



Report of the Chief Planning Officer

NORTH & EAST PLANS PANEL

Date: 22nd September 2022

Subject: 21/08380/FU – Development comprising 58 apartments for affordable rent, including communal and ancillary spaces on land at Railway Street, Saxton Gardens, Leeds, LS9

APPLICANT:
Leeds & Yorkshire
Housing Association

DATE VALID:
20.10.2021

TARGET DATE:
07.10.2022

Electoral Wards Affected:

Burmantofts & Richmond Hill

Yes Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions set out below (and any amendments to or addition of others which the Chief Planning Officer might consider appropriate) and the completion of a Section 111 agreement under the Local Government Act 1972 (incorporating a Section 106 agreement) to secure the following obligations:

- **Affordable Housing: 100%**
- **Residential Travel Plan Fund: £14,833.50**
- **Travel Plan Monitoring Fee: £3,278**
- **Traffic Management Contribution (to control on-street parking along Railway Street): £10,000**
- **Cooperation with Local Jobs and Skills Initiative**
- **G6 green space contribution: £71,103.13**
- **G4 green space improvements: £11,000**

1. Time Limit (3 years)

2. Approved plans list
3. Material samples to be agreed (inc colour finish)
4. Hard and soft landscaping details
5. Landscape management plan
6. Drainage details (plus sewer diversion details) to be agreed
7. Separate systems of drainage for foul and surface water
8. No building / obstruction located within 4 metres either side of public sewer
9. No piped discharge of surface water prior to completion of drainage works
10. Construction Management Plan (inc working hours)
11. No external lighting unless otherwise approved
12. Remedial works if complaint from Network Rail
13. Remediation Statement as approved
14. Verification Report/s
15. Sightlines notwithstanding approved plans
16. Vehicle space to be laid out
17. Specified offsite highway works (footpath provision)
18. Cycle/Motorcycle facilities notwithstanding approved drawings
19. EV charge points notwithstanding approved drawings
20. Waste storage provision
21. Details of ventilation strategy
22. Compliance with EN (energy and water use) policies
23. Delivery of accessibility units as part of policy H10

INTRODUCTION:

1. The application was previously presented to North and East Plans Panel on 30th June 2022 as a Position Statement. It was presented to Panel to seek Members' views on four key planning issues – proposed housing mix, loss of green space, private amenity provision and pedestrian connectivity. The outcome from Panel was that Members suggested changes to the scheme and points for consideration by the applicant which Members hoped to see if the application returned to Panel for consideration and determination. These suggestions included an increase in the proportion of 3-bed units, greater levels of private amenity space and an extension to the footpath on the south side of Railway Street. Officers have held further discussions with the applicant following Panel which has resulted in a revised scheme. The changes include greater levels of private amenity space and extending the footpath. However, there has been no change to the proposed housing mix.
2. The proposed mix is therefore the same as presented at Position Statement and includes 28 x 1-bed, 25 x 2-bed and 5 x 3-bed. It does not fully comply with the Council's preferred housing mix as shown within Core Strategy Table H4 with an under provision of 3-bed units. Nevertheless, officer's consider the application acceptable based on the wider benefits associated with the 100% affordable housing provision.
3. The application is now presented to North and East Plans Panel for determination with a recommendation to defer and delegate to the Chief Planning Officer for approval subject to conditions and the completion of a Section 111 (Section 106 incorporated) Agreement.

UPDATE SINCE PREVIOUS PANEL:

4. The application was previously considered as a Position Statement in June. At this meeting, four questions were asked of Panel members. The questions, plus Members responses, are set out below. This is as recorded in the Panel minutes which are appended to the report for completeness.

Question 1: Do Members wish to comment on the housing mix proposed by the applicant in light of the requirements of Core Strategy Policy H4? Are there any observations Members would wish to make in respect of the housing mix proposed?

Members suggested that the ground floor could be better utilised for 3-bed flats and the proposal should include additional 3-bed flats.

Question 2: Do Members consider the wider planning benefits and proposed green space improvements justify the loss of existing greenspace and, in doing so, satisfy Core Strategy Policy G6? Do Members have any further comments on the proposed greenspace improvements?

Members accepted the loss of greenspace but suggested the applicant can be more creative in terms of resident's amenity and density of the building. It was also mentioned that additional outdoor space with creative thinking can be provided.

Question3: Do Members consider the proposed level of private amenity space acceptable?

Members highlighted the importance of providing enough amenity space for residents and suggested that additional efforts are to be made to look at the design and provide as much space as possible.

Question 4: Do Members consider further connections / linkages are required and, if so, should this be achieved by extending the foot path along the south side of Railway Street?

Members stressed the importance of a footpath being required and will be a fundamental part of the scheme and urged officers to discuss further with the applicant.

APPLICANT'S RESPONSE:

5. Following Member feedback and discussions with officers, the applicant has responded to the above points as follows:
- The applicant has not amended the proposed housing mix due to the reported strong demand for smaller apartments and also because of the difficulties and costs that such changes would have in terms of the layout of the building and its efficient use.
 - In terms of the loss of green space, no further action was necessary as Members accepted that the wider planning benefits and proposed green space improvements justified the loss of green space.

- The amount of private amenity space has increased from 502m² to 690m². This has been achieved through rationalising the parking provision and arrangements.
- The footpath on the south side of Railway Street will now be provided in line with Member comments.

6. Although the applicant has not responded to the housing mix, on balance officers consider the other amendments made mean the scheme can be supported and that the lack of 3-bed units does not outweigh the wider planning benefit of 100% affordable housing. The application is therefore recommended for approval.

PROPOSAL:

7. The proposed development includes a five-storey apartment building, parking area and associated landscaping and amenity space. The building would contain 58 apartments comprising 28 x 1-bed, 25 x 2-bed and 5 x 3-bed. The scheme is 100% affordable housing with all apartments set at social rent.

8. The site lies to the south of Railway Street, on the site of the former Yorkshire Riders Sport and Social Club (which has since been demolished). To the west of the site is an Energy Centre (with a 20m flue), which forms part of the Leeds Pipe District Heating Network and to the east is an area of public open space. The railway viaduct lies to the north and the Saxton Gardens estate to the south.

9. The application involves building on the site of the former Social Club plus an area of allocated green space to the south. The amount of green space which would be lost as a result of the development is 958 m².

SITE AND SURROUNDINGS:

10. The site is located to the south east of Leeds City Centre, to the south of Railway Street. The site includes a cleared site (the former Social Club) and an area of grassland (associated with the wider green space).

11. There are railway arches (supporting an active railway line) to the north, an area of public open space (maintained by the Council's Parks and Countryside team) to the east, Energy centre (associated with the District Heating Network) to the west and the Saxton Gardens estate to the south. The surrounding area includes high-rise apartment buildings to the south, traditional housing and a play area to the east and light industrial units to the west. The area contains a mix of building types and styles with significant variations in height and massing. There have been several recent planning approvals for high-rise residential developments in the area. They include:

- Two apartment buildings ranging from 6 to 22 storeys and housing 349 apartments to the west at Saxton Lane / Flax Place (ref. 19/01010/FU),
- One residential building ranging from 15 to 20 storeys and housing 204 apartments to the south west at Saxton Lane / Foundry Street (ref. 20/04145/FU); and,
- Five residential buildings ranging from 12 to 22 storeys and housing 1012 apartments with commercial uses at ground floor to the north at Shannon Street / Marsh Lane (19/04471/FU),

- Two apartment blocks ranging from 8 to 10 storeys and housing a total of 300 apartments to the south at the corner of Flax Place, Richmond Street and Marsh Lane (17/06296/FU).
12. A prominent feature of the area is the Saxton Gardens estate which is made up of seven high-rise apartment blocks. The estate includes a mix of private and social housing. Two of the blocks (to the rear of the estate) underwent an extensive refurbishment in the 2000s lead by Urban Splash. All seven blocks are constructed of brick with enclosed balconies to the front. As part of the Urban Splash scheme, the two blocks were fitted with grey and coloured cladding.
13. The land levels on site are relatively flat, however, to the east of the site the land rises sharply.

RELEVANT PLANNING HISTORY:

14. The relevant planning history includes:
- PREAPP/20/00290 - Residential development of 57 affordable flats with landscaping – Pre-app response 20.10.2020
 - 19/06641/DEM - Determination for the demolition of Social Club building – Approved 11.11.2019
 - 18/00741/FU - Demolition of existing buildings, construction of new energy centre including new boilers and 20m high flue stack – Approved 18.05.2018
 - 19/01010/FU - Demolition of existing buildings, construction of two residential (Use Class C3) buildings including communal areas for residential use, servicing, basement car parking, landscaping, public open space and highway works – Approved 09.06.2020
 - 19/04471/FU - Residential development comprising five residential blocks of dwellings (C3 use), commercial and community uses (A1, A2, A3, A4, A5, B1, D1 and D2 uses), public houses, wine bars, or drinking establishments, hot food takeaways, communal spaces, service areas, accessways, landscaping and car parking and related site preparation and demolition works – Approved 11.03.2022
 - 20/04145/FU - Demolition of the existing buildings and construction of a new building for residential (Use Class C3) purposes incorporating communal areas for residents use, along with servicing, car parking, covered cycle parking, landscaping, highways and associated works – Approved 15.03.2022

PUBLIC/LOCAL RESPONSE:

15. The application was advertised as a major development. Site notices were posted around the site on 03.11.2021 and the application was publicized in the Yorkshire Evening Post on 29.10.2021. The expiry date of the publicity period was 24.11.2021.
16. One representation was received during the publicity period. This was made by Leeds Civic Trust. The Civic Trust were supportive of the scheme and considered the apartment building to be positively designed.

17. Two representations were made after the publicity period had ended, both from members of the public. The issues raised included:
 - concern the development may exacerbate parking problems on Railway Street
 - suggestion the commuted sums could be spent on upgrading the existing playground and making public safety improvements in the wider area
 - incorporating community uses / facilities
 - concern there needed to be more consultation with the local community on the proposals
 - concern about the loss of existing green space
 - concern the proposals to offset the loss of green space are inadequate.
18. Burmantofts and Richmond Hill ward members have been briefed on the original proposals. Cllr Khan responded in support of the application. Cllr Grahame (former) acknowledged receipt of the email at the time but had no comments.
19. More recently, ward members have been contacted again to explain Panel Members feedback to the Position Statement and also the applicant's response. At the time of writing no further comments have been received but should this change they will be reported verbally as part of the officer presentation.

CONSULTATION RESPONSES:

20. METRO: A Real Time Information Display (battery type) could be provided at busy stop 23378 along with a Real Time Information Display at bus stop 23377 at a cost to the developer of £10,000 each.
21. Flood Risk Management: Drainage details to be agreed
22. Contaminated Land: No objection subject to conditions
23. Environmental Health: No objection subject to conditions
24. Yorkshire Water: No objection subject to conditions
25. Environmental Studies Transport Strategy: No objection
26. Influencing Travel Behaviour Team: The Travel Plan should be included in the Section 106 Agreement along with the following:
 - a) Leeds City Council Travel Plan Review fee of £3,278
 - b) Provision of a Residential Travel Plan Fund of £14,833.50 (50% discount has been applied as within the city centre fringe location).
27. Network Rail: No objection in principle subject to conditions
28. Landscape: No objection subject to details being agreed
29. Design: No objection
30. Nature: No objection
31. Access officer: No comment

32. West Yorkshire Police: No comments
33. Wind consultant: No objection

RELEVANT PLANNING POLICIES:

34. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan, unless material considerations indicate otherwise. For the purposes of considering and determining this application the Development Plan for Leeds currently comprises of the Core Strategy as amended by the Core Strategy Selective Review (2019), Site Allocations Plan (2019), Natural Resources and Waste Local Plan (NRWLP) (2013) including revised policies Minerals 13 and 14 (2015), Aire Valley Area Action Plan (2017), saved policies of the UDPR (2006) and any made Neighbourhood Plan (there is no such plan in this instance).

Local Planning Policy:

Core Strategy as amended (2019)

35. The following policies are relevant:

- General policy - work proactively with applicants to secure development that improves the economic/social/environmental conditions of Leeds
- Spatial Policy 1 – concentrate the majority of new development within an adjacent to urban areas
- Spatial Policy 4 – Regeneration Priority Programme Areas
- Spatial Policy 5 – Aire Valley Leeds is identified as a strategic location providing a minimum of 6,500 new homes
- Spatial Policy 6 – the housing requirement and allocation of housing land
- Spatial Policy 11 – Transport Infrastructure investment priorities
- Policy CC3 – connectivity between city centre and neighbouring communities
- Policy H2 – new housing development on non-allocated sites
- Policy H3 – density of residential development
- Policy H4 – housing mix
- Policy H5 – affordable housing
- Policy H8 – Housing for independent living
- Policy H9 – minimum space standards
- Policy H10 – accessible housing standards
- Policy P10 – high quality inclusive design
- Policy P11 – historic environment to be conserve and enhanced
- Policy P12 – landscapes to be conserved and enhanced
- Policy T1 - Transport management
- Policy T2 – accessibility requirements and new development
- Policy G3 – standards for open space, sport and recreation
- Policy G4 – green space improvement and new green space provision
- Policy G6 – protection and redevelopment of existing green space
- Policy G8 – protection of important species and habitats
- Policy G9 – biodiversity improvements
- Policy EN1 – climate change – carbon dioxide reduction
- Policy EN2 – sustainable design and construction

- Policy EN3 – support energy efficiency and increase renewable energy capacity
- Policy EN4 – criteria for connecting into district heating network
- Policy EN5 – managing and mitigating flood risk
- Policy EN8 – electric vehicle charging infrastructure
- Policy ID2 – planning obligations and developer contributions

Saved UDPR (2006) Policies

36. The following policies are of relevance:
- GP1 – land use and the proposals map
 - GP5 - General planning considerations
 - N23 – development and incidental open space
 - N24 – development proposals abutting open land must achieve assimilation into landscape
 - N25 – development and site boundaries
 - BD2 – design and siting of new buildings
 - BD3 – disabled access new buildings
 - BD4 – plant equipment and service areas
 - BD5 – amenity and new buildings
 - LD1 – landscaping schemes
 - LD2 – new and altered roads

Natural Resources and Waste Local Plan (NRWLP)

37. NRWLP sets out where land is needed to enable the City to manage resources such as minerals, energy, trees, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way.

- Air 1 – major development to incorporate low emission measures
- Water 1 – development to include measures to improve overall water efficiency where appropriate
- 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

38. Aire Valley Area Action Plan (AVLAAP)

- ALV5 – local job opportunities
- AVL8 – improving public health in Aire Valley Leeds
- AVL12 – strategic transport infrastructure improvements in AVL
- AVL14 – protection, improvement and provision of new green space in Aire Valley Leeds
- AVL17 – heat networks in Aire Valley Leeds City Council
- EB1 – transport improvements in east bank, Richmond Hill and Cross Green
- EB2 – green space and green infrastructure in East Bank, Richmond Hill and Cross Green

39. Relevant Supplementary Planning Guidance

SPD Accessible Leeds (November 2016)
SPD Designing for Community Safety: A Residential Guide (May 2007)
SPG Neighbourhoods for Living and Memoranda to 3rd Edition (2015)
SPD Parking (January 2016)
SPD Public Transport Improvements and Developer Contributions (August 2008)
SPD Street Design Guide (August 2009)
SPD 'Building for Tomorrow Today': Sustainable Design/Construction (August 2011)
SPD Travel Plans (February 2015)

Climate Emergency

40. The Council declared a climate emergency on the 27th March 2019 in response to the UN's report on Climate Change.
41. The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear at paragraph 152 and within Footnote 53 that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.
42. As part of the Council's Best Council Plan 2020-2025, the Council seeks to promote a less wasteful, low carbon economy. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

National Policy:

National Planning Policy Framework (NPPF)

43. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. The NPPF must be taken into account in preparing the development plan, and is a material consideration in planning decisions.
44. The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
45. The following sections of the NPPF are most relevant for the purposes of determining this application:
 - 2 Achieving Sustainable Development
 - 4 Decision-Making
 - 5 Delivering a sufficient supply of homes
 - 8 Promoting Healthy & Safe Communities
 - 9 Promoting Sustainable Transport
 - 11 Making effective use of land
 - 12 Achieving Well-Designed Places
 - 14 Meeting the Challenge of Climate Change

- 15 Conserving and Enhancing the Natural Environment

National Planning Practice Guidance (NPPG)

46. Provides further detailed guidance on the application of policies within the NPPF. In particular, there is guidance relating to the importance of good design amongst others.

MAIN ISSUES:

47. The following main issues for assessment have been identified in respect of this application:
- Principle of development (including green space considerations)
 - Housing (policy requirements)
 - Design and appearance
 - Residential amenity
 - Highways considerations (including accessibility)
 - Landscape and biodiversity
 - Environmental Health and Air Quality
 - Wind conditions
 - Sustainability and Climate Change
 - Other matters
 - Representations

APPRAISAL:

Principle of development (including green space considerations)

48. The site is located within the Main Urban Area, which Spatial Policy 1 of the Core Strategy states will take the largest amount of development, taking advantage of existing services, high levels of accessibility and priorities for urban regeneration.
49. While there are no specific designations associated with the part of the site formerly occupied by the social club building, the land immediately surrounding this to the south and east is designated through the Aire Valley Leeds Area Action Plan as part of a wider area of green space (site reference G306: Saxton Gardens (Dolphins Greenspace)).
50. Policy H2 of the Core Strategy sets out the approach to new housing development on non-allocated housing sites. It states that new housing development is acceptable in principle on non-allocated land provided that:
- (i) The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development,
 - (ii) For developments of 5 or more dwellings the location should accord with the Accessibility Standards in Table 2 of Appendix 3,
 - (iii) Green Belt Policy is satisfied for sites in the Green Belt.

51. Of relevance to the greenfield element of this site, it also states that greenfield land:
- a) Should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, or makes a valuable contribution to the visual, historic and/or spatial character of an area, or
 - b) May be developed if it concerns a piece of designated green space found to be surplus to requirements by the Open Space, Sport and Recreation Assessment.
52. The site is located in a sustainable location and satisfies the requirements of the first part of Policy H2. In terms of the second part of the policy, the area of greenfield is a grassed area associated with the wider green space allocation. It constitutes a relatively small part of the green space allocation and, unlike the area to the east which contains the playground and group of trees, it does not appear to provide intrinsic amenity value. It also does not make a significant contribution to the visual, historic or spatial character of the area. The proposal is therefore considered to comply with Policy H2.
53. At the heart of the development is also whether the loss of green space (approximately 958 m²) is acceptable. In this regard Core Strategy policy G6 is relevant.
54. Core Strategy Policy G6 (which AVL14(1) confirms is the basis for protecting green spaces in the Aire Valley) sets out the approach to protecting green space, identifying that it should be protected from development unless one of the following criteria is met:
- i) There is an adequate supply of accessible green space / open space within the analysis area and the development site offers no potential for use as an alternative deficient open space type, as illustrated in the Leeds Open Space, Sport and Recreation Assessment, or,
 - ii) The green space / open space is replaced by an area of at least equal size, accessibility and quality in the same locality, or,
 - iii) Where supported by evidence and in the delivery of wider planning benefits, redevelopment proposals demonstrate a clear relationship to improvements of existing green space quality in the same locality.
55. The application seeks to satisfy criteria (iii) by arguing the 100% affordable housing provision presents a clear wider planning benefit and proposes improvements to the wider area of green space. This includes:
- i) Re-profiling the earth berm and installing a metal knee-rail on the Flax Place frontage,
 - ii) Repairs and improvements to the existing footpath on the northern boundary of the Saxton Gardens estate,
 - iii) A commuted sum of £11,000 to be spent on local green space improvements in consultation with residents and ward members. This could include tree planting, footpaths and play features such as a trim trail.

56. At Position Statement Members accepted that the wider planning benefits and proposed green space improvements justified the loss of existing green space.
57. In addition, policy G4 of the Core Strategy requires that residential developments provide on-site green space (or, where this is unachievable or inappropriate, equivalent off-site provision or financial contributions). The on-site green space requirement is based on the number of bedrooms provided, and for this application equates to a requirement of 1689 sqm. Given that the quantity of green space is unachievable on site coupled with the good accessibility to existing green space, it is accepted that an off-site financial contribution of £71,000 in lieu is appropriate.

Housing (policy requirements)

58. Core Strategy Policy H3 sets out density targets. The site is located within the 'City Centre and fringe' where densities should meet or exceed 65 dwellings per hectare. In total, 58 apartments are proposed across the 0.27ha site, which equates to a density of 214dph, far exceeding the minimum requirement of this policy.
59. Core Strategy Policy H4 seeks to ensure an appropriate mix of dwelling types and sizes is provided in order to address needs measured over the long term, taking into account the nature of the development and character of the location. The table below shows the Council's preferred mix according to Policy H4.

Type	H4 Preferred Max%	H4 Preferred Min %	Target %	Target for application (no. of units)	Mix proposed in application (no. of units)	Mix proposed in application (%)
Houses	90	50	75	44	0	0%
Flats	50	10	25	15	58	100%
Size	Max%	Min%	Target%			
1	50	0	10	6	28	48%
2	80	30	50	29	25	43%
3	70	20	30	17	5	9%
4+	50	0	10	6	0	0%
TOTAL	-	-		58	58	100

60. As can be seen in the table above, when assessed against the H4 preferred maximum and minimum targets the proposal overprovides on flats and underprovides on 3-bed units.
61. In terms of overproviding on flats, paragraph 5.2.11 of the Core Strategy recognises that a scheme consisting of 100% flats may be appropriate in a particular urban context. In this instance, the site is within a high-density area on the edge of the City Centre. The site is also constrained by its size in terms of delivering the infrastructure needed to accommodate houses. It is therefore considered that a single apartment building on the site is appropriate.
62. The proposed housing mix was presented to Members at the 30th June Position Statement. As reported in the minutes from the meeting, 'Members suggested that

the ground floor can be utilised by 3-bed and the proposals should include additional 3-bed flats'. Further discussions on this have taken place with officer's, however the applicant has confirmed the proposed mix cannot be altered. The reasons cited are that there is a strong demand for smaller units in the local area that is also unmet and also that altering the scheme presents design, costs and efficiency difficulties that cannot be resolved.

63. Although to lack of movement of the housing mix issue is disappointing, officer's consider the benefit of achieving 100% affordable housing outweighs this concern. The applicant has submitted data to demonstrate that the proposal would still be addressing a demand in the area, even though they are not achieving the preferred housing mix. The submitted data is taken from Leeds City Council's Housing Growth Team's Demand Data from November 2019 which identifies that the affordable housing requirement for Richmond Hill is 68 1-bed, 42 2-bed, 32 3-bed, 9 4-bed and 1 5-bed. Proportionally the scheme therefore addresses the area of greatest demand.
64. Core Strategy Policy H5 sets out the requirements for affordable housing provided as part of market housing developments. The proposal is for 100% affordable housing which is significantly greater than the 7% policy requirement for this area. Policy H5 asks for an affordable housing split of 40% Intermediate (generally affordable to households in the lower quartile of earnings), and 60% Social Rented (generally affordable to households in the lower decile of earnings). Although the proposal is for 100% Social Rented, paragraph 5.2.17 of the Core Strategy advises that for housing schemes led by Registered Providers for social housing, such as this, 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.
65. Core Strategy Policy H9 requires all new dwellings to comply with the national internal space spaces standards. The Design and Access Statement confirms that all the apartments will meet these space standards.
66. Core Strategy Policy H10 requires that new build residential developments include the following proportions of accessible dwellings.
- 30% of dwellings meet the requirements of M4(2) 'accessible and adaptable dwellings' of Part M Volume 1 of the Building Regulations.
 - 2% of dwellings meet the requirement of M4(3) 'wheelchair user dwellings' of Part M volume 1 of the Building Regulations. Wheelchair user dwellings should meet the M4(3) wheelchair adaptable dwelling standard unless Leeds City Council is responsible for nominating a person to live in the dwelling.
67. The Design and Access Statement confirms that all the apartments comply with M4(2), significantly exceeding the minimum requirement for 30%. One apartment will also meet the full accessibility requirement M4(3). A condition will ensure this provision is fully delivered.

Design and appearance

68. The National Planning Policy Framework states that "good design is indivisible from good planning" and authorities are encouraged to refuse "development of poor design", and that which "fails to take the opportunities available for the improving

the character and quality of an area and the way it functions, should not be accepted". Policy P10 of the Core Strategy seeks to ensure that new development is of high quality and is appropriate to its context.

69. The existing site has little visual amenity value and comprises previously developed land and a grassed area (forming part of the wider green space).
70. The general layout is considered acceptable. The more functional aspects of the development such as the parking area are set against the energy centre and away from the apartment building. There would be separate main pedestrian and vehicular accesses to ensure pedestrians do not have to negotiate the car park to access the development. Proposed landscaping would also help screen the back of the energy centre, buffer the main building from the car park and soften the edges of the development.
71. The apartment building is orientated north-south to follow the urban grain of Saxton Gardens and allows all apartments to have an aspect either towards the city centre to the west, or the green space to the east. The varied elevation form and angles add interest to an area dominated by the blocky form of Saxton Gardens and break up the massing and bulk of the building. The sleek design, brick pattern and floor-to-ceiling windows give the building a contemporary appearance.
72. The Council's Design team as well as Leeds Civic Trust has responded positively to the design and have no objections subject to details being agreed.

Residential amenity

73. Housing developments should include meaningful areas of private amenity space. The Council's 'Neighbourhoods for Living' SPD advises that, as a general guide, the private amenity provision for flats should comprise a minimum area of 25% of the total gross floor area.
74. The private amenity space includes private gardens for the ground floor residents and a shared area of private amenity space to the west of the building for those living on the upper floors.
75. At 30th June Plans Panel concerns were raised about the level of private amenity space for the upper floor residents with the communal area to the west only equating to 8.8% of the total gross floor area of the upper floor apartments. At Panel "*members highlighted the importance of providing enough amenity space for residents and suggested that additional efforts are to be made to look at the design and provide as much space as possible*". Further discussions have been held with the applicant who has submitted new proposals showing an uplift in the private amenity provision. The revised proposals show the communal area now representing 15.3% of the total gross floor area. This has been achieved by reconfiguring the parking and vehicular access which has included removing 4 car parking bays. Highways team have confirmed the loss of parking spaces is acceptable.
76. Although the private amenity provision is still under the recommended 25% of total gross floor area, officers consider the revised scheme does offer a reasonable level of shared amenity space. The proposal also allows quick and easy access for residents into the adjoining green space via two security gates located to the south .

This relationship helps to provide some level of mitigation for not achieving the 25% amenity space since the green space can also be used for recreation and amenity purposes that require more space.

77. As reported at Position Statement, officers have previously asked the applicant to consider installing balconies and / or roof garden to provide greater levels of private amenity space. However, the applicant has repeatedly stated they are not able to do so citing costs and housing management safety concerns.
78. In respect to overdominance, overshadowing and overlooking there are no serious concerns. The only potential conflict would be with the 'The Garth' (one of the Saxton Garden blocks) since its side elevation faces the side elevation of the apartment building. However, the windows would not be directly facing and these windows do not provide principal outlooks.
79. Overall, the proposal is not considered to have an unduly detrimental impact on the amenity on residential amenity for both existing of future occupiers.

Highways considerations (including accessibility)

80. Core Strategy policy T2 and saved UDP policy GP5 note that development proposals must resolve detailed planning considerations and should seek to maximise highway safety. This means that the applicants must demonstrate that the development can achieve safe access and will not overburden the capacity of existing infrastructure.
81. The site meets the Core Strategy Accessibility Standards. The centre of the site is within the designated 400m walking distance of a bus stop (located on York Street) that provides access to numerous services that exceed the frequency of 4 buses per hour to a major public transport interchange (defined as Leeds, Bradford or Wakefield). Furthermore, the Leeds City Bus Station itself is within a 600m walk of the site.
82. Additionally, there are numerous services within Leeds City Centre that are within easy walking distance of the site. There is also a primary school (Richmond Hill Primary), secondary school (The Ruth Gorse Academy) and a medical centre (York Street Health Practice) nearby.
83. The site is located within the "Fringe" where up to 1 car parking space per dwelling is permitted (as a maximum). As such, the proposed development could provide a car parking provision of up to 58 spaces according to the parking guidelines. However, the proposal includes a provision of 17 spaces (including 2 disabled bays), which equates to a provision of 0.29 spaces per dwelling. Although the level of parking is well below the maximum threshold allowed in the Transport SPD, the Highways officers consider the level of parking acceptable due to its sustainable location. The application will provide a financial contribution towards a residential travel plan fund to encourage the use of sustainable travel modes by the residents. This will be secured by way of the S106 Agreement.
84. To control on-street parking on Railway Street a £10,000 developer contribution toward a Traffic Regulation Order (TRO) will also be secured by way of the S106 Agreement.

85. The Transport Statement states that the proposed development will not add more than 15 two-way trips per hour to the adjacent road network during the peak background traffic flow periods. This level of traffic which makes no allowance for the traffic generated by the previous use, will have limited material impact on the adjacent highway network.
86. As explained at the 30th June Position Statement, Highway officers objected to the proposals and required further provision of safe and attractive routes for walking and that this should include extending the public footpath on the south side of Railway Street to East Field Street. Members agreed with this comment. As recorded in the minutes, "*Members stressed the importance that a footpath is required and will be a fundamental part of the scheme and urged officers to discuss further with the applicant*". Further discussions have been held with the applicant who has agreed to extend the footpath in line with Highway's and Member's request. Highways have since removed their objection.
87. As a consequence the proposal complies with Policy T2 of the Core Strategy and guidance contained within the NPPF.

Accessibility

88. In terms of accessibility, there would be level access into the building plus two lifts connecting to all floors. The building would be well served via new footpaths cutting across the green space to the south, and the extension of the footpath on the south side of Railway Street which will also help improve wider east-west links. Full provision will be made for cycle and disabled parking and the application is compliant with Core Strategy Policy H10 in terms of accessible dwelling standards.

Landscape and biodiversity

89. The site is not subject to any landscape or biodiversity related designations, and there are no trees on site.
90. It is proposed that conditions relating to landscaping are attached which require the applicant to submit details of all hard and soft landscaping details prior to development and provide a landscape management plan.
91. Although no ecological survey information has been submitted (using the Defra Biodiversity Metric) to demonstrate a measurable net gain for biodiversity, the Council's Nature team is satisfied that the types and extent of habitats currently on site (i.e. previously developed land and grassland) will be more than compensated by the wider landscaping proposals plus improvements to the remaining area of green space.
92. As such the proposal is considered to comply with Policies G1 and G9 of the Core Strategy, Policy LAND 2 of the Natural Resources and Waste DPD and guidance contained within the NPPF.

Environmental Health and Air Quality

Air quality

93. The applicant has submitted an air quality report. The modelling considers that all proposed receptors are predicted to be below the respective air quality objectives in all scenarios when including emissions from the adjacent district heating scheme energy centre and vehicle exhaust emissions. The report concludes that the likely exposure of future occupants is considered not significant. Based on the findings of the Air Quality report put forward the Council's Environmental Health team have no adverse comments regarding the proposed development.
94. Emissions of particulates and dust may be a concern during the construction process however this will be temporary and the impacts should be successfully controlled. Therefore, Environmental Health have no significant concerns in relation to this aspect, subject to a Construction Management Plan to require dust mitigation measures.

Noise

95. A noise report by consultants Nova has been submitted which categorised ambient sound levels from transport and fixed plant in the vicinity and makes recommendations to mitigate external noise to achieve guideline levels inside dwellings. The mitigation recommends enhanced glazing and alternative means of ventilation to achieve acceptable internal noise levels. Environmental Health agree with the methodology and findings of the Noise Survey and concur that if its recommendations are implemented in full, then noise should be reduced to acceptable levels within the proposed apartments. Notwithstanding this, the ventilation strategy requires more consideration to ensure it meets requirements for controlling over-heating in apartments. This can be secured by a pre-construction condition requiring details to be approved.

Wind Conditions

96. The height of the proposed apartment building is approximately 16.5m. As recommended in the Council's 'Draft Wind & Micro-climate Toolkit for Leeds', a building height between 15m and 30m should provide Computational (CFD) Simulations or Wind Tunnel Testing. The applicant has submitted Computational (CFD) Simulations which has been reviewed by Arcaero (a wind engineering consultancy appointed by the Council).
97. In its review Arcaero considered the assessment and associated predictions were reasonable and concluded that the wind conditions will be suitable for the intended use.

Sustainability and Climate Change

98. The application confirms that a fabric first approach is being taken to enhance the thermal insulation of the buildings and offer low air permeability. Heating and domestic hot water will be generated by Heat Interface Units in each apartment. High efficiency LED light fittings will be used, with occupancy control switching to ensure lights are only switched on when required. It also confirms that the scheme will connect to the Leeds District Heating network, which is a low carbon energy source. Overall, this will deliver a 23% reduction in carbon emissions, which exceeds the minimum 20% sought by policy EN1, and more than 10% of the energy

need will come from a low carbon source (the district heat network). The proposal therefore meets the requirements of EN1.

99. The application also proposes the installation of solar PV panels on the roof of the apartment building. This will improve the performance of the building against the requirement of EN1.
100. In order to address the water consumption requirements of policy EN2 various measures are to be taken, including low flush or reduce cistern volume toilets, flow limiters on shower sets, and through given careful consideration to the layout of the hot water pipe network. Together, this will reduce the water consumption to below 105l/person/day, which is below the 110l requirement of EN2. This policy is therefore satisfied.
101. As noted above the development would connect into the district heat network. Connection to an existing heat network sits as the top of the hierarchy set out in policy EN4, and so the proposal meets with the requirements of this policy.
102. Based on the information provided in the Sustainable Design Alternatives report, the proposal meets the requirements of EN1, EN2 and EN4.

Other matters

Flooding and Drainage

103. The application site is located within Flood Zone 1 and there have been no records of any recent flooding within the site or adjacent areas. An initial review has also identified that there is no other known flood risk which requires mitigation and would impact on the proposed development. Details of sewer diversion and drainage are yet to be agreed but can be secured via condition.

Land contamination

104. The Council's Contaminated Land team have no objection subject to conditions requiring approval of Remediation Statement and Verification Report/s.

Representations

105. The Council has received three letters of representation.
106. Leeds Civic Trust support the application and consider the apartment building to be positively designed.
107. Representations have also been received from two individuals. These were submitted after the consultation period had ended. The issues raised, plus responses, are set out below;

- The development may lead to parking problems on Railway Street.

The Council's Highways team have no objection to the proposals. They consider the proposed level of on-site parking to be acceptable. To control on-street parking on Railway Street they have asked for a developer contribution

toward a Traffic Regulation Order (TRO). This will be secured by way of the S106 Agreement.

- A request that part of the commuted sum is spent on upgrades to the railway footbridge and playground, as well as public safety improvements to the wider area.

The spending of the green space commuted sums will be undertaken in consultation with Ward members and the Council's Parks and Countryside team.

- The proposal should include community facilities / uses such as a community café.

The scheme is for a private housing development. Although the planning department would support the provision of community facilities where appropriate, there is no policy requirement for the apartment building to include such facilities.

- The wider planning benefits and proposed green space improvements do not justify the loss of existing green space.

This was previously considered at the 30th June Plans Panel where the application was presented as a Position Statement. Panel members were asked whether the wider planning benefits and proposed green space improvements justified the loss of existing green space and, in doing so, satisfied Core Strategy Policy G6. As recorded in the minutes, this position was accepted. Since Policy G6 provides no further detail on what constitutes wider planning benefits or green space improvements, the proposal is considered policy compliant.

- A request for greater public consultation.

The application was advertised in accordance with the statutory requirements. Site notices were posted around the site on 03.11.2021 and an advert printed in the Yorkshire Evening Post on 29.10.2021.

PLANNING BALANCE & CONCLUSIONS:

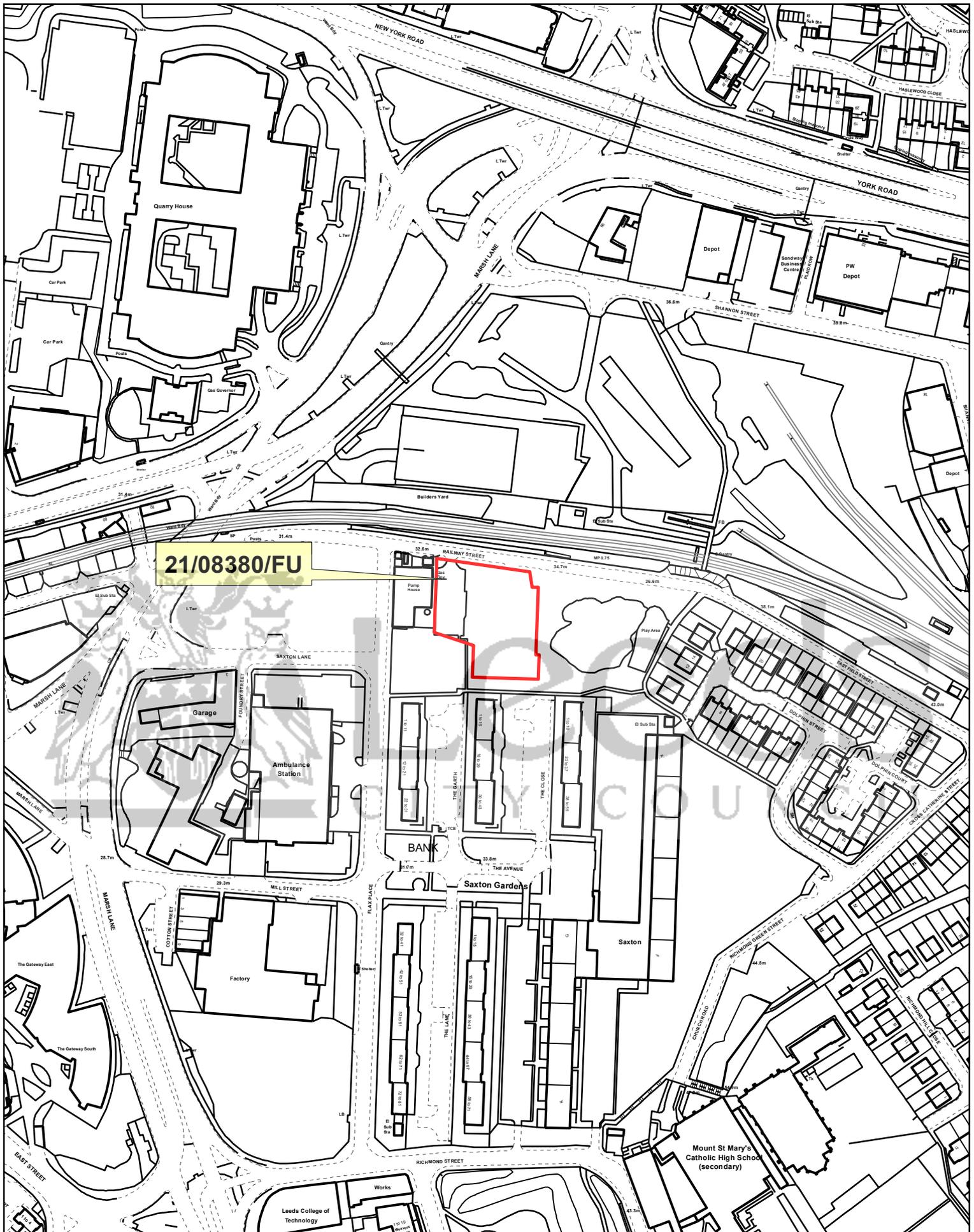
108. The application was previously presented to Plans Panel on 30th June 2022 as a Position Statement to seek Members views on the key planning issues. These included the proposed housing mix, loss of green space, private amenity provision and pedestrian connectivity.
109. Several comments were made at Position Statement stage. However, in direct response to questions raised by officer's, Member's suggested the following:
 - A higher proportion of 3-bed units;
 - An increase in the private amenity space for upper floor residents; and,
 - An extension to the footpath on the south side of Railway Street.

110. Following Position Statement the applicant has submitted a revised scheme which seeks to address Member concerns. The new scheme includes a greater level of private amenity space (achieved through reconfiguring the parking area) and extending the footpath. On the housing mix the applicant has sought to increase the 3-bed provision but has provided further supporting information to justify this position.
111. Nevertheless, the planning officer's assessment is that whilst the proposal does not conform with the preferred housing mix as set out in Core Strategy Policy H4 this policy is deliberately worded to offer flexibility and the wider benefits associated with the scheme outweigh this consideration. The wider benefits being the 100% affordable housing provision with all units at social rent (i.e. they will be generally affordable to households in the lower decile of earnings).
112. As such, the application is recommended for approval, subject to planning conditions and a Section 111 (with Section 106 Agreement) with Members being minded to defer and delegate to the Chief Planning Officer to enable these elements to be concluded.

Background papers:

Application file – 21/08380/FU

Notice served on Leeds City Council



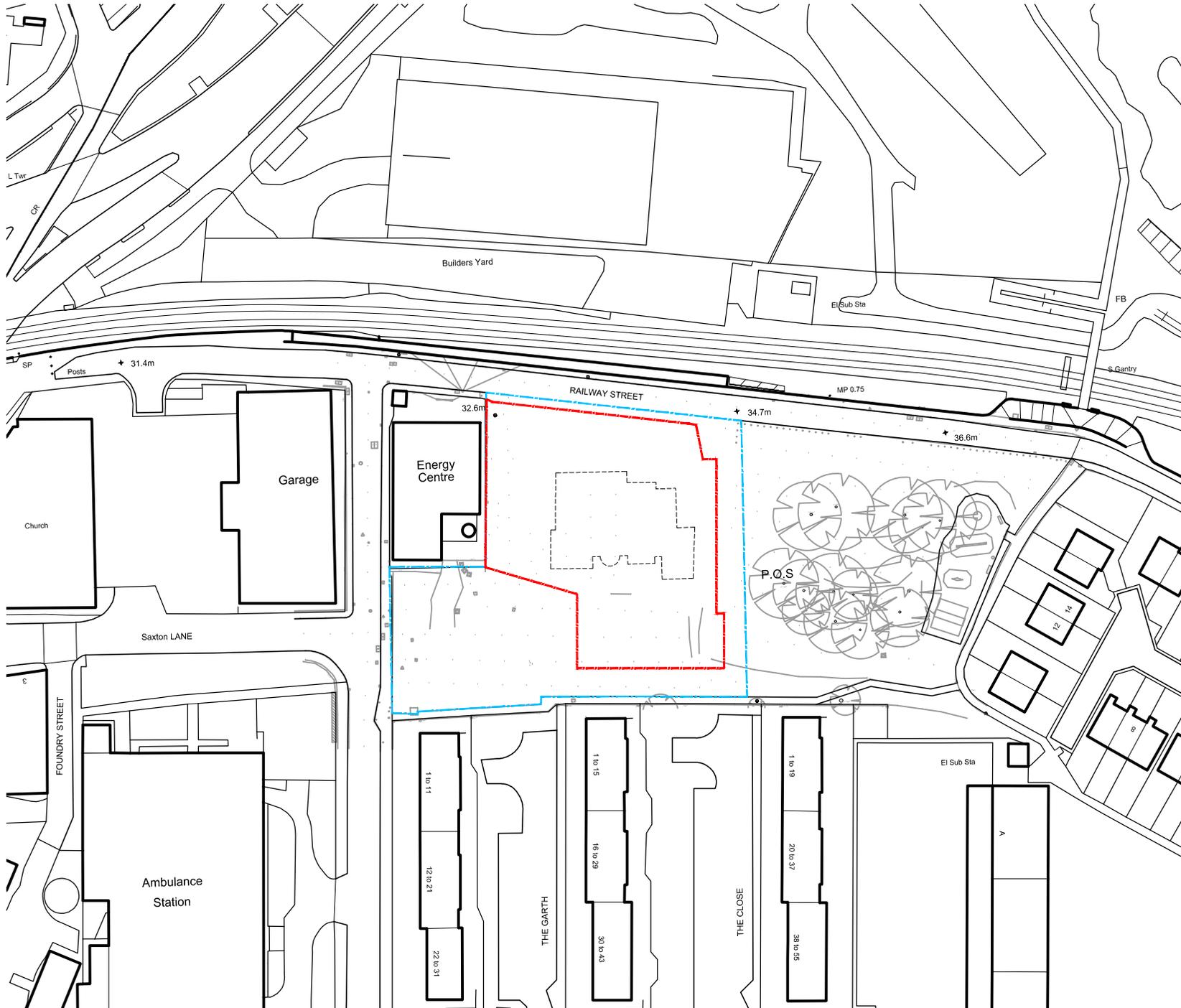
NORTH AND EAST PLANS PANEL

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

SCALE : 1 / 2500





 Site boundary (4708m²)

 Development boundary (2671m²)

 Existing structures demolished

REVISIONS

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Residential Development
Railway Street
 Saxton Gardens, Leeds.

Site Location Plan

Drawn: GJ Scale: 1:1250@A4
 Date: 21.7.20 Checked:

brewsterbye architects
 5 NORTH HILL ROAD
 HEADINGLEY
 LEEDS
 LS6 2EN
 telephone 0113 2764000
 facsimile 0113 2844250
 e-mail info@brewsterbye.co.uk



Dwg No: 235/41(02)001 #

NORTH AND EAST PLANS PANEL

THURSDAY, 30TH JUNE, 2022

PRESENT: Councillor J Akhtar in the Chair

Councillors N Sharpe, M Midgley, A Lamb,
R. Stephenson, H Bithell, D Jenkins and
P Wray

CHAIRS OPENING REMARKS

The Chair welcomed everybody to the meeting and paid thanks to Councillor C Gruen as former Chair of the North and East Plans Panel. The Chair, on behalf of the Panel wished Councillor C Gruen all the best in her new role within the Council.

1 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents.

2 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

3 Late Items

There were no formal late items.

4 Declaration of Interests

No declarations were made at the meeting.

5 Apologies for Absence

Apologies were received from Councillors Anderson and Flint. Councillor Smith attended as a substitute for Councillor Anderson.

6 Minutes - 12 May 22

RESOLVED – That the minutes of the meeting held Thursday, 12th May 2022 be approved as an accurate record.

7 21/04468/FU - on land at Red Hall Lane, Red Hall, Leeds

The report of the Chief Officer updated Panel Members on the current full planning application for the residential development of 360 new build dwellings, conversion of offices to form 2 apartments in the Old Farmhouse, refurbishment and extension of Gate House, conversion of outbuildings to form garages, bin, and cycle store: and associated works, on land at Red Hall Lane, Red Hall, Leeds.

It was noted that an earlier pre-application presentation was made to the City Plans Panel on 8th April 22 and appended to the report included a copy of the minutes from that meeting.

RESOLVED – To note the content of the report on the proposal and to provide views in relation to the questions posed in the submitted report to aid the progression of the application.

9 21/08380/FU - on land at Railway Street, Saxton Gardens, Leeds, LS9

The report of the Chief Planning Officer set out a Position Statement to Panel Members regarding a development comprising 58 apartments for affordable rent, including communal and ancillary spaces on land at Railway Street, Saxton Gardens, Leeds, LS9.

The proposed development includes a five-storey apartment building, parking area, amenity space and landscaping. The building would contain 58 apartments with a split of 28 x 1-bed, 25 x 2-bed and 5 x 3-bed. It was confirmed the scheme is 100% affordable housing with all apartments set at social rent.

Members had attended a site visit and were shown slides and photographs throughout the officer presentation.

The Planning Officer presented the application, providing the following information:

- The site lies to the South of Railway Street, on the site former Yorkshire Riders Sport and Social Club and to the west of the site is an Energy Centre. The railway viaduct lies to the north and the Saxton Gardens estate to the south.
- The area is expected to see significant growth with several recent planning approvals for large high-rise developments including two apartment buildings ranging from 6 to 22 storeys, one residential development ranging from 15 to 20 storeys and five residential buildings ranging from 12 to 22 storeys.
- Members were provided with an overview of the layout of the site and shown photographs of the elevations of the proposals.
- It was confirmed that the proposed housing mix overprovides on flats and underprovides on 3 bed dwellings. Although it was noted that the scheme provides 100% affordable housing.
- There are also issues in terms of designated green space and the area proposed falling below minimum standards of the Core Strategy. Whilst there is a loss of greenspace, the application proposes improvements to the remaining area of green space and a commuted sum of 11k to be spent on local green space improvements in consultation with residents and ward members.
- The private amenity provision is below the recommended quantity set out in the Neighbourhoods for Living Supplementary Planning Document (SPD). The current proposal only achieves 14.2% representing a shortfall of 385m².
- Highways have submitted an objection requesting that further pedestrian safety measures are implemented.
- General concerns remain outstanding regarding traffic.

Mr Jackson and Ms Chambers attended the meeting and were available for questions from Panel Members. In responding to questions, the following was confirmed:

- There are mitigation issues with the height of the building should this exceed 16.5m. it was also mentioned that there are safety issues regarding balconies on higher storeys due to air pollution. Officers to investigate this further. Members raised concern regarding the quality of life for residents in terms of amenity space and suggested there is an opportunity with the proposal being revised to include additional storeys.
- In response to a comment regarding the implementation of a roof terrace, it was noted there are issues surrounding the requirements to meet in terms of mitigating carbon emissions.
- A Member suggested that ground floor flats with private gardens be predominantly 3-bed flats to accommodate families on a longer-term basis. In response, it was suggested that there are structural issues and will add additional costs to the scheme.
- Members referred to the site visit and acknowledged there was a lot of traffic near the scheme and queried safety measures for pedestrians. The Panel discussed further options in terms of this such as a crossing and extending the footway.
- A member suggested implementing green walls, and in response, it was confirmed that the maintenance is problematic. The proposal includes an addition of trees across the site.
- Members questioned the potential right to acquire these properties, in response it was suggested that the discount would not likely be great so it was un-likely that they would be attractive to acquire. Officers to consider this further.

For clarity, officers confirmed that a condition relating to the extension of the footway will be difficult to incorporate if the applicant has been unwilling previously. It was suggested that members make a recommendation to instruct officers to negotiate extending the footway with the applicant and to explore the cost and provision of the footpath.

Comments from Panel Members included:

- A member believed that due to Leeds City Council having ownership rights over the land the proposal sits on, it is up to the council to ensure the viability of the site. There is a missed opportunity if the housing mix isn't correct in this location and the loss of greenspace and amenity for residents.
- There is a requirement for additional 3-bed flats in this location.
- Members were keen to push for the extension of the footway along the south side of Railway Street.

The following points were summarised in relation to the officers' questions in the report:

Question 1: Do Members wish to comment on the proposed housing mix proposed by the applicant in light of the requirements of Core Strategy Policy H4? Are there any observations Members would wish to make in respect of

the housing mix proposed? Members suggested that the ground floor can be utilised by 3-bed flats and the proposal should include additional 3-bed flats.

Question 2: Do Members consider the wider planning benefits and proposed green space improvements justify the loss of existing greenspace and, in doing so, satisfy Core Strategy Policy G6? Do Members have any further comments on the proposed greenspace improvements? Members accepted the loss of greenspace but suggested the applicant can be more creative in terms of resident's amenity and density of the building. It was also mentioned that additional outdoor space with creative thinking can be provided.

Question3: Do Members consider the proposed level of private amenity space acceptable? Members highlighted the importance of providing enough amenity space for residents and suggested that additional efforts are to be made to look at the design and provide as much space as possible.

Question 4: Do Members consider further connections / linkages are required and, if so, should this be achieved by extending the foot path along the south side of Railway Street? Members stressed the importance that a footpath is required and will be a fundamental part of the scheme and urged officers to discuss further with the applicant.

RESOLVED - To note the content of the report on the proposal and to provide views in relation to the questions posed in the submitted report to aid the progression of the application.

10 PREAPP/21/00406 - Fearnville Leisure Centre and park, Oakwood Lane, LS8 3LF

The report of the Chief Planning Officer presented a pre-application presentation to inform Members of the proposals for the construction of a replacement Wellbeing Centre building and wider site improvements at Fearnville Leisure Centre and park, Oakwood Lane, LS8 3LF.

Members were shown slides and photographs throughout the officer presentation.

Officers in attendance presented the application, providing the following information to the Panel:

- Highways have raised no objections, further information is required on the transport assessment, travel plan and cycling provision.
- An overview of the site history.
- The site as existing include facilities that have been run down over time and current proposals include play areas, skate park, BMX track, tennis courts and wider playing fields with biodiversity improvements across the site.
- The Wellbeing Centre is placed in the middle of the site.
- There are a number of activity stations proposed through the site.
- Improved surveillance.
- The car park will be extended to account for the increase in capacity and the existing footpath through the site will be retained and