

# PLANS PANEL (CITY CENTRE)

Meeting to be held in Civic Hall, Leeds on Thursday, 29th April, 2010 at 1.30 pm

## **MEMBERSHIP**

# Councillors

T Hanley J McKenna E Nash M Hamilton (Chair) J Monaghan Mrs R Feldman G Latty D Blackburn

Agenda compiled by: Governance Services Civic Hall Angela Bloor 247 4754

# AGENDA

Item No	Ward	Item Not Open		Page No
1			APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS	
			To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)	
			(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)	
2			EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC	
			To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.	
			2 To consider whether or not to accept the officers recommendation in respect of the above information.	
			3 If so, to formally pass the following resolution:-	
			RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-	

Item No	Ward	Item Not Open		Page No
3			LATE ITEMS	
			To identify items which have been admitted to the agenda by the Chair for consideration	
			(The special circumstances shall be specified in the minutes)	
4			DECLARATIONS OF INTEREST	
			To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct	
5			APOLOGIES FOR ABSENCE	
6			MINUTES	1 - 14
			To approve the minutes from the Plans Panel City Centre meetings held on 22 <sup>nd</sup> March 2010 and 1 <sup>st</sup> April 2010	
			(minutes attached)	
7	City and Hunslet;		APPLICATION 09/03829/OT - 10-11 SWEET STREET HOLBECK LEEDS LS11	15 - 34
			Further to minute 43 of the Plans Panel City Centre meeting held on 5 <sup>th</sup> November 2009 where Panel considered a position statement, to consider a report of the Chief Planning Officer on an outline application to erect B1 offices in two blocks and a health and fitness centre with multi-storey car park	
			(report attached)	

Item No	Ward	Item Not Open		Page No
8	City and Hunslet;		TRINITY QUARTER (WEST), BOAR LANE LS1  To receive a report of the Chief Planning Officer setting out the changes required to existing bus services to facilitate the development of Boar Lane undercroft as part of the Trinity West scheme  (report attached)  A colour copy of the plan accompanying the report can be viewed on the internet and an A3 sized colour plan has been included with Members' papers	35 - 42
9			DATE AND TIME OF NEXT MEETING  Wednesday 26 <sup>th</sup> May 2010 at 1.30pm in the Civic Hall, Leeds	

# Agenda Item 6

#### Plans Panel (City Centre)

Monday, 22nd March, 2010

**PRESENT:** Councillor M Hamilton in the Chair

Councillors Mrs R Feldman, T Hanley, G Latty, T Leadley, J McKenna, J Monaghan and N Taggart

# 71 Chair's opening remarks

The Chair welcomed everyone to this additional Plans Panel City Centre meeting and asked Members and Officers to introduce themselves

#### 72 Late Items

Whilst there were no formal late items, the Panel was in receipt of a supplementary report of the Chief Planning Officer which had been tabled at the meeting together with some revised conditions to be attached to an approval (minute 75 refers)

Officers stated that the revised conditions would be highlighted in the presentation, for Members' information

#### 73 Declarations of Interest

The following Members declared personal/prejudicial interests for the purposes of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct:

Councillor Hanley and Councillor Monaghan declared personal interests through being members of Leeds Civic Trust which had commented on the application

Councillor Leadley declared a personal interest as a member of West Yorkshire Integrated Transport Authority as Metro had commented on the application (minute 75 refers)

### 74 Apologies for Absence

Apologies for absence were received from Councillor D Blackburn and Councillor E Nash

Councillors Leadley and Taggart were welcomed as substitutes and it was confirmed that both Members had received briefings from Officers and had visited the site in order to participate fully in the meeting

# 75 Application 09/04815/OT - Site bounded by Clay Pit Lane/Inner Ring Road/ Wade Lane/Jacob Street/Brunswick Terrace LS2

Draft minutes to be approved at the meeting Held on 29<sup>th</sup> April 2010

Further to minute 60 of the Plans Panel City Centre meeting held on 4<sup>th</sup> February 2010 where Panel received a position statement on proposals for an arena, Members considered the formal application. A copy of the minute from that meeting was included in the submitted report and plans and charts detailing the highway arrangements and car parking provision were appended to the report

Officers presented the report which sought outline planning permission for the development of an arena in a Prestige Development Area on land bounded by Clay Pit Lane, Inner Ring Road, Wade Lane, Jacob Street and Brunswick Terrace; the location being endorsed by Panel at its meeting on 4<sup>th</sup> February 2010

Plans, drawings, graphics and photographs were displayed at the meeting. A Panel Members site visit had taken place on 18<sup>th</sup> June 2009 and pre-application presentations to Members had taken place together with a workshop

Members were informed that the proposals accorded with the Regional Spatial Strategy and recent national guidance in PPS4 and would deliver significant benefits for the city

The main issues concerning site context, building parameters and highways were outlined and the following information was provided:

#### Noise nuisance

• that in terms of noise nuisance for residents, that the arena would be constructed to the highest standards to prevent noise breakout. Although service vehicles would run close to the student accommodation in Opal 3, there would be a 'just in time' system employed when vehicles were ready to park up and on leaving they would be routed south. Most events would end between 10.00-11.00pm and through the provision of a management plan, there should be a managed, rapid system for patrons leaving events

#### Sustainability

 that an increase in the amount of low carbon energy delivered by the scheme from 8% to 11% would be provided through the use of air source heat pumps

#### Highways issues

- that a robust transport assessment had been undertaken using figures of 80% of patrons arriving by car for an evening event and 86% for a matinee. Three scenarios had been considered, these being a major event with 90% capacity; a typical event of 50% capacity and a Saturday matinee. The analysis of the junction modelling had shown that apart from the 90% event the network has capacity and that for the major event, it would be necessary to alter some signal timings around the network
- the proposals had been considered by the NGT Team who report that although the worst case event had potential to cause delay at two junctions for NGT vehicles, due to the infrequency of the event and the robustness of the traffic generation assumptions, they did not object to the proposals

Draft minutes to be approved at the meeting Held on 29<sup>th</sup> April 2010

- coach parking on Wade Lane that for the majority of events 5-10 coaches would be expected and provision for 15 would be in place. The operators had indicated that occasionally an event could generate up to 30 coaches and for these events a drop off and pick up point further along Lovell Park Road would be considered as would a coach layover further afield
- regarding taxis and Members' comments regarding the need for adequate taxi provision for people in wheelchairs; that half of the city's taxis were capable of carrying wheelchairs although it had yet to be decided if a separate space should be provided for wheelchair access to vehicles, and Officers wished to reserve this matter to ensure the best solution was achieved for everyone
- for those people with disabilities who would arrive in a charity mini-bus, as long as one passenger had a blue badge, the bus could park in either disabled bays or the coach bays on Wade Lane, but two disabled parking spaces on the access road would be made larger to accommodate these vehicles. Furthermore, wherever there were Pay and Display spaces in the area, these would be converted to disabled parking spaces in order to maximise the number of spaces close to the arena
- pedestrian routes a separate study had been undertaken to improve pedestrian access around Woodhouse Lane car park. The arena project would provide improvements to the footway near the Coburg Public House, a new crossing across Clay Pit Lane, improvements to Merrion Way and improved signage from key locations around the city centre
- cycling continuous inbound and outbound cycle lanes were proposed on Clay Pit Lane with facilities such as showers, lockers and stands being provided within and around the arena
- car parking capacity there is substantially more car parking available across the city centre than is required for arena events. For a major event ie 90% capacity,- most car parking demand could be accommodated in the nearby car parks, however some parking would spread into car parks at the market or other areas of the city. For a Saturday matinee, there would be a similar need to look further afield for car parking. For a typical event, parking could mostly be accommodated within the Woodhouse Lane and Merrion Centre car parks
- on-street car parking possible areas where parking would be likely to
  occur in residential areas would be considered prior to the arena being
  opened and traffic regulation orders amended as necessary to ensure
  no gaps existed. It was likely the Inner Ring Road would provide a
  barrier, to some areas being readily accessible from the arena. The
  incidence of on-street parking would be regularly reviewed within the
  first two years of the life of the arena

#### Site context

The Civic Architect, Mr Thorp, provided information on the following matters:

- that an outline application had been submitted to provide flexibility in the design process whilst retaining the momentum of the project. Whilst CABE did not support this approach they were the only party to express this view
- that the building would fit well into the site and nestle into its surroundings
- that details of the shape of the building were at an advanced stage
- that the scale of the Yorkshire Bank building would set the parameters for the scale of any development on the two plots adjacent to the site
- details of the proposed temporary landscaping on the two development plots

Members were referred to the revised conditions which had been circulated and the following changes were highlighted:

- condition 5, which would now become conditions 5a and 5b and relate to the amount of retail floor space and event space
- condition 17 and 23 relating to hours of construction and delivery

Officers referred to letters of support for the proposals which had been received by the Council as opposed to the Local Planning Authority, with these being from:

Yorkshire Bank
Marketing Leeds
Leeds University
Leeds Financial Services
Harrogate Borough Council
Leeds Metropolitan University
Wakefield Metropolitan District Council
Kirklees Council
Calderdale Borough Council
City of Bradford Council
Town Centre Securities

Officers restated that the scheme was in accordance with the UDPR; that the highways issues had been fully considered; that the development would lead to improvements for pedestrian access and would deliver significant economic benefits for Leeds

The Chair thanked the Officers for the work which had been carried out to reach this point and reminded the Panel that it was the outline application which was being considered and that detailed design issues would be dealt with at a later stage if the outline application was approved

Members commented on the following matters:

#### Traffic and parking issues

- the need for mini-buses for people with disabilities to have a distance of 8ft at the rear to unload wheelchairs and whether this had been factored in
- the need for good signage and clear routing, with this being regarded as crucial, particularly for those people who were unaccustomed to the city and its road network

- whether parking provision for outside broadcast vehicles had been included
- whether the road for the taxi drop off/pick up point could accommodate a turning head for coaches
- whether an underground drop off/pick up point could be considered
- the need for the taxi pick up points to be properly managed otherwise this could deter some people from visiting the arena
- that some car parks closed early and whether negotiations had taken place to ensure these would be open for events
- whether the traffic flow on Claypit Lane would impact on people attending concerts at the Town Hall
- that access for emergency vehicles had to be ensured
- that some, limited bus parking on Woodhouse Moor could be considered without unduly impinging on that area
- that it was not uncommon for parts of the Inner Ring Road to be closed for maintenance work and the impact of any closures when an event was taking place
- the need for good bus links from the North East and North West of the city; that more buses should be encouraged along Clay Pit Lane but the need to deal with this carefully to avoid blockages
- concerns about on-street parking in the North Street/Regent Street area and that this would be reviewed after the arena had opened
- whether a nominal charge could be levied for on-street parking in this area to act as a deterrent

#### Pedestrian access

- whether modelling had been carried out on pedestrians leaving the arena after an event
- that signalled control crossings would be needed
- that the Merrion Centre was currently closed at 8pm and whether this important pedestrian route would be made fully accessible
- that Lovell Park was not being considered within the proposals; that the area was unsafe at night and that this key pedestrian route to the arena should be considered
- the widening of the footpath around the Coburg Public House and whether the railings, which also contributed to the narrowness of the pavement, could be removed
- the need to avoid zig-zagged pedestrian crossings as these were not effective
- the need to ensure people dispersed safely after events

# Other matters

- that the site demanded a building of high quality which would command attention and respect and would be identifiable as the Leeds Arena
- that Members must be involved at an early stage in discussions on detailed design issues
- that the existing landscaping was harsh and dated and the need to ensure that the replacement scheme was softer and modern
- the projected number of events per year being 142; the basis for this figure and to appreciate that on these figures major events would not be taking place regularly

- the need for further details on the changing places toilet
- whether the size of the proposed restaurant in the piazza area was viable at 300sqm
- whether the existing cycle route was well used
- whether acoustic flooring would be used in the service areas
- the possibility of trees being planted in front of the sheltered accommodation which would help screen the arena and possibly provide additional noise mitigation
- that the application was an important one and if approved, would provide the boost which Leeds needed
- that rather than undermining similar facilities in Harrogate and Sheffield, that a Leeds arena would fill a gap
- that the two adjacent development plots should be incorporated within the red line boundary of the site

# Officers provided the following responses:

- that the disabled parking spaces for minibuses would provide the required length to unload a wheelchair; other spaces at the end of rows also allowed for this
- that signs would be introduced for motorists and pedestrians advertising when events were occurring as well as details of access and parking arrangements in a range of types including free text, static and VMS signs and a comprehensive pedestrian signage package
- that space for outside broadcast vehicles had been taken into account
- that the turning head on the access would not be large enough for coaches when taxis were present and this would need to given further consideration as part of the reserved matters application
- that an underground car park would require deep excavation into rock and concrete and this had not been pursued
- that there was an agreement with Town Centre Securities to use the Merrion Centre car park and it was felt that other car park operators in the city centre would see the commercial opportunities in opening later to provide car parking for concert goers
- that possible conflict with events at the Town Hall, City Varieties and Grand Theatre had not been assessed in any detail
- that emergency vehicles could use their sirens to gain access through the traffic
- that factoring events into programmed maintenance and unexpected closure on the Inner Ring Road could be considered
- that computer modelling of pedestrian disbursement had not been carried out, but that some work on this had been undertaken. An Urban Traffic Control signal plan would need to be implemented to take into account increased pedestrian activity that would assist in giving pedestrians the correct priorities at crossings
- that there was little advice available on how wide a footpath needed to be to accommodate a large number of people, but Officers were of the view that widening of the footway by the Coburg Public House would be an improvement to pedestrian access

- that Town Centre Securities were keen to discuss proposals for improvements to the Merrion Centre on the back of this development. Members welcomed this news
- that work was being undertaken on the routes through Lovell Park
- that there was a requirement for the operators to have in place a management plan for pedestrian movement both before and after events, and SMG, the operators had these in place at their other venues
- that if approved in outline, there would be opportunities for the Panel to consider the detailed design of the building, with the Reserved Matters application anticipated to be presented for determination in Autumn 2010
- that the number of events likely to take place in a year had been derived from numbers provided by the operators, based on their experience in other parts of the country
- that a changing places toilet was a manned, well equipped facility for a
  person with a disability who needed to be accompanied to the toilet by
  their carer and was important in enabling people who might previously
  have been prevented from accessing such events to enjoy the facilities
  which the arena would offer
- the proposed size of the restaurant; the view that the operators would have considered this and that 300sqm would be adequate and would be supplemented by 600sqm of other food outlets
- that the existing cycle route was well used as far as it went, but that the proposals would extend that
- that the service yard would be subject to detailed design consideration and that it would be fully enclosed and constructed of acoustic material
- that tree planting in front of the sheltered houses was outside of the application but that discussions could be held with the owners to see if that was something they wished to provide
- that it was not possible for the two development sites adjacent to the arena site to be included in the red line boundary, but that the comments of the Civic Architect regarding heights of any future development in these locations should give some comfort to Members on this matter

The Chair referred to the significance of the application before Members in terms of the schemes which had come to Panel; the regeneration benefits the arena would bring including local jobs both in the construction and post construction phases and the stimulus it would provide for the local economy

Like other Members the Chair voiced his concerns at aspects of the proposals, ie pedestrian flow, the surge of people in the area after an event and the need to establish links with the Lovell Park area

The Chief Planning Officer who was in attendance stated that the site was at the northern entrance to the city centre; that it anchored this part of the city and that detailed design was essential to create a gateway at this point. In terms of regeneration, the proposals had already resulted in enquiries from developers keen to consider schemes on the back of the arena, if approved

Members were informed that it was important for a decision to be made on the outline application at the meeting to enable work on the next phase to begin

To address concerns regarding pedestrian flow and possible on-street parking, the Head of Planning Services suggested some minor amendments to conditions 25 and 27, to require the submission and approval of a pedestrian access strategy and a scheme for dealing with possible on-street parking through amended parking restrictions prior to the arena being brought into use, with these being accepted by the Panel

**RESOLVED** - That the application be granted subject to the conditions set out in the supplementary report, amendments to conditions 25 and 27 as stated, and any others which the Chief Planning Officer might consider appropriate

# 76 Date and time of next meeting

Thursday 1<sup>st</sup> April 2010 at 1.30pm in the Civic Hall, Leeds

# Plans Panel (City Centre)

Thursday, 1st April, 2010

**PRESENT:** Councillor M Hamilton in the Chair

Councillors D Blackburn, Mrs R Feldman,

T Hanley, G Latty, J McKenna,

J Monaghan and E Nash

# 77 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves

#### 78 Declarations of Interest

For the purposes of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct, Councillor Nash declared a personal interest in applications 10/00339/LI and 10/00756/ADV – Leeds City Museum – as a member of English Heritage which had commented on the proposals (minute 82 refers)

#### 79 Minutes

**RESOLVED** - That the minutes of the Plans Panel City Centre meeting held on 4<sup>th</sup> March 2010 be approved subject to an amendment to minute 68 – Application 09/04625/FU – southern entrance at Leeds City Station – 'that there would be shared pedestrian/vehicular use of Little Neville Street' to be amended to read 'that there would be shared pedestrian/vehicular use of Dark Neville Street'

# 80 Application 09/04625/FU - Addition of new southern entrance with access walkway and new footbridges to railway station at Leeds City Station New Station Street LS1

Further to minute 68 of the Plans Panel City Centre meeting held on 4<sup>th</sup> March 2010, where Panel approved in principle the application for a new southern entrance with access walkway and new footbridges to Leeds Railway Station, Members considered a further report setting out how cycling facilities could be improved and consideration of the potential impact of increased footfall in the public realm within the adjacent Granary Wharf scheme

The Central Area Planning Manager referred to an objection which had been received from a resident of Blue Apartments, who whilst being supportive of the proposals had raised concerns at the size of the development; potential loss of light; impact on property values; potential noise nuisance from a pa system and that the proposals did not include a new taxi rank

Members were informed that with the exception of property values and a pa system, these issues had been considered at the previous meeting

Regarding loss of light, Officers accepted that there would be some loss of visual dominance but that the benefits of the proposals outweighed this and the options for locating the entrance elsewhere had been considered by the applicants

Loss of property values was not a material planning consideration and in relation to the concerns raised about potential noise nuisance, no external pa system was to be provided however an extra condition could be attached, with Panel's agreement, controlling the implementation of any pa system associated with the new entrance

Officers presented the report and stated that additional cycle parking provision had been proposed, this comprising 20 extra cycle parking spaces in one of the Dark Arches. Officers were of the view that this increased amount of cycle parking together with the other provision in the planned cycle hub and the existing cycle provision outside the station was sufficient

In relation to the impact of increased pedestrian flow on the public realm at Granary Wharf and the concerns expressed on behalf of City Inn, the Panel was informed that survey data and modelling had indicated that approximately 750 pedestrians would walk through Granary Wharf at peak hour. Officers were of the view that the public realm in Granary Wharf was robust in quality and of a size which could accommodate this level of footfall

Members were informed that Network Rail would provide CCTV, lighting and signage

Additional comments had been received from British Waterways who had expressed concern at the possibility of increased litter in the area. To address this a sum of £35,000 over 5 years by way of a Section 106 Legal Agreement had been requested, or a more suitably worded condition be attached to the permission. Officers considered that a condition could be worded to include a monitoring period for a year. On this matter, the Panel was informed that City Inn had requested ongoing annual monitoring, although Officers felt this was too onerous

Members commented on the following matters:

- the location of the nearest taxi rank
- that ongoing litter monitoring should not be imposed and six month's monitoring could be considered
- the impact of the proposals on the residents of the Blue Apartments Having considered the points made, the Central Area Planning Manager stated that a monitoring period of one year had been chosen in order to look at activity through the seasons

**RESOLVED** - To grant planning permission subject to the specified conditions recommended at the Plans Panel City Centre meeting held on 4<sup>th</sup> March 2010, and the additional conditions set out in the submitted report, with condition 16 being amended to include a requirement for a one year monitoring period to assess the implication of the development for litter generation and collection arrangements with any mitigation measures to be agreed subsequent to this period; an additional condition to control the implementation of any Public Announcement system associated with the new entrance and new conditions 20 and 21, as set out in the submitted report

Application 09/05069/FU - Temporary use (5 years) of vacant site for five 5-a-side football pitches and one 7-a-side football pitch with car parking area and changing facilities - City Gate Wellington Bridge Street LS3

Plans, drawings and precedent images were displayed at the meeting The Central Area Planning Manager presented the report which sought temporary permission for use of a vacant site for football pitches, changing facilities and car parking area on land at City Gate Wellington Bridge Street LS3

The astro-turf pitches would be 29m x 20m in size and would be bounded on all sides by a close-boarded, 1.5m high fence and side netting of 1.5m high; roof netting would also be provided

Members were informed that the pitches would be accessed off a new road; that two disabled car parking spaces would be provided but that the car parking strategy was to use the nearby, underused car park in the adjacent retail development. A survey of the levels of available parking had been carried out and Officers were satisfied that there was sufficient levels of car parking for the scheme. The surrounding streets were tightly controlled by on street parking controls so the proposals should not have an adverse impact on this. Furthermore the signage strategy would be conditioned to specify the use of the designated car park by users of the pitches

The Panel was informed that the application had been brought to Members due to the comments of the HSE as the site fell within the HSE consultation zone from the former Yorkshire Chemicals site

There was an existing chemical storage licence in operation on the site and the HSE was required to give standing advice, with this being that planning permission should not be granted. Members noted that outline consent for a residential development had been granted on the nearby former Yorkshire Chemicals site

The Central Area Planning Manager stated that the HSE had advised that if the application was granted, they would not be recommending to the Secretary of State that the application be called in for scrutiny

Members commented on the following matters:

- whether the pitches would be run as a commercial venture and if so, whether they would be staffed, with Officers stating that the proposals formed a commercial venture and that there would be a caretaker on site
- that there was a demand for such facilities in the city centre and that when considering a city centre park, such provision should be included
- the lack of community use of the pitches and whether some free or subsidised use could be provided
- that some free kick-about space should be provided
- that some organised community use should be provided ie for schools
- whether the proposals would obstruct the riverside walkway. The Central Area Planning Manager stated that the boundary of the pitches did not extend to the edge of the river

As the applicant's agent was in attendance, the Chair invited him to Address the Panel on matters of fact relating to use of the facilities

Members were informed that some community use could be offered but that it would need to be booked and a management agreement be in place

The pitches being provided were of a high standard and were expected to be popular although a two-hour morning slot between 10.00am – 12.00 noon, Monday – Thursday (Bank Holidays and school holidays excepted) could be offered for community use

Members welcomed this offer

**RESOLVED** - To approve the application in principle and to defer and delegate final approval to the Chief Planning Officer subject to the conditions set out in the submitted report (and any others which he might consider appropriate) and the completion of a legal agreement within 3 months from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations:

- public transport contribution of £9000 to be paid in three instalments at the end of each of the first three years
- £600 monitoring fee for the public transport contribution
- Travel plan with monitoring fee of £2500

# 82 Application 10/00339/LI and 10/00756/ADV - Erection of banner signs and other signage to front and side elevations of Leeds City Museum Millennium Square Leeds LS2

Plans, photographs, drawings and precedent images were displayed at the meeting. A Members site visit had taken place prior to the meeting

The Central Area Planning Manager presented the report which sought permission for the erection of banner signs and other signage to the Leeds City Museum. Previous proposals for banner signs had been presented to Panel at the meeting held on 27<sup>th</sup> March 2008, with concerns being raised at the quality of the material being proposed and the fixings to be used (minute 136 refers). Determination of that application had been deferred by Panel for further negotiations to take place. A copy of the minute from that meeting was appended to the report

Members were informed that a nationally renowned signage company had been appointed to consider the type of signage which would be suitable for the limited options which were available on this Grade II\* Listed Building

The proposals were for two  $5m \times 1m$  banner signs located on the pilasters of the main entrance of the building. An alternative location would be the pilasters at each end of the front elevation but it was felt the banners would not be as visible in this location

The material for the banners would be PVC which would be stretched taut and be attached to a simple horizontal fixing rail at the top and bottom. The banner signs would be sited an equal distance from the side edges of the pilasters. Members' previous concerns relating to the fixtures had been taken on board with hidden, rust resistant fixings being used

Details of the other signage which was proposed was provided, this being:

- three signs on the Cookridge Street elevation advertising opening times, a menu board and a combined poster panel and opening times sign
- three signs on the Vernon Street elevation comprising a sign to read 'Leeds City Museum'; a disabled and groups entrance sign and a combined poster panel and opening times sign

Members were informed that appropriate signage for the Museum was necessary for its future viability; that the proposals were considered to be acceptable and that the character of the building had been protected

Members commented on the following matters:

- that the existing A-boards at the top of the steps should be removed
- concerns that the banner signs could flap in the wind and cause noise nuisance

• the difference in the colour of the stone of the new build element and the reasons for the approach which had been taken to this

Officers provided the following responses:

- that a condition requiring the removal of the A-boards could be attached to a permission
- that if approved, an informative could be placed on the decision regarding the banner signs fixing mechanism if the signs flapped in the wind
- that English Heritage had specified they did not wish to see the new stone colouring up to match the existing weathered stone of the Museum, but rather allow this to colour up naturally over a period of time

#### **RESOLVED -**

## Application 10/00339/LI

To approve the application in principle and refer the application to the Secretary of State as it is a listed building application by the City Council for a Grade II\* listed building which is in the Council's ownership. In the event of the Secretary of State not wishing to intervene, to delegate final approval to the Chief Planning Officer subject to the conditions specified in the submitted report, plus any others which he might consider appropriate)

#### Application 10/00756/ADV

To approve advertisement consent subject to the conditions outlined in the submitted report, an additional condition for the removal of the existing A-boards at the top of the steps (plus any other conditions as the Chief Planning Officer may consider appropriate) and the placing of an informative on the decision of the need to revisit the banner signs fixing mechanism if they flap in the wind

### 83 Date and time of next meeting

Thursday 29<sup>th</sup> April 2010 at 1.30pm in the Civic Hall, Leeds

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# Agenda Item 7



Originator: Andrew Windress

Tel: 2478000

### Report of the Chief Planning Officer

#### PLANS PANEL CITY CENTRE

Date: 29<sup>th</sup> April 2010

Subject: APPLICATION 9/03829/OT – OUTLINE APPLICATION TO ERECT B1 OFFICES IN TWO BLOCKS AND A HEALTH AND FITNESS CENTRE AND MULTI-STOREY CAR PARK (MSCP) AT 10-11 SWEET STREET, HOLBECK.

APPLICANT
Ace Investments Ltd

8/9/09

Electoral Wards Affected:
City and Hunslet

X Ward Members consulted (referred to in report)

Category

Community Cohesion

Narrowing the Gap

#### **RECOMMENDATION:**

DEFER and DELEGATE approval to the Chief Planning officer subject to the conditions specified (and any others which he might consider appropriate) and the completion of a Section 106 legal agreement within 3 months from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations;

- Securing the Car Park Management Regime (CPMR).
- Public transport contribution of £116,155.
- Travel Plan with monitoring fee of £4,275.
- Public access through site.
- Off site highway works.
- Commitment to use reasonable endeavours to cooperate with LCC Jobs and Skills Service.
- £600 monitoring fee for each of the CPMR, public transport and off site highway works.

#### Conditions

- 1. Outline time limit.
- 2. Approval of reserved matters (appearance and landscaping)
- 3. Reference to plans being approved.
- 4. Notification of date of commencement of each phase.
- 5. Details of contractors' cabins and parking for each phase.
- 6. Confirmation of site levels and building heights to include finished floor levels no lower than 29.425m.
- 7. Sample panel of all external materials to be approved.
- 8. Provision of typical 1:20 detailed elevations for material joints, windows, entrances, eaves, reveals and soffitts including plant rooms.
- 9. Details of any excrescences on the external walls and roof.
- 10. Full details of hard/soft landscaping to be submitted including details of tree pits.
- 11. Implementation of hard/soft landscaping.
- 12. Submission of landscape management/maintenance plan to include formation of a landscape management company is necessary and tree replacement if become defective.
- 13. Details of storage and disposal of litter including recycling facilities.
- 14. Details of any lighting.
- 15. The development shall be carried out in accordance with the FRA.
- 16. Details of surface water drainage.
- 17. Implementation of surface water drainage techniques.
- 18. Provision of an oil interceptor.
- 19. Full details of vehicle, motor cycle and short and long stay cycle parking facilities including shower and secure locking facilities.
- 20. Standard land contamination conditions.
- 21. Details of safety and security measures to meet 'Secured by Design' standards.
- 22. Requirement to meet BREEAM 'Excellent' and consideration of RSS policy ENV5, provision of a green/brown roof, recycled material content, Site Waste Management Plan and Sustainable Drainage Systems (SUDS).
- 23. Full details of the off site highway works to be agreed and implemented prior to occupation.
- 24. Details of entry and exit controls into the MSCP.
- 25. The appropriate stand off distance to the combined sewer and water mains shall be provided.
- 26. Provision of the stand off distance to the gas pipeline and no site cabins, trees to be placed within protected area.
- 27. Submission of a biodiversity enhancement plan.
- 28. Provision of 2.4m x 90m visibility splay.
- 29. Reinstatement of redundant crossing and appropriate construction of new vehicular crossings, kerbs etc.

Conditions 22, 24, and 27 are non standard conditions, a further explanatory note regarding these conditions can be found in the Appendix 1

Reasons for approval: The application is considered to comply with policies GP5, GP11, GP12, BD2, BD4, BD5, T2, T5, T6, T24, T24A, A4, SA9, SP8, LD1, N12, N13, N19 and CC10 of the UDP Review, as well as guidance contained within the City Centre Urban Design Strategy September 2000, Public Transport Improvements and Developer Contributions 2008, Sustainable Development Design Guide 1998, PPS1, 'General Policies and Guidance', PPS4 'Planning for Sustainable Economic Growth', PPG13 'Transport' and, having regard to all other material considerations.

#### 1.0 INTRODUCTION:

Members will recall a position statement regarding this proposal being presented at the 5<sup>th</sup> November 2009 Panel. At that meeting Members provided comment on the proposed scheme and a summary of Members' comments is provided in section 5.0 below. Following the position statement presentation a number of issues have now been addressed, primarily relating to the highway implications, and the scheme is now brought to Members with a request they resolve to grant permission and defer and delegate the final decision to the Chief Planning Officer.

#### 2.0 PROPOSAL:

Outline consent is sought for two office buildings, a multi-storey car park (MSCP) and gym at 10-11 Sweet Street. Approval is sought for the principle of the development plus the access, layout and scale. Approval of the appearance and landscaping is reserved. The scheme will be phased with the gym/MSCP delivered first and offices at a later date.

7,896m² of B1 office space is proposed over two six storey buildings (five office levels plus one level of plant). There is one office block on the corner of Trent Street and Marshall Street and one slightly larger office building extending along Marshall Street and returning with a frontage toward Sweet Street.

The MSCP is located in the eastern half of the site with vehicular access from Trent Street in the south and the 946m<sup>2</sup> gym in the ground floor of the northern part of the building.

Due to the location of a high pressure gas main under the northern part of the site adjacent to Sweet Street, the buildings are set back from Sweet Street by 25m and a linear landscaped strip is introduced along that frontage. Further landscaping takes place in the centre of the site between the three buildings and along the Marshall Street frontage. A north-south pedestrian/cycle route that links Sweet Street to Trent Street is introduced between the MSCP and a further strip of landscaping along the eastern boundary of the site.

A lay-by is introduced along the Sweet Street frontage to the north of the gym/MSCP building that will ultimately provide space for two car club vehicles when the offices are built. Prior to the offices being built this space will be available as a pick up/drop off bay serving the gym and surrounding uses in general.

The MSCP/gym is built as phase one with the office development constructed as phase two when a pre-let has been found. A phasing plan has been submitted that shows the landscaping (including the pedestrian/cycle route) around the MSCP delivered as phase one along with temporary landscaping in front of the office building along Sweet Street. It is expected that the remainder of the site will also be cleared at this time and enclosed with a quality paladin fence. Building C, the office building with frontages to Sweet Street and Marshall Street is delivered as phase 2A, with the final office building on Trent Street and Marshall Street delivered as phase 2B. Upon completion of phases 2A and 2B the temporary landscaped area will be permanently landscaped and therefore the development completed.

The MSCP will provide the allocated UDP parking provision for the office and leisure elements of the scheme with the remaining spaces initially being short stay parking. However, it is proposed that parking spaces are made available to other new developments within the area that cannot provide parking on their own sites. Where such a development cannot provide parking on their own site due to constraints

such as restricted access, proximity of listed buildings etc (expected to be mainly sites within Holbeck Urban Village (HUV)), it will be possible for spaces within the proposed MSCP to be allocated to the constrained development (in accordance with UDP standards).

The application is supported by the following documents:

- Design and Access Statement including Design Code.
- Planning Statement.
- Statement of Flood Risk and Drainage Issues (FRA).
- Framework Travel Plan (TP).
- Land Contamination Report.
- Transport Assessment (TA).
- Bat Survey.
- Car Park Management Regime (CPMR).

#### 3.0 SITE AND SURROUNDINGS:

The application relates to 10-11 Sweet Street, a 0.94 hectare site in Holbeck with frontages onto Sweet Street, Marshall Street and Trent Street.

The site presently contains a two-storey flat roofed red brick industrial unit that accommodates a number of different occupiers. The building is set in from the site boundaries with the space around the building utilised as car parking. There are vehicular access points from Sweet Street and Trent Street.

A high pressure gas main and an intermediate pressure gas main are under the northern part of the site whilst a sewer runs along the eastern edge of the site.

The surrounding area contains a mix of similar industrial units, cleared sites plus relatively recent developments on Sweet Street including the 8 storey office building known as the 'Mint', Government Offices at Lateral and the Bewleys Hotel and 'City Walk' developments. The 'City One' site is to the immediate east of the site where a major mixed use outline application has recently been submitted with ten buildings of varying heights including a tall tower up to forty storeys. The 'Commercial' public house is located to the west of the site across Marshall Street. Further north along Marshall Street is the grade I listed Temple Works whilst at the southern end of Marshall Street is the grade II listed former Holbeck Library.

The site is inside the City Centre boundary and within the area covered by the fringe city centre parking standards. The boundary of Holbeck Urban Village extends up to the opposite (northern) side of Sweet Street. The application site is outside the Holbeck Conservation Area, the boundary of which extends as far as the Commercial pub to the west.

#### 4.0 RELEVANT PLANNING HISTORY:

Planning application 06/02152/FU sought approval for a long stay commuter/shopper car park on part of the site. This application was refused on 7/11/08 as it would have undermined the Council's objectives to restrict commuter car parking in this location and because it was likely to attract more commuter vehicles in the morning peak.

#### 5.0 HISTORY OF NEGOTIATIONS:

Since an initial pre-application enquiry was submitted in January 2008 Officers have had two pre-application meetings regarding this scheme plus written

correspondence. The discussions primarily focused on the provision of a multistorey car park on this site with officers stressing the objection to long stay car parking but an in principle acceptance of short stay car parking and the provision of parking relating to the uses on site. It was also agreed that some further contract parking for future developments within HUV would be acceptable on agreement with LCC and controlled by S106. The principles of the other uses on the site were not discussed in detail but were broadly accepted.

The planning application was submitted on 8/9/09 and a position statement was presented to Members on 5/11/09, a summary of the issues raised by Members and a brief response is provided below.

- The loss of employment land in the areas of Beeston and Holbeck and the need for local labour and training to be provided to serve these new uses. Response: The standard S106 clause will be added that requires the applicant to commit use reasonable endeavours to cooperate with LCC Jobs and Skills Service during and post construction regarding employment at the site and use local contractors, sub-contractors and material suppliers where appropriate
- That the areas of public open space were welcome as was the green roof shown on the images presented to Members and whether this feature could be extended to the other blocks. A green roof is proposed for an area of almost 400m² on part of block C and the sustainability condition requires further exploration as to where green roofs can be accommodated. Due to the location of plant rooms it may be difficult to accommodate further green/brown roofs on the other roof areas but the condition will require this to be explored further.
- The need to tie down the design of the green frontage; whilst accepting there would be limitations due to the high pressure gas main, some greenery needs to be included whilst ensuring this would not fracture the gas pipe. The design code provides details of the type of hard and soft landscaping for the site and states the frontage will reflect the desire for HUV in terms of lighting and street furniture. The surfacing will be a mixture of natural Yorkstone and high quality artificial materials. The submitted drawings indicatively show 21 trees along the Sweet Street frontage. Full details will be conditioned and required at reserved matters stage.
- The car park, with the following mixed views on this aspect being expressed:
- concerns at its proposed size and that for Holbeck Urban Village to work it should not require a large car park. A number of development sites within HUV are severely restricted in terms of parking and this car park will help those developments provide some contracted parking without impacting on listed buildings and the overall attractiveness of HUV as the MSCP is outside the HUV boundary. Upon completion of the developments in HUV on-street parking will be more limited therefore the short stay element of the car park will provide this facility.
- support for the car park if used only for local businesses. The long stay element will be restricted to local businesses only.
- that there was a need for some parking in this area
- that the proposals for the car park were acceptable

Since the presentation of the position statement discussions have continued with the applicant's consultants and a further examination of the highway issues have taken place with the conclusions detailed in the appraisal section below.

#### 6.0 PUBLIC/LOCAL RESPONSE:

An advert was placed in the Leeds Weekly News on 17/9/09 and a site notice (major development affecting the character of a conservation area) was posted 11/9/09.

Two letters of support have been received, one from the developer considering an office scheme for the site to the north across Sweet Street and one on the behalf of the owners of the 'Mint' office development. Both letters support the introduction of the multi-storey car park and believe this will make the area more attractive to businesses considering locating in Leeds. Due to the parking restrictions placed on developments in the area, many businesses have declined to locate in the area. The current parking is either on cleared sites that are full by 8:30-9am or on-street. The multi-storey car park would provide greater security and allow visitors to other office developments to find parking spaces throughout the course of the day.

One letter of objection has been received. The letter makes reference to the Mosaic Church which currently uses this site and states that 600 people regularly attend this growing church therefore other empty brownfield sites should be used for development. Response: The site is occupied by a number of operators and it is the responsibility of the site owner to deal directly with lease holders. As discussed below the proposed use is compliant with policy and it is believed the current occupiers of the site could find other suitable accommodation nearby. The application is in outline only therefore a significant period of time may elapse before the site will need to be vacated allowing the church sufficient time to find new premises.

#### 7.0 CONSULTATIONS RESPONSES:

#### Statutory:

**Health and Safety Executive:** No objection; the pipeline operator should be consulted.

<u>Response</u>: The pipeline operator, Northern Gas Network, has been consulted and no objection was raised.

**Northern Gas Network:** Easements to the high and intermediate pressure pipelines are 7m and 3m respectively. It appears the proposed buildings are outside the easement zones therefore there is no reason to object. Both pipelines will require protection during construction and the Northern Gas Network should be consulted regarding tree planting in this area.

**Yorkshire Water:** Run-off should be no greater than at present. Following the submission of a drawing highlighting the relationship of the buildings to the sewers YW are comfortable that the appropriate easements are provided and standard conditions are requested.

**Environment Agency:** No objection subject to the development being carried out in accordance with the FRA and finished floor levels being no lower than 29.425m AOD.

**Highways Agency (HA):** Following detailed discussions and revisions to the Travel Plan, Transport Assessment and the submission of the CMPR to be appended to the S106 the proposals are acceptable.

#### Non-statutory:

**Contaminated Land Team:** No objection subject to standard conditions.

**Highways:** The TA modelling shows the development will have a minor impact on the network. Appropriate visibility splays can be provided and there is suitable access through the site. The CPMR will ensure appropriate management of the car park. Conditions requested.

**NGT/Public Transport:** The proposal would generate a large number of trips therefore a contribution of £116,155 will be required in accordance with SPD5. Due to the phasing of the scheme this contribution can be broken down and delivered when each element is built out. Block B leisure generates £19,333, office block C generates £58,584 and office block D generates £38,258.

**Transport Policy (Travel Wise):** The revised TP is acceptable. This will need to be appended to a S106 agreement and will also require a monitoring fee £4,275.

**Mains Drainage:** As required by the Environment Agency, finished floor levels should be no lower than 29.425m AOD. A 30% reduction in surface water drainage is required plus the introduction of a Sustainable Urban Drainage System (SUDS) and a variety of standard conditions are requested.

**Metro:** The principle of development of the site is supported but there are some concerns regarding the MSCP that may encourage car use. The targets within the Travel Plan need to be more specific and a public transport contribution should be sought. The applicant should be required to join the Travel Plan Network (a scheme that provides discounted Metro cards).

Response The pricing structure for the car park is intended to discourage long stay parking and there is no policy objection to the principle of a short stay car park (this is discussed in more detail below). A revised TP has been agreed with LCC officers and the Highways Agency that highlights specific targets and the potential for joining the Travel Plan Network. As detailed above, a public transport contribution of £116,155 is required.

#### 8.0 PLANNING POLICIES:

#### **Development Plan**

Regional Spatial Strategy: The RSS for Yorkshire and Humber was adopted in May 2008. The vision of the RSS is to create a world-class region, where the economic, environmental and social well-being of all people is advancing more rapidly and more sustainably than its competitors. Particular emphasis is placed on the Leeds City Region.

#### UDPR: No specific designation.

**GP5**: Proposals should resolve detailed planning considerations.

GP11, GP12 (Sustainable Design).

**BD2:** New buildings should complement and enhance existing skylines, vistas and landmarks.

**BD4**: Seeks to minimise impact of plant and machinery.

**BD5**: Seeks to ensure a satisfactory level of amenity for occupants and surroundings.

**T2**: Development proposals should not create new, or exacerbate existing, highway problems.

**T5**: Satisfactory provision for pedestrians and cyclists.

**T6**: Satisfactory disabled access.

**T24**: Parking to reflect detailed UDP parking guidelines.

**T24A**: Refers to the control of long stay parking.

**A4**: Development and refurbishment proposals should be designed to secure a safe and secure environment, including proper consideration of access arrangements.

**SA9, SP8**: Promote development of City Centre role and status.

**LD1**: proposals should allow sufficient space around buildings to retain existing trees in healthy condition & allow new trees to grow to maturity.

**N12:** Fundamental priorities for urban form.

**N13**:requires all new buildings to be of high quality and have regard to character and appearance of surroundings.

**N19:** Development within or adjoining Conservation Areas should preserve/enhance the character and appearance of the Conservation Area.

**CC10:** Sites over 0.5ha require 20% public space.

#### **Relevant Supplementary Planning Guidance**

<u>City Centre Urban Design Strategy September 2000</u>: Seeks to reinforce the positive qualities of character areas, re-establish urban grain, provide enclosure to streets, create visual interest, encourage excellent design, improve pedestrian connections, develop a mixture of land uses, promote active frontages and promote sustainable development.

<u>Public Transport Improvements and Developer Contributions 2008:</u>
Developments that have a significant local travel impact will be subject to a requirement for paying a contribution towards public transport improvements.

Holbeck Urban Village Revised Planning Framework 2006: Despite being outside HUV the principles established by the HUV Framework should be closely followed. This includes the guidance regarding the scale of development along Sweet Street, materials and uses. The framework refers to heights along Sweet Street of around seven storeys but reducing in height towards Temple Works, high quality materials and the potential for a MSCP within HUV to meet the needs of new developments.

<u>Sustainable Development Design Guide 1998:</u> This SPG provides useful information for developers and designers in how the principles of sustainability can be put into practice, it will eventually be replaced by the Sustainable Design and Construction SPD once adopted.

#### **National Planning Guidance**

PPS1 General Policies and Principles PPG13 Transport

#### 9.0 MAIN ISSUES

- i. Principle of the development.
- ii. Layout and scale.
- iii. Highways issues.
- iv. Sustainability/Biodiversity.
- v. Section 106.

## 10.0 APPRAISAL

#### i. Principle of the development.

This brownfield site is within the city centre boundary and area covered by the fringe city centre car parking standards. The principle of office and leisure developments with appropriate levels of parking can be accepted on this site as can the principle of some short stay car parking. The extent of short stay parking and potential for further long stay allocated parking is subject to greater scrutiny and is discussed in more detail below.

The potential for a privately funded MSCP is referenced in the HUV Framework with an area of Council owned land adjacent to the viaduct being identified. The development of that site is not expected in the short to medium term therefore the provision of a MSCP on this alternative site is considered acceptable.

#### ii. Layout and Scale.

As a result of a good understanding of the site and surrounding area by the architect, a well thought out development of the scheme, as highlighted in the design and access statement, plus the constraints placed on the development by the gas and water mains, this is a positive proposal that relates well to the context of the area and creates improved linkages through the site. The buildings are set back from Sweet Street (due to the gas main) therefore the creation of an 'avenue' along Sweet Street, as sought by the HUV framework, is facilitated by this scheme. The pedestrian and cycle route along the eastern boundary of the site ensures a north-south linkage from Siddal Street to Bowling Green Terrace is provided to assist connectivity from the city centre and HUV into the communities further south in Holbeck. The buildings are also set in from the western boundary to avoid over dominance and any canyoning effect and allow for landscaping to be introduced. A central area of public open space links well with the other landscaped areas and connecting streets beyond whilst vehicular access is from the less prominent Trent Street.

Despite being outside HUV the buildings are intended to correspond with the principles of the HUV framework set for the northern side of Sweet Street. The framework seeks to create a uniform height of buildings around seven storeys along Sweet Street with a reduction in height towards Temple Works. The scheme approved to the west of the application site, the former Reality site, proposed six storey office blocks on its boundary to the immediate west of the application site. The proposed development seeks approval for six storey office blocks (five storeys plus plant room) with the maximum height of the leisure and MSCP building reflecting the office blocks. As highlighted above, this reflects the outline approval to the west of the site and is considered to respect the aspirations of the HUV framework. Being to the south of Sweet Street and therefore further away from the listed Temple Works it is considered that six storeys of office (or equivalent) are acceptable.

Plant room and stair cores have been incorporated into the envelope of the office buildings and will therefore form part of the overall design approach. The application is in outline only with the appearance of the buildings reserved therefore detailed design is not known at this stage. However, a design code that includes a guide to the future design principles and provides precedent images of high quality buildings with a design and use of materials considered appropriate for this area has been included as part of the application and is acceptable.

Approximately 50% of the site is undeveloped with much of that considered as having the potential for being quality public space therefore the requirements of UDPR policy CC10 which requires 20% public space of site of this scale, is easily met.

Full landscaping details will also be required via reserved matters/conditions but indicative materials and the principles to follow have also been identified in the design code. The avenue or boulevard to the front of the site onto Sweet Street will be designed in conjunction with the aspirations within HUV in terms of lighting and street furniture. Surfacing will be a mixture of both natural Yorkstone (as required within HUV) and high quality artificial materials, as the site is outside HUV and the CA this mix is considered appropriate in principle and will be subject to greater scrutiny at reserved matters stage. A pocket park and other high quality public realm areas are proposed within the site. Public access through the site will be provided at all times.

The site is located outside the Holbeck Conservation Area that extends as far as the Commercial Pub to the west, there are not considered to be any adverse impact on the character of the setting of the Conservation Area. The detailed visual impact will be explored further through the reserved matters process.

#### iii. Highways Issues

Detailed discussions have taken place between the applicants' consultants, LCC officers and the HA regarding the highways information submitted in support of the proposal.

The modelling within the TA demonstrates that the impact on the highway network is very minor and can be accommodated without any mitigation works on the local highway network.

The required visibility splay of 2.4m x 90m can be provided on the junction of Trent Street and Marshall Street and a condition will be added to the application to ensure this visibility splay is retained and protected.

Details of the internal layout of the MSCP have not been provided therefore submission of details for all levels will be conditioned which will require the minimum standards laid down in the Institution of Structural Engineers guidance to be met. Details of entry barriers will also be conditioned.

The TP sets a number of targets that seek a reduction in the number of vehicle trips throughout the duration of the occupation of the site. A Travel Plan Co-ordinator will be in place for five years after full completion of the development to ensure the various travel plan measures are adhered to and to annually meet with members of the Highways Agency and LCC Travelwise Team to discuss the targets and amend the TP as required.

To enable appropriate management of the MSCP in accordance with UDPR policy, a Car Park Management Regime (CPMR) has been submitted and will be appended to the S106. The CPMR will ensure the parking allocated to those on site uses reflects the phasing of each of the buildings and their UDP maximum allowance, ensure that at least 20% of spaces are restricted to car sharers, control the pricing structure to discourage long stay parking and permit the release of spaces to be allocated to other future developments in the locality.

Short stay parking is identified within the CPMR as being 5 hours or under and a pricing structure will be agreed prior to first use of the MSCP that sufficiently deters commuters from using the car park. To ensure the car park does not become used by a significant number of commuters willing to pay the high charges, annual monitoring will take place to examine arrival and departure times. If the number of long stay visitors exceed the figures agreed in the CPMR, further amendments will be made to the pricing structure and hours of opening of the MSCP (to only allow entry after 0930 for example).

The MSCP is also intended to meet the UDP allocated parking provision for future developments in the locality (expected to be primarily HUV) which cannot provide sufficient parking on their own sites. Throughout HUV and other areas in the proximity of the site there are a number of development sites where it will be very difficult to provide parking in line with the UDP due to restrictions such as access and proximity of listed buildings. As identified in the HUV framework, a separate MSCP could provide the parking allocation for such developments and the MSCP

that forms part of this scheme is intended to meet that need. As such the CPMR also incorporates a mechanism that allows for short stay spaces to be reallocated as contract/long stay spaces to other developments elsewhere in the area. Such an allocation will only be on agreement and would only be in accordance with UDP parking standards.

Following a detailed examination of the impact on the surrounding network plus the monitoring and control provided by the CPMR it is considered that the proposal is acceptable in highways terms.

#### iv. Sustainability

A sustainability statement was incorporated into the design and access statement that has identified the principles that will be followed through the development process. The sustainability statement asserts that the development will aim to deliver 10% on site renewable energy in line with RSS policy ENV5 and that the office element will aspire to a BREEAM 'Excellent' rating.

A site waste management plan is included within the Design and Access Statement that examines how waste can be minimised during the demolition and construction phases and throughout occupation. Further details will be required by condition.

A green roof is proposed for an area of almost 400m<sup>2</sup> on part of block C and the sustainability condition requires further exploration as to where green roofs can be accommodated. However, due to the location of plant rooms it may be difficult to accommodate further green/brown roofs on the other roof areas.

The bat report found no evidence of, or potential for, bat roosts within the existing buildings. The biodiversity section of the Design and Access Statement declares that biodiversity will be encouraged throughout the development and include a provision of bat and bird boxes at strategic locations around the site.

#### v. Section 106

A section 106 agreement will be required to cover the £116,155 public transport contribution, travel plan and monitoring fee of £4,275, off site (lay-by and pavement) surfacing works, CPMR, public access through the site, standard training and employment initiatives and a management fee of £1,800 (to cover the monitoring of the CPMR, public transport contribution and off site works).

It has been agreed that the public transport contribution can be delivered in accordance with the phasing of the development, ie - £19,333 on occupation of the gym at phase 1, £58,584 on occupation of block C (phase 2a) and £38,258 on occupation of block D (phase 2b)

As discussed above, the CPMR is appended to the S106 to ensure appropriate management of the multi-storey car park. The functions of the CPMR shall include the management of reserved spaces, cycle storage, the monitoring of traffic arrival departure and duration of stay patterns and the pricing structure for the short stay spaces.

Appendix 2 explains how the requirement for the above obligations meets the new legal tests imposed by the Community Infrastructure Levy Regulations 2010.

#### 11.0 CONCLUSION

The proposed uses are compatible in this area and will assist in its regeneration. The MSCP follows an aspiration identified in the adopted HUV Revised Planning

Framework whilst the general design principles of that document are also reflected by the scheme (despite being outside HUV). The design code promotes high quality design and materials for the buildings and landscaping and appropriate sustainability measures are proposed. There is a clear management regime for the car park to ensure long stay commuter parking is discouraged and to restrict any UDP allocated parking in line with policy. For the reasons outline above the application is considered acceptable and it is recommended Members agree the scheme and defer and delegate to allow officers to finalise the S106.

# **Background Papers:**

Application file 09/03829/OT Certificate of Ownership signed of behalf of the applicant.

#### **APPENDIX 1**

# Planning Application 09/03829/OT Non Standard Conditions

- 22. A special condition will require the building meets BREEAM 'Excellent' as highlighted in the submitted sustainability statement and also ensure those other sustainability measures including the RSS renewable energy policy ENV5, provision of a green/brown roof, recycled material content, Site Waste Management Plan and Sustainable Drainage Systems (SUDS) are examined and delivered where possible.
- 24. Details of the entry and exit controls (eg. barriers) to the MSCP are required to be submitted and agreed in writing by the LPA and be installed before first occupation and maintained thereafter.
- 27. A biodiversity enhancement plan is required that will include the measures to benefit wildlife including landscape planting, a green roof and bat and bird nesting sites.

#### **APPENDIX 2**

# **Community Infrastructure Levy Regulations 2010 Statutory Tests**

As part of Central Government's move to streamlining the planning obligation process it has introduced the Community Infrastructure Levy Regulations 2010. This came in to force on April 6<sup>th</sup> and will require that all matters to be resolved by a Section 106 planning obligation have to pass 3 statutory tests. The relevant tests are set out in regulation 122 of the Regulations and are as follows:

'122(2) 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

There are 6 matters to be considered in this way as part of this application, Car Park Management Regime (CPMR), Public Transport Improvements, Travel Plan Monitoring, Agreement of Publicly Accessible Areas, Off site works and Local Employment Initiatives.

### Car Park Management Regime (CPMR):

This matter is considered in Planning Policy Guidance 13 (PPG13): Transport (published on 20 April 2001), 'The Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (RSS) (published May 2008) Policy T1 and T2 and the Leeds Unitary Development Review 2006 Policies T2, T24, T24A

#### Test (a) Need

The provision of CPMR is considered to fulfill the following needs:

- Ensures compliance with the objectives of PPG 13 to promote more sustainable travel choices through discouraging car use.
- Ensure compliance with RSS objectives to control parking and promote other modes of transport.
- Assists the Authority to control long stay parking.

This is in compliance with UDPR Policies T2, T24A.

#### Test (b) Directly Related

The CPMR directly relates to the site and will ensure the car park operates as promoted and will assist in meeting the targets of the Travel Plan. To ensure the car park is appropriately used will be of benefit to the operator, those on site developments and other developments within the area.

# Test (c) Fairly related in scale and kind.

The CPMR directly relates to the scale of development and allows for flexibility within its control and management subject to the development of the buildings on site and those in the surrounding area.

#### **Public Transport Improvements:**

This matter is considered in Planning Policy Guidance 13 (PPG13): Transport (published on 20 April 2001), 'The Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (RSS) (published May 2008) Policy T1 and the Supplementary Planning Document 'Public Transport Improvements and Developer Contributions' (adopted August 2008)

### Test (a) Need

The provision of a financial contribution towards Public Transport Infrastructure is considered to fulfil the following needs:

- Ensures compliance with the objectives of PPG 13 to promote more sustainable travel choices, to promote accessibility by public transport and to reduce the need to travel, especially by car.
- Ensure compliance with RSS objectives to give priority to improvements to public transport
- Reflects the fact that the provision of public transport, from which the developer will gain a service, is outside the scope and control of the individual developer.
- Assists the Authority to finance and provide for the cumulative impact of individual new developments and therefore the contribution assists in addressing the individual travel impact of the development.

This is in compliance with UDPR Policies T2(ii), T2D

#### Test (b) Directly Related

The contributions will be spent on the provision of a public transport service from which the development will benefit directly. The site is within the city centre and lies close to bus services. This makes the site more accessible to its users and therefore funding the improvement to the public transport system will make the site more attractive and therefore more likely to be successful.

#### Test (c) Fairly related in scale and kind.

In terms of scale, Leeds City Council has an adopted mechanism for calculating such contributions which is derived from that set out in the Practice Guidance on Planning Obligations (DCLG 2006). This accounts for the size, scale and impact of the development and allows the amount of contribution to be varied to be proportionate to this. With respect to kind, the simplest and easiest method of contributing to public transport infrastructure is by making a financial payment to the appropriate authority and the adopted mechanism outlined above produces a financial figure which is then used as the basis for the eventual contribution.

#### **Travel Plan Monitoring:**

This matter is directly considered in 'Planning Policy Guidance 13 (PPG13): Transport (published on 20 April 2001), 'The Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (RSS) (published May 2008) Policy T1 and the Draft Supplementary Planning Document 'Travel Plans' (May 2007)

# Test (a) Need

The provision of a Travel Plan monitoring fee is considered to fulfil the following needs:

- Ensures compliance with the objectives of PPG13 to promote more sustainable travel choices, to promote accessibility by public transport and to reduce the need to travel, especially by car.

- Ensure compliance with the RSS objectives for the use by employers of Travel Plans, which include modal share targets and encourage more flexible
- working and school hours
- Assists in ensuring that the objectives of the travel plan are adhered to by the developer

This is in compliance with UDPR Policies T1(i), T2C

# Test (b) Directly Related

The contribution will be used to ensure that the objectives of the Travel Plan which has been formulated for this specific site use and the method by which the plan seeks to ensure it's objectives in respect of the likely travel modes of its customers, are actually achieved.

#### Test (c) Fairly related in scale and kind

In terms of scale, the level of contribution has been determined on the basis of the costs of administering this process against the number of employees/customers and scale of the use proposed. With respect to kind, due to the requirement to fund staff to monitor this process the contribution can only realistically be a financial one and therefore an agreed sum is considered to be the most appropriate method.

#### **Agreement of Publicly Accessible Areas:**

This matter is directly considered in 'Planning Policy Guidance 17 (PPG17):Planning for Open Space, Sport and Recreation' (published 24 July 2002) and the Leeds Unitary Development Review 2006 Policies CC9, CC10, CC11, CC12 and CC13

#### Test (a) Need

The provision of an agreement on defined publicly accessible areas is considered to fulfil the following needs:

- Ensures compliance with the objectives of PPG17 to protect and enhance those parts of the rights of way network that might benefit open space
- Ensure compliance with the objectives of the UDPR to promote the enhancement of existing public spaces and the creation of new, safe, high quality, attractive and generally accessible public spaces
- Assists in ensuring that new public spaces extend and complement the existing network of public space provision

This is in compliance with UDPR Policies CC9, CC10, CC11, CC12 and CC13.

## Test (b) Directly Related

The agreement to defining publicly accessible areas is required to ensure that the objectives of the PPG17 and the UDPR are actually achieved, in addition, there is a requirement, under policy to provide public open space on the site itself which effectively links into and relates to the wider network of existing street patterns and spaces.

#### Test (c) Fairly related in scale and kind

In terms of scale, the level of provision of publicly accessible areas has been determined on the basis of the level of development on the site, the context of the wider area and the opportunities to link into the wider network of existing public space provision. With respect to kind, an agreed defined area on the site itself is considered to be the most appropriate method of making this provision.

#### Off Site Works:

This matter is directly considered in 'Planning Policy Guidance 17 (PPG17):Planning for Open Space, Sport and Recreation' (published 24 July 2002) and the Leeds Unitary Development Review 2006 Policies CC9, CC11 and CC12

#### Test (a) Need

The provision of a contribution to the laying out of public realm within a defined publicly accessible area is considered to fulfill the following needs:

- Ensures compliance with the objectives of PPG17 to protect and enhance those parts of the rights of way network that might benefit open space
- Ensure compliance with the objectives of the UDPR to promote the enhancement of existing public spaces, pedestrian corridors and upgrade the street scene generally. This would result in the creation of new, safe, high quality, attractive and generally accessible public spaces and routes.
- Assists in ensuring that existing public routes extend, complement and give access to the existing network of public space provision

This is in compliance with UDPR Policies CC9, CC11 and CC12.

#### Test (b) Directly Related

The works to take place will include new pavement surfacing and a introduction of a vehicle lay-by. If the public highway is not improved in this way the access around the site will not receive the appropriate enhancement as sought by LCC policy. Such enhancements will improve the appearance of the pavement abutting the site and therefore the attractiveness of the site itself. The lay-by will facilitate drop off/pick up for the leisure development in the first instance to the benefit of those occupiers whilst in the long term this can accommodate a car club space to the benefit of the whole of the site and wider area.

#### Test (c) Fairly related in scale and kind

In terms of scale, the level of off-site works is directly related to the site frontage and the quality of the surfacing materials which must be used will ensure that it complements the treatment of the other routes in and adjacent to HUV. With respect to kind, as stated the treatment must complement that which exists in the locality in order that a coordinated surface treatment results.

#### **Local Employment initiatives:**

This matter is considered by Planning Policy Statement 4 (PPS4) Planning for Sustainable Economic Growth published December 2009, 'The Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (RSS) (published May 2008) and the Leeds Unitary Development Review 2006 Policies SP6 and R5:

#### Test (a) Need

The requirement to ensure that a proportion of the workforce required to construct and operate the development to be approved is considered to fulfill the following need:

- Ensures compliance with the requirement of PPS4 and UDPR Policies SP6 and R5
  which encourages development in locations which minimizes the length and number
  of trips a workforce must travel to it's place of employment, especially by motor
  vehicle
- Provision of local employment acts as a stimulus to drive the local economy through the benefits of 'knock on' effects down the line for subsidiary spending and employment.

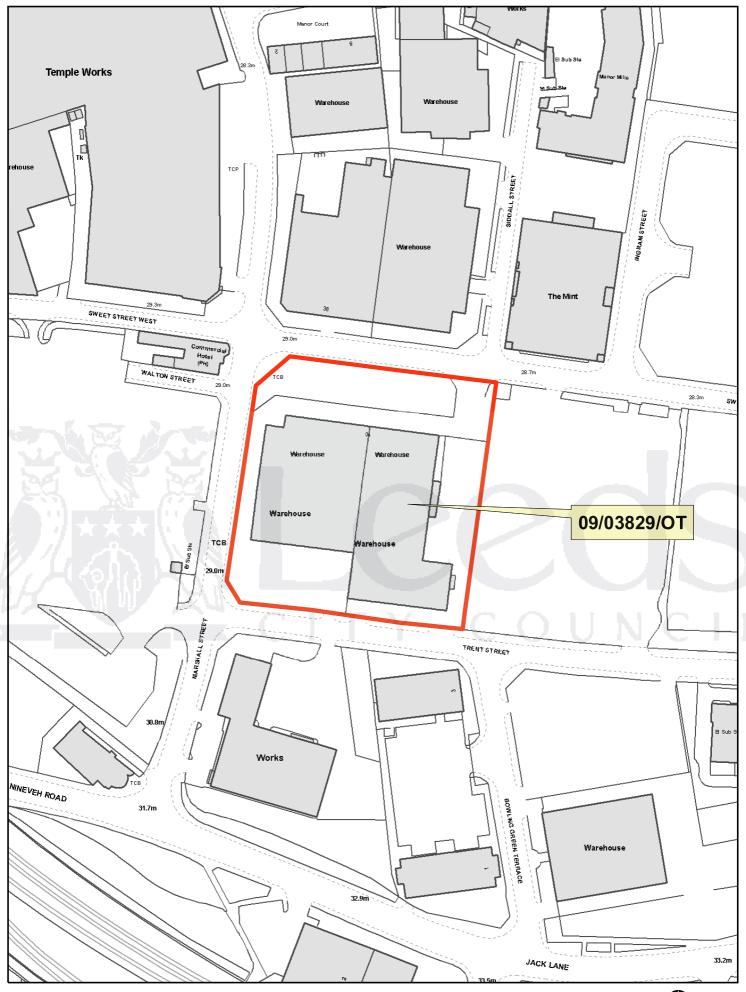
This is in compliance with UDPR Policies SP6 and R5.

# Test (b) Directly Related

As the objective of the obligation is to ensure that local people are employed in the local area it is clear that there is a direct relationship between the development and the obligation. It is also the case that those same workers will use, for leisure purposes and parking, the facility within which they work thereby propagating a cycle of social and commercial success.

# Test (c) Fairly Related in Scale and Kind

In terms of scale, the obligation seeks to ensure that at least a certain proportion of the workforce is from the local area and therefore it does not create unfair divisions or prevent the healthy movement of labour through out the region or the country. In terms of kind, it is clear that a development of this nature cannot be constructed and subsequently function unless a workforce builds it and then operates it. It is considered appropriate that an element of the local population should be involved in this process.



# **CITY CENTRE PANEL**





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# Agenda Item 8



Originator: Paul Kendall

Tel: 0113 2478196

Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 29<sup>TH</sup> April 2010

Subject: REPORT SETTING OUT THE CHANGES REQUIRED TO EXISTING BUS SERVICES TO FACILITATE THE DEVELOPMENT OF BOAR LANE UNDERCROFT AS PART OF THE TRINITY WEST SCHEME.

**APPLICANT DATE VALID TARGET DATE** Trinity Quarter Developments Not relevant Not relevant Ltd **Electoral Wards Affected: Specific Implications For: City and Hunslet Equality and Diversity** Community Cohesion Narrowing the Gap Χ Ward Members consulted (referred to in report) RECOMMENDATION: This report is for information and Members are requested to note it's contents only.

#### 1.0 Introduction

The purpose of this report is to provide the further information requested by Members at Panel on 4<sup>th</sup> March following the pre-application presentation by the applicant and architects of the Trinity scheme. The presentation indicated the infilling of the undercroft area fronting Boar Lane, which currently contains 3 bus stops, a waiting area and a parade of retail units. This would then allow the extension of the retail frontage to align with the outer face of the upper floors of the existing building. In addition, the footway would be widened into the existing bus lay-by to continue the minimum 3m width which exists along the remainder of Boar lane to the East.

Whilst Members agreed that the physical changes proposed were a significant improvement and that any future application could be determined under delegated powers, it was requested that before such an application could be approved officers would explain the strategy behind the relocation of the bus services currently located in the undercroft.

The applicants highways engineers have worked alongside Mott Macdonald who were commissioned by Leeds City Council and Metro to prepare a study of the 'public transport box' for the NGT scheme and to develop detailed proposals to mitigate the problems and issues identified in an earlier study. The resulting Public Transport Operations Study has also considered the impact of the Trinity West development proposals for Boar Lane on bus stop kerb space and developed an interim proposal which would both facilitate the development and ensure that, when NGT is constructed, it is also consistent with that scheme.

# 2.0 Objectives for Improved facilities

The loss of the undercroft area provides an opportunity to reconsider the integration of public transport in the area of City Square and the Railway Station. One of the constraints of the existing facility on Boar lane is that it is not easily visible and it is acknowledged that the environment is poor even though it provides a covered facility. The opportunity therefore exists to remove this negative aspect and replace it with a clearly visible and integrated transport hub in City Square. The Mott Macdonald study has incorporated this into it's proposals which are set out below. The major opportunities are considered to be the ability to provide:

- A higher quality passenger waiting environment in new shelters containing real time bus information displays
- A more visible location of bus facilities especially from the railway station which would lead to greater use
- Integration between bus systems and the future NGT facility
- Integration with the facilities in front of the Rail Station where there is already a bus interchange facility, a taxi rank and the currently under construction cycle hub.

It is also important to ensure that current walk distances for passengers are not impacted upon negatively and whilst the relocation of stops will almost inevitably mean that there will be certain circumstances where a greater distance must be traveled, the objective is that the passenger has a better quality of experience. This is referred to below in the section 3.0 Accessibility Impacts.

The fact that much of this is driven by the developer of the Trinity scheme's desire to infill the undercroft also means that there will be a requirement for them to provide funding towards these works. This has been accepted by the developer and the level of this contribution will be discussed as part of the on going negotiations on this matter.

#### 3.0 The Proposals

The following comments summarise the Public Transport Operations Study and relate to the Sandersons 'Bus Service Relocation' plan attached to this report.

- The study concluded that a minimum of 5 bus stops and an NGT stop would be required on Boar Lane / City Square to replace the existing 8 stops. This allows all buses to stop once on Boar Lane / City Square, currently some buses stop twice or three times.
- The proposals create a new bus stop on Infirmary Street (H), this allows relocation of existing services from P5 and to rationalise services within Infirmary Street to place First services on stop H and primarily Arriva services on stop G to reduce conflicts.

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- Stop P5 in City Square is of importance as it will be conjoined with the NGT stop to
  provide a prominent public transport hub. This stop will be realigned to provide a
  better docking arrangement for the route 4 articulated bus service along with
  conventional services that will be a focus for services from this part of the city that
  serve St James Hospital. A high quality waiting area will be provided to serve both
  bus and NGT services, partially funded by the Trinity Quarter developer.
- Whilst there will be no change to the bus services using Park Row stops, the three stops at the southern end will have their spacing increased slightly to improve the ability of buses to dock parallel to the kerb and avoid congestion problems that currently occur with the back of buses projecting out into the through traffic lane.

In respect of Boar Lane the following stop relocations are proposed:

- Stops P7, P8 and P9 will be removed from within the undercroft area, additionally, the opportunity has been taken with the bus stop rationalisation to remove stop T3A that would need to be removed for the NGT stop.
- Stop T2 will remain as an alighting only stop in the proposals but could be used for boarding in the future if required.
- Services using Boar Lane will all now stop once on Boar Lane or City Square, some services stop twice or three times currently which is an inefficient use of the available kerb space.
- It is likely that stop T4 will be relocated to Duncan Street with the NGT proposals. This is the only change needed to the Trinity scheme.

There is a requirement for bus layover to be considered and amended. The loss of three stops increases the intensity of use of the remaining stops, currently informal lay over occurs at some stops which will be less desirable with the increased usage. To counter this, an additional layover and alighting stop will be created on South Parade that whilst not being used by services directly affected by these proposals, will increase overall capacity in the city centre.

The Trinity Quarter developer will fund the bus stop relocations including shelters and real time information boards and the necessary public information processes to assist passengers in relocation to new stops.

#### 4.0 Accessibility Impacts:

When considering the location and usage of bus stops within the City Centre Public Transport Box which would both enable the introduction of NGT and mitigate the loss of the three bus stops in the undercroft, the areas of the city centre considered to be most important in terms of ensuring accessibility was not compromised were; the Rail Station, Central Bus Station, Infirmary Street Bus Interchange, Shopping centres – Boar Lane & The Headrow, the Corn Exchange and the Markets Area.

It is considered that the proposals outlined will not have any major adverse impacts on accessibility to these locations by public transport. The recommended retention of stop P6A plays a key role in achieving this outcome. In the majority of cases, where a proposal has been made to move the location of a particular bus stop, or to move bus services from their existing stop to an alternative one, this has been achieved with little or no worsening of accessibility. In general terms, levels of accessibility have been retained within what are believed to be acceptable parameters with no passengers having to walk excessive distances to access their chosen bus stop(s).

Using accessibility to the Rail Station as an example, under the proposals for Infirmary Street, City Square, Boar Lane and Duncan Street, seven bus services would stop further away from the station, while nine services would either stop closer to the station, or the walking distance from the station would remain substantially the same. Therefore, it is considered that the proposals do not materially affect walking distances adversely. In addition, the rationalisation of bus stops in this area means it should be possible to use simpler and clearer signage to direct passengers from the Rail Station to their relevant bus stop.

#### 5.0 Metro comments

Metro have commented as follows:

- LCC, Metro and Land Securities spent a good deal of effort looking for a solution based on upgrading the existing undercroft facility, however, this proved not to be workable, and would have resulted in a sub-standard facility.
- The current conceptual proposals were taken to the West Yorkshire Integrated Transport Authority (WYITA) Members Facilities Working Group who accepted the proposal in principle, provided adequate replacement facilities are provided, those facilities are of a high standard, a communication plan is enacted to inform passengers before and during the changes, and that a reasonable contribution is secured to expand the high quality 'NGT' facility on City Square to accommodate buses and interchange.
- Metro undertook a passenger survey in spring 2009 to gauge user perceptions of a potential move out of the undercroft. The overwhelming view was that the existing facility was poor, but split 50:50 on whether a move (to better facilities) was worth marginal extra walking distances. The same survey also assessed the (actual) move from under the railway bridges on Neville Street to the new stop positions further south on Neville Street as part of the Neville Street improvement works. This concluded 75:25 that the extra walk was worth the better facilities.
- Discussions have been undertaken with Arriva and First, both agree in principle to the
  proposal and confirm the current facility is poor and works against attracting new
  users. They asked for buses to be relocated to focus buses to St James Hospital on
  City Square and as a means of protecting future capacity and flexibility asked for a
  layover to be included on South Parade.
- City Square Interchange will be a major focus for interchange between rail, bus and NGT.
- Operators want to take the opportunity to look in detail at bus stop allocations based on the proposed infrastructure.

#### **6.0 Summary and Conclusions**

The Trinity interim proposal meets the identified requirement for a minimum of five bus stops for eastbound services within the area bounded by Infirmary Street and Duncan Street to replace the eight existing eastbound bus stops on Boar Lane.

The only difference between the interim proposal and the ultimate solution to accommodate both the Trinity development and NGT is the retention of stop T4 on Boar Lane pending the construction of the NGT stop in front of Trinity Church such that the proposed new Duncan Street stop is not required during the interim period.

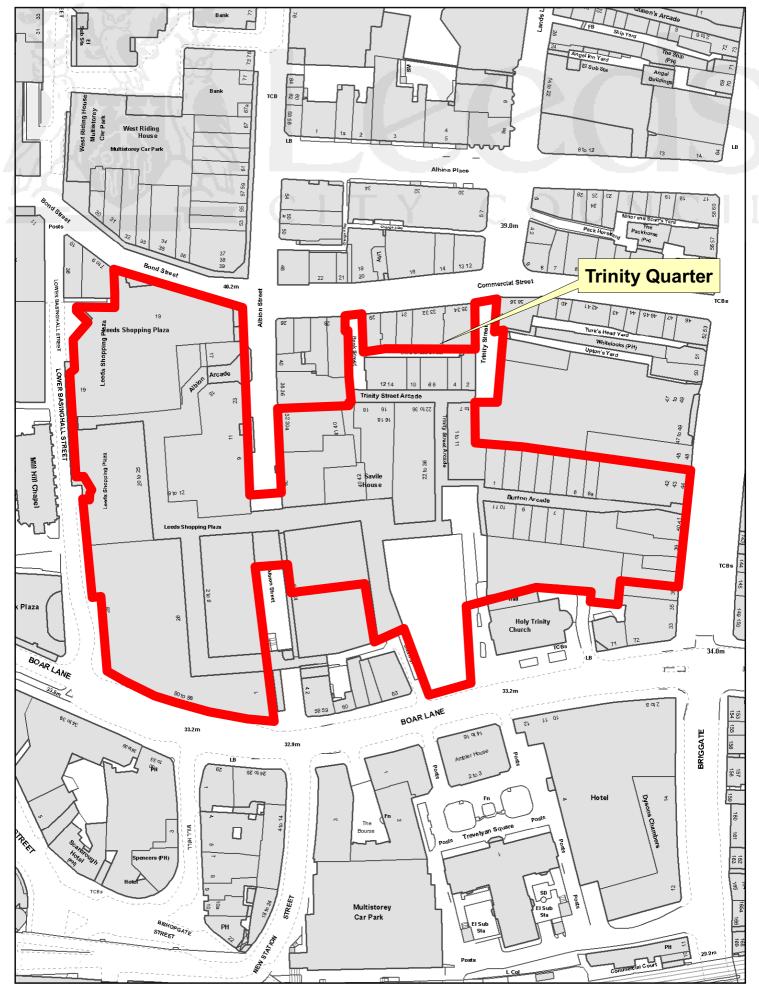
The aim of enabling the introduction of NGT, with minimal changes to the bus stops in the Trinity area being required beyond those necessary to facilitate the Trinity West development, is thus achieved.

It is considered that the interim proposals which are set out here are an improvement over the existing facilities and would also accommodate the future installation of the NGT system. The undoubted poor quality environment in the existing undercroft would be removed to be replaced by a prime retail frontage which would announce the entrance to a vastly improved retail core with Trinity at it's entrance.

A considerable amount of time and resources have been expended on this scheme and LCC, Metro, Mott Macdonald (NGT incl.), the relevant bus service providers and the developer team have all worked together to ensure that all aspects of the proposal have been considered. Members are therefore requested to note the contents of this report which would enable the scheme of development and bus relocation to proceed.

#### **Background Papers:**

The application to infill the undercroft and re-elevate the Boar Lane elevation had not been submitted at the time of writing this report



# **CITY CENTRE PANEL**







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