

Our Ref: Planning Conformity\019- Leeds\Planning Applications\Final Responses\April 08 - March 09

06 May 2008

Tim Hart  
Planning Services  
Leonardo Building  
2 Rossington Street  
Leeds  
LS2 8HD

Dear Tim

**Erection of four buildings over two podiums incorporating C3, C1, A1, D1 and D2 development with car parking.**

**Planning Application Number: P/08/01948/FU/C**

The Assembly, as the Regional Planning Body, has been asked to comment on this development as its nature and location mean that it could have an effect on the implementation of the Regional Spatial Strategy (RSS). The current RSS for Yorkshire and Humber (based on the Selective Review of RPG12) was issued by the Secretary of State in December 2004. The RSS has the status of a Development Plan Document and forms part of the framework for decisions taken under section 38 of the Planning and Compulsory Purchase Act (2004), which means that decisions on all applications have to be taken in accordance with the Development Plan unless other material considerations indicate otherwise.

The Planning and Compulsory Purchase Act (2004) and Circular 08/2005 make it clear that a draft RSS submitted to the Secretary of State is a relevant regional policy against which strategic applications can be considered. This Assembly response therefore also highlights relevant issues that arise from the Yorkshire and Humber Plan (draft RSS) December 2005 – the RSS submitted to the Secretary of State.

Please note that the Secretary of State's Proposed Changes to Draft RSS have now been published (September 2007). Government guidance (paragraph 4.19 in PPS12) states: "Where the regional spatial strategy...has been through an Examination in Public, and the proposed changes have been published,

considerable weight may be attached to that strategy because of the strong possibility that it will be published in that form by the Secretary of State”.

Assembly responses to consultations on strategic applications will therefore have to make it clear how the Proposed Changes impact on the policies quoted and to point out to local authorities that ‘considerable weight’ will need to be attached to them by the decision-making body and by Inspectors at Examinations of DPDs and application Inquiries. At the same time, it should be noted that the Assembly itself has made comments on the Proposed Changes and that the final version of the new RSS is expected in spring 2008.

Both the existing and draft regional spatial strategies aim to achieve a more sustainable pattern and form of development, investment and activity across the region, putting a greater emphasis on matching needs across the region with opportunities and managing the environment as a key resource. Within the detailed policies of current and draft RSS, the value of developing renewable energy resources is recognised in policies S6 and R12 of current RSS and policies YH2A and ENV5 of draft RSS.

### *Comments*

The principle of the development is supported by the Assembly as it fulfils the RSS Core Approach of concentrating development in a Regional City so as to help achieve urban transformation.

However, the proposed development is not in line with housing mix or affordable housing policies of Proposed Changes to RSS (2007). Policy H3A requires that affordable housing is ensured to address the needs of local communities. Policy H3B sets targets for the amount of affordable housing to be provided in Leeds of between 30-40%. RSS Policy H4 requires that a housing mix which reflects the needs of the area is ensured so as to create more sustainable, cohesive and tolerant communities.

The proposed development seeks to provide only 25 affordable dwellings (4% of the total units proposed). This is not only widely out of alignment with the required target in RSS Policy H3B but does little to meet affordable housing need in the Local Authority. The Leeds Strategic Housing Market Assessment prepared by ECOTEC in March 2008 indicates that there is a shortfall of affordable housing per annum of 1,889 units. The RSS Annual Monitoring Report 2007 reveals that in 2006/2007 Leeds provided only 232 dwellings – a gap of 1657 dwellings against the identified housing need.

Provision of a housing mix is as important in city centres as it is elsewhere so as to ensure more sustainable, cohesive and tolerant communities and align with the overall Core Approach of the RSS to transform cities into places where people want to live and work.

The environmental statement in support of the proposal notes that "discussion with regard to off-site provision and financial contributions is ongoing with officers". The Assembly would like the comments above to be fed into those discussions so that the local authority may consider what would be a more appropriate mix of housing in this development than that proposed.

The sustainable use of resources is a key theme of both current and draft RSS. Policy P6 of current RSS encourages new development to maximise energy efficiency and minimise resource demand. Policies in draft RSS build on this and state that at least 10% of the energy to be used in sizeable new development should come from on-site renewable energy sources. It should be noted that the Proposed Changes recommends that the 10% target is removed from the RSS Policy but requires Development Plan Documents to set an appropriate local target for on-site renewable energy generation, bearing in mind the 10% standard and considering how they can expect far greater percentages where it is feasible and viable (RSS Proposed Changes Paragraph 15.37A).

While the application's environmental statement notes that a biomass boiler has been provided, the Assembly is not convinced that this technology is in line with Policy ENV5, which requires the on-site generation of energy (as opposed to heat). While the Assembly acknowledges that a biomass facility may generate both heat and power, we encourage the Local Authority to revisit the renewable energy sources proposed and discounted by the developers in paragraph 4.4.27 which include more evident power generation technologies such as photovoltaics and wind energy.

### *Conclusion*

In conclusion to the comments made the Assembly would support the development in principle as it is within the Regional City of Leeds, but on the basis that:

- The housing mix reflects a local needs assessment and the need for an appropriate housing mix, including levels of affordable housing which meet the considerable unmet need in Leeds,
- At least 10% of the energy to be used in the development is to come from on-site renewable energy sources.

If you have any queries about this response, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink that reads "Mart - Elliot".

Martin Elliot  
Planning Policy Manager