



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 21st April 2022

Subject: 21/08190/FU - Hybrid planning application for a phased development; full permission for demolition of existing buildings and structures, site remediation, regrading and preparatory works, erection of four residential buildings (use class C3), townhouses (use class C3) and student accommodation (sui generis) with ground floor and other uses comprising any or all of retail, commercial, community, health, cultural and leisure (use classes E, F1 and/or F2) and associated means of access, parking, landscaping, associated infrastructure works and construction of a new river wall and bridge crossing; outline permission, to be implemented in phases, for mixed use development comprising residential use (use class C3); and other uses including all or some of the following: retail, leisure, commercial, health, cultural and community uses (use classes E, F1 and / or F2); car parking, new public spaces; hard and soft landscaping; cycle parking; access; servicing; and other associated infrastructure and engineering works at 10 - 81, Kirkstall Road, Leeds LS3 1LH

Applicant - Latimer Kirkstall Limited c/o Lichfields

Electoral Wards Affected:

Little London and Woodhouse

Yes

Ward Members Consulted
(referred to in Report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Members are recommended to approve this application in principle and defer and delegate the final decision to the Chief Planning Officer subject to resolution of outstanding matters relating to Flood Risk (see section 9.9 of the report), the conditions outlined in the appendix at the end of this report (and such other conditions or amendments as he may consider appropriate) and following the completion of a Section 106 Agreement to secure the following:

- a) Requirement for public access to and maintenance of all routes through the scheme and public spaces**
- b) Set up of a management company to manage internal layout, carriageway, footways, refuse collection, servicing and parking.**

- c) Off-site highways contribution £275,000**
- d) Footbridge replacement on River Aire.**
- e) Travel Plan initiatives to include:**
 - i) £12,044 Travel Plan Review fee**
 - ii) Provision of Car Club parking spaces, charging facilities and free trial membership package**
 - iii) Residential Travel Plan Fund of £511.50 per dwelling (c £367,512.75)**
- f) Provision of Affordable Housing**
- g) Retention and restrictions on the use of student accommodation to safeguard the council's policy positions on other forms of housing.**
- h) Primary education contribution £12,320 per family dwelling (2+ bedrooms).**
- i Local Employment Initiatives**

Together with such other and ancillary clauses as the Chief Legal Officer shall consider appropriate

1.0 INTRODUCTION:

- 1.1 Members have previously seen this scheme at pre-application stage in September 2021. The scheme is for a mixed tenure residential scheme consisting of 11 blocks of apartments, including 1 block of 362 student rooms, split between Full (Detailed) and Outline elements of a Hybrid planning application. The scheme also includes 14 Town Houses and four low-rise non-residential buildings, along with landscaping and parking. Commercial and community uses are proposed at ground-floor level. The proposal also includes a new bridge for pedestrians and cyclists, linking the site to the wider cycle network, along with a riverside walkway. The applicants are an established social housing provider and are keen to develop parts of the site for a varied tenure of affordable housing. Under the current application 7% of the total units would be committed for affordable housing within the Section 106 agreement but the applicant has also secured Government funding from Homes England to provide an additional 28% affordable housing provision. The contract with Homes England doesn't allow, however, the control of the additional affordable units within the S106 agreement.
- 1.2 The land and buildings were previously separated into two application sites (referred to as City Reach 1&2 by the previous owners). The current owner wishes to pursue a joint, comprehensive redevelopment of both sites. The site is currently cleared of buildings, except for the western end, where some industrial buildings are still in use. Works are on-going at the part of the site adjacent to the River Aire for the implementation of the Council's Flood Alleviation Scheme 2 (FAS2). The application was screened for the need for an Environmental Impact Assessment (EIA) and the Council has determined that an Environmental Statement for Environmental Impact Assessment purposes is not required as adequate mitigation can be provided within the planning application process.
- 1.3 At a strategic level, the proposals represent regeneration of a large brownfield site on a main route into the city centre and one which has been vacant for many years. The proposals would represent significant investment in the area and the creation of a mixed use community with new employment opportunities as well as making a contribution of 1,437 new homes to meet the City's housing need. With the committed grant funding, 503 homes would be affordable homes representing an additional 402 affordable homes to the level of affordable housing required by adopted planning policy. The proposals also represent significant enhancements in terms of sustainable place making and public realm provision with a new riverside park, promenade and

bridge crossing over the river Aire, connecting to communities to the south and the Leeds-Liverpool canal.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site extends to approximately 4.9 hectares and comprises a cleared and vacant site previously occupied by the former Yorkshire Chemical Works and First Bus Depot, both of which have now been demolished. The western part of the site also contains a group of mixed commercial buildings. The remainder of the site has been vacant for some time.
- 2.2 The site is located to the south of Kirkstall Road with a frontage on to the River Aire, which runs along the southern side. To the south of this is the now completed Holts Crest Way residential scheme which is to be linked to the current proposal by a pedestrian/cycle bridge in the location of the existing pipe bridge. The western boundary adjoins a car showroom with a further development site known as The Tannery located beyond. Adjacent to the east is the City Gate development which has a large area of landscaped open space in its south eastern corner, fronting the river.
- 2.3 On the northern side of Kirkstall Road are a run of low rise commercial units including the Northern Snooker Centre. To the north of this are the student residential buildings of Opal 1 and 2, Concept Place and The Tannery which are all clearly visible from Kirkstall Road. Kirkstall Road itself was upgraded as part of a Quality Bus Initiative and now carries a dedicated bus lane on both the outbound and inbound carriageways.
- 2.4 The site is located in Flood Zone 3, does not contain any Listed Buildings and is not located within a Conservation Area. The proposal site includes two plots with different allocations within the SAP. The eastern plot, closest to the city centre is an 'identified' mixed use site MX1-28 and the western plot is an 'allocated' mixed use site MX2-9. The difference between the two is that the MX1 site is identified as a mixed use site as a consequence of planning permission for that being granted prior to the SAP being adopted.

3.0 PROPOSAL:

- 3.1 The proposal comprises the introduction of up to 1,437 new residential units and 362 student rooms, located across 11 buildings, with up to 4,367sqm of flexible ground floor commercial, leisure, cultural and community floorspace (use classes E, F1 and / or F2). The application includes landscaping, green space and car parking, along with the provision of a new pedestrian and cycle bridge across the River Aire and a riverside walkway. The application is split into a Full (Detailed) element and an Outline element.
- 3.2 The eastern part of the site will contain the taller elements of the scheme with building heights ranging from 15 to 17 storeys. The student accommodation will be located in the north eastern corner of the site, extending to 15 storeys. Mid-rise development will be provided in the western part of the site with building heights ranging from 11 to 15 storeys. The taller elements of the scheme are located along the River Aire Frontage and Kirkstall Road corridor with heights, stepping down to a 'mews street' running through the centre of the scheme along which 14 townhouses will be provided.
- 3.3 Full (Detailed) Element

The detailed element of the scheme includes:

- Demolition of all existing buildings and site preparation.
- 619 apartments across 4 blocks with heights ranging from 8-17 storeys.
- 362 student rooms in one 15 storey block.
- 4 Town Houses with gardens
- 3,075 sqm flexible ground floor non-residential space within Use Classes E, F1 and F2.
- Landscaping, shared garden areas and public realm
- Two access points from Kirkstall Rd and internal roads
- Car parking
- Cycle parking, servicing and infrastructure
- Demolition of existing river bridge and provision of a replacement bridge
- Replacement river wall with riverside walkway.

- 3.4 The four blocks in the detailed part of the site each have a different tenure, although it is proposed to make the development as a whole 'tenure blind' by shared access to facilities and services. Block B1 contains the student element of the proposal, with a total of 362 student rooms available over 15 storeys and occupies the north east corner of the site. Adjacent to the east is the eastern access road and to the west a low-rise building containing a commercial use and a cycle hub. A second low-rise commercial building sits to the west of that, along with a landscaped causeway providing separation between the tall student block and the next residential block of 17 storeys, presenting a pedestrian gateway into the site from Kirkstall Road. Block B3 adjacent consists of 205 Build to Rent apartments, with the ground floor element including commercial and community uses, along with a residents' lounge and reception. These face into the site, with the frontage facing Kirkstall Road comprising a linear built form, designed to reflect Carlton Mills which sits across the river to the south, with taller openings and windows at ground level to provide a more human scale at eye level and including a commercial frontage in the western corner. The frontage will be stepped back from the main road and softened with planting and steps down from 17 to 8 storeys.
- 3.5 Moving west along the Kirkstall Road frontage, Block B3 gives way to a garden area with four town houses sitting behind that. Adjacent to the west sits B4, a block of 11 storeys, containing 90 build to rent units. It is intended that this block will house the social rented tenure and will contain 61 affordable housing units.
- 3.6 To the south of the student block, blocks B.2A and B.2B provide market housing closer to the river, with B.2A proposed to include the shared ownership housing. Block 2A will be 16 storeys, stepping down to 10 storeys north to south and 2B will step up to 17 storeys from 8 storeys north to south. Between these blocks is a garden area, with an extensive open landscaped area, including a play area to the south adjacent to the river. A low-rise non-residential building sits to the west of B.2A, accessible to users of the public realm areas. The new pedestrian and cycle bridge leads off the site from this open area and the full length of the Riverside Walk is also to be provided.
- 3.7 The site has vehicular access with a vehicular route passing through the site from east to west, allowing for future connections to the adjacent sites on either side. This route also serves as public space, with it being designed with pedestrians in mind with adjacent outside seating areas. The location of commercial and community uses along this spine will create active frontages within the site, with landscaped spaces between buildings and buildings of different heights and designs contributing to an overall diversity of built form as viewed from Kirkstall Rd.

3.8 Vehicular access to the site will be via two left in / left out entrance points from Kirkstall Road, located within the centre and eastern areas of the site. Turning areas are provided within the site and there will be a through route for vehicles, pedestrians and cyclists, also available for servicing purposes. Pedestrian and cycle linkages will be provided through the site, connecting the riverside walkway, Kirkstall Road, adjacent land to the east and west, and the bridge to Otter Island to the south, the city centre, and the universities to the north. The scheme also requires a widened footway to be delivered along the frontage and a toucan crossing across Kirkstall Road.

3.9 The Detailed part of the scheme includes 623 residential units and 362 student units split as follows:

- Block B1: 362 student units, to be provided as 92% cluster flats and 8% studios. The building would extend to 15 storeys in height fronting Kirkstall Road and be located to the east of the site access.
- Block B2a: 140 Private For Sale (PFS) units in a building extending to 15 storeys located to the south-west of Building A. Funding exists for the entire block to be given over to affordable housing in shared ownership.
- Block B2b: 184 PFS units in a building of 17 storeys fronting the River Aire in the south eastern quadrant of the site.
- Block B3: 205 Build to Rent (BtR) units in a building extending to 16 storeys west of B1 along the Kirkstall Rd frontage.
- Block B4: 90 BtR units in a building of 10 storeys fronting Kirkstall Rd in the north western quadrant of the site. Funding exists for the whole block to be given over to affordable housing (social rented).
- Block 4 Townhouses: 4 PFS units situated between Blocks B3 and B4 within the central part of the site.

3.10 The mix of unit sizes is as follows:

- Block B1: student residential;
Cluster bedroom x 336 (92%)
studio x 26 (8%)
Total: 362
- Block B2a: PFS; 1 bedroom x 60 (43%) Proposed affordable block
2 bedroom x 80 (57%) S106 (40) grant funded (100)
3 bedroom x 0
Total: 140
- Block B2b: PFS; 1 bedroom x 88 (48%)
2 bedroom x 96 (52%)
3 bedroom x 0
Total: 184
- Block B3: BtR; 1 bedroom x 106 (52%)
2 bedroom x 86 (42%)
3 bedroom x 13 (6%)
Total: 205
- Block B4: BtR; 1 bedroom x 70 (78%) Proposed affordable block
2 bedroom x 20 (22%) S106 (61) grant funded (29)
3 bedroom x 0
Total: 90

- Townhouses: PFS; 3 bed x 4

3.11 Across BtR and PFS the combined numbers are:

- 1 bedroom: 324 (52%)
- 2 bedroom: 282 (45%)
- 3 bedroom: 17 (3%)
- Total : 623

The applicant proposes to provide 10% x 3 bedroom units at Outline stage making the overall percentage 7%.

3.12 Outline Element

- Up to 804 apartments across 6 blocks with height parameters of 8-15 storeys
- Up to 10 x 3 bedroom town houses
- Up to 1,292 sqm flexible ground floor non-residential space within Use Classes E, F1 and F2
- Landscaping, shared garden areas and public realm
- Car parking
- Cycle parking, servicing and infrastructure
- Access routes, servicing and other associated infrastructure works

Details to be agreed at Reserved Matters stage.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 06/04610/OT: Outline application (layout and access) for the proposed remediation and mixed use regeneration including the erection of buildings including employment space (B1 Offices - 31,000 m²) residential development (C3 apartments (1424 max) and 20 houses), secondary supporting uses (A 1 retail (430 m²), A3 restaurants, A4 bars (2,500 m²)) community health facility (D1 - 400 m²) laying out of public open spaces, riverside walkway, nature corridor, landscaping, vehicular and cycle parking including multi storey car park (488 spaces) and basement car parks (897 spaces), pedestrian river bridge, access and highway improvements. Approved 16.02.2011. This covers both the application site and the Otter Island site to the south of the river.
- 4.2 13/05566/FU: Erection of 113 No dwellings and associated works (Otter Island site). Approved 20.08.2014 (implemented)
- 4.3 15/06844/OT: Outline application for mixed use development comprising residential (C3/C4), student accommodation (C3/C4), A1-A5, B1, D1 and D2 units, public open space, landscaping, pedestrian river bridge, alterations to site access and highway improvements. Approved 14.07.16. This covers the eastern half of the site.
- 4.4 18/9/00025/MOD: NON MATERAIL AMENDMENT to 15/06844/OT (i) update the approved Parameter Plans; and (ii) amend the finished floor levels approved under Conditions 14 and 17 (via a Flood Risk Assessment update). Approved 01.08.2018
- 4.4 18/00604/RM: Reserved Matters for appearance, layout, landscaping and scale of the mixed use development comprising residential (C3/C4), student accommodation (C3/C4), A1-A5, B1, D1 and D2 units, public open space, landscaping, pedestrian

river bridge, alterations to site access and highway improvements as approved under outline planning permission 15/06844/OT. Approved 02.08.2018.

- 4.5 18/00622/OT: Hybrid application for redevelopment of the site for residential (C3 and C4), including vehicular, pedestrian/cycle access, servicing, public open space, car parking, landscaping and off-site highway works (full consent sought for part of the car park element only with the remainder in outline with all matters reserved other than access): Approval pending. This covers the whole site.
- 4.6 18/07367/FU: Construction of Phase 2 ('Step 1') of the Leeds Flood Alleviation Scheme (FAS) including flow control structures (including plant and machinery) and defences to include; walls, sheet piling, earth bunds, scour protection and associated access, landscaping, demolition, building and construction works. Approved 18.06.19
- 4.7 19/06812/FU: Variation of conditions 5, 6, 10 and 12 of previously approved planning application 18/07367/FU for amendments to the Compensatory habitat, Otter mitigation, Dredging and Increase of flood risk. Approved 17.12.19 (Works on-going)
- 4.8 20/03494/OT: Full planning permission for demolition of existing buildings and structures and Outline planning permission with all matters reserved, except for access, for the redevelopment of the site for residential dwellings (use class C3), flexible commercial space (use classes A1, A2, A3, A4, D1 and D2) and associated refuse and plant infrastructure, landscaping, new public realm and open space. Approved 29.06.21. This covers the former Arla Foods site to the west.

5.0 Consultation Responses

5.1 Statutory

Environment Agency: Object with regard to the modelling detail of the Flood Risk Assessment (FRA), reporting of the potential consequences of the development on flood risk beyond the site and the development phasing implications for flood risk . The Agency raise no objection subject to conditions with regard to biodiversity impacts in relation to the Water Framework Directive.

Natural England: No objection

Highways: No highway objection, subject to conditions and S106 agreement. Drawings included in the Transport Assessment report submitted in support of the planning application show the extent of highway works on Kirkstall Road. These include two priority-controlled junctions, footway widening along the site frontage, Toucan Crossing and amendments to the bus lane markings and existing TROs. These works will be subject to a Standard S278 Agreement.

West Yorkshire Police: No objection . Have requested conditions relating to CCTV, Cycle Storage, Lighting, Curtain Wall protection and informatives relating to Access Control and Mail Delivery.

Yorkshire Water: No objection subject to conditions and informatives

Canal & River Trust:	No comment
Coal Authority:	Standing advice informative required
HSE (Fire):	Further information required and provided. The HSE is satisfied with outstanding issues.
Leeds Bradford Airport:	No objection subject to conditions

5.2 Non-Statutory:

Flood Risk Management: Object to FRA; in accordance with EA response. At the time of writing, ongoing discussions were taking place between FRM, Planners, EA and the applicant to resolve the outstanding technical issues. SuDs; The principles of the drainage design as set out in the Proposed Drainage Layout Overview is acceptable to the council. None the less, it is now not acceptable to leave the details of the drainage design including details of any proposed SuDS measures to a future planning condition. Therefore, it is required at full planning stage to provide the proposed drainage design/ drainage network(s) with supporting calculations and in this case, these should be consistent with the drainage proposals set out in the accepted Drainage Layout Overview. Details of proposed permeable paving, swales, cellular attenuation and control Manholes to restrict the discharges as required should also be provided.

Environmental Studies: No objection subject to conditions

Environmental Health: Some issues re the Noise Assessment which can be resolved within the wording of the proposed planning conditions.

Conservation Team: Further info requested and supplied – no objection

Contaminated Land: No objection subject to conditions

Influencing Travel Behaviour: Require conditions relating to cycle parking, motorcycle parking, ev charging points, implementation of the Travel Plan, requirement for student accommodation to have a standalone Travel Plan, laying out and installation of Car Club Parking Bays and charging infrastructure.

Cycling Officer: The bridge should accommodate cyclists and would be a key link along the canal to the city centre and other locations. The bridge and route to it should be in accordance with LTN 1/20 provide for high quality walking and cycling networks and supporting facilities. The route should be well signed from Kirkstall Road. There should be a clear, direct and straight as possible link from Kirkstall Road through the site to the bridge, ideally from the bus

stop. The route could also be coloured to indicate the link with the canal towpath and it could be shared pedestrian and cycle use. The crossings on Kirkstall road would need to accommodate cyclists. There is a need for 1 meter of the development land to be provided close to the bus stop to widen the pedestrian and cycle route along Kirkstall Road. The proposed path by the riverside should link with the developments either side and provide a through route when the sites are developed. Benches and trees should be provided by the paths to encourage residents to use the paths. The cycle parking provision should be in line with Leeds CC guidance with provision for residents, employees and visitors.

Streetscene Services: Advice to be provided as an informative. Further requirements as to provision of waste facilities as a condition.

Landscape Team: The submitted Landscape information is extremely comprehensive and detailed and the approach to Landscape is a key strength of this development with clear landscape character areas and concepts to be delivered throughout the site. The proposals for play, resident balconies and gardens, green SUDS, and varied planting for biodiversity value and resilience are particularly supported. The route through the detailed application area between Kirkstall Road and the new pedestrian and cycle bridge benefits from a characterful treatment to each space but appears somewhat convoluted, particularly for cyclists.

Design Team: No objection - The siting, access arrangements, mass, scale, and height, were discussed at depth during the pre-application process and a number of principles were established. The concept and principles to do with appearance including fenestration, base, middle and top of the buildings, pedestrian experience, and location of the various typologies were discussed in a design workshop.

Access Officer: Accepts the proposed provision and mix of accessible units, subject to the information being included in an updated Design and Access Statement ,

Policy Team: General comments relating to technical issues. Generally supportive subject to requirements relating to Green Space, and Retail Sequential Test. The requirements with regard to Green Space include on site provision along with a commuted sum. The commuted sum element to be offset by the provision of a new bridge and riverside walkway. A retail sequential assessment has been submitted and accepted.

Nature Team: The Nature Officer required further information with regard to The River Metric Calculations, which has been provided. There is some overlap between what is required and what the EA require with regard to the River Metric and

biodiversity enhancements and the Metric has been assessed by them with relevant conditions imposed. Discussions are still going on as to the exact requirements of the River Metric with regard to the Water Framework Directive in terms of what needs to be provided within the relevant condition.

Minerals Team: Further info required & provided – no objection.

Public Health Team: Public Health are supportive of this application on the basis that the proposed development should enhance the environment if the park space, play space and extensive tree planting are delivered as outlined in the plan.

10 minutes is seen as the benchmark for walking distance to green space by the Fields in Trust Guidance-for-Outdoor-Sport-and-Play-England.pdf (fieldsintrust.org), and is one of the five key indices in their Green Space Index measuring provision of parks and green space. Currently there is only one area of green space within a 10 minute walk of the proposed site (Riverside Pocket Park adjacent to the proposed site). Due to the current derelict nature of proposed site, Riverside park may not be fully utilised due to safety concerns. The new development is likely to address this issue and therefore, make this existing green space more appealing to residents.

In terms of cycling distance, within 16 minutes there is access to numerous greenspace, notably due to the addition of the new proposed bridge, it would be expected that residents of the proposed site and existing residents in the area will have easier access to Armley Park.

The proposed location is currently a brownfield site which does not offer any green space or scope for active leisure or play. Therefore, rather than putting pressures on adjacent areas it will actually create much needed green space in the area.

Access to formal play areas

The closest play area to the site appears to be in Burley Park, which has not been updated for some time, so it maybe that local families may seek access to the new play area in the proposed development as an alternative, this could relieve pressure on existing neighbouring play facilities rather than increase it.

There is also a play area and skate park in Armley Park, which would potentially be accessible to residents on foot or bike, due to the proposed bridge.

Leisure Facilities

The proposed development is within walking distance of several commercial active leisure providers, including a climbing wall, football pitches and several gyms (some low

cost chains). It's also within walking distance of other leisure facilities including a cinema. Taking into consideration the demographics of the area and the type of proposed units (including approx. 20% student accommodation), it is reasonable to presume that some commercial activities will be an affordable option to residents.

The proposed development could actually enhance the environment if the park space, play space and extensive tree planting are delivered as outlined in the plan.

Wind Consultant: Concurs with the applicant's assessment and recommends submission of a plot plan with proposed mitigation measures marked on and that these measures are reviewed between the applicant and LCC. Proposed mitigation measures are considered acceptable.

Education Team: Requirement for Education contribution to be provided within the S106 agreement.

Little Woodhouse Neighbourhood Plan Forum: Broadly supportive but concern about the low level of 3 – bedroom apartments and only 14 Town Houses.

Civic Trust: Concern re housing mix. Cycle route to bridge from Kirkstall Rd unnecessarily convoluted. No external access to student block cycle store. Wonder whether north-facing balconies give the best amenity for residents. Possibility of including a prayer room?

6.0 HISTORY OF NEGOTIATIONS:

6.1 Officers had pre-application discussions with the applicant's team culminating in a pre-application presentation to Members at City Plans Panel in September 2021. The minutes for the pre-application presentation state that:

- Members welcomed the concept and innovative nature of the development, in particular the strong community aspect and the riverside linear park.
- Members welcomed the target for affordable housing.
- The central square area was promising, but in some areas the proposed greenspaces appeared to be broken up.
- Members were supportive of the proposed uses on the site, subject to the appropriate sequential tests
- Members were supportive of the emerging layout and scale of the development
- Members were supportive of the emerging approach to Highway improvements and parking
- Members were supportive of the emerging approach to biodiversity and the public realm

6.2 A further meeting took place, after the current application was submitted, between officers, the applicant and Cllrs Brooks and Hayden to discuss Affordable Housing and Housing Mix.

7.0 RELEVANT PLANNING POLICIES:

7.1 Statutory Context

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 (Adopted November 2014 and as amended by the Core Strategy Selective Review 2019)
- Saved Leeds Unitary Development Plan Policies (UDPR 2006)
- The Natural Resources & Waste Local Plan (NRWLP 2013) including revised policies Minerals 13 and 14 (2015).
- Leeds Site Allocations Plan (SAP 2019)

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

7.2 Development Plan

7.3 Leeds Core Strategy (CS)

Leeds 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 below:

- Spatial Policy 1 Location and scale of development.
- Spatial Policy 2 hierarchy of centres and spatial approach to retailing, offices, intensive leisure and culture
- Spatial Policy 3 City Centre Development
- Spatial Policy 6 Housing requirement and allocation of housing land
- Spatial policy 7 distribution of housing land and allocations
- Spatial Policy 8 Economic development priorities
- Spatial Policy 9 Employment
- Spatial Policy 11 Transport infrastructure investment priorities such as pedestrian improvements
- Policy CC1 City Centre growth, part (b) encourages residential development, providing that it does not prejudice town centre functions and provides a reasonable level of amenity for occupiers.
- Policy CC3 Improving connectivity between the City Centre and Neighbouring Communities.
- Policy P8 Sequential and impact assessments for main town centre uses
- Policy P10 Design
- Policy P11 Heritage
- Policy P12 Landscape
- Policy T1 Transport management
- Policy T2 Accessibility requirements and new development
- Policy H2 New housing development
- Policy H3 Housing Density
- Policy H4 Housing Mix
- Policy H5 Affordable Housing
- Policy H6 Student Accommodation

- Policy H8 Independent living standards
- Policy H9 Space Standards
- Policy H10 Accessible Dwellings
- Policy EC2 Office development out of city
- Policy EC3 Employment uses
- Policy EN1 Carbon dioxide reduction
- Policy EN2 Sustainable design and construction
- Policy EN4 District heating
- Policy EN5 Managing flood risk
- Policy G4 Protected greenspace
- Policy G5 Greenspace within the City Centre
- Policy G8 Protection of important species and habitats
- Policy G9 Biodiversity improvements
- Policy ID2 planning obligations and developer contributions

7.4 Leeds Unitary Development Plan Review 2006 (UDPR) Saved Policies

Relevant Saved Policies include:

- Policy GP5 all planning considerations
- Policy BD2 design and siting of new buildings
- Policy BD4 Mechanical plant and servicing of new developments
- Policy BD5 residential amenity
- Policy LD1 landscaping

7.5 Leeds Natural Resources and Waste DPD

The plan sets out where land is needed to enable the City to manage resources, like trees, 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 1 water efficiency including sustainable drainage
- Water 2 protection of water quality
- Water 4 development in flood risk areas
- Water 6 flood risk assessments
- Water 7 surface water run-off
- Land 1 contaminated land
- Land 2 development and trees

7.6 Leeds Site Allocations Plan

The Site Allocations Plan was adopted in July 2019. Following a statutory challenge, Policy HG2, so far as it relates to sites which immediately before the adoption of the SAP were within the green belt, has been remitted to the Secretary of State and is to be treated as not adopted. All other policies within the SAP remain adopted and should be afforded full weight.

The proposal site includes two plots with different allocations within the SAP. The eastern plot, closest to the city centre is an 'identified' mixed use site MX1-28 and the western plot is an 'allocated' mixed use site MX2-9.

7.7 Relevant Supplementary Planning Documents/Guidance (SPD/SPG):

- SPD Building for Tomorrow Today: Sustainable Design and Construction
- SPD Parking
- SPD Travel Plans
- SPG Neighbourhoods for Living
- SPD Street Design Guide
- SPD Accessible Leeds
- SPD Tall Buildings Design Guide
- SPG City Centre Urban Design Strategy
- SPD Biodiversity and Waterfront Development
- SPD Sustainable Design and Construction
- SPD Waterfront Strategy
- SPD Little Woodhouse Neighbourhood Design Strategy
- SPG Kirkstall Road Renaissance Area Planning Framework
- [Houses in Multiple Occupation (HMOs), Purpose Built Student Accommodation (PBSA) and Co-Living Amenity Standards SPD (draft)]

7.8 National Planning Policy Framework (NPPF)

The NPPF sets out the Government's planning policies for England and how these should be applied (para 1) and is a material consideration in planning decisions (para 2). It is supported by the guidance within the National Planning Practice Guidance (NPPG). The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development (para 7). So that sustainable development is pursued in a positive way at the heart of the NPPF is a presumption in favour of sustainable development (paras 10-11). It states that decision makers at every level should seek to approve applications for sustainable development where possible (para 38). The NPPF sets policies on the following issues which are relevant to this planning application proposal (including section numbers):

- 2 Achieving sustainable development (paras 7, 8, 10, 11, 12)
- 4 Decision making (paras 38, 39, 40, 41, 43, 47, 48, 54, 55, 56, 57, 58)
- 5 Delivering a sufficient supply of homes (60, 63, 64, 65)
- 6 Building a strong competitive economy (81)
- 7 Ensuring the vitality of town centres (86-91)
- 8 Promoting healthy and safe communities (92, 93, 96)
- 9 Promoting sustainable transport (104-113)
- 11 Making effective use of land (119, 120, 121, 123)
- 12 Achieving well designed places (126-136)
- 14 Meeting the challenge of climate change and flooding (152-169)
- 15 Conserving and enhancing the natural environment (including ground conditions para 183-184, and noise and pollution / air quality para 185-188)

8.0 PUBLIC RESPONSE

8.1 The application was publicised in the Yorkshire Evening Post on 27.10.21 and by site notices on 05.11.21. Three representations were received.

8.2 Issues Raised

- The layout plan lacks a cohesive street frontage onto Kirkstall Rd
- The loss of the two remaining heritage buildings is lamentable
- Concern re the heights of some of the buildings

- Concerns regarding the proposed housing mix
- Question the provision of washing machines in the student units rather than a communal launderette
- Recommend the introduction of a lending facility for bikes and other equipment.
- Step free crossings should be accessible over main roads and river crossings
- Recommend a launch by the river for canoeing access
- Recommend an allotment space for growing
- Potential for alternative access point from the site to the canal, avoiding Otter Island.
- Impact on views across the Aire Valley
- Question whether CIL monies will be allocated to Little Woodhouse area
- People employed on the site should be recruited from the site
- Funding should be sought for a cycle lane on Kirkstall Rd

9.0 MAIN ISSUES

Principle of Development
 Housing Mix
 Affordable Housing
 Residential Amenity
 Accessible Housing
 Layout, Design and Scale
 Heritage
 Highways
 Greenspace and Public Realm
 Flood Risk
 Biodiversity
 Sustainability
 Wind Impacts

9.1 Principle of Development

9.1.1 The proposal site includes two plots with different allocations within the SAP. The eastern plot, closest to the city centre is an 'identified' mixed use site MX1-28 and the western plot is an 'allocated' mixed use site MX2-9. MX1-28 was identified through an extant planning permission and envisages a housing capacity of 1010 units with 750 sqm office space. MX2-9 is split between the western plot of the proposal site and a site to the west, not quite adjacent, known as 'The Tannery' or 'Former Arla Foods' site. The allocation envisages a residential capacity of 553 units with 41,000sqm office space. The allocation also states that other uses would be acceptable, subject to policy. A planning permission has recently been approved for the Arla Foods site for up to 631 residential units with up to 965sqm of ground floor flexible commercial space to serve the new community (Use Class A1, A2, A3, A4, D1 and D2) spread across five units.

9.1.2 Although there is an expectation within the SAP that for both parts of the site the main secondary use within the mix would be office space, previous and pending permissions have established that a more flexible mix would be appropriate. In consultation with policy colleagues, officers have identified plan monitoring information (March 2020) indicating a surplus of office sites of 246,000 sqm compared to the allocation target of 1,000,000 sqm for the plan period 2012-28 (employment

needs). The site is not therefore considered to be required to meet the city's need for office floorspace during the plan period, because sufficient sites are available elsewhere to meet the needs identified under Spatial Policy 9. This brings the proposal into compliance with adopted Core Strategy policy EC3(a) which states:

9.1.3 EC3 Part A: For all sites across the district outside areas of shortfall:

A) Proposals for a change of use on sites which were last used or allocated for employment to other economic development uses including town centre uses or to non-employment uses will only be permitted where:

(i) The proposal would not result in the loss of a deliverable employment site necessary to meet the employment needs during the plan period ('employment needs' are identified in Spatial Policy 9).

9.1.4 With regard to those non-residential uses proposed, the applicant would like to take a flexible approach, taking potential uses from Classes E, F1 and F2. These include:

- Class E (Commercial, business and service) – including retail, restaurant, office, financial/professional services, indoor sports, medical and nursery uses along with “any other services which it is appropriate to provide in a commercial, business or service locality”
- Class F.1 (Learning and non-residential institutions) – including non-residential educational uses, and use as a museum, art gallery, library, public hall, religious institution or law court; and
- Class F.2 (Local community) – including use as a shop of no more than 280 sqm mostly selling essential goods, including food and at least 1km from another similar shop, and use as a community hall. This class also includes area for outdoor sport, swimming pool or skating rink, although the design of the units as approved would preclude these being brought forward.

9.1.5 In order to protect town centres, policy P8 in the Core Strategy requires a sequential assessment to be submitted for former A1 (retail) uses, now within Class E, for development where the site area exceeds 200sqm. In this case the proposed level of A1 is up to 1,499sqm in total across the site, split up into different units with a maximum of 450sqm. The applicant has submitted a sequential assessment and officers consider this to be acceptable.

9.1.6 With regard to the residential use, policy H3 in the Core Strategy seeks to make efficient use of urban sites to avoid more greenfield land being developed than is necessary and states sites should meet or exceed a minimum requirement of 65 dwellings per hectare within 500m of the city centre boundary and 40 dwellings per hectare beyond that. The eastern part of the proposal site falls within 500m but most of the site is beyond that. The current proposal comes in at 284 dwellings per hectare, not including the additional 362 student rooms which meets the policy requirement. The principle of housing on the site is therefore accepted, subject to further assessments relating to amenity, housing mix and affordable housing provision, provided below.

9.1.7 With regard to the student accommodation element, Core Strategy policy H6B provides criteria to ensure locations, housing standards and concentrations of student accommodation are within acceptable levels. It has been established that there are approximately 38,000 university students in the city presently without access to purpose-built student accommodation suggesting that additional provision of such accommodation is unlikely to result in an over-supply of purpose-built student

accommodation in the near future. Paragraph 5.2.26 of the Core Strategy states that growth in new Purpose-Built Student Accommodation (PBSA) is to be welcomed in order to meet need and to deflect pressure away from private rented houses in areas of over-concentration.

The proposal is considered against the criteria set out below within the adopted policy H6B (identified in italics):

(i) To help extend the supply of student accommodation taking pressure off the need for private housing to be used.

The provision of 362 student bedspaces would help to reduce the need to use private housing for student accommodation.

(ii) To avoid the loss of existing housing suitable for family accommodation.

The existing building on the site has not previously been used for housing and much of the proposal would comprise the provision of residential accommodation for non-students. The development would not therefore involve any loss of existing housing and would avoid the loss of residential family accommodation.

(iii) to avoid excessive concentrations of student accommodation which would undermine the balance and wellbeing of communities.

This area, which for many years has been an industrial and office-focused area, is presently undergoing a rapid change to a largely mixed-use area, comprising a combination of dwellings, PBSA, commercial and the introduction of leisure uses. It is not considered that existing local residents would be adversely affected by student accommodation in the proposed location given the area's use, levels of student accommodation already present in the area, and the manner in which PBSA is managed. Similarly, it is not considered that the number of students proposed would result in an excessive concentration of students that would undermine the wellbeing of the area within the context of a busy mixed use environment in close proximity to the City Centre. It is more likely that the students would help to support existing businesses within the area and assist towards the establishment of a thriving community.

(iv) To avoid locations which are not easily accessible to the universities by foot or public transport or which would generate excessive footfall through residential areas which may lead to detrimental impacts on residential amenity.

The site is well-placed with regard to access to the core of the City Centre where the main buildings of Leeds Beckett University, the Leeds University of Arts and the University of Leeds are all based. Ongoing improvements to Kirkstall Road, particularly in terms of the provision of dedicated bus and cycleways, has (and will continue to) help to improve accessibility to the universities further and would accord with Core Strategy policies SP11, CC3 and T2. While it is accepted that there will be some additional footfall through residential areas this is unlikely to be excessive, especially at night when activities will be dispersed around the city centre rather than focused on the university buildings and return is likely to be via the main roads. The student block is placed adjacent to Kirkstall Rd and would not require significant amounts of internal footfall within the rest of the development site to achieve access to the block.

- 9.1.8 Allocation MX-29 in the SAP requires that provision is made for a school somewhere on this site, which is split between the western half of the proposal site and the former Arla Foods site, recently approved. However, it has been established within the Arla Foods application (20/03494/OT) that a pupil yield ratio of 4 primary pupils for every 100 family dwellings may be a more appropriate estimation of the primary school pupil yield from site MX2-9, rather than the higher pupil product ratio usually applied in Leeds of 25 primary pupils per 100 family dwellings. Consequently, it is considered by officers that a commuted sum to provide additional capacity at existing schools in the vicinity of the site is a reasonable and pragmatic approach, rather than the provision of a new school on-site. Education Services consider that a figure of £12,320 per primary school pupil generated on the site is required, with a likely pupil yield of 12 for the detailed element of the proposal, whilst the pupil yield for the outline element would be subject to final confirmation of the approved housing mix.
- 9.1.9 SAP allocation MX2-9 acknowledges that the site, or part of the site is located within Flood Zone 3a. Flood risk mitigation measures set out in the SAP Flood Risk Exception Test and site specific flood risk assessment are therefore required. The allocation process put the site to the Flood Risk Sequential Test as required by the NPPF and concluded that there are no other reasonably available lower risk sites appropriate for the scale of development envisaged. Furthermore, previous planning permissions have established the principle of the types of development proposed in this location. The uses are considered acceptable in principle with regard to Flood Risk, subject to the provision of acceptable assessment and mitigation as outlined below.
- 9.1.10 The proposal site also falls within a Minerals Safeguarding Area for both sand/gravel and coal. Policy Minerals 2 in the NRWLP requires that applications for development over 1 hectare in size must demonstrate that removal of the sand and gravel will take place prior to or during development unless it can be shown that it is not economically viable, or environmentally acceptable to do so. In this case the applicant has demonstrated that significant thicknesses of Made Ground and Alluvial Clay is present at the surface of the site overlaying natural deposits of sand and gravel in conjunction with a relatively shallow groundwater table. This would mean that, notwithstanding the complications associated with deep excavations in unstable soils, the economic and environmental costs associated with the extraction of these resources would make such extraction unfeasible.
- 9.1.11 With regard to coal, Policy Minerals 3 in the NRWLP requires any coal resource to be removed unless, again, it can be shown that it would be uneconomical or environmentally damaging. The applicant demonstrates that review of the available information confirms that underground coal workings are not anticipated to be present at the site. Furthermore, the presence of overlying groundwater would significantly reduce the economic value of the coal beneath due to weathering. Although there is some potential for unrecorded coal reserves beneath the site, it is considered both impractical and uneconomical to attempt to extract these based on their anticipated depth, quality and urban setting.
- 9.1.12 Subject to the above, officers consider the proposed uses to be acceptable in principle.

9.2 Housing Mix

- 9.2.1 Policy H4 aims to ensure that the new housing delivered in Leeds is of a range of types and sizes to meet needs. For developments over 250 units the policy requires a Housing Needs Assessment to be submitted which the applicant has provided.

- 9.2.2 Within the detailed part of the proposal, the development would include a total of 623 new homes, not including student accommodation. Although there will be four terraced houses, the remaining 619 units will consist of apartments within blocks. Given the location and the emerging residential context of this area along Kirkstall Rd, bearing in mind the extant City Reach permissions on the application site and the recent approval of apartment blocks on the former Arla Foods site close by to the west, the provision of apartments only is considered acceptable on this site.
- 9.2.3 The proposed housing mix for the detailed part of the site would comprise 324 (52%) 1-bed homes, 282 (45%) 2-bed homes and 17 (3%) 3-bed homes. While final housing mix remains indicative in the Outline part of the development site, the applicant is agreeable to a condition requiring the provision of up to 10% 3 bed units subject to submission of an updated Housing Needs Assessment. This would put the overall figure across the site to 6.8%.
- 9.2.4 The proposed provision of 3-bedroom units would therefore fall significantly below the target figures provided in the supporting text of policy H4, which suggest that the preferred housing mix would be for the provision of a minimum of 20% 3-bed homes. The supporting text does acknowledge, however, that the policy is worded to offer flexibility and that, for larger schemes it will be appropriate to take account of local housing need.
- 9.2.5 The applicant's Local Housing Needs Assessment argues that evidence in LCC's Strategic Housing Market Assessment (SHMA 2017) suggests that the provision of apartments is lower than aspirations of households looking to move. They argue that the evidence suggests demand outstrips supply and that there is a need in the future for smaller 1 and 2 bedroom apartments in this area. They further justify the proposed level of 3-bed accommodation as follows:
- The central location of the development means that a scheme primarily geared towards flats (and therefore smaller housing units) is appropriate and represents an effective use of land; - The SHMA's comparison between market expectations/aspirations and current stock highlight a shortfall in flats generally across Leeds and specifically within the Inner Area for 1-bed, 2-bed and 3-bed flats, which the proposed scheme will provide;
 - The uplift in affordable housing provision (from the required 7% to up to 35%, with grant funding) affects the overall size mix achieved because affordable housing, by nature, generally favours small 1-bed and 2-bed homes. This uplift in affordable housing provision is justified in the context of Leeds' overall affordable housing need (which makes up nearly 40% of all housing needs annually) and the acute affordable housing need which exists within the locality specifically (accounting for one-third of all households on the waiting list in Leeds). The net need (annually) identifies that the vast majority of affordable housing need in this location is for general needs 1-2 bed homes;
 - The scheme as a whole reflects the current characteristics and nature of the Inner Area submarket in which it is located, for example the Inner Area is dominated by 1-bed and 2-bed apartments and the SHMA highlights a continued need for smaller properties to meet both market and affordable needs. The area is popular with students and young professionals seeking accommodation in easy reach of the City Centre, and the scheme reflects this by providing a significant number of small homes along with student housing;

- Notwithstanding its primary focus on smaller homes, the proposed scheme also includes a number of 3-bed market houses and flats along with 3-bed shared ownership flats, which would help support the aim of enabling households to move up the property ladder without necessarily moving out of the Inner Area and support the objective of diversifying the housing mix on offer alongside.

9.2.6 Notwithstanding that the level of 3-bed provision does not meet the adopted policy preference for 3 -bed units, officers accept the findings of the local housing needs assessment in this case. In addition, it is noted that due to the size of the site there would be a total provision of up to 98 x 3-bed units on this site, which is considered to still represent a significant contribution towards the existing level of 3-bed provision available within the city centre and edge of centre areas.

9.2.7 It is also considered that an insistence on a further uplift in the level of 3-bed provision, is likely to adversely affect the ability to deliver the additional level of affordable housing planned for the site (above normal policy requirements) as set out in section 9.3 below, which would significantly boost overall affordable housing provision in the city centre. In addition, as members are aware, the site has been vacant for many years and subject to multiple planning proposals. In addressing this, the current proposals commit to a high quality and comprehensive regeneration of the site. Therefore, given the significant benefits, on balance it is considered that the proposed level of provision of 3-bed units is not a sufficient reason to resist the application in this case.

9.3 Affordable Housing

Policy Requirement

9.3.1 Overall, the scheme proposes up to 1,437 dwellings comprising a mix of affordable and market housing. Policy H5 of the Core Strategy requires 7% on-site affordable housing provision based on a pro-rata mix of the size and type of overall housing being proposed; for it to be integrated throughout the site and for 60% of the affordable units to be provided at social rent or equivalent tenures levels and for 40% to be provided at intermediate or sub-market levels.

9.3.2 In this case adopted policy would generate the following affordable housing ask based on both the detailed part of the site and the indicative mix of accommodation for the outline part of the site:

- For the Private for Sale provision it would generate 38 x 1-bed units; 37 x 2-bed units and 4 x 3-bed units with 60% of these to be provided at social rent levels or equivalent and 40% at intermediate levels.
- For the Build to Rent part of the proposal, adopted policy would allow an option to provide 7% of the total units at a pro-rata mix and at the Council's adopted discounted rent levels. This would generate 12 x 1-bed units; 7 x 2-bed units and 1 x 3-bed units with 60% of these to be provided at the discounted rent levels, aimed at the lower decile earnings and 40% to be provided at rent levels for the lower quartile of earnings.

Affordable Housing Proposal

9.3.3 Within this overall policy context, it should be emphasised that the applicant is a 100% owned and funded development business of Clarion Housing Group (a registered social landlord). Clarion Housing Group have secured grant funding from Homes England to deliver a significant number of affordable homes nationally. The

requirements of the funding arrangement with Homes England, is that the affordable homes to be delivered through the funding are additional to those secured through the planning permission for a given site i.e. the grant funded units cannot be identified through any condition or obligation within a planning permission.

- 9.3.4 The applicant is intending to deliver a total of 503 affordable homes on the site, 402 of which will be through grant funding, which would bring the overall affordable housing provision on site up to 35% of the total residential units. Whilst the final mix is likely to evolve through the planning process, as the scheme develops and reserved matters applications come forward on the outline part of the site, the indicative overall mix based on the higher level of affordable housing provision is set out below:

	1-bed	2-bed	3-bed	Total	Tenure mix
Market Housing	464	423	47	934	65%
Affordable -Shared Ownership	146	135	26	307	21%
Affordable-Social Rent	118	78	0	196	14%
Total	728	636	73	1,437	~
Size mix	51%	44%	5%		

- 9.3.5 Whereas provision of the affordable housing to be secured through Homes England grant funding would more than comply with the Council's adopted affordable housing requirement for this site, due to the nature of the funding arrangement with Homes England, the applicant is only committing to secure within the Section 106 legal agreement provision of 7% of the overall units (101 units) as affordable housing (within the detailed element of the scheme), comprising 61 x 1 bedroom lower decile affordable units and 40 x 1 bedroom lower quartile units to be provided in 2 dedicated social housing blocks. The provision in the Section 106 agreement would not meet the Council's policy, requiring a pro-rata mix of the affordable housing and its integration throughout the development.

Justification for the applicant's approach

- 9.3.6 Notwithstanding the overall benefits of the scheme, Council officers have questioned the approach to affordable housing provision to be secured by the S106 agreement and sought a more policy compliant position. However, the applicant states that the rationale for affordable housing provision committed within the S106 (in terms of type/mix), is geared towards making best use of the available grant funding, in order to deliver the greatest impact in terms of affordability across the site as a whole.
- 9.3.7 The applicant has also advised that commitment to a policy compliant position on affordable housing mix within the Section 106 agreement, would reduce the level of Homes England grant funding that could be put towards additional affordable units on the site and would reduce the overall level of affordable units that could be delivered.
- 9.3.8 Officers have asked for further clarification to be provided regarding the likely delivery of the grant funded units. The applicant has responded as per their position at appendix 1 (Affordable Housing Note dated 28/1/2022). A more recent note, offering further clarity and reassurance is also appended. In summary, their position is that Clarion Housing Group is a strategic partner of Homes England and is committed to delivering affordable housing across all its sites. Clarion has already secured the grant for the delivery of the affordable homes at Kirkstall Road, which can only be used for this purpose. Evidence has been provided to this effect in the form of a Memorandum of Understanding from Homes England, also appended to this report.

9.3.9 Other relevant considerations put forward include:

- The applicant (Latimer) is the 100% owned and funded development business of Clarion Housing Group.
- All the affordable housing delivered by Latimer is funded and owned by the charity (Clarion Housing Association). Clarion will acquire a sub-lease of all the affordable housing land and will enter into a Development Agreement with Latimer for the delivery of those units.
- The relationship with Homes England, along with the internal cross subsidy between Clarion Housing Association and Latimer, makes the proposed model for delivering affordable homes at Kirkstall Road possible.
- Latimer/Clarion have engaged with the Housing and Regeneration teams at LCC regarding the quantum and dwelling mix of affordable housing and the proposals are agreed.
- A nominations agreement will establish the allocation of Clarion Housing Association owned affordable housing to LCC residents, and Clarion Housing Association will engage with LCC to agree a more detailed local lettings plan specifically for this project.
- Latimer and Clarion have concluded the legal process enabling Clarion Housing Association to acquire the affordable housing through a Land & Development Agreement, subject to securing planning approval..

9.3.10 Whereas the above gives useful confirmation on the intent of the applicant to deliver the additional affordable housing proposed over and above the S106 agreement, and can therefore form a material consideration for planning purposes, on the basis that the additional affordable housing units are not secured under the section 106 Agreement, Officers have to advise that the Funding Agreement with Homes England cannot be given any planning weight because the Council would not have power or control over the delivery of the grant funded units which are governed by the terms of the Funding Agreement between Homes England and Clarion Housing Group.

9.3.11 However Latimer and Clarion have confirmed that they would be willing to agree to a planning obligation which would allow the mix of Section 106 affordable housing to be revisited in the event that the Homes England funding to secure the additional affordable housing (and the wider mix of unit sizes which that facilitates) cannot be demonstrated as being available. This is considered to further protect the Council's position in respect of its adopted affordable housing policies.

Management of AH and justification of not distributing throughout the site as required by adopted policy

9.3.11 The applicant has justified their approach to not integrating the affordable housing throughout the development as per Appendix 2 (affordable housing note dated 11/1/2022). The summary of their position is as follows:

Latimer Developments Ltd are to construct the properties on behalf of Clarion Housing Association Ltd who are a registered provider. Following handover of the completed units, Clarion Housing Association Ltd will, in respect of the

social rent units, own and manage the units and be responsible for their future lettings and maintenance. In terms of the shared ownership units, these will be marketed for sale and will be part owned by Clarion Housing Association Ltd until the point at which any future occupier decides to 'staircase' out of the property and own it outright.

Clarion supports over 325,000 residents nationally and as a result has extensive experience owning and managing the properties across its portfolio. This experience and lessons learned have informed the practices and policies that are used to design and operate schemes like Kirkstall Road. The ambition is to provide inclusive tenure blind designs that support all stages of living. Whilst doing so, Clarion have to recognise the different arrangements that have to be put in place to support residents vis a vis affordability and ongoing maintenance and support.

Clarion's policy is therefore to provide segmented mixed tenure schemes whilst keeping stairs and lift cores for rented and sales separate. As far as possible schemes are designed to be tenure blind. At Kirkstall Road, the external appearance of each building, regardless of tenure, is indiscernible from another. Separating tenures in this way helps provide better long term management arrangements reflecting different service charges, the approach to maintenance, affordability and also helps reduce potential conflict that could occur where tenures are mixed across the same cores or buildings.

The nature of the long term ownership arrangements across the site also lend to the buildings needing to be designed in the way suggested at Kirkstall Road. Clarion Housing Association will acquire, own and operate a number of buildings at Kirkstall Road, but not all of them. Therefore, a further mix of tenures, effectively "pepper-potting" affordable rent and shared ownership across all buildings would complicate the nature of the transaction and introduce further management and operational challenges, which could cause future conflict and impact long term value across the scheme

- 9.3.12 It should be noted that with the delivery of the grant funded affordable housing the overall affordable housing (although not integrated within each block) would be provided within 5 of the 11 residential blocks to be provided on the site.

Conclusions on affordable housing provision

- 9.3.13 Although the committed affordable housing in the Section 106 legal agreement would not meet the Council's adopted policy in terms of unit size mix and integration with the rest of the development, it is accepted that in this case (where there are 11 apartment blocks and the affordable housing is to be taken on by one social landlord across 5 of the apartment blocks) that the management and operation of the affordable housing in separate blocks to the market housing blocks, is likely to result in operational efficiencies which helps to deliver more affordable housing.

- 9.3.14 It is also noted that delivery of the grant funded affordable housing in addition to the committed section 106 housing would ultimately meet the Council's adopted affordable housing policy requirement for the development. However, due to the funding arrangements with Homes England (and the model being applied in this instance), the delivery of this cannot be controlled through the planning permission and therefore no planning weight can be given to this aspect of the proposal.

Notwithstanding this, the applicant has provided clarification and comfort, that arrangements are in place to deliver this additional affordable housing which would be a significant uplift above the adopted policy requirement and would make a significant contribution to meeting identified housing need in the local area. The applicant has also committed to an obligation within the S106 to revisit the mix of affordable housing with the S106 if the availability of the Homes for England funding for this site can't be demonstrated.

9.3.15 A more flexible approach to adopted affordable housing policy as advocated in this case would also accord with paragraph 5.2.17 in the Core Strategy which states that 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 the development.

9.3.16 At a strategic level, the proposals represent a regeneration of a large brownfield site which would provide enhancements in terms of sustainable place making and public realm provision. If the grant funded affordable housing was not to come forward the proposals would still deliver a minimum of 101x 1-bedroom affordable units but there would also be an opportunity to revisit this mix to better align with adopted policy (secured through the Section 106 agreement) which would help to serve an identified local housing need. Therefore, on balance Officers are recommending support for the proposed affordable housing position in this case.

9.4 Residential Amenity

9.4.1 Policy H9 in the Core Strategy provides minimum space standards including floor areas, storage space and headroom. Policy P10 requires protection of residential amenity and general amenity of the area, including useable space, privacy, air quality and satisfactory penetration of sunlight and daylight. Policies BD5 and GP5 in the UDP require consideration to be given to residential amenity from environmental impacts such as noise.

9.4.2 With regard to Policy H9, all of the proposed dwelling types within the detailed element of the development comply with minimum space standards. Private outdoor balcony space is provided for 66% of the dwellings and for those without there is provision of Juliet balconies, access to shared roof terraces, enclosed communal gardens and a shared lounge, as well as access to other services and facilities provided for the scheme as a whole. There is substantial provision of good quality, useable outdoor space, with good cycling, walking and play provision. Shadow effects have also been considered and are generally considered to be acceptable. While the Civic Trust questions the benefits of north-facing balconies, the provision as proposed is balanced against high general levels of outdoor amenity space, the design of the blocks from a visual perspective and potential wind-mitigation impacts. As there is no requirement under policy for the provision of balconies, south-facing or otherwise, the amenity that such provision does provide is considered acceptable.

9.4.3 With regard to distances between habitable room windows, the proposed building layouts would provide gaps ranging generally from 24m to 59m. These distances are considered to provide suitable amenity for future occupiers within the context of a dense city centre character. There would be a relationship of only 12.5m between block B.3 and B5.B which is in the Outline area to the south but this would not be between main habitable room windows. Similarly the relationship between the town

houses in the Detailed and Outline parts is down to 10m but this could be controlled as a secondary to secondary relationship at Reserved Matters stage if the indicative locations of the town houses are brought forward. Given the relatively high level of amenity provision for these houses, which would be facing out onto garden areas, the likely relationship is considered acceptable. The relationship between the proposed blocks and surrounding development is acceptable. Cross-sections show that building B2b, the tallest building on the site would not have a significantly overbearing impact on the low-rise dwellings across the River Aire on the Otter Island development as there is a good distance between the two and heights have been lowered during the design evolution of the project.

9.4.4 Noise and air quality assessments have been undertaken and considered by LCC's Environmental Health Team and it is not considered that there will be significant harm to residential amenity from these sources. However, further modelling is required with regard to noise mitigation which could be factored into a suitable condition ensuring internal noise levels are kept within acceptable levels.

9.4.5 With regard to the student accommodation paragraph (v) of Policy H6 requires satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms. There is also a draft SPD which includes minimum requirements for room sizes and supporting spaces. The SPD is currently out for consultation, with one round being complete and further pre-adoption consultation to take place later in 2022. While the resulting feedback is being assessed the SPD can only carry limited weight at this time. The proposed layout of each floor comprises 4 sets of 6 cluster bedrooms with shared kitchens, including 4 wheelchair accessible rooms and two studio rooms with integrated cooking and eating areas. This is in line with the standard provided in the draft SPD, with each room conforming to size requirements. Although the kitchens fall a little short of the required floor space, when other benefits such as ground floor communal amenity space and gym, external amenity space, cycle storage and access to those community facilities provided for the scheme as a whole are factored in, it is considered that the level of amenity afforded to the student accommodation is of a reasonably high standard.

9.4.6 On the whole, the proposal is considered acceptable by Officers with regard to residential amenity.

9.5 Accessible Housing

9.5.1 Policy H8 requires developments of 50 or more dwellings to make a contribution to supporting needs for Independent Living, with very large scale development having potential to provide sheltered schemes as part of a wide housing mix. Policy H10 provides further detail about requirements for provision of accessible and adaptable dwellings, stating that the mix of sizes, types and tenures of M4(2) and M4(3) dwellings should reflect the mix of sizes, types and tenures of the development as a whole as closely as possible. To this end a form is provided for the applicant to fill in, which has been provided.

9.5.2 The information provided shows that, within the detailed part of the scheme, 98% of units will meet the requirements of M4(2) 'accessible and adaptable dwellings' and 2% of dwellings meet the requirements of M4(3) 'wheelchair use dwellings'. With regard to M4(2), policy requires provision of 30%, reflecting mix of sizes types and tenures and this is more than accommodated within the proposal. With regard to M4(3) the provision is for 2% as required by policy and covers rented and bought accommodation in 3 out of 4 blocks and 1 & 2 beds. Due to the overall low level of 3 bed provision on this part of the site, based on anticipated demand, it is considered

that the provision adequately reflects the overall mix. A condition will be added to ensure the provision remains at acceptable levels as the Reserved Matters applications are brought forward.

9.6 Layout, Scale and Design

- 9.6.1 Policy P10 requires the size, scale, design and layout of development to be appropriate to its context and to respect the character and quality of surrounding buildings; the streets and spaces that make up the public realm and the wider locality. The current proposal has been through several iterations during the pre-application process and further discussions and amendments have taken place during the application process.
- 9.6.2 The Kirkstall Road Renaissance Area Planning Framework provides guidance as to the heights and layouts of proposed schemes, suggesting a maximum of 8 storeys, rising from west to east and south to north. The approved City Reach 1 Reserved Matters application allows a maximum of 12 storeys and the proposed development increases the maximum to 17 storeys for two blocks. The additional height is considered consistent with emerging development proposals along this section of Kirkstall Rd which still, in general terms rise from east to west.
- 9.6.3 Within the application site itself the proposal includes a total of 11 blocks ranging from 8 to 17 storeys across the site. The scaling down occurs from the edges to the centre, with more human scales, including town houses and community uses in the centre of the development. A central road runs east to west, providing pedestrian and vehicular access, and new pedestrian routes are proposed north to south which in turn would link to a riverside park and a new footbridge over the river Aire with onward connection to the Canal towpath.
- 9.6.4 While the scale, layout and design of the blocks on the western, Phase 2 part of the site remain indicative as they are submitted only as part of the Outline element of the application, the four blocks in the Phase 1 part of the site, to the east are submitted in full detail. The detailed element contains the taller buildings of the scheme with building heights ranging from 1 to 17 storeys. Building 2b, defines the eastern end of the public open space and marks the new footbridge over the River Aire. The student accommodation (15 storeys) will be located in the north-eastern corner of the site with single storey commercial uses at ground floor level. Buildings B3 and B4, range in height from between 1 and 17 storeys, with the lower buildings comprising podium levels, a commercial building and townhouses.
- 9.6.5 Although the scale of development reduces from the outer edges to the centre, the riverside park to the south would create a welcoming public space, off-setting the visual impact of the adjacent taller buildings and the wide nature of Kirkstall Road with its character of larger city scale buildings would visually accommodate the taller building elements to this frontage. While it's true that there are a number of tall blocks proposed, considerable thought has been given to how this would work at a human scale, with active frontages, lower buildings and wide public spaces added to the mix. The frontage adjacent to Kirkstall Rd would be set back, with landscaping provision and gaps between buildings creating a gateway at the eastern end with breaks in the frontage to the west providing views across garden areas to low-level town houses. Although one of the objectors considers the development lacks a cohesive street-frontage onto Kirkstall Rd, with the ratio of built form to space on the frontage being too high, this has to be balanced against the benefits of the creation of a new public space, accessible from Kirkstall Rd but to a large extent protected from the worst impacts of the traffic along it by the proposed arrangement of the buildings. Given that

the frontage does provide views into the site, as well as presenting a diverse range of buildings in terms of massing, design and materials, along with the fact that those views are by nature transient, it is not considered that the Kirkstall Rd frontage would have a negative visual impact.

9. 6.6 It is noted that one of the letters of representation refers to the impact on views across the Aire Valley from the north. Although the proposed massing exceeds guidance in the Kirkstall Road Renaissance Area Planning Framework, the submitted views of the proposed massing from within and beyond the city centre demonstrates that it would not, on the whole, dominate the skyline from the higher ground to the north and would not compete with the clusters of taller buildings emerging within the city centre or undermine the shaping of the city's skyline as advocated in the Leeds Tall Buildings Strategy. That is not to say there would be no impact as one of the views from Belle Vue Road across the valley would be restricted, however this is not considered to be a significant adverse impact and when considered in the round the proposal is consistent with the emerging approach to new development along this stretch of Kirkstall Rd.
9. 6.7 The Tall Building Design Guide provides guidance on the location, form and appearance of tall buildings to ensure they can be successfully integrated into the environment and contribute to the changing skyline of the city. In terms of site context, the site is not located within any of the 'areas of strategic constraint' identified in the SPD which relate to protecting settings, views and vistas; key views within the city; key distant panoramic views of the city; and conservation areas. It directly adjoins a Prestigious Development Area where taller buildings are actively encouraged and sits on the boundary line of an area identified as a 'Gateway' location where tall buildings are again supported in principle. It is also located very close to an area along the fringe of the city centre where a string of tall buildings will be promoted, even within the Kirkstall Road Renaissance Area Planning Framework. Accordingly, in time, it is likely that as neighbouring sites in these locations are developed, the site will sit adjacent to tall buildings.
9. 6.8 The SPD confirms that outside of these defined areas identified for tall buildings, proposals will be considered on their own individual merits. An assessment is set out in the submitted Townscape and Visual Assessment (TVA) which provides an analysis of the potential townscape and visual effects arising from the proposed development. It considers the townscape character of the site and its surroundings; the visual role of the site in surrounding area; the sensitivity of the existing townscape and views to change, having regard to the susceptibility of receptors to change and the value of the townscape and visual resources; the scale and extent of the change to the townscape and views that would result from the proposed development, and the effects of the proposed development on key townscape and visual receptors and whether the change would be beneficial, neutral or adverse; and cumulative effects in combination with development in the surrounding area.
9. 6.9 In terms of the detail, the scheme's design responds to the local context to deliver an attractive scheme with a strong identity. The site context contains a mixture of characters from original industrial Victorian to newly constructed residential buildings along Kirkstall Road. For the detailed element of the scheme, the buildings are proposed to take a simple form with a façade design and materials that complement and respect the existing context. The buildings will be constructed using bricks appropriate in character to Leeds and reflecting local landmark buildings such as Carlton Mill. Contrasting metal colours designed to complement the brick will provide interest to the fenestration and create a rhythm across the facades. The contrasting colours have been informed by the original Dye Works that was once located on the

site. While the majority of the buildings in the detailed element will be constructed using typical brown/red traditional brick tones, the 17 storey building adjacent to the new bridge (building 2.b) would be constructed using a paler, grey brick which will assist with creating variation and interest across the site in terms of materiality.

9. 6.10 Overall the proposal is considered acceptable by Officers with regard to layout, scale and design.

9.7 Heritage

9. 7.1 Policy P11 in the Core Strategy requires development proposals to demonstrate a full understanding of historic assets affected. A Heritage Impact Assessment has been submitted which assesses the impacts of the proposed development on local Listed Buildings, Conservation Areas and their settings. The Assessment looks at impacts on Castleton Mill, the Church of St Matthias, the Railway Viaduct, Leeds Grammar School, the Church of St Bartholomew, Armley Gaol, Woodhouse Square Conservation Area and Clarendon Road Conservation Area and concludes that impacts will either be neutral or there will be no impact. The findings are accepted by the Council's Conservation Team.

9. 7.1 The proposal involves the loss of one non-designated heritage asset, which has been remarked upon as an objection to the development. An initial concern was raised by the Council's Conservation Team in relation to this as it was not addressed within the submitted Heritage Impact Assessment. A Heritage Impact Assessment Addendum was subsequently submitted which concludes that the proposed development would have a major impact on 79 Kirkstall Rd (former Imperial Picture House) as the building is proposed for demolition. However, the HIAA concludes that, although 79 Kirkstall Rd has some limited historical interest, it is of low-significance and the benefits of the proposal far outweigh the harm caused by its loss. The HIAA does provide a record of the building and structures on site that will be lost to demolition and the Conservation Team accepts that the assessment of the significance of the asset is accurate.

9.8 Highway Considerations

9. 8.1 SAP allocation MX-29 identifies that suitable primary accesses should be provided onto the A65 that minimises delay to public transport. Vehicular access to the site will be via two left in/left out entrance points from Kirkstall Road, located within the central and eastern areas of the site. These accesses have been agreed in principle with the Council's Highways Team. Turning areas are provided within the site and there will be a through-route for servicing and emergency vehicles to ensure they will be able to access all necessary areas within the site.

9. 8.2 Required highway works on Kirkstall Rd include two priority-controlled junctions, footway widening along the site frontage, Toucan Crossing and amendments to the bus lane markings and existing TRO's. These will be secured by condition and subject to a S278 Agreement.

9. 8.2 The internal layout will remain in private ownership. The applicant intends to set up a management company to maintain internal roads, pavements, parking areas and footbridge. This will be secured through a S106 agreement. A future connection route is shown on the Proposed Masterplan to the adjacent sites to the east and west. These would enable future east-west vehicular connection across the sites being developed along Kirkstall Road in line with Kirkstall Road Renaissance Area Planning

Framework. The internal link within the application site is 4.8m wide, which is sufficient to allow for two-way vehicular passing whilst self-enforcing low speeds by design.

9. 8.2 With regard to parking, a total of 259 spaces are proposed, including sufficient provision for accessible and convertible spaces, commercial use spaces, student use spaces and Car Club spaces. The use of short-stay visitor parking, to be provided in lay-by areas, and drop-off and delivery areas are to be managed by the on-site management team. The provision of Electric Vehicle Charge Points will be controlled by condition and monitored as part of the Travel Plan. Policy requires 100% provision for residential parking spaces. The applicant proposes 50% EVCP's initial provision and 50% cable-enabled for provision when required, although 100% will be provided at detailed stage. This is considered acceptable by officers, subject to monitoring through the Travel Plan. It should be noted that over 200 spaces are to be provided within the Outline element. This would mean that the level of provision in the Detailed part of the site, would only comprise 36 residential spaces, 8 of which are accessible, with 5 motorbike bays. The Detailed scheme would also include a further 5 accessible spaces associated with the student accommodation and 4 accessible spaces associated with the ground floor commercial uses. These figures represent 18% parking provision for the overall development and 6% for the detailed application. However in this location which is within the defined fringe city centre parking zone there is no policy requirement for a minimum level of spaces as long as it can be demonstrated there would be no detrimental impact on the local highway. The presence of widespread on street parking controls and the commitment by the applicant to funding more sustainable transport modes and mitigation measures to address the highway impact of the scheme as reported below would ensure that this policy test is met.
9. 8.3 The level of cycle provision is sufficient across the site with a total of 1,148 spaces, plus 74 short stay spaces. 575 long stay spaces will be provided in the Detailed part of the site, along with all 74 short stay spaces associated with the public realm. A cycle hub is proposed in Plot 1, in the Detailed part of the site, which is welcomed. This will provide long-stay and short-stay cycle parking, including bike hire, maintenance, showers and changing facilities. The Highways Team requests details of the level of provision for each plot to be provided by condition.
9. 8.4 A Transport Assessment and Travel Plan have been submitted in support of the planning application. The Travel Plan has been assessed by the Council's Influencing Travel Behaviour Team, who recommend that the Travel Plan should be included in the S106 agreement, along with:
- Leeds City Council Travel Plan Review fee of £12,044, based on 1437 residential units
 - Provision of Leeds City Council Car Club (Enterprise Car Club) parking spaces, charging facilities and free trial membership package.
 - Residential Travel Plan Fund of £367,512.75 with a portion of this fee to be committed to Leeds City Council's car club provider for membership and free usage.
9. 8.5 A contribution of £275,000 has been agreed with the applicant to cover sustainability and safety improvements to Kirkstall Rd and its junctions between West Street Gyratory and Burley Road / Willow Road junction as a consequence of the development's impact on the corridor. As the development will also have a cumulative impact on Armley Gyratory, the contribution could be applied towards the scheme identified for it. The details of this are to be agreed as part of the S106 agreement.

9. 8.6 Subject to the above contributions and associated conditions, officers consider the proposal to be acceptable with regard to highway safety issues.

9.9 Greenspace and Public Realm

9. 9.1 Policy G4 in the Core Strategy requires residential developments of 10 dwellings or more to provide a specified number of square metres of green space, or equivalent off-site provision or financial contribution. Policy G5 relates to developments within the City Centre and applies only to sites over 0.5 hectares in area with a minimum requirement of 20% of the total site area to be provided a public realm. The Leeds Waterfront Strategy SPD seeks to improve pedestrian and cycle access to and along the waterway corridor. Policy CC3 in the Core Strategy seeks to improve walking and cycling provision and improve routes connecting the City Centre with adjoining neighbourhoods.

9. 9.2 The current proposal complies with the above policies, both in terms of financial and square metreage provision, and in the aims and objectives of the policies. As a whole the Hybrid Application aims to provide around 2.2 Ha of open space, representing 45% of the site area. With regard specifically to the Detailed part of the site, the overall provision includes 1.6Ha, including tree planting, formal and informal play areas, a public square, semi-private shared garden areas, private garden areas for residents and greening to the Kirkstall Rd periphery. Much of the open space area takes advantage of the riverside nature of the development site and walking and cycling provision includes not just access along the riverside but also provides a north-south route connecting the riverside amenity areas with Kirkstall Rd. A new pedestrian and cycle bridge provides further connectivity with the Otter Island community across the river.

9. 9.3 The main publicly accessible open space areas for the proposal site, located adjacent to the river, follows the pattern set by the existing open space provision to the east of the site. This complies with waterfront accessibility objectives and is also beneficial for sunlight penetration. In addition the new east – west connection and provision of amenity spaces between the residential blocks provides further opportunity for additional attractive public realm. The connections between the sites also mean that residents of emerging developments to the east would have easy access to the pedestrian bridge which would provide a link across to Holts Crest Way and the Leeds/Liverpool Canal towpath (Trans-Pennine cycle Route 66). To the north, the spaces and connections would allow easy access to Kirkstall Road with its Quality Bus Initiative routes both into and out of the city along the A66.

9. 9.4 While there has been some concern about the convoluted nature of the cycle access between Kirkstall Rd and the new bridge, there were a number of design considerations for the north-south route from the pedestrian crossing on Kirkstall Road to the bridge, which include:

- Bridge slope: There is an Environment Agency requirement to raise the bridge soffit level which means we have the ability to walk under it on the River path but requires a significant slope to descend to ground level. By curving the slope it allows an increased length but reduces the E-W- barrier formed if it ran N-S.
- The north-south route is a positive local connection but not an anticipated commuter route. As such creating an engaging route through the scheme with active frontages and events was considered as more effective and a positive placemaking addition to the scheme.

- Wind: Extensive analysis has been tested on numerous configurations where the current proposed composition aids the micro climate to protect the square and route through to the bus stop. Aligning routes was found to have a negative impact on wind comfort.
- Active frontage: A key drive of creating the active 'shed' buildings adjacent to the main residential buildings was to increase the amount of active frontage by providing opportunity to conceal the back of house areas. The route would run directly past this active frontage. In terms of wayfinding, trees have been used to underpin the wayfinding strategy by placing them in strategic location along paths and at key focal points. Lighting and signage will further assist in directing users of the path with the former also creating a safe environment.

Further details on the wayfinding strategy will be secured by condition.

9. 9.5 If a calculation is done in line with Policy G4, because of the number of bedrooms being provided, the total amount of provision required should also include a commuted sum for further provision off-site. It is recognised by officers that the provision of the bridge, along with a new river wall represents a large financial contribution which would be additional to the required on-site provision and, in cost terms, far exceeds that required by a strict adherence to the policy. This additional infrastructure enables and enhances access to other areas of public realm and in this case can be accepted in lieu of an off-site contribution. As a result the proposal is considered acceptable with regard to Open Space and Greenspace provision.

9. 9.6 Public Health are supportive of this application on the basis that the proposed development should enhance the environment if the park space, play space and extensive tree planting are delivered as outlined in the plan. On the whole, the proposal is considered by officers to be acceptable with regard to Green Space and Public Realm.

9.10 Flood Risk

9. 10.1 SAP allocation MX2-9 acknowledges that the site, or part of the site is located within Flood Zone 3a. Flood risk mitigation measures set out in the SAP Flood Risk exception Test and site specific flood risk assessment are therefore required. Surface water drainage is currently being designed in accordance with Leeds City Council Minimum Development Control Standards for Flood Risk (MDCSFR) discharge rate restriction and climate change requirements outfalling to a suitable drainage receptor (River Aire and/or Yorkshire Water sewers subject to ongoing drainage survey work and liaison with LCC FRM and Environment Agency). The drainage system will incorporate SuDs which will provide both the necessary volumes of attenuation to suit flow rate restrictions and storm durations with climate change allowances, and provide improvements to discharged water quality. It is intended that foul water drainage will discharge to the combined Yorkshire Water sewers in Kirkstall Road. At the time of writing further details were required by the FRM Team relating to specific surface water flow calculations. This issue can be resolved through further discussions as to which specific details can be provided at conditions stage and which are necessary prior to determination. However, this also relates to the detail of the final FRA, for which discussions are also on-going (see below) and it is recommended that Members allow for this matter to be resolved pursuant to delegated powers and prior to final determination of the application.

9. 10.2 The Kirkstall Road Site is currently within the High Probability Flood Zone 3a as defined by the Environment Agency's Flood Map for Planning. The site is adjacent to

the River Aire which is the primary flood risk source both from river bank overtop and upstream breach and Kirkstall Road secondary river route flows as was experienced in 2015. The Leeds City Council Flood Alleviation Scheme Phase 2 (LFAS2) is well underway and by the end of 2022 will provide the site and surrounding city areas with a very high level of flood protection. This is provided in the form of robust river side flood defence walls (referred to as Step 1) and upper catchment storage works (referred to as Step 2)

9. 10.3 To support the assessment of flood risk within the Flood Risk Assessment (FRA), flood modelling has been carried out by Thomas Mackay in order to demonstrate that the site will be flood safe and will not increase flood risk to others. The modelling has taken account of the LFAS2 Step 1 works along with the construction phase and anticipated first inhabitation. However the Environment Agency have outstanding concerns with regard to the modelling and an objection to the development from them remains in place.
9. 10.4 With regard to the exception test required by paragraph 164 of the NPPF, this comes in two parts:
- The development would provide wider sustainability benefits to the community that outweigh flood risk; and
 - The development would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
9. 10.5 With regard to the first part of the exception test the wider sustainability benefits of the proposal come in the form of extensive landscaping with significant gains in biodiversity, along with the creation of up to 1,437 new homes in a sustainable location with easy access to the City Centre and public transport and ample opportunities for walking and cycling. Part two of the test comes with the acceptability of the FRA, which is technically assessed by the Environment Agency. At the time of writing, therefore, the exception test is not considered by officers to be passed.
9. 10.6 Officers, including those from the Environment Agency consider that the matter can be resolved in principle, subject to updated modelling. This requires on-going technical discussions and resolution to the modelling approach and is unlikely to have wider implications for the proposed design of the buildings and layout of public realm. It is therefore recommended that Members allow for this matter to be resolved pursuant to delegated powers and prior to final determination of the application.

9.11 Biodiversity

- 9.11.1 Policy G9 in the Core Strategy requires biodiversity net gain to be provided, commensurate with the scale of the development. The Council's Nature Team have been involved in pre-application discussions relating to landscaping and associated bio-diversity improvements. The applicant has provided the following assessments with the planning application:
- UK habitat classification survey
 - Preliminary roost assessment for bats – buildings and river wall
 - Otter survey
 - Water vole Habitat suitability survey
 - Arboricultural Impact Assessment survey
 - River Metric survey (Water Framework Directive Assessment)
 - Summer bat dusk/dawns of buildings and walls within the site boundary (inc. river wall).

- 9.11.2 It is accepted that significant biodiversity gains over and above the existing baseline position can be achieved through habitat creation and the inclusion of design features such as extensive tree planting (up to 238 new trees and 57 specimens), green roofs, wetlands, wildflower meadows and rain gardens, plus appropriate lighting schemes. A condition would be required to ensure areas given over to biodiversity enhancement are retained and managed as such.
- 9.11.3 With regard to the riverside habitat adjacent to, and connected with the site, a Water Framework Directive Assessment has been submitted with the application. The Assessment suggests that habitat may be affected by the construction of a new riverside wall but can be mitigated. The Environment Agency identify that downstream of the existing bridge the riverside habitat margin is wide and supports dense scrub and trees. This marginal habitat is of value and must be retained to avoid adverse impacts. A scheme is therefore required by condition to ensure any loss of habitat is reinstated.
- 9.11.4 The loss of the berm upstream of the bridge proposed as part of this development could prevent the functioning of the otter ramp being built as part of the Leeds Flood Alleviation Scheme 2. The proposal would also lead to the loss of overhanging vegetation and fish refuge currently provided by the berm. These services are not replaced by the proposed widening of the berm's area downstream of the bridge and represent the development creating a new gap in the riparian environment. The current proposal envisage only a negligible increase of 5sqm of riparian habitat which is not considered commensurate with the scale of the development as required by Policy G9. This situation can be addressed by the addition of a planning condition requiring a landscape and ecological management plan (BEMP) which takes into account management of the riparian environment. A further condition is also requested by the EA dealing specifically with otters.
- 9.11.5 Subject to the requested conditions, the proposal is considered acceptable with regard to biodiversity protection and enhancement.

9.12 Sustainability

- 9.12.1 Existing planning policies seek to address the issue of climate change by ensuring that development proposals incorporate measures to reduce the impact of non-renewable resources.
- 9.12.2 Policy EN1 in the Core Strategy require major residential developments to achieve 20% less than Building Regulations Target Emission Rate and to provide a minimum of 10% of the predicted energy needs of the development from low carbon energy. The applicant has submitted an Energy and Sustainability Statement to demonstrate compliance with this policy. The Statement provides full information for Phase 1 (Detailed) and an outline strategy for future phases. Energy Statement calculations have been undertaken to assess the site's CO₂ emissions and to identify the most appropriate energy efficient solutions and appropriate low and zero carbon technologies.
- 9.12.3 The proposed scheme has focussed on 'lean' design measures which reduce energy consumption, with a reduction in CO₂ emissions of 17.97%. The remaining reductions are achieved through the required low carbon energy provision. A range of energy technologies have been appraised as potential on-site energy regeneration. The assessment has identified that Solar Photovoltaics is the most suitable technology for

the proposed scheme. Air source heat pumps are also included in the design proposal to provide the domestic hot water within each apartment.

- 9.12.4 Policy EN2 in the Core Strategy requires the non-residential part of the development to meet the BREEAM standard of excellent and the residential part to meet a water standard of 110 litres per person per day. The Energy Statement explains that BREEAM pre-assessments have been carried out for the Student residential block and a Generic Shell Commercial Space at the proposed development. BREEAM Excellent certificates will be targeted for the development and the Energy Statement demonstrates how this will be feasible. On this basis it would be justified to add a condition requiring that the standard is met in order to ensure that the policy is complied with. With regard to water the applicant has confirmed that the residential apartments will be designed to a consumption standard of 105 litres per day. This also can form the basis of a condition.
- 9.12.5 Policy EN4 requires major residential development to follow a hierarchical approach with regard to District Heating Networks. The applicant has shown that the Leeds District Heating Network does not reach as far as the development site and that there are no plans to extend it this far along Kirkstall Road to enable a viable connection. The Energy Statement considers the energy hierarchy with regard to District Heating Networks and rules it out due to no networks being available. The Statement does not consider construction of a site wide District Heating Network, collaboration with neighbouring development sites or potential future connectivity, as required by Policy EN4 where it would be appropriate for the development. Collaboration with other developments such as the Arla site would not be feasible due to the differences in timescales for each project and a site specific scheme would not be necessary, given that it is proposed to provide alternative methods of low carbon energy delivery such as solar and air source heat pumps which would feed every residence in just the same way that a localised heating network would. It is considered, therefore, on balance that the Policy is complied with as a District Heating Network would not be appropriate for the development.
- 9.12.6 With regard to the construction phase of the development, a Construction Management Plan will be required by condition which will ensure the most efficient methods are used in terms of energy consumption and use of resources.

9.13 Wind Assessment

- 9.13.1 A wind assessment by GIA chartered surveyors has been submitted and reviewed for the Council by Tobermory Consultants. The impact of the proposed development was assessed in both wind tunnel and CFD in accordance with the Council's Draft Wind and Microclimate Toolkit. The assessment demonstrates that, for the Detailed part of the site (Phase 1) the proposed development is subject to localised comfort and safety exceedances at the south of building 2.B, at the south-east corner of building 2.A, by the north west corner of Building 4 and at the main entrance to the site between buildings 1 and 3.
- 9.13.2 Wind mitigation measures have been developed for Phase 1 including:
- Four 50% porous 1.5m x 3m screens to the south of building 2B
 - Covered colonnades between buildings 2A and 2B with 50% porous sides, staggered between north and south every 3m
 - Three solid 1.5m x 3m screens around the Kirkstall Rd entrance to the site
 - A stretch of 2m high porous fencing at the north west corner of building 4 (required until the completion of the Outline part of the development)

- 9.13.3 With regard to the Outline (Phase 2) part of the site, indicative mitigation has been included to demonstrate that impacts can be mitigated, to be refined at Reserved Matters stage. At this stage submitted details indicate that there will be localised effects within the Phase 2 part, with mitigation likely to be in the form of 1.5m canopies at the south western corner of Building 7A, the north eastern corner of Building 6A and the south western corner of Building 5A.
- 9.13.4 It is also noted that the analysis has demonstrated that the presence of the new development, including mitigation, will have a beneficial, wind-calming influence on the site surroundings. In particular, the existing safety exceedance on Kirkstall Road is removed when Phase 1 is constructed and the more distant safety exceedance at the corner of Marsden House on Burley Street is also likely to be removed once the full masterplan for the site is implemented.
- 9.13.5 Tobermory recommends submission of a plot plan with proposed mitigation measures marked on and that these measures are reviewed between the applicant and LCC. The plan has been provided and reviewed in terms of measures and location. One measure requires a fence adjacent to the western vehicular access to the site and the applicant has demonstrated that this will not interfere with site lines. Other mitigation is acceptable in principle in terms of location and type but would require design detail approval as a condition. The mitigation required on balconies has been discussed with the Design Team and it is recognised that such measures are required and can be accommodated into the overall design of the affected buildings. A condition requiring further remodelling as part of the Reserved Matters application is also recommended.

9.14 Safe and Secure Design Principles

- 9.14.1 One of the criteria for consideration of design in Policy P10 is that development creates a safe and secure environment that reduces the opportunities for crime without compromising community cohesion. As is set out in the Design and Access Statement, the layout has been subject to assessment under Secure by Design, which ensures that access routes, entrances, and open spaces are overlooked, and a clear definition is made between public and private spaces to ensure a safe and secure environment. West Yorkshire Police have assessed the application and have proposed conditions. These have been attached where practicable, although, with regard to lighting, a balanced view will have to be taken, given potential impacts on bats.
- 9.14.2 With regard to fire safety the applicant has provided a Fire Safety Report in accordance with the latest regulations. The Health and Safety Executive have assessed the report and subsequent amendments have been made. All outstanding issues have been resolved and the Fire Report is considered acceptable.

10.0 Planning Obligations

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

10.2 There is a requirement for the following obligations that sit outside the Community Infrastructure Levy regime:

- 1) Requirement for public access to and maintenance of all routes through the scheme and public spaces
- 2) Set up of a management company to manage internal layout, carriageway, footways, refuse collection, servicing and parking.
- 3) Off-site highways contribution £275,000
- 4) Footbridge replacement on River Aire.
- 5) Travel Plan initiatives to include:
 - i) £12,044 Travel Plan Review fee
 - ii) Provision of Car Club parking spaces, charging facilities and free trial membership package
 - iii) Residential Travel Plan Fund of £511.50 per dwelling (c £367,512.75)
- 6) The provision of Affordable Housing
- 7) Provision of public access to on site Greenspace
- 8) Retention and restrictions on the use of student accommodation to safeguard the council's policy positions on other forms of housing.
- 9) Primary education contribution £12,320 per family dwelling.
- 10) Local Employment Initiatives

10.3 The proposed obligations have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

10.4 The development is Community Infrastructure Levy (CIL) liable and for the detailed part of the site (Phase 1) will amount to £336,815.54. For the Outline part of the site the details are not confirmed but it is likely to be a similar amount. The payment of CIL is not material to the determination of the planning application.

11.0 **Representations**

11.1 The following issues raised by representation have not been addressed above:

The provision of washing machines in the student units rather than a communal launderette.

Internal fixtures and fittings are not within the Local Planning Authority's control and the matter is not covered by adopted planning policy.

Should there be a space for an equipment lending club?

This would not be something the Local Planning Authority could enforce as there is no relevant planning policy against which it could be assessed.

Step-free crossings should be accessible over main roads and river and canal crossings

These are to be provided where they form part of the scheme

Recommend a launch by the river for canoeing access

This may have adverse consequences for biodiversity as provision is being made for otters along the riverside wall.

Recommend an allotment space for growing

Shared garden spaces will be available for residents.

Potential for alternative access point from the site to the canal, avoiding Otter Island.

Connectivity with Otter Island is considered by the Local Planning Authority to be a benefit of the proposal rather than a harm caused by it as it is in accordance with the Local Plan and a landing area for the proposed bridge has been secured as part of Section 106 legal agreement related to the development of the Otter Island site.

Question whether CIL monies will be allocated to Little Woodhouse area

CIL can only be spent on infrastructure needs as a result of new growth. CIL expenditure is detailed in the annual infrastructure funding statement. The Regulations specify that there is a duty to pass on (as a minimum) a 'meaningful proportion' of the funds raised through the levy to a parish or town council for the area where the development that gave rise to the payment takes place. Areas without a neighbourhood plan will receive 15% of the revenue, and this will be capped at £100 per existing dwelling in that area. The meaningful proportion can be spent on:

- (a) "The provision, improvement, replacement, operation or maintenance of infrastructure; or,
- (b) Anything else that is concerned with addressing the demands that development places on an area" (Regulation 59C and 59F).

Where there is no town or parish council the City Council has to spend it in the local area in consultation with the community.

The Charging Schedule sits within the Leeds Local Development Framework, but does not form part of the statutory development plan and does not constitute a material planning consideration with regard to the determination of a planning application.

People employed on the site should be recruited from the site

Employment of local people is encouraged and consideration of this will be included as an obligation in the S106 agreement.

Funding should be sought for a cycle lane on Kirkstall Rd

The applicant is to provide a 4m strip of land which will be dedicated for Highway purposes. The provision of a cycle lane itself wouldn't necessarily meet the test of being directly related to the development as it would be required whether or not the development was brought forward.

12.0 CONCLUSION

12.1 This scheme represents an opportunity to continue the introduction of residential led development on the southern side of Kirkstall Rd. It would, provide large areas of open space as well as connectivity to the waterfront and a new section of riverside walkway. The proposed residential use on this site is in line with national and local policy. Although not controlled through the Section 106 agreement (due to national funding rules), the provision of additional grant funded affordable housing would make a significant contribution to local housing need and is clearly to be welcomed..

12.2 This proposal would provide a mixed-use development incorporating residential units that will meet adopted space standards and have a high level of amenity in an accessible and prominent location. The commercial units would provide employment opportunities and service occupiers in the local area. The form and scale of the proposal would enhance the character of this part of Kirkstall Road and the

landscaped open spaces and new routes through the proposal would improve environmental quality and pedestrian permeability.

- 12.3 Although final flood risk modelling is required to be agreed with the Environment Agency, it is considered that subject to this the development would be demonstrated to be acceptable in flood risk terms. In this case residential units will be raised above the flood levels so the scheme and its occupiers can be physically protected. In addition, it is a development which can be mitigated from the impact of the wind both within the footprint of the buildings and surrounding public realm / site estate.
- 12.4 It is considered that this proposal would act as a catalyst for the regeneration of the area and, for the reasons set out above, the application on balance is considered acceptable subject to the attached conditions and the obligations to be included in the Section 106 Agreement.

Background Papers:

PREAPP/20/00483

Application file: 20/03494/OT

Pre-application file: PREAPP/19/00477

Application files: City Reach 1 approval ref. 15/06844/OT and 18/00604/RM

Application file: City Reach 2 app. ref. 18/00622/OT

Application file: Holts Crest Way approval ref. 13/05566/FU

Application files: FAS2: 18/07367/FU, 19/06812/FU and 19/00741/FU

Appendices:

Appendix 1: Draft conditions

Appendix 2: Affordable Housing Note 1

Appendix 3: Affordable Housing Note 2

Appendix 4: Affordable Housing Note 3

Appendix 5: Homes England Memorandum of Understanding

**DRAFT CONDITIONS FOR PROPOSED DEVELOPMENT
AT 10 - 81 KIRKSTALL ROAD
APPLICATION REF: 21/08190/FU**

- 1) The full application part the development, as defined by drawing ref. DN0084-BM-ZZ-OG-DR-A-010006, hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

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

- 3) No advance infrastructure and enabling works (including but not limited to any works of demolition and/or works, such as, temporary vehicular routes, site remediation, earthworks and/or re-profiling of site levels and installation of drainage infrastructure) within a Phase (“Advance Infrastructure and Enabling Works”) shall commence until details of the proposed Advance Infrastructure and Enabling Works have been submitted to and approved in writing by the Local Planning Authority. The Advance Infrastructure and Enabling Works shall be carried out in accordance with those approved details.

For the avoidance of doubt, any Advance Infrastructure and Enabling Works may be undertaken prior to commencement of any other phase as identified on the phasing plan in condition 4 and without compliance with pre-commencement conditions 4 and 19.

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

- 4) A plan showing the anticipated phases of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (apart from those defined in the Advance Infrastructure and Enabling Works pursuant to condition 3). Subsequent phases shall also be accompanied by an updated phasing plan. Phases of the development shall thereafter be carried out in accordance with the submitted plan, unless otherwise approved in writing by the Local Planning Authority, and any reference to `phase` or `phases` in the conditions below shall refer to the phases detailed in the plan thereby approved. The plans shall include interim landscaping treatment of future phases appropriate to the anticipated schedule of implementation.

In order to accord with the provisions of the Leeds Core Strategy, Saved Policies of the Leeds Unitary Development Plan Review and the Leeds Natural Resources and Waste DPD, in the interests of amenity, visual amenity, the provision of affordable housing, pedestrian connectivity, highways safety, sustainable development, and in order that the Local Planning Authority is informed of the phasing in order that the relevant sections of the conditions may be discharged.

- 5) Development shall not commence on any phase of the outline part of the development until approval of the following details (hereinafter referred to as the reserved matters) in relation to that phase have been obtained from the Local Planning Authority,

- a. Appearance
- b. Landscaping
- c. Layout
- d. Scale
- e. Housing Mix
- f. Accessible Housing

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

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

- 6) Application for approval of reserved matters for the first phase of development shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Application for the approval of reserved matters for each subsequent phase of development shall be made within two years of the approval of reserved matters for the previous phase.

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

- 7) The first phase of the outline part of the development hereby permitted shall be implemented either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the reserved matters to be agreed for that phase whichever is the later. Subsequent phases of the outline part of the development shall be implemented before the expiration of two years from the date of approval of the reserved matters to be agreed for that phase.

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

- 8) The reserved matters shall be submitted in accordance with the approved parameter plans listed in the Plans Schedule.

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

- 9) Prior to the commencement of above ground building works in each relevant phase of development, details and samples of all external walling and roofing materials (scope of materials to be provided to be agreed) for that phase shall be submitted to and approved in writing by the Local Planning Authority. Samples shall be made available on site prior to the commencement of building works, for inspection by the Local Planning Authority which shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

In the interests of visual amenity.

- 10) Construction of external walling shall not be commenced above ground for each relevant phase of development until a sample panel of all the materials to be used in the external walling (scope of materials to be provided to be agreed) for that phase has been approved in writing by the Local Planning Authority. The sample panel shall be erected on site to establish its detail including junctions between materials and

jointing and pointing. The external walling for that phase shall be constructed in strict accordance with the sample panel(s) which shall not be demolished prior to the completion of that phase of the development.

In the interests of visual amenity and to ensure that the external walling harmonises with the character of the area.

- 11) Prior to above ground building works commencing in each relevant phase the following shall be submitted to and approved in writing by the Local Planning Authority:
- (i) 1:20 details of the junction between the cladding and the brick
 - (ii) 1:20 details of the balconies including soffits and materials to be used to the underside of the balconies
 - (iii) 1:20 details of the parapet wall and its capping
 - (iv) 1:20 details of the typical window reveals
- All works shall then be carried out in accordance with the details thereby approved and thereafter retained on site.

In the interests of visual amenity.

- 12) Prior to the commencement of above ground building works in each relevant phase of development, details of the position, design, materials and type of all walls and/or fences or permanent boundary/screening treatment for that phase shall be submitted to and approved in writing by the Local Planning Authority. Such walls and fences shall be erected in accordance with the approved details, before the land/buildings to which they relate are occupied, and shall thereafter be retained.

In the interests of visual amenity.

- 13) Prior to the commencement of above ground building works in each relevant phase of development full details of both hard and soft landscape works, including an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority for that phase. Hard landscape works shall include
- (a) proposed finished levels and/or contours
 - (b) vehicle and pedestrian access and circulation areas,
 - (c) hard surfacing areas,
 - (d) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.), including curtain wall protection
 - (e) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).
- Soft landscape works shall include:
- (f) planting plans
 - (g) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
 - (h) schedules of plants noting species, planting sizes and proposed numbers/densities. All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

To ensure the provision and establishment of acceptable landscape in the interests of visual and general amenity.

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

To ensure maintenance of a healthy landscape scheme.

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

To ensure successful aftercare of landscaping.

- 16) Development, excluding demolition but including all other Advanced Infrastructure and Enabling Works pursuant to condition 3 shall not commence until a Remediation Strategy demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Strategy shall include a programme for all works and for the provision of Verification Reports.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

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

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

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

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

- 18) If remediation is unable to proceed in accordance with the approved Remediation Strategy, or where significant unexpected contamination is encountered, or where soil or soil forming material is being imported to site, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. The affected part of the site shall be agreed with the Local Planning Authority in writing. An amended or new Remediation Strategy and/or Soil Importation Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Strategy. Prior to the site being brought into use, where significant unexpected contamination is not encountered, the Local Planning Authority shall be notified in writing of such.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

To ensure that any necessary remediation works are identified to make the site 'suitable for use' with respect to land contamination.

- 19) Development shall not commence until a drainage scheme (ie drainage drawings, summary calculations and investigations) detailing the surface water drainage works, as well as arrangements for its future maintenance (e.g. adoption by the Water Company), have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be designed in accordance with the SuDs & Drainage Strategy Report ref 072630-CUR-XX-XX-RP-C-92000 rev P06. Details of proposed permeable paving, swales, cellular attenuation and control Manholes to restrict the discharges as required should also be provided. The works shall be implemented in accordance with the approved scheme before each relevant phase of development is brought into use.

To ensure sustainable drainage and flood prevention.

- 20) Construction activities shall be restricted to 08.00 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours on Saturdays with no works on Sundays and Bank Holidays.

In the interests of residential amenity.

- 21) Development shall not commence, including Advanced Infrastructure and Enabling Works pursuant to condition 3, in each phase until a statement of construction practice has been submitted to and approved in writing by the Local Planning Authority, the Statement of construction practice shall include full details of:
- a) The construction vehicle routing, means of access, location of site compound, storage and parking (including workforce parking), means of loading and unloading of all contractors' plant, equipment, materials and vehicles and associated traffic management measures.
 - b) Methods to prevent mud, grit and dirt being carried on to the public highway from the development hereby approved.
 - c) Measures to control the emissions of dust and dirt during construction.
 - d) How the statement of construction practice will be made publicly available by the developer.

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

In the interests of highway safety and residential amenity of occupants of nearby properties.

- 22) Reserved matters applications shall include full details of the internal roads, access means, footways, cycleways, parking and servicing relevant to that phase. These shall be constructed and provided for use as agreed prior to first occupation of the related phase of development.

In the interests of highway safety and amenity.

23) Prior to occupation of the development, the off-site highway works as shown on plans 100-P-001 Rev. G and 100-P-002 Rev. F comprising the below elements on Kirkstall Road shall be fully delivered.

1. Upgrade the pedestrian crossing across Kirkstall Road on the site frontage to a Toucan crossing to provide a cycle link, including widening the central reservation.
2. Widen the existing footway along the whole of the site frontage to 4.0m. The footway behind bus stop number 11762 on the site frontage will be widened to 5.0m.
3. Two vehicular access points on Kirkstall Road to serve the development.
4. Removal of all redundant access points along the site frontage and reinstate full-height footway.
5. Change the existing Traffic Regulation Order (TRO) along the site frontage on the bus lane to 'No Loading at Any Time' and 'No Stopping at Any Time'.
6. Road markings and layout alterations to the bus lane to accommodate the proposed accesses.

To ensure the free and safe use of the highway.

24) Prior to the first use of the footbridge over River Aire, a wayfinding scheme for the relevant phase of the works shall be submitted (and subsequently updated relevant to the phase of development) to and approved in writing by the Local Planning Authority. The scheme shall include details and location of pedestrian and cycling signage between Kirkstall Road, the footbridge, Otter Island and the Canal Towpath. The works shall be carried out in accordance with the approved or updated details within a timescale agreed in writing by the Local Planning Authority.

To ensure pedestrian and cycling safety and legibility.

25) No relevant phase of development shall be occupied until a Car Park and Servicing Management Plan (including timescales) has been submitted to and approved in writing by the Local Planning Authority for that phase. The plan shall be fully implemented, and the development thereafter operated in accordance with the approved timescales.

To ensure the free and safe use of the highway

26) The relevant reserved matters application(s) shall include details of the provision of disabled car parking for the parking area within the Outline Planning Application area as shown on the approved Proposed Development Areas Parameter Plan (ref. DN0084-BM-ZZ-ZZ-A-01201 P01 P01). These spaces shall be delivered in accordance with current British Standard BS8300 unless otherwise agreed in writing. The agreed layout shall be implemented prior to occupation and retained for the lifetime of the development.

To ensure the provision of disabled parking.

27) No relevant phase of development shall be occupied until details for the provision of bin stores (including siting, materials and means of enclosure) and (where applicable) storage of wastes and access for their collection have been submitted to and approved in writing by the Local Planning Authority for that phase. The approved measures shall be implemented in full before that phase is occupied and shall be retained thereafter for the lifetime of the development.

In the interests of amenity

- 28) Notwithstanding the approved details, works above the ground floor slab level in each relevant phase shall not commence until full details of cycle/motorcycle parking and facilities have been submitted to and approved in writing by the Local Planning Authority. The approved cycle/motorcycle parking and facilities shall be provided prior to first occupation of the development and retained thereafter for the lifetime of the development.

In the interests of highway safety and promoting sustainable travel opportunities.

- 29) No relevant phase of development shall be occupied until a plan, setting out the location of electric vehicle charging points to be provided in that phase, has been submitted to and approved in writing by the Local Planning Authority. The charging points for that phase shall be provided in accordance with the approved details prior to first use of the car park for each phase and retained as such thereafter.

In the interest of promoting low carbon transport.

- 30) No gates or barriers shall be provided on any part of the access roads unless otherwise approved in writing by the Local Planning Authority. The location of any gates/barriers at the entrance to car parking areas must be submitted to and approved in writing by the Local Planning Authority.

To ensure the free and safe use of the highway.

- 31) No relevant phase of development shall be occupied until all areas shown on the approved plans within that phase to be used by vehicles, including roads, footpaths, cycletracks, loading and servicing areas and vehicle parking space have been fully laid out, surfaced and drained such that loose materials and surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

To ensure the free and safe use of the highway.

- 32) The vehicular access gradient shall not exceed 1 in 40 (2.5%) for the first 15m and 1 in 20 (5%) thereafter, unless otherwise agreed in writing by the Local Planning Authority. The gradient of the pedestrian access shall not exceed 1 in 20 (5%).

To ensure the free and safe use of the highway, and in the interests of disabled access.

- 33) The gradient of all drives shall not exceed 1 in 12.5 (8%).

To ensure the free and safe use of the highway.

- 34) The site shall be developed with separate systems of drainage for foul and surface water on and off site. The maximum surface water discharge rate shall be restricted to 331.7 litres per second for the entire site. The maximum surface water discharge rate to the Yorkshire Water network will be 5.5 litres per second. The maximum discharge rate to the River Aire will be 326.2 litres per second.

To ensure sustainable drainage and flood prevention.

- 35) Internal noise levels within dwellings shall not exceed the following criteria:
L_{Aeq} 40 dB within dining rooms during the day (07:00-23:00)
L_{Aeq} 35 dB within living rooms and bedrooms during the day (07:00-23:00)

L_{Aeq} 30 dB within living rooms and bedrooms during the night (23:00-07:00)

L_AF,max 45 dB in bedrooms at night (23:00-07:00)

These internal noise criteria shall be achieved including contributions from any mechanical ventilation systems required. The final noise insulation scheme for each relevant phase of the development shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The approved scheme shall be implemented prior to occupation of the dwellings and retained thereafter.

In the interests of residential amenity.

- 36) Noise from any new external plant associated with the development shall not exceed the existing representative background sound level (L_{A90,T} dB) at the worst affect noise sensitive receptors when assessed in accordance with BS4142:2014. The rating level shall include the addition of any character corrections as appropriate. If the character is unknown at the design stage or cannot be evidenced then a penalty of 5dB should be applied to take into account of potential corrections; unless it is considered an even greater correction would be justified.

In the interests of residential amenity.

- 37) No external lighting shall be installed in each relevant phase of development unless a scheme has previously been approved in writing by the Local Planning Authority for that phase, such scheme to indicate how the placement and type of fitting used has been designed to ensure the protection of the amenity of residents of the scheme, and residential occupiers outside the application site, and how each fitting will avoid causing a hazard to users of the adjoining highway. The scheme shall be installed and retained thereafter in accordance with the approved details.

In the interests of residential amenity and highway safety.

- 38) Notwithstanding the plans hereby approved, the reserved matters application for the permanent and any temporary treatment of each phase of development shall include a wind study, which shall include wind tunnel testing and and CDF testing and shall demonstrate a safe wind environment for the intended activities. The works shall then be implemented as approved prior to occupation of that phase of development.

In the interests of public safety and amenity.

- 39) Prior to commencement of above ground building works for each relevant phase of development full details of the wind mitigation measures, including, design, location, fixings, materials and colour shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained as such thereafter.

In the interests of public safety and amenity.

- 40) Prior to occupation of each relevant phase of development details of a strategy for a CCTV system to be provided within that phase shall be submitted to the Local Planning Authority. This strategy shall then be implemented prior to occupation of each phase of development.

In the interests of public safety.

- 41) Should demolition works to Buildings B1b, B2a-B2c and W1 as shown on Figure 2 of the Thomson Bat survey report ref. OCLA 105/004/001/001 dated October 21 2021,

not have commenced by March 2023 (inclusive), an updated assessment of the buildings and walls within the site boundary for their suitability to support roosting bats should be undertaken by an appropriately qualified and experienced bat consultant. The report shall be submitted to, and approved in writing by the Local Planning Authority prior to commencement of relevant works. All recommendations in that report shall be carried out in full.

To safeguard a protected species

- 42) Prior to the commencement of each relevant phase of development, including Advanced Infrastructure and Enabling Works pursuant to condition 3, a Construction Environmental Management Plan (CEMP:Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities
 - b) Identification of “biodiversity protection zones”
 - c) Measures to avoid or reduce impacts during construction
 - d) Location and timings of sensitive works to avoid harm to biodiversity features, including nesting birds
 - e) The times during construction when specialist ecologists need to be present on site to oversee works
 - f) The role of a responsible person (Ecological Clerk of Works) and lines of communication
 - g) Use of protective fences, exclusion barriers and warning signs

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

In order to ensure the protection of existing biodiversity features.

- 43) Prior to installation in each relevant phase a Lighting Design Strategy For Bats shall be produced by an appropriately qualified ecological consultant and submitted to and approved in writing by the local planning authority. The Strategy shall:
- a) Identify those areas/features on site that are “particularly sensitive for commuting and foraging bats” - using an appropriately scaled map to show where these areas are
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb commuting and foraging bats

All external lighting shall be installed in accordance with the specifications and locations set out in the Strategy, and shall be maintained thereafter in accordance with the Strategy. Under no circumstances should any additional external lighting be installed without prior consent from the LPA in the areas identified in the Strategy as “particularly sensitive for commuting and foraging bats”.

To safeguard a protected species

- 44) Following the construction of the proposed river wall, a scheme indicating the overall loss of riverside habitat, and where necessary, the provision and management of reinstated compensatory habitat must be submitted to, and agreed in writing by, the Environment Agency and implemented as approved. Thereafter, the development shall be implemented in accordance with the approved scheme.

The scheme should quantify and document any habitat losses that occur as a result of the wall construction and also provide detailed design information on how such habitat will be reinstated. The scheme should also include post-project appraisal to ensure the scheme has been successful and achieved desired results.

In order to maintain and enhance biodiversity

- 45) Prior to the commencement of development above ground floor slab of each relevant phase, an Ecological Enhancement Plan (EEP) shall be submitted to and approved in writing by the Local Planning Authority. The agreed EEP will detail the specifications of the features to be incorporated for ecological enhancement (including integrated bat roosting and bird nesting features within buildings as per the Opportunities for Enhancement sections in Thomson survey reports ref. OCLA 105/004/001/001 dated October 2021, and ref. OCLA105/003/001/003 dated September 2021), number of features, and their locations. The EEP will also detail the timetable for implementation, method of installation (where applicable, the commitment to features being installed under the instruction of an appropriately experienced ecologist), and any ongoing management requirements. All approved features shall be installed prior to first occupation of the dwelling on which they are located and retained thereafter.

To maintain and enhance biodiversity

- 46) Prior to the commencement of development of each relevant phase a Method Statement for the control and eradication of Himalayan Balsam, Japanese Knotweed and Giant Hogweed (hereafter referred to as the Target Species) shall be submitted to and approved in writing by the local planning authority. The Method Statement will include post-treatment monitoring of the site to ensure a continuous 12-month period of time occurs where none of the Target Species is identified growing on the whole site, if any Target Species is identified as growing on-site during the 12-month monitoring period then treatment shall resume and continue until a continuous 12-month period with no Target Species occurs. The agreed Method Statement shall thereafter be implemented in full.

To control the spread of non-native invasive plant species

- 47) Prior to commencement of works to the river wall a landscape and ecological management plan (this can be in the form of the proposed BEMP), for those works, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), has been submitted to, and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:

- a. Details of how the berm upstream of the bridge will be reinstated or the provision of alternative measures to soften the sheet piling and provide vegetation and fish refuges at the water's edge where the berm was formerly present
- b. Details of the proposed planting plan showing the species mixes of tree, scrub and reed species.
- c. Updated terrestrial Biodiversity Net Gain (BNG) calculations amended to take into account the set back of the sheet piled river wall.
- d. Details of the exact number and species of riverside trees to be planted.
- e. A lighting plan to minimise light spill from the development.

f. Ecological Enhancement Plan for the river Aire and its corridor, including the provision of trailing riverside vegetation on the top of the wall, provision of bird nesting features such as kingfisher or sand martin nesting boxes and provision of bat roosting features.

In the interests of biodiversity protection and enhancement.

- 48) No development associated with the river wall and flood wall shall take place until a plan detailing the protection of otter and their associated habitat has been submitted to, and approved in writing by the Local Planning Authority. The plan must consider the whole duration of the development, from the construction phase through to development completion. Any change to operational responsibilities, including management, shall be submitted to and approved in writing by the Local Planning Authority. The otter protection plan shall be carried out in accordance with a timetable for implementation as approved.

The scheme shall include the following elements:

1. Details of how existing and planned otter infrastructure will be retained or replaced.
2. Provision of an artificial otter holt.
3. Details of how the berm will be retained in the vicinity of the otter ramp which will be provided as part of the LFAS2 scheme, to ensure the ramp can still function.

In the interests of preventing harm to protected species.

- 49) Prior to the occupation of development of each phase, a scheme setting out the measures to be put in place in the event of an emergency flood event, including the designation of a Flood Plan Coordinator, shall be submitted to, and approved in writing by, the Local Planning Authority. Any required emergency route(s) shall thereafter be incorporated into the design and layout of the development along with any associated infrastructure such as signage. The route(s) shall be retained as such throughout the lifetime of the development.

To ensure safe access and egress to and from the site in the event of a nearby flood.

- 50) Prior to commencement of above ground building works for each relevant phase, an Aviation Obstacle Lighting Scheme shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall be in accordance with EASA Aerodrome Regulation CS ADR-DSN.Q.848; Lighting of Fixed Objects with a height 45m to a height less than 150m above ground level.

In the interests of aviation safety.

- 51) Prior to installation of PV installations for each phase, a Glint/Glare Assessment pertaining to all proposed rooftop PV installations shall be submitted to and approved in writing by the Local Planning Authority. The scope of the Assessment should include potential impact assessment on:
- a) Landing IFR traffic Runway 32 at EGNM/LBA (ILS)
 - b) Low level VFR traffic operating in and around the site with a particular emphasis on helicopter traffic to and from the LGI Helipad.

In the interests of aviation safety.

- 52) Following completion of at least 50% of the dwellings within each relevant phase and secondly at the stage of the final completion of the remaining 50% of the dwellings

within each phase, a post construction Accessible Housing Certification Table containing the full details of the following matters shall be submitted to and approved in writing by the Local Planning Authority;

- Which and how many dwellings within the development have satisfied M4 (2)* accessible and adaptable dwellings standards
- Which and how many dwellings within the development have satisfied M4 (3)* wheelchair adaptable dwellings standards

*contained within Part M Volume 1 (Approved Document) of The Building Regulations 2010, or any such Approved Document or Regulations for the time being in force, including any modification, extension or re-enactment of the same and including all instruments, orders, regulations and directions for the time being made, issued or given under the Approved Document or Regulations (or deriving validity from the same). The accessible dwellings shall be provided in accordance with the agreed details and shall be retained as provided for thereafter.

In the interests of disabled people and access for all.

- 53) Future reserved matters applications shall be accompanied by details of the proposed number and mix of accessible (adaptable and adapted) units for the relevant phase of development. This shall be provided in accordance with Core Strategy Policy H10 unless otherwise agreed in writing, and thereafter implemented as approved.

In the interests of disabled people and access for all.

- 54) Prior to the commencement of above ground works within each relevant phase a Site Waste Management Plan, including a Recycled Material Content Plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit) shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained as such thereafter.

In the interests of ensuring the development meets the requirements of the waste reduction targets within the Natural Resources and Waste Local Plan

- 55) Within 6 months of final occupation of each relevant phase of development a post-construction review statement shall be submitted to the Local Planning Authority demonstrating that the buildings have achieved the reduction in total predicted carbon dioxide emissions and on-site energy provision using Low and Zero Carbon technologies as described in the Energy and Sustainability Statement received by the Local Planning Authority on 13.10.21. The review shall also include details to demonstrate the implementation of the low-water usage target 110 litres/person/day.

In the interests of ensuring the development meets the requirements of the adopted energy policies within the Core Strategy

- 56) Prior to the commencement of the above ground works in each relevant phase of the development plans and details demonstrating how the development shall comply with Policy H9 of the Core Strategy with regard to meeting relevant space standards shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the details thereby agreed.

To provide an appropriate layout and space for the amenity of residents.

- 57) The proposed mix of residential accommodation across the outline phases of development shall incorporate a minimum of 10% 3-bedroom units unless otherwise justified with reference to an updated Housing Needs Assessment in accordance with the guidance of Core Strategy policy H4. Details of this provision should be set out clearly at Reserved Matters stage and thereafter implemented as approved.

To ensure compliance with Leeds Core Strategy Policy H4

- 58) No non-residential unit used primarily for the sale of convenience goods shall be greater than 450sq.m. unless otherwise agreed in writing.

To ensure compliance with Core Strategy Policy P8.

- 59) The amount of floorspace within Use Class E(a) (retail) (former use class A1) shall not exceed a maximum of 1,499sqm (GIA) unless otherwise agreed in writing.

To ensure compliance with Core Strategy Policy P8.

- 60) No non-residential unit over 300sqm (GIA) shall be used primarily for the sale of comparison goods unless otherwise agreed in writing.

To ensure compliance with Core Strategy Policy P8.

- 61) Prior to undertaking works to the river wall within a relevant phase, evidence in the form of a design statement and risk assessment shall be submitted to, and approved in writing by the Local Planning Authority. The submitted details shall demonstrate that any temporary or permanent works in the vicinity of the LCC Flood Wall, including any works to reinforce the existing river wall, will not affect the stability or functionality of the flood defence. Pedestrian access for ongoing inspection of the Flood Wall must be retained on completion of the works.

In the interests of Flood Prevention.

Briefing Note

Our ref 62193/01/CD/ZS
Date 11 January 2022
To Steve Littlejohn (Leeds City Council)
From Lichfields

Subject Kirkstall Road Planning Application: Affordable Housing

1.0 Introduction

- 1.1 This note provides a summary of the affordable housing provision proposed for the submitted hybrid planning application at 10 – 81 Kirkstall Road which is currently subject to determination by Leeds City Council (LCC). This note will provide an overview of the number of affordable homes proposed, their location within the development, the design of the buildings and any management associated with these dwellings.
- 1.2 This note has been prepared in response to comments received from LCC on the affordable housing provision and a query as to whether these dwellings could be ‘pepper potted’ across the site. This is considered to be neither practical or feasible for the reasons set out below.

2.0 Affordable Housing Provision

Quantum

- 2.1 The scheme is required to deliver 7% affordable housing on site in accordance with Core Strategy Policy H5, as it is located within Zone 3, Inner Area. This equates to 101 dwellings of the total 1,437 being delivered on site with 61 homes for social rent (60%), and 40 (40%) as shared ownership (intermediate). This level of affordable housing will be fully provided on site as part of the detailed element of the hybrid planning application and will be secured through a planning obligation in the S106 agreement.
- 2.2 In addition, the site is also intending to deliver up to 402 additional affordable homes, subject to securing grant funding from Homes England; this would bring affordable housing provision up to 35% (503 homes) of the total number of homes proposed. These additional affordable properties, will sit outside of the Section 106 agreement, which is a necessity in order to be able to access the required Homes England funding. Of the additional affordable housing units, Latimer’s intention is to deliver up to 135 social rent dwellings and 267 shared ownership (intermediate) dwellings. This amounts to a 34%:66% split between social rented and intermediate housing for this additional affordable provision.
- 2.3 In totality, the proposed affordable homes will comprise a mixture of social rented and shared ownership (intermediate) housing. Up to 230 affordable homes will be located within the detailed part of the application site and up to 273 affordable homes within the outline area.
- 2.4 The proposed overall housing mix of these affordable dwellings is provided in Table 1 (the proposed market housing mix is also provided for completeness).

Table 1 Proposed Housing Mix

	Market	Social Rent	Shared Ownership	Total
Apartments				
1 bedroom	464	118	146	728
2 bedrooms	423	78	135	636
3 bedrooms	33	-	26	59
Townhouses				
3 bedrooms	14	-	-	14
Total	934	196	307	1,437

2.5

The indicative affordable housing mix across the site as a whole based on the higher level of affordable housing provision is set out in Table 2. The final mix will however evolve through the planning process as the scheme develops and reserved matters applications come forward on the outline part of the site. Again, whilst part of the scheme is in outline, and therefore indicative, the overall tenure mix can be secured through an appropriately worded planning condition.

Table 2 Indicative Affordable Housing Mix across the Whole Site

	Total	1 Bed	2 Bed	3 Bed
Detailed				
S106 Social Rented Housing Units	61	61	0	0
S106 Shared Ownership Housing Units	40	40	0	0
Grant Eligible Additional Social Rented Housing Units	29	9	20	0
Grant Eligible Additional Shared Ownership Housing Units	100	20	80	0
Total	230	130	100	0
Outline				
Grant Eligible Additional Social Rented Housing Units	106	48	58	0
Grant Eligible Additional Shared Ownership Housing Units	167	86	55	26
Total	273	134	113	26
Overall Total	503	264	213	26

Tenure Split by Building

2.6

Tables 3 and 4 provided below provide a summary of the tenure and number of dwellings proposed per building for both the detailed and outline parts of the application.

Detailed

Table 3 Proposed tenure split by building (detailed)

Building	Tenure	No. dwellings
B.1	Student Accommodation	362
B.2a	Shared Ownership	140
B.2b	Private for Sale	184
B.3	Build to Rent	205
B.4	Social Rent	90

Building	Tenure	No. dwellings
Plot 4 (townhouses)	Private for Sale	4

Outline

Table 4 Proposed tenure split by building (outline)

Plot	Tenure	No. dwellings
B.5a	Private for Sale	150
B.5b	Shared ownership & private for sale	132
B.6a	Social rent	106
B.6b	Shared ownership	104
B.7a	Private for Sale	132
B.7b	Private for Sale	180
Block 5 & 7 Townhouses	Private for Sale	10

Design

External appearance

2.7

For the detailed element of the scheme, all buildings are proposed to take a simple form with a high quality façade design and materials that complement and respect the existing context. It will not be possible, externally, to distinguish between the different tenures of the buildings. All will be constructed from high quality bricks appropriate in character to Leeds. The detailed design of the buildings can be found in section 5 of the Design and Access Statement and be seen in Figure 1.

Figure 1 Detailed application facade palette



Source: Design and Access Statement (pg. 58)

Access to Site Facilities

2.8 A range of ground floor retail, commercial, leisure, health, cultural and community floorspace will be available to residents. The exact type and location of some of these uses are yet to be finalised, however, this could include all or some of the following¹:

- New river crossing
- Clarion concierge – access to be provided to all to 24 hour management and repair team.
- Community hall – provision of a space for resident hire and community events.
- Delivery management facility – access to centralised delivery parcel receipt and resident collection procedures.
- Residents lounge – access to a place to sit and meet, including site team.
- Cycle hub – provision of a cycle hub with repair shop area.
- Residence workspace – access to quiet space for work or study
- Estate management

2.9 The possible locations of these facilities can be found in Figure 2 (and page 106 of the Design and Access Statement).

Figure 2 Resident support and amenity



Source: Design and Access Statement (pg. 106)

¹ This provision is in addition to the delivery of significant areas of landscaping including public realm, gardens, river promenade (the landscape area comprises approx. 45% of the site area).

- 2.10 The development proposals have been prepared to create a high quality, tenure-blind scheme which provides a range of options to deliver retail, commercial, leisure, health, cultural and community facilities and floorspace which are accessible and inclusive to all. This is in addition to the areas of open space across the site which comprises 45% of the site area. The development is, therefore, inclusive to all.

3.0 Management

- 3.1 Latimer Developments Ltd are to construct the properties on behalf of Clarion Housing Association Ltd who are a registered provider. Following handover of the completed units, Clarion Housing Association Ltd will, in respect of the social rent units, own and manage the units and be responsible for their future lettings and maintenance. In terms of the shared ownership units, these will be marketed for sale and will be part owned by Clarion Housing Association Ltd until the point at which any future occupier decides to 'staircase' out of the property and own it outright.
- 3.2 Clarion supports over 325,000 residents nationally and as a result has extensive experience owning and managing the properties across its portfolio. This experience and lessons learned have informed the practices and policies that are used to design and operate schemes like Kirkstall Road. The ambition is to provide inclusive tenure blind designs that support all stages of living. Whilst doing so, Clarion have to recognise the different arrangements that have to be put in place to support residents vis a vis affordability and ongoing maintenance and support.
- 3.3 Clarion's policy is therefore to provide segmented mixed tenure schemes whilst keeping stairs and lift cores for rented and sales separate. As far as possible schemes are designed to be tenure blind. At Kirkstall Road, the external appearance of each building, regardless of tenure, is indiscernible from another. The internal specifications do have some differences reflecting cost, value and affordability principles, but where possible this is avoided. Separating tenures in this way helps provide better long term management arrangements reflecting different service charges, the approach to maintenance, affordability and also helps reduce potential conflict that could occur where tenures are mixed across the same cores or buildings.
- 3.4 The nature of the long term ownership arrangements across the site also lend to the buildings needing to be designed in the way suggested at Kirkstall Road. Clarion Housing Association will acquire, own and operate a number of buildings at Kirkstall Road, but not all of them. Therefore, a further mix of tenures, effectively "pepper-potting" affordable rent and shared ownership across all buildings would complicate the nature of the transaction and introduce further management and operational challenges ,which could cause future conflict and impact long term value across the scheme.

Briefing Note

Our ref 62193/01/CD/ZS
Date 28 January 2022
To Steve Littlejohn (Leeds City Council)
From Lichfields

Subject **Kirkstall Road Planning Application (ref. 21/08190/FU/C): Affordable Housing**

1.0 Introduction

- 1.1 This note provides a summary of the affordable housing provision proposed as part of the submitted hybrid planning application at 10 – 81 Kirkstall Road, which is currently subject to determination by Leeds City Council (LCC). It specifically addresses a request from Officers for further information regarding the number and type of affordable units to be delivered within the detailed part of the application and to be secured via S106 agreement, and details regarding how and when this will be delivered.
- 1.2 The note therefore provides an overview of the number of committed¹ affordable homes proposed alongside those to be delivered via grant funding. The mechanisms for the delivery of the grant funded affordable housing is also set out in order to provide LCC with the necessary information and reassurance regarding the deliverability of these dwellings. The note should be read alongside the previous note on Affordable Housing dated 11th January 2022 (and issued to LCC on the same date).

2.0 Affordable Housing Provision

S106 Affordable Homes

- 2.1 The scheme is required to deliver 7% affordable housing on site in accordance with Core Strategy Policy H5, as it is located within Zone 3, Inner Area. This equates to 101 dwellings of the total 1,437 being delivered as part of the detailed scheme, with 61 homes for social rent (60%), and 40 (40%) as shared ownership (intermediate). This level of affordable housing will be fully provided as part of the detailed element of the hybrid planning application and will be secured through a planning obligation in the S106 agreement. It is proposed for these dwellings to be located within Blocks 2a (shared ownership) and Block 4 (social rent). See Table 1 for breakdown.

Table 1 Committed affordable housing dwellings to be provided within the detailed scheme via S106

	Building	Total	1 Bedroom	2 Bedroom
S106 Social Rented Housing Units	4	61	61	0
S106 Shared Ownership Housing Units	2a	40	40	0
Total	-	101	101	0

¹ Those proposed to be included within the S106 agreement

Grant Funded Affordable Homes

- 2.2 The site is also intending to deliver an additional 129 affordable homes within the detailed part of the scheme to be funded via grant from Homes England This brings the affordable housing provision within the detailed element of the scheme up to 230 (37%). The additional affordable properties will sit outside of the Section 106 agreement, which is necessary in order to be able to access the required Homes England funding.
- 2.3 Of the additional affordable housing units delivered by grant funding within the detailed element of the scheme, Latimer's intention is to deliver up to 29 social rent dwellings and 100 shared ownership (intermediate) dwellings.
- 2.4 A further 273 additional grant eligible units are intended to be delivered at outline stage as a mixture of social rented and shared ownership (intermediate) housing of 1, 2 and 3 bedroom homes. This brings the total affordable housing provision across the site to 503, or 35%, to be delivered as a 34%:66% split between social rented and intermediate housing for this additional affordable provision.
- 2.5 The indicative grant funded housing mix of the affordable dwellings within the detailed and outline element of the scheme is provided in Table 2.

Table 2 Indicative Grant Funded Affordable Housing Mix across the Whole Site

	Total	1 Bed	2 Bed	3 Bed
Detailed				
Grant Eligible Additional Social Rented Housing Units	29	9	20	0
Grant Eligible Additional Shared Ownership Housing Units	100	20	80	0
Total	129	29	100	0
Outline				
Grant Eligible Additional Social Rented Housing Units	106	48	58	0
Grant Eligible Additional Shared Ownership Housing Units	167	86	55	26
Total	273	134	113	26
Overall Total	402	163	213	26

- 2.6 In the detailed part of the scheme, the additional (grant funded) affordable homes will be located in Buildings 2a (which is to be provided as a shared ownership block) and 4 (which is to be provided as a social rent block).
- 2.7 For the outline part of the scheme, the indicative proposed tenure split is set out in Table 3.

Table 3 Proposed tenure split by building (outline)

Plot	Tenure	No. dwellings
B.5a	Private for Sale	150
B.5b	Shared ownership & private for sale	132
B.6a	Social rent	106
B.6b	Shared ownership	104
B.7a	Private for Sale	132
B.7b	Private for Sale	180
Block 5 & 7 Townhouses	Private for Sale	10

- 2.8 The rationale for this approach, notably the relevant management and operational considerations, is set out in further detail within the Affordable Housing Briefing Note dated 11th January 2022.

3.0 Delivery

- 3.1 LCC has requested further information regarding the delivery of the affordable housing within the detailed part of the application. In particular for those units to be delivered outside the S106 agreement (by grant), and for further comfort to be provided regarding the likely delivery of those units, and an indication of how the site will be delivered and function should the relevant funding not be secured.
- 3.2 LCC will be aware that those dwellings to be provided via grant funding, and which represent the uplift in affordable housing over and above the policy requirement, cannot be committed to in the s106 agreement, or via any other form of planning obligation.
- 3.3 Clarion Housing Group is a strategic partner of Homes England and is committed to delivering affordable housing across all its sites. Clarion has already secured the grant for the delivery of the affordable homes at Kirkstall Road, which can only be used for this purpose. The obligations linked with this grant funding from Homes England should therefore provide the necessary commitment and reassurance to the Council that the additional affordable housing offered will be delivered in perpetuity. Further proof of this funding and associated obligations can be provided on request.
- 3.4 Other relevant considerations include:
- The applicant (Latimer) is the 100% owned and funded development business of Clarion Housing Group.
 - Since Clarion Housing Association is a registered charity, Latimer undertakes all commercial development activities for the group to manage the risk associated with property development.
 - All the affordable housing delivered by Latimer is funded and owned by the charity (Clarion Housing Association). Clarion will acquire a sub-lease of all the affordable housing land and will enter in to a Development Agreement with Latimer for the delivery of those units.
 - To ensure discounts reaching the end users, rent levels for the social rent units will be set in line with the national rent regime at 100% of target rent, but no higher than local housing allowance. The disposal of the social rented properties to Clarion Housing Association Ltd will ensure that those units remain affordable in perpetuity, unless disposed of under an affordable housing provider's statutory obligation of right to buy or acquire and subject to mortgagee exemptions.
 - Shared Ownership dwellings will be disposed of to purchasers who meet the HCA eligibility criteria as set out in the Capital Funding Guide. Purchasers will be able to purchase between 10% and 75% of the full market value of the property. The properties will be sold at the current market value. A relevant Independent Financial Adviser will then use the approved HCA Shared Ownership Affordability calculator to ascertain that any applicant is maximising their contribution and that any mortgage and rental costs are affordable and sustainable. The lease will give the buyer the right to buy the remaining share or additional shares in their home and therefore move from an initial share to full ownership in a number of stages as and when they can afford them.

- The relationship with Homes England, along with the internal cross subsidy between Clarion Housing Association and Latimer, makes the proposed model for delivering affordable homes at Kirkstall Road possible.
- Latimer/Clarion has developed, and is further developing, the scheme with the aim of delivering affordable housing at a level that is significantly above the local planning policy requirement.
- Latimer/Clarion have engaged with the Housing and Regeneration teams at LCC regarding the quantum and dwelling mix of affordable housing and the proposals are agreed. This is discussed further below.
- A nominations agreement² will establish the allocation of Clarion Housing Association owned affordable housing to LCC residents, and we will engage with LCC to agree a more detailed local lettings plan specifically for this project.
- Latimer and Clarion have initiated the legal process enabling Clarion Housing Association to acquire the affordable housing through a Land & Development Agreement, subject to securing planning approval. By nature of this being an intra-group transaction, it bears no risk to being concluded.

3.5 The above considerations demonstrate the intent of the applicant to deliver the additional affordable housing proposed over and above the S106 agreement, and the mechanisms by which these will be delivered. It can therefore be concluded with certainty that the affordable housing will be delivered and maintained in perpetuity.

3.6 It follows that there is no possibility of the funding for blocks 2a and B4 not being granted, and that, assuming that planning permission for the scheme is approved, these blocks will be delivered as solely affordable housing blocks, and are required to be delivered as such, for the reasons set out in our Briefing Note dated 11th January 2022.

4.0 Mix of Affordable Dwellings

4.1 As set out in Table 1 above, all of the affordable housing proposed to be secured by S106 agreement will be delivered as one-bedroom dwellings. This reflects the needs and requirements of the area as set out in the supporting Local Housing Needs Assessment (LHNA) prepared by Lichfields and was submitted with the hybrid planning application as summarised below.

4.2 Importantly, however, given the certainty with which the grant funded units will be delivered as outlined above, in reality the 1-bed units secured by the S106 agreement will be delivered alongside the 1 and 2 bed dwellings proposed to be delivered via grant funding (see Table 2) in keeping with the conclusions set out within the LHNA, and as summarised below.

4.3 The LHNA noted that the affordable housing requirement by Affordable Housing Zone, as set out in the Strategic Housing Market Assessment (SHMA)³, between 2017/18 and 2027/28 is 168 (out of the 1,230 total per year) with a mix broken down as follows:

- 153 – 1 / 2 bedroom properties

² The council will have 100% nominations on new and subsequent lets, then 60% on subsequent lets for up to 60 years through the agreed common allocations framework, for social rented units. Lettings will be through the Leeds Homes Register and allocated as per the lettings policy; or any approach agreed locally between the Council and Clarion Housing Association Ltd. This is likely to focus on achieving a mix of residents in the scheme to create a balanced and sustainable community.

³ This site is located in Zone 3 for affordable housing; 'Inner Area Housing Zone'.

- 13 – 3+ bedroom properties

- 4.4 The LHNA also included details from the Leeds Housing Demand Data. This data highlights a high number of households in ‘Little London’, the Housing Management area within which the site is located, who are on the Leeds Housing Register; 1,909 households. Of the 1,909 households on the register 60% of households require 1-bedroom houses, 21% 2-bedrooms, 14% 3-bedrooms and 4% 4+bedrooms.
- 4.5 With its proposed affordable mix geared towards smaller homes, Kirkstall Road reflects the identified need in the Affordable Housing Zone in which it is located.
- 4.6 Furthermore, Latimer/Clarion have engaged with the Housing and Regeneration teams at LCC to agree the quantum and dwelling mix of affordable housing and this has influenced the proposed housing mix. Important to note is that:
- a LCC have a children at height policy which implies that flats really aren’t suitable for families.
 - b LCC give priority lettings status to households living in high rise accommodation with dependent children who wish to move.
 - c There are concerns about affordability of 2 and 3 beds as benefits aren’t awarded on the basis of occasional access to a child and so these residents, if not working, would most likely have benefit cap issues.
 - d The dwelling mix is designed to avoid lettings issues associated with demand/affordability and high turnover.
- 4.7 Overall, therefore, whilst the S106 identifies the delivery of solely 1 bed units, these will be seamlessly provided alongside the wider mix proposed throughout the detailed part of the scheme, which will be delivered as a mix of S106 and grant funded homes.

5.0 Phasing

- 5.1 An indicative phasing strategy has been prepared and it is proposed that building works will commence in the detailed part with Building B4 (social rented tenure) followed by Building 3 (Build to Rent), Building 2A (shared ownership) and Building 2B (market for sale) and finally Building B1 (student accommodation).
- 5.2 With regards to the outline part, this is expected to begin with Building B6b before moving east to west with Buildings B5b, B5a, B6a and finishing with Buildings 7a and 7b.
- 5.3 In both phases of the development, detailed and outline, the proposed affordable housing is to be delivered in the early part of the development.

6.0 Summary

- 6.1 The application at 10-81 Kirkstall Road (ref. 21/08190/FU/C) is policy compliant in terms of the provision (number and tenure split) of affordable homes across the site, and also within the detailed element of the application, providing 101 new affordable homes to be secured within the S106 agreement. The previous Affordable Housing note issued to the Council on 11th January 2022 provides an overview of the number of affordable homes proposed, their location within the development, the design of the buildings and any management associated with these dwellings.

- 6.2 In addition to this, the proposed development at Kirkstall Road is seeking to make a much more significant contribution to the affordable housing provision in LCC over and above the policy requirement, equating to 35% of the total housing proposed across the site. A total of 230 affordable dwellings, representing 46% of all those proposed, will be delivered as part of the detailed phase.
- 6.3 All affordable housing at the site, including those secured by way of the S106 agreement and through grant funding, will be delivered by Clarion Housing Association, which is the largest housing association in the country, and which owns and funds Latimer Developments in its entirety.
- 6.4 Importantly in this case, Clarion Housing Group, as a strategic partner of Homes England, has already secured the relevant grant funding required for the delivery of the additional (non-S106) affordable dwellings within the detailed phase of development at Kirkstall Road. This funding, which can only be utilised for the delivery of such homes demonstrates, with certainty, that the additional affordable homes will be delivered as part of the scheme.
- 6.5 In both the detailed and outline parts of the planning proposals, it is intended for the affordable housing dwellings to be delivered in the first half of each phase.
- 6.6 The affordable housing proposed to be delivered across the site, and specifically within the detailed element of the application, has been designed to focus on providing the size and tenure of homes that are required to meet the local need. Whilst the majority of 1-bed units are to be delivered through S106 obligation, the balance of units (comprising 1 and 2 beds) will be delivered through the alternative, grant funding mechanism which, given the certainty of delivery outlined above, will deliver a mix of 1 and 2-bed affordable units within the detailed part of the scheme.

Steve Littlejohn

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BY EMAIL**Date:** 4 April 2022**Our ref:** 62193/01/CD/CD/20879493v6**Your ref:** 21/08190/FU

Dear Steve

10 - 81 Kirkstall Road Burley Leeds LS3 1LH (21/08190/FU) – Affordable Housing Provision

Further to recent discussions this letter aims to deal with the outstanding points relating to quantum, type and mix of affordable housing that is being proposed as part of Latimer Kirkstall Limited's ("Latimer's") proposals for the mixed-use regeneration of 10 - 81 Kirkstall Road, Burley, Leeds, LS3 1LH (application reference 21/08190/FU). In doing so, this letter responds to the outstanding queries you have on these matters.

Introduction

Latimer is the development arm subsidiary of Clarion Housing Group ("Clarion"), which is the UK's largest affordable housing developer and a Registered Provider. Clarion operates as a non-profit organisation, with any profit made by Latimer used to support the initiatives of the wider Clarion group. Clarion manages 125,000 homes across 150 local authorities, and in the financial year 2019-2020 delivered 2,101 new homes nationally.

Clarion has significant experience of delivering and managing similar major developments to those proposed at the Kirkstall Road site and is fully committed to progressing scheme delivery following its freehold acquisition of the site in August 2020. Notwithstanding the site being a central element of the 2007 Kirkstall Road Regeneration Area Planning Framework, the site has stood vacant for over twenty years, with several attempts at redevelopment ultimately delivering little in the way of regenerative social and economic growth.

Last month Latimer effected the intergroup sale of all of the land on which the affordable housing will be located, to Clarion. Clarion is now the long leasehold owner (999 years) of the land on which both the section 106 committed affordable dwellings and the additional affordable dwellings to be delivered using Grant Funding, will be located. As such, Clarion must and will be a party to the section 106 Agreement.

Viability Considerations

This site brings with it considerable viability challenges, reflected in how long it has lain vacant. Those viability challenges manifest themselves in the current proposals, which are dependent upon grant funding, from West Yorkshire Combined Authority. This has now been approved and is separate from funding provided by Homes England to deliver the ‘additional’ affordable housing.

Since the application proposals were formulated, the viability challenges have become even greater, as current inflation in construction costs is outstripping increases in rents and values. As this continues the issue becomes even more acute.

In considering this further, our client recently commissioned RICS registered valuer Aspinall Verdi to undertake an initial viability assessment of the scheme, considering the planning submission proposals on a policy compliant basis. The assessment views the delivery of the scheme from the perspective of a typical private developer; it therefore disregards the public sector grant funding Clarion is leveraging in through WYCA, as well as the separate Homes England funding and the additionality of affordable housing delivery enabled through this. The initial assessment indicates an unviable scheme and negative land value when delivering a typical private development on a policy compliant basis.

Despite this initial assessment, Latimer is not seeking to reduce the current section 106 affordable housing offering, nor is it seeking to rely on viability considerations to justify any perceived departure from Policy H5. On the contrary, as detailed in the section of this letter titled “Proposed Additional Planning Obligation” Latimer is willing to commit to a section 106 obligation which requires that in the event Grant Funding is not available to deliver the additional affordable housing units, the Developer will be required to submit a revised affordable housing plan which complies with all elements of Policy H5. As such, with or without the Grant Funded additional units, the scheme will comply with Policy H5.

This position has been adopted on the basis of Latimer’s intergroup relationship with Registered Provider Clarion and the intention to deliver up to 35% affordable housing across the scheme with available Grant Funding. The fact that Clarion is (a) effectively leading the social housing element of the scheme, (b) already owns the land on which the section 106 and grant funded affordable units will be delivered and (c) has successfully obtained public subsidy to deliver affordable housing far in excess of policy compliance, are all relevant to the interpretation and application of Policy H5, together too with its supporting text which states at paragraph 5.2.17: *“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.”*

Affordable Housing Mix and Delivery

In total, the scheme will deliver 503 affordable homes, amounting to 35% of the total provision, with a dwelling mix broken down as follows:

Table 1 Proposed Housing Mix

	Total	1 Bed	2 Bed	3 Bed
Detailed (Phase 1)				
S106 Social Rented Housing Units	61	61	0	0
S106 Shared Ownership Housing Units	40	40	0	0
Grant Eligible Additional Social Rented Housing Units	29	9	20	0
Grant Eligible Additional Shared Ownership Housing Units	100	20	80	0
Total	230	130	100	0
Outline (Phase 2)				
Grant Eligible Additional Social Rented Housing Units	106	48	58	0
Grant Eligible Additional Shared Ownership Housing Units	167	86	55	26
Total	273	134	113	26
Overall Total	503	264	213	26

As you are aware, not all the proposed affordable homes are proposed to be secured through the Section 106 agreement and that split is indicated in the table above. In line with the quantity requirements of Policy H5 of the adopted Core Strategy, 101 affordable units, amounting to 7% of overall total, will be secured through the Section 106 agreement, with the balance of the affordable units (402 units) being procured separately through grant funding secured from Homes England. As has been previously explained, it is not possible for the affordable homes that are to be delivered as a result of the Homes England funding to also be ‘secured’ through the Section 106 agreement. The Homes England grant funds additional housing above and beyond minimum policy requirements.

Whilst all the units secured through the Section 106 agreement are 1-bed properties, it is important to recognise that they will be delivered upfront as a part of the first phase of development, rather than being split between the detailed and outline phases. The mix has also been formulated by the housing team within Clarion in their role as the Registered Provider and takes into account Leeds’ policy of seeking to avoid accommodating children “at height”, hence the emphasis on smaller dwellings suitable for individuals or couples within this part of the affordable mix. The application is supported by a housing needs assessment which has informed an appropriate mix for this location within the City, which specifically identified a need for smaller properties.

Throughout the pre-application and post-submission planning dialogue, Latimer/Clarion has been clear that the layout, mix and tenure has been carefully considered to make best use of available funding and to provide an efficient operational platform with affordable service charges. As far as long term, day to

day ownership, operation and management, this all lies with Clarion, irrespective of designation as 106, or Grant Funding.

Homes England Partnership

The Council should take comfort from the fact that there are clear provisions in place to ensure the delivery of this additional affordable housing. In 2021, Clarion was identified as one of Homes England's 'Strategic Delivery Partners' as part of its Affordable Homes Programme 2021-2026. As part of this agreement, Homes England has awarded Clarion £249.7m in funding that is ring-fenced for the delivery of 4,770 affordable homes over and above that required by local planning policy (the "Funding Agreement"). A copy of the memorandum of understanding between Clarion and Homes England was separately provided to you on 10th March 2022.

Further comfort can also be taken from the fact that the Applicant is a wholly owned subsidiary of Clarion Housing Group. The wider Clarion group therefore comprises both the developer and the long-term operator of the affordable units and the mix has been developed with the Clarion Housing Management team with this in mind. The inter-group transaction has taken place and the scheme has been registered with Homes England. Proof of funds and evidence of the transaction can be provided if required. Clarion will own, operate, and maintain all the affordable units in perpetuity and work closely with Leeds City Council Housing Management to allocate units to those who meet the appropriate criteria.

As Table 1 above demonstrates, the overall quantum of affordable housing that is anticipated to be delivered, not only goes well beyond the requirements of Policy H5 in terms of quantum, but provides a broad mix of unit sizes, reflective of the scheme as a whole and appropriate in terms of the Housing Needs Analysis.

Proposed Additional Planning Obligation

Latimer and Clarion have given further consideration to a wider planning obligation relating to the additional affordable housing, that would not prejudice the Homes England funding that secures the additional provision. Latimer and Clarion would be willing to agree to a planning obligation as follows:

"If the Developer cannot demonstrate evidence to the Council's satisfaction (acting reasonably) that Grant Funding is available for the Development, it shall submit a revised Affordable Housing mix, addressing the requirements of Policy H5 of the Leeds Core Strategy."

Such a proposed obligation would therefore allow the mix of affordable housing to be revisited in the event that the Homes England funding to secure the additional affordable housing (and the wider mix of unit sizes which that facilitates), cannot be demonstrated as being available.

This proposal to revisit the affordable housing mix should be sufficient to address the concerns such that the mix of affordable units could be reconsidered in the unlikely scenario of the Council not being satisfied that the Homes England funding is in place to deliver the additional units and the mix of units it provides.

Section 106 secured Affordable Housing

Notwithstanding the proposed planning obligation as set above, our client has also given consideration to the wider viability implications and the resultant impact of revising the mix to be more reflective of Policy H5 of the adopted Core Strategy. Clearly, this is only a relevant consideration in the context of the additional affordable housing not being provided and in many senses not relevant given the additional obligation offered which secures a policy compliant revised affordable housing plan, should grant funding not be available to deliver the additional affordable dwellings.

This exercise has looked at reducing the number of 1 bed properties and replacing these with a proportion with 2 beds across the two blocks where affordable housing is identified in the first phase (S.106 and grant funded), whilst still satisfying the 60:40 ratio between social rented and intermediate properties. This is not simply a case of reassigning a number of 2-beds from one block or phase to another, but would necessitate replacing units which would otherwise benefit from grant funding with units to be funded by Latimer as developer. Overall, we are advised that this would result in additional costs of over £1.0 million arising from the development of floorspace associated with delivering a greater proportion of 2-bedroom properties within the S106 secured, and without the benefit of grant funding. These costs would be borne by the developer, and would impact upon viability and be potentially detrimental to the other benefits of the scheme, for example the delivery of the public realm, or the river crossing.

A further consequence of amending the housing mix secured through the S106 is that this would also potentially result in a reduced efficiency in the deployment of Grant Funding, the revised mix resulting in the loss of approximately 8 shared ownership or 4 social rented units. There are further complications of a more policy compliant mix that could require tenures to be mixed across blocks. This does not support an effective operational arrangement and offers significant challenges for fair service charging. Further, it would not be possible to stick strictly to the 60:40 ratio and a slightly lower number of social rented units would be delivered.

Application of Policy H5

As stated at the outset of this letter, Clarion is effectively leading the social housing element of the scheme and has secured long leasehold interests in and public subsidy for the site, which will be committed to the delivery of additional affordable housing to that secured under the section 106 Agreement. The section 106 Agreement will also include provisions which would prevent the development commencing, unless reasonable evidence has been submitted to the Council that demonstrates that Grant Funding for the additional affordable housing units will be applied to the scheme. In the unlikely event that Grant Funding for the additional housing units could not be demonstrated to be available, the section 106 Agreement will require the submission of a policy compliant revised affordable housing plan.

The proposed Agreement will effectively ensure that, as a minimum, policy compliant affordable housing will be delivered and therefore the scheme is in accordance with Policy H5.

Not that we consider it necessary given the additional section 106 obligation offered but there is an argument that given Latimer's relationship with Clarion and Clarion's leading role in the assessment,

design and delivery of the social housing element of the scheme, the flexible approach to the application of Policy H5 as set out in paragraph 5.2.17 of the Core Strategy, can be applied:

“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.”

Consideration of the Planning Balance

It is our position that the application, when considered as a whole, complies with Policy H5 of the Core Strategy, particularly when regard is given to the proposed planning obligation requiring the affordable housing mix secured through the Section 106 agreement to be revisited, in the event that it is demonstrated that the Homes England funding to deliver the additional units is not available. We also consider Clarion’s integral involvement in the delivery of the social housing element of the scheme, would engage the flexible approach outlined in paragraph 5.2.17 of the Core Strategy.

However, if you do not share this view, then it requires a consideration of whether the wider benefits of the proposals as material consideration, outweigh the perceived conflict with the development plan.

As stated at the outset of this letter, Clarion has secured long leasehold interests in the site and public subsidy which is intended to be committed to the delivery of additional affordable housing to that secured under the section 106 Agreement. The existence of the Homes England Grant Funding Agreement is a material consideration which is explained in more detail below.

The section 106 Agreement will also include provisions which would prevent the development commencing unless reasonable evidence has been submitted to the Council, that demonstrates that Grant Funding for the additional affordable housing units will be applied to the scheme. In the unlikely event that Grant Funding for the additional housing units could not be demonstrated to be available, the section 106 Agreement will require the submission of a policy compliant revised affordable housing plan.

On the basis that the ‘additional’ affordable housing units (i.e. the 402 grant funded units) are not secured under the section 106 Agreement, it is accepted that their delivery cannot be given weight pursuant to regulation 122 of the Community Infrastructure Levy Regulations. However, the proposed obligation to submit a revised, policy compliant affordable housing plan in the event Grant Funding is not available for the scheme, does meet the Regulation 122 tests and therefore can be included as a reason for the grant of planning permission.

Whilst the ‘additional’ affordable housing units do not fall within Regulation 122, the existence of the Funding Agreement and the intended purpose to deliver additional affordable housing are material considerations for the purposes of section 70(2) of the Town and Country Planning Act 1990 and therefore can still be given weight in the determination of the planning application. Members will of course need to be directed to and understand that the weight to be given to the existence of the Funding Agreement is one that must be considered in light of the fact that the Council does not have power or control over the delivery of the granted funded units.

In addition to this, the application proposals will deliver a range of wider planning benefits beyond the delivery of the additional affordable housing that is proposed that are further material considerations

weighing in favour of the proposals. Those wider benefits are discussed in detail throughout the Planning Statement which accompanies the application and can be summarised briefly as follows:

- The regeneration of longstanding and high-profile vacant brownfield site, creating significant inward investment into the City and generation of employment opportunities.
- The creation of a diverse, vibrant and high quality sustainable mixed-use community, with a distinctive sense of place on this stalled, largely vacant site.
- Delivery of up to 1,437 new homes making a meaningful contribution towards meeting the City's housing need and will also reduce pressure for the delivery of housing elsewhere in the city.
- Provision of nearly 6 acres of high-quality green infrastructure and public space, creating new access to the River Aire and an extensive riverside park and promenade.
- The opening up of the site to the public, providing new pedestrian and cycle connections, including the delivery of a new bridge crossing over the River Aire enhancing access to the Leeds Liverpool Canal and Sustrans Cycle Route 66.
- Delivery of significant inward investment in the region and generation of employment opportunities, expenditure associated with the proposed residential development, business rates and CIL revenue.
- An environmentally sustainable development which will achieve reductions in energy consumption and deliver net biodiversity gains of up to 316%.

When considered together, these benefits should be given considerable weight as material considerations in the overall planning balance and more than outweigh any potential conflict with Policy H5, or indeed any other perceived policy conflict.

Yours sincerely



Christopher Darley
Senior Director



Memorandum of Understanding: Strategic Framework Partnership Affordable Homes Programme 2021-26

Parties

Homes England (**Homes England**)
Clarion Housing Group Limited (the **Provider**)

Background

Homes England launched the Affordable Homes Programme 2021 to 2026 in September 2020 and invited proposals for a strategic partnership in [guidance published](#) on 19th February 2021.

The Provider has submitted the attached application (the **Proposal**) to deliver 4,770 affordable homes with up to £249,657,000 grant funding from Homes England, and [REDACTED], which will achieve start on site by 31 March 2026 (the **Housing Outputs**).

The long stop date for all grant to be drawn down is 31 March 2026 and all grant funded affordable homes to be completed by 31 March 2028 unless Homes England in its absolute discretion permits an extension to that date.

The Strategic Framework Board will review and oversee delivery of the non-grant funded elements of the Proposal and act as a conduit for future strategic initiatives put forward by the Provider.

The Affordable Housing grant funded element of the Proposal will be in addition to all existing commitments already made by the Provider and/or their Delivery Partners to Homes England for affordable housing delivery. The following understanding and Proposal will form the basis of the Affordable Housing Interventions of the Strategic Partnership Framework Agreement.

The Strategic Partnership Affordable Housing Funding Proposal

This Memorandum of Understanding provides a summary of how the Provider will deliver the Housing Outputs, Strategic Objectives, commitments and aspirations in the attached Proposal.

- Homes England will make available to the Provider the sum of up to £249,657,000 for the delivery of 4,770 affordable homes in line with the submitted Proposal.

- The Provider will be able to draw on this sum flexibly to support delivery of the Housing Outputs based on their quarterly statement of eligible development capital expenditure incurred. The drawdown of funds will not be restricted to the milestone tranche payments associated with the Continuous Market Engagement (CME) route but must be in line with annual grant drawdown amounts and annual forecast starts and completions of the Housing Outputs.
- All grant to be drawn down by 31 March 2026 and all grant funded affordable homes to achieve start on site by 31 March 2026 and practical completion by 31 March 2028 unless Homes England in its absolute discretion permits an extension to that date.
- All grant drawdown amounts and delivery forecast starts and completions of the Housing Outputs are to be delivered in line with the tenure type, geography, Strategic Objectives and annual forecasts in the Proposal unless Homes England (resources permitting) in its absolute discretion agrees any changes.
- All grant funded affordable homes to be net new additional homes, not for market sale, S106 or replacement units and to be delivered in accordance with the requirements of the Capital Funding Guide (CFG).
- The grant rate for Social Rent can only be attributed to grant funded rented homes within the prescribed areas of high affordability pressure as set out in the CFG.
- Grant will be attributed to the affordable homes at completion in accordance with the grant rates set out by tenure and by Government Office Region in the Proposal.
- All grant funding provided to the Provider must be in compliance with the United Kingdom Competition Requirement and Subsidy Control rules and regulations.
- All grant funding paid by Homes England to the Provider is social housing assistance as defined in Section 32(13) of the Housing and Regeneration Act 2008.
- All grant funding will be made available through the Affordable Homes Programme 2016-2021, and the parameters of this programme will be followed except where expressly amended or where agreed between the Parties.
- In using the grant funding, the Provider must comply with the applicable requirements of the Capital Funding Guide, the Recovery of Capital Grants from Registered Providers General Determination 2017 and the information submitted and approved on Homes England's Investment Management System (IMS).
- Grant will not be paid until a Grant Agreement is in place between Homes England and the Provider and the first Programme Management Board (the governance meeting responsible for delivery and monitoring of the Affordable Housing Grant) has approved the first claim.
- Where the Provider chooses to work with Delivery Partners to deliver the commitments in the Proposal, those partners will be jointly agreed between the Provider and Homes England

Homes England

0300 1234 500

www.gov.uk/government/organisations/homes-england

- Where the Provider is contemplating forward sales, transfer or onward disposal of grant funded affordable homes to other organisations (outside of the Delivery Partners named in the Proposal appended to this MoU) this will be considered on a scheme by scheme basis for agreement by Homes England to ensure the grant liability has been dealt with appropriately.
- The Provider will provide Homes England with all relevant data and management information to support effective programme and performance management of grant and take all reasonable steps to ensure that any information provided to Homes England is accurate in all material aspects.
- The Provider shall promptly and accurately update IMS with such information as may be requested by Homes England from time to time in connection with the Proposal.

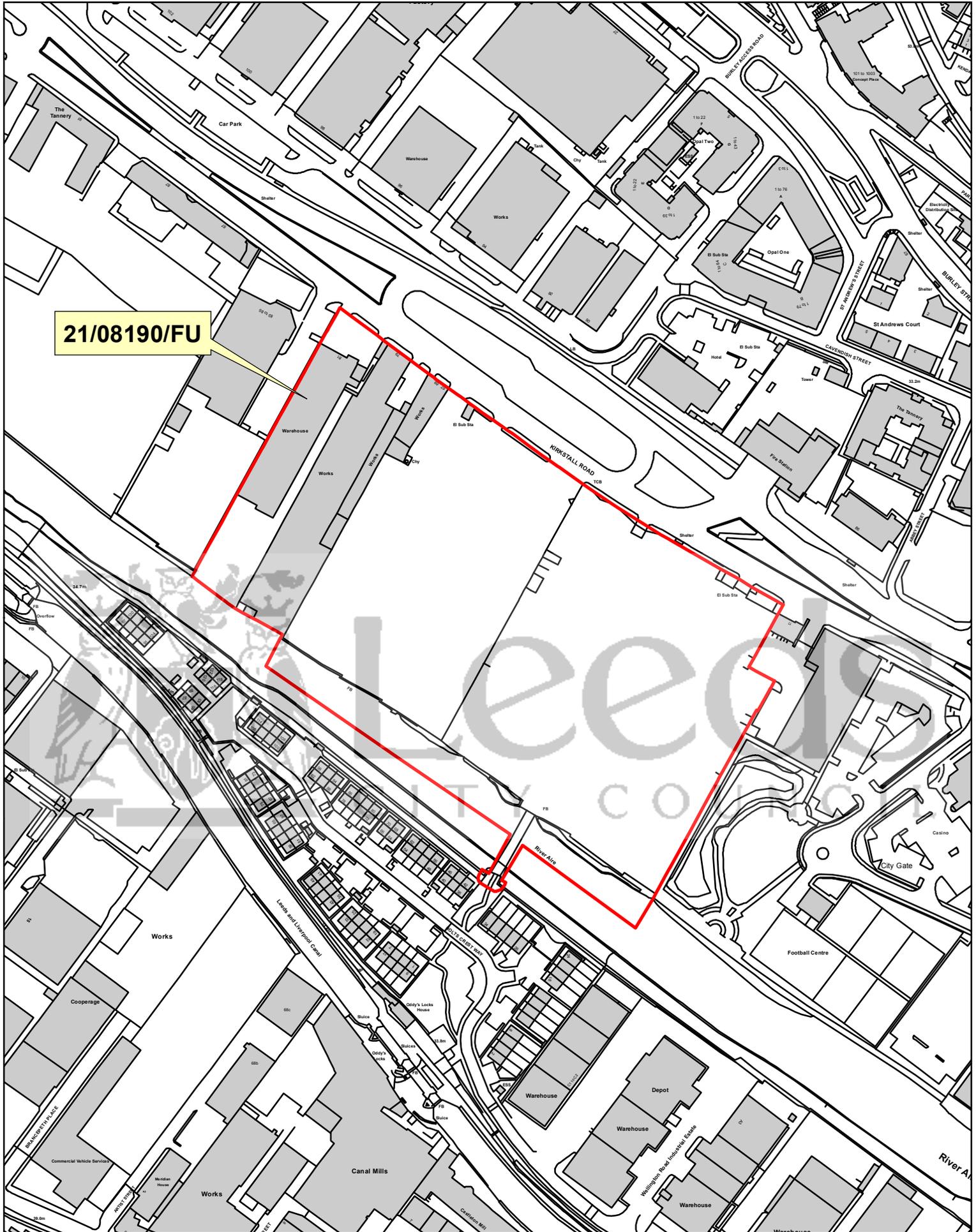
.....
AUTHORISED SIGNATORY

**FOR AND ON BEHALF OF
 HOMES AND COMMUNITIES AGENCY
 (trading as Homes England)**

.....
AUTHORISED SIGNATORY

**FOR AND ON BEHALF OF
 CLARION HOUSING GROUP LIMITED**

Date.....



21/08190/FU

CITY PLANS PANEL

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

SCALE : 1 / 2500



Contractors and consultants are not to scale dimensions from this drawing



Application Boundary

Extent of final built development within the detailed part of the planning application

Extent of Outline Application (masterplan shown in this area is for indicative purposes only)



REV	16/07/21	BM	Access Issues
Revised	Date	Drawn By	Checked By

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Client
Clarion Housing Group
Project
Kirkstall Road, Leeds, UK

Description
Site Plan Proposed

Status

Planning

Scale	Drawn By	Date
1:1250@A1	BM	16/07/21
Job Number	Drawing Number	Revision
34812	DR0084-BM-ZZ-03-DR-A-01010	P01

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