application presentation relates to a council owned site for a proposed major residential development of 128 apartments. The site is subject to a current appeal against the non- determination of an application for 151 apartments on the same site. Members may recall that at the meeting on 5<sup>th</sup> December 2019, Panel set out its concerns with that proposal, to inform the Council's appeal statement. The applicant is now seeking initial views on a reduced scheme as an alternative to pursuing the proposal that is subject to the appeal. The pre-application enquiry presentation to Panel is therefore being made an early stage in view of the timescales for the appeal.

**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 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.

- 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 this pre-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 128 apartments. Detailed internal drawings have not been submitted but the flat sizes would need to satisfy, as a minimum requirement, the Leeds Standard and the Nationally Described Space Standard of:
- 1 person 1 bed apartment – 44m<sup>2</sup>
  - 3 person 2 bed apartment – 67m<sup>2</sup>
  - 4 person 3 bed apartment – 79m<sup>2</sup>
- 3.2 The scheme comprises of one rectangular shaped tower block, 'end-on' to the Primrose Circus roundabout. The closest element to the roundabout would be 7 storeys in height, rising to 17 storeys and then falling to 14 storeys closer to Clay Pit Lane. The proposal includes 2 disabled bays both with electric vehicle charging points, and 3 drop off bays.
- 3.3 The orientation of the building and the 36% reduction in the footprint, together with reduction of parking to a minimum, allows for retention of 50% of the bund and 26 trees, such that tree loss is reduced to 28. Replacement would be at a minimum of 3 for each lost, with 2/3 of new trees being planted on site.

### **4.0 Relevant Planning History and History of Negotiations**

- 4.1 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.
- 4.2 Following a pre-application submission and lengthy discussions including a Panel presentation in June 2018, a full application (18/07930/FU) was submitted in January 2019 for residential development of 151 dwellings with community use area, café, gym, residents lounge, outdoor amenity area and roof terraces, A Position Statement

was presented to the Panel in August 2019 when a number of concerns had been raised by the Panel. These included visual harm, loss of the mound and trees, scale and design of the proposals, impact on residential amenity and lack of affordable housing. Following the August 2019 Panel, the applicant lodged an appeal against the non-determination of the application. At Panel on 5h December 2019, it was resolved that officers make representations on the appeal on the following grounds:-

1. The development would 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.
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.
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
4. 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
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.

4.3 At that panel, members asked that the applicant be informed that they were willing to continue further negotiations with regard to the development of the site. In response, this current pre – application enquiry has been submitted and validated very recently to gauge members' views prior to the determination of the appeal. It has not yet therefore subject to consultation.

## **5.0 Relevant Planning Policies**

### **5.1 The Development Plan**

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. Now that the Core Strategy has been adopted, this can now be given full weight as part of the statutory Development Plan for Leeds. For the purposes of decision making, the Development Plan for Leeds currently comprises the following documents:

1. The Leeds Core Strategy (Adopted November 2014)
2. Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013)
4. Any Neighbourhood Plan, once Adopted

These development plan policies are supplemented by supplementary planning guidance and documents.

### **5.2 Leeds Core Strategy**

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The most relevant policies are set out in the paragraphs below:

- Spatial Policy 7 – Sets out the spatial distribution of the district wide housing requirement between Housing Market Characteristic Area.
- Policy H3 Density of development. A minimum density target of 65 dwellings per hectare is set for edge of centre locations.
- Policy H4 says that 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.
- Policy H5 Affordable Housing. The affordable housing requirement would be 5% of the total number of units, with 40% for households on lower quartile earnings and 60% for households on lower decile earnings
- Policy G4 Greenspace provision - Outside the City Centre the normal requirement is 80 sqm per dwelling. The delivery of a proportionate amount of open space per dwelling, both private and shared communal, and the provision of public realm, is important and is currently being discussed with the developer. Contribution to specific off-site greenspace enhancements to mitigate a shortfall on-site may be required.
- Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and enhancing existing landscapes and spaces.
- Policy P12 states that landscapes will be conserved and enhanced.
- Policies T1 and T2 identify transport management and accessibility requirements for new development.
- Policies EN1 and EN2 set out the sustainable construction and on-going sustainability measures for new development. In this case, a 20% improvement on building regulations and at least 10% low or zero carbon energy generation on-site is required.
- Policy ID2 Planning obligations and developer contributions

### 5.3 **Leeds Unitary Development Plan Review 2006 (UDPR) Saved Policies**

The site lies on the edge of the City Centre. The site is not allocated as greenspace in the Saved UDPR. Saved policies that are relevant to this scheme are:

GP5 all relevant planning considerations

BD2 new buildings

LD1 landscaping

### 5.4 **Leeds Natural Resources and Waste DPD 2013**

The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. Policies regarding sustainable drainage, land contamination, coal risk and recovery, air quality and trees are relevant to this scheme.

### 5.5 **Relevant Supplementary Planning Documents/Guidance includes:**

SPG Neighbourhoods for Living

SPD Building for Tomorrow Today: Sustainable Design and Construction

SPD Street Design Guide

SPD Parking

SPD Travel Plans

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

The NPPF sets out the Governments planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so. It states that planning should proactively support sustainable economic development and seek to secure high quality design. It encourages the effective use of land and achieves standards of amenity for all existing and future occupiers of land and buildings. One of the core principles is the reuse of land that has previously been developed. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF states that local authorities should deliver a wide choice of homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (paragraph 50).

- 5.7 The NPPF also considers the importance of promoting sustainable patterns of travel, including public transport. The Government attaches great importance to the design of the built environment. Section 7 (paragraphs 56-66) states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality.

## **5.8 Other Material Considerations**

### **5.9 The Leeds Standard and the Nationally Described Space Standard**

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.

## **6.0 KEY ISSUES**

### **6.1 Principle of use and design concept**

- 6.2 The principle of development has already been established following the granting of an outline planning permission for residential development. However the bund and landscaping together with its mature tree cover has since become more established.

- 6.3 The proposals is again for a tall structure, up to a maximum of 17 storeys in the central section. In terms of context, there are tall buildings in the area; these are on sites on the other side of Clay Pit Lane and Lovell Park Road. Any development on this site could be seen as requiring a transition development between those taller buildings and the generally lower buildings of the immediate context across Primrose Circus. Equally, across the site there are substantial changes in levels and at the lowest point this presents an opportunity to accommodate a tall building, with a lower form and less massing stepping down.

- 6.4 The developer states that the reduced number of units and smaller footprint would increase the speed of delivery of the scheme and that prefabricated building elements would be employed to reduce noise and other disturbance to existing residents. From

further work since the submission of the appeal, the developer is confident that it will be demonstrated that the wind related impacts of the development will be shown to be acceptable

- 6.5 The submissions states that the building would comply with Core Strategy Policies H9 an H10 regarding space standards and accessible dwellings, and would be compliant with the emerging new Part M (Access and use of Dwellings) of the Building Regulations
- 6.6 Any application would again need to be supported by noise and air quality reports to demonstrate the provision of adequate amenity for future residential occupiers, and these documents would need to set out measures to mitigate any identified environmental issues, such as high specification double or triple glazing systems and appropriately filtered mechanical ventilation systems.
- 6.7 **Members' Views are sought on the principle of the development and the emerging design concept**
- 6.8 **Affordable Housing and Housing Mix**
- 6.9 The developer states that as accepted by the District Valuer, the scheme would not deliver anywhere close to what would normally be considered an acceptable level of developer profit. The collaboration between Engie and the Home Group would allow for a significantly lower return. The revised scheme proposed is however stated to be at the lowest number of units to still ensure that the scheme could be delivered.
- 6.10 The affordable housing policy requirement on this site is 5%. The prospective applicant is proposing a 'flexi rent model'. The flexi-rent scheme would provide an identical specification and service for all apartments. The total rent for the scheme would be linked to inflation, while the percentage of discounted versus full price apartments within the scheme would vary to account for changes in open market rents and affordability.
- 6.11 On this basis it is proposed that the development will initially provide 20% of the apartments as Affordable Homes (circa 24 units), operated under the Flexible Rent mechanism at discounted market rent, of which 7.5% of the apartments will be let in perpetuity as Affordable Housing, which is above policy requirements. The total at discount market rent would potentially rise to 50% in line with market forecasting. The affordable homes would be pepper-potted across the scheme, which would be and managed as one community alongside the market rented apartments.
- 6.12 All of the Affordable Housing units would be let at Affordable Rents, 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.
- 6.13 The develop would 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 manged by Housing Leeds who have been consulted and are comfortable with this proposal.

- 6.14 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).
- 6.15 The proposed development is 100% Flats. Paragraph 5.2.11 of the Core Strategy states:-  
 ‘...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...’
- 6.16 The view previously expressed was that a fully flatted scheme was appropriate in this location. The new proposal is for a mix of 10% studios, 50% 1 bed roomed, 28% 2 bed roomed and 12% 3 bed roomed apartments. The proposal would therefore conform to the requirements of Table H4 of the Core Strategy Policy

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

**6.17 Members’ Views are sought on the proposed affordable housing arrangements**

**6.18 Greenspace, Public Realm and Trees**

6.19 The developer has sought to address the concerns expressed regarding the previous scheme by reorienting and reducing the footprint of the building, so as to retain a significant element of the landscaped bund and trees. This area would be managed area and would provide a usable, overlooked area of open space. The formal opening up of this space for public use would provide a local benefit. Part of the bund would still need to be removed to provide the developable area, with a 45 degree slope or ‘batter’ provided down to the building level. The layout plan shows a total of 28 trees to be removed. Of those, one category U (in a condition unsuitable for retention) tree is within the new building footprint, and 3 other category U trees would be removed to accommodate new tree planting.

6.20 Core Strategy Policy G4 requires that 80 square metres of greenspace is provided per dwelling in this location, and as such (although much reduced) there would potentially still be a shortfall in on site on-site greenspace provision. This would lead to a commuted sum requirement based on the level of accommodation. This sum would normally need to be targeted towards an identified scheme for new public space or improvements to existing provision.

**6.21 Do members have any comments on the revised proposal in relation to public realm, the landscaped mound and trees?**

**6.22 Highways and Transportation**

6.23 To minimise the use of the landscaped area and to address sustainability issues, the developer proposes 2 disabled parking bays and 3 drop off bays, in a layby formation in front of the proposed building and along the outer edge of the Primrose Circus. Part of the work undertaken in regenerating the area under the PFI scheme was intended to address parking issues in the area, including through improved parking for residents in existing accommodation and provision of parking for the new development at a level agreed through extensive surveys. These surveys led to a figure of 0.7 spaces per unit based on existing car ownership averages in the area. Significant TROs and traffic calming measures were introduced to prevent commuter parking and to control parking that was occurring as a result of arena events. Given the time since that work was undertaken, and the greater emphasis placed upon the need to reduce reliance on the private car, the survey work should be revisited if a reduction from the previously agreed figure is to be considered.

6.24 A Transport Statement and Travel Plan would be required with any application to demonstrate the accessibility options available at the site and how the lack of car parking provision at the development .would be addressed

6.25 The developer states that appropriate levels of cycle storage would be provided within the building.

## **6.26 Climate Change Emergency Considerations**

6.27 The submission indicates that the scheme would be fully compliant with Core Strategy Policies EN1 and EN2, with the scheme utilising electricity from 100% renewable sources. The developer states the building would be BREAM excellent. Car parking would be minimum, [with the disabled spaces including EV charging points], and cycle stage integral with the building.

6.28 The revised scheme does still propose tree loss at the site. A minimum of 3:1 for replacing is proposed to comply with the Council policy. The loss of the mound and trees to be considered in the context of the previous outline approval for development of the site and the social economic and regeneration benefits of the development

## **6.29 Do Members have any initial comments in relation to noise, climate emergency and social-economic benefits?**

## **6.30 Planning obligations and Community Infrastructure Levy (CIL)**

6.31 If acceptable, likely Section 106 agreement obligations would be:

- 7.5% affordable housing on-site with a pro-rata mix of units
- On-site publicly accessible greenspace
- Off-site greenspace contribution
- Sustainable Travel Fund
- Travel plan monitoring fee
- Cooperation with local jobs and skill initiatives

6.32 CIL charging is applicable and based on the floorspace provided.

6.33 If the developer does not consider the scheme can be delivered whilst meet all of the normal planning obligation requirements, a viability appraisal would be required to be submitted in support of their case to justify this position. In these circumstances the report will need to be independently assessed on behalf of the council by the District

Valuer. The findings of any such assessment would be presented to Members in due course.

## **7.0 Conclusion**

7.1 This revised proposal seeks to address Members' concerns regarding the previous proposal by reducing the footprint of the building to reduce the extent of loss of the landscaped mound and trees at the site. The scheme also reduces the level of parking on site. The dominance along the frontage of the Primrose Circus has been reduced by orienting the building end-on the roundabout, although further into the site the development still rises to a similar height as the previous scheme.

7.2 Members are respectfully asked to provide responses to the questions as set out in the report:

**6.7 Members' Views are sought on the principle of the development and the emerging design concept**

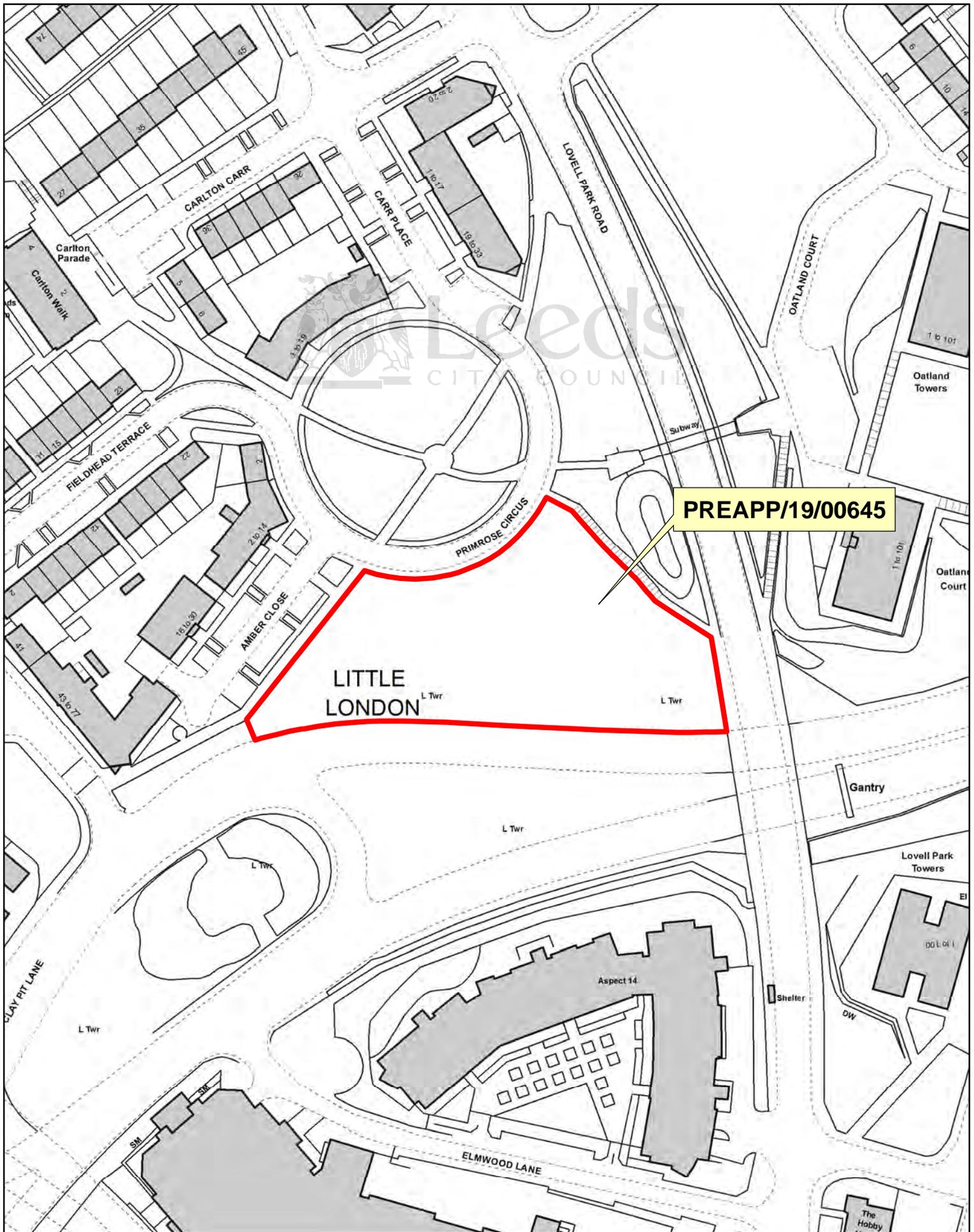
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**6.29 Do Members have any initial comments in relation to climate emergency and social-economic benefits?**

### **Background Papers:**

Pre-application file: PREAPP/19/00645



PREAPP/19/00645

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# SOUTH AND WEST PLANS PANEL

