



PLANS PANEL (CITY CENTRE)

**Meeting to be held in Civic Hall, Leeds on
Thursday, 1st July, 2010
at 2.30 pm**

Please note the change to the start time of this meeting

MEMBERSHIP

Councillors

| | | | |
|-----------------|------------|----------|-------------|
| G Driver | C Campbell | A Carter | D Blackburn |
| S Hamilton | M Hamilton | G Latty | |
| G Harper | J Monaghan | | |
| E Nash | | | |
| B Selby (Chair) | | | |

A G E N D A

| Item No | Ward | Item Not Open | | Page No |
|---------|------|---------------|--|---------|
| 1 | | | <p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>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)</p> <p>(*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)</p> | |
| 2 | | | <p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 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.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>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:-</p> | |

| Item No | Ward | Item Not Open | | Page No |
|---------|-------------------|---------------|--|---------|
| 3 | | | <p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p> | |
| 4 | | | <p>DECLARATIONS OF INTEREST</p> <p>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</p> | |
| 5 | | | <p>APOLOGIES FOR ABSENCE</p> | |
| 6 | | | <p>MINUTES</p> <p>To approve the minutes of the Plans Panel City Centre meeting held on 26th May 2010</p> <p>(minutes attached)</p> | 3 - 8 |
| 7 | City and Hunslet; | | <p>APPLICATION 08/05307/FU - 14-28 THE CALLS LEEDS LS2</p> <p>Further to minute 52 of the Plans Panel City Centre meeting held on 3rd December 2009 to consider a further report of the Chief Planning Officer on an application for alterations and extension to form offices and A3/A4 bar restaurant development and erection of 5 storey office block with basement car parking and public landscaped area and Conservation Area Application 08/05309/CA for demolition of the Mission Hut and 28 The Calls Leeds</p> <p>(report attached)</p> | 9 - 26 |

| Item No | Ward | Item Not Open | | Page No |
|---------|-------------------|---------------|---|---------|
| 8 | City and Hunslet; | | <p>APPLICATION 09/03230/FU - ST PETER'S CHURCH AND HOUSE, CHANTRELL HOUSE, LEEDS PARISH CHURCH KIRKGATE LEEDS LS2</p> <p>Further to minute 67 of the Plans Panel City Centre meeting held on 4th March 2010 where Panel considered a position statement, to consider a report of the Chief Planning Officer on an application for change of use including refurbishment and extensions to 2 church buildings with 2 flats, to form offices and 18 flats and erect part 3 part 4 storey block comprising office and 32 flats with car parking and 09/03280/CA – Conservation Area application to demolish office and 09/033971/LI – Listed Building application for alterations for replacement gate in boundary wall</p> <p>(report attached)</p> | 27 - 48 |
| 9 | City and Hunslet; | | <p>APPLICATION 10/00923/OT - LAND BOUNDED BY SWEET STREET, MEADOW ROAD, JACK LANE, BOWLING GREEN TERRACE AND TRENT STREET LS11</p> <p>To consider a position statement of the Chief Planning Officer on an outline planning application for redevelopment of land at Meadow Road for uses within the following classes B1, D2, C1, C3 (up to 296 residential units) and ancillary A1, A3, A4 and A5 uses, including works for formation of site access roads</p> <p>(report attached)</p> | 49 - 68 |
| 10 | | | <p>DATE AND TIME OF NEXT MEETING</p> <p>Thursday 22nd July 2010 at 1.30pm</p> | |

To:
Plans Panel City Centre Members
and appropriate Ward Members

Chief Executive's Department
Governance Services
4th Floor West
Civic Hall
Leeds LS1 1UR

Contact: Angela Bloor
Tel: 0113 247 4754
Fax: 0113 395 1599
angela.bloor@leeds.gov.uk
Your reference:
Our reference: ccpp/sitevisit/
23rd June 2010

Dear Councillor

PLANS PANEL CITY CENTRE – THURSDAY 1ST JULY 2010

Prior to the meeting on Thursday 1st July 2010 there will be site visits, and I set out below the details:

Depart Civic Hall Ante Chamber at 12.15pm to go by bus to:

12.30pm – St Peter's Church and House, Kirkgate – Application 09/03230/FU
1.00pm – 14 – 28 The Calls – Application 08/05307/FU

Return to the Civic Hall for 1.30pm, for the meeting to commence at **2.30pm**

Please could you let Daljit Singh know (2478170) if you will be attending the site visits and assemble in the Ante Chamber at 12.10pm.

Yours sincerely

Angela M Bloor
Governance Officer

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Plans Panel (City Centre)

Wednesday, 26th May, 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

92 Chairs Opening Remarks

The Chair welcomed all present to the meeting and invited officers and Members to introduce themselves

93 Late Items

The Head of Planning Services reported on the circumstances of the late despatch of the agenda for the meeting. It was noted that in such instances, officers were required to put forward the special reasons to consider the business on the agenda.

Mr Sellens referred to the one item of business on the agenda – the application to extend the existing planning permission for the Eastgate & Harewood Quarter development – and explained the existing permission would expire in August 2010. He highlighted the importance to the developers of extending the time limit in terms of continued commercial interest, confidence and financial support for the proposals. There was also a pressing need to extend the time to allow the developers to continue the programme of progress, deal with the Judicial Review into the associated Compulsory Purchase Orders and complete the Section 106 Agreement.

It was noted the application had been advertised and no representations had been received. The Panel was of the view that the item should be considered.

The Chair took into account the special reasons put forward and was of the opinion that the item should be considered as a matter of urgency.

RESOLVED – That the item be considered as a matter of urgency

94 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

Application 10/01477/EXT extension of time period for application 06/03333/OT the Eastgate and Harewood Quarter (minute 96 refers):

Councillor Nash – declared a personal interest as a member of English Heritage which had commented upon the scheme

Councillors Hanley and Monaghan – declared personal interests as members of Leeds Civic Trust which had commented on and objected to elements of the scheme at the time of the original application

Councillor Hamilton – declared a personal interest as a member of the University Superannuation Scheme which had commented upon the proposals at the time of the original application

Councillor Latty – declared a personal interest as one of the Directors of a property proposed to be served a Compulsory Purchase Order was a friend

95 Minutes

Minute 90 Application 09/03829/OT Sweet Street – the Area Planning Manager stated he had incorrectly reported that no enforcement action was being taken in respect of unauthorised car parking. In fact an Enforcement Notice had been served at the site and was now the subject of an appeal
RESOLVED – That the update be noted and the minutes of the meeting held 29th April 2010 be agreed as correct.

96 Application 10/01477/EXT - Extension of time period for Application 06/03333/OT for Major Redevelopment involving mixed use to provide retail stores, restaurants, bars & offices within Use Classes A1, A2, A3, A4, A5 & B1 and housing (class C3), cinema (class D2), gym (class D2), medical centre (class D1), church drop-in facility, creche (class D1) & hotel (class C1), with associated highways works, open space, landscaping, car parking, pedestrian facilities & re-alignment of culvert, Eastgate & Harewood Quarter

The Chief Planning Officer submitted a report on an application seeking to extend the time limit for the submission of reserved matters and implementation of outline permission 06/03333/OT relating to the development of the Eastgate and Harewood Quarter. Outline permission was previously granted on 24th August 2007 and the applicant seeks to extend the time limit by 3 years.

Site plans, layout plans and photographs of the site were displayed at the meeting along with architects' drawings showing the proposed elevations and massing of the new buildings.

Officers advised the Panel of the guidance associated with the General Development Procedure Order 2009 relating to applications for extensions of time for the implementation of extant permissions. This suggested that Local Planning Authorities should take a positive view of such applications during the current economic climate and should particularly consider whether anything had materially changed since the grant of permission. Officers stated the scheme before Panel was exactly the same as that approved in 2007 and went onto highlight the key elements of the scheme.

Mr J Thorp, Civic Architect, then addressed the Panel to explain progress made on the scheme and emphasise the need to retain confidence in the delivery of the scheme.

Members noted the developer's intention to submit a further outline application containing revised development proposals for the Eastgate and Harewood Quarter which would be presented to Panel in July 2010 as a pre-application presentation.

The Panel, noting the developers were present at the meeting, took the opportunity to comment on those aspects of the existing outline permission they remained concerned about as follows:

Vicar Lane

- massing appeared to dwarf the existing bank to the Eastgate/Vicar Lane junction
- the inserts in to the buildings must complement those buildings

Eastgate

- building splay did not encompass the Appleyards roundabout as a usable space or suitable setting
- concern remained over the proposal to extend the Eastgate buildings towards the roundabout

Open space/amenity

- Members felt the Outline scheme did not create new public space and made too much use of existing open space/streets/Appleyard roundabout

Highways issues

- treatment of George Street and concern over proposals to realign the highway and possible impact of its closure for market traders who currently use this as service access to the Market
- a drop-off point required for the National Express Coach Station

Templar Street arcade

- Some Members remained concerned over the design of "caterpillar" style roof to the arcade and referred to the design of the Trinity scheme as an exemplar

Officers then highlighted key points of the new proposals which when presented in July could address Members concerns:

- Vicar Lane – the highest storeys would be set back from the front elevations in order to retain existing eaves heights to reflect those adjacent and to reduce the perceived imposing nature of the massing
- Public open space – to be relocated
- Eastgate – the proposals for inserts now deleted from the scheme and a proper setting for Appleyards roundabout incorporated
- Templar Street Arcade – the "caterpillar" roof design to be revisited and possibly to be a more conventional arc shape
- Highways issues – the new scheme deleted the undercroft servicing arrangements on George Street. Members asked for further consideration of hackney carriage rank provision. Amendments to Bridge Street would retain the current course of the highway and traffic flow around the markets was to be revised which would address traders access, allow sufficient highway length for traffic stacking and provide a coach drop-off point

Officers reminded the Panel of the complexities of the scheme and the need to retain developer and financial confidence in the delivery of the scheme. Furthermore, the scheme before them now and the city landscape itself was exactly the same as in 2007, and Members must have regard to those issues when considering the Guidance on this application for an extension of the time limit

RECOMMENDATION - That the application be approved in principle and be deferred and referred to the Secretary of State for the Department of Communities and Local Government as a Departure from the Statutory Development Plan and for consultation under the Town and Country Planning (Consultation) (England) Direction 2009, and final approval be delegated to the Chief Planning Officer subject to the specified conditions as detailed in Appendix 1 of the submitted report (such conditions being the same as those attached to the original outline consent (updated as appropriate)) (and such other conditions which he might consider appropriate) and the completion of a Section 106 Agreement to cover the following matters (such matters being the same as those obligations agreed with the original outline consent);

- affordable housing provision
- public realm provision
- access and maintenance
- greenspace contribution
- contribution to education
- employment and training initiatives
- use of Templar House
- re-use of railings
- provision of travel plans
- public transport contribution
- highway requirements
- retail delivery

should the Secretary of State decide not to call in the application for determination.

In the circumstances where the Secretary of State has decided not to call in the application and the Section 106 has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

97 Date and time of next meeting

RESOLVED – To note the date and time of the next meeting would fall within the new Municipal Year and was proposed as 24th June 2010 at 1:30 pm

98 Chairs Closing Remarks

The Chair noted this was the last Panel meeting of the 2009/2010 Municipal Year and that membership of the Panel may change after the forthcoming Annual Council meeting. Councillor Hamilton expressed his thanks to Panel members and officers for their hard work to ensure the production of excellent schemes for Leeds

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Originator: Tim Hart
Tel: 3952083

Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 1st JULY 2010

Subject: Applications 08/05307/FU - Alterations and extension to form offices and A3/A4 bar restaurant development and erection of 5 storey office block with basement car parking and public landscaped area 14-28 The Calls; and 08/05309/CA - Conservation Area application for demolition of the Mission Hut and 28 The Calls, Leeds

| APPLICANT | DATE VALID | TARGET DATE |
|-------------------------|-------------------|--------------------|
| Bracken Ltd and CDP Ltd | 14 November 2008 | 13 February 2009 |

Electoral Wards Affected:

City & Hunslet

No Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Application 08/05307/FU : DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions (and any others which he might consider appropriate) and the completion of a Section 106 agreement, to include the following obligations; index linked public transport contribution; travel plan and monitoring fee £4000; car club trial membership £7625; provision of on-street car club space and compensation for loss of revenue; management and accessibility to public areas; employment and training initiatives, monitoring fee. In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

Application 08/05309/CA – GRANT CONSENT subject to the specified conditions.

Application 08/05307/FU Conditions

1 3 Year Time Limit

- 2 Notification of Commencement
- 3 Details of levels including Ordnance Survey Data
- 4 Details of phasing including demolition and construction.
- 5 Archaeological recording.
- 6 Retention/restoration of existing street and building signs.
- 7 1:20 details.
- 8 Details of walling, roofing and facing materials.
- 9 Sample panel of all external facing materials.
- 10 Details and samples of surfacing materials.
- 11 Off-site pedestrian crossing to be delivered before first use of development.
- 12 Details of contractor's storage and parking.
- 13 Details of methods to control dirt, dust and noise during construction.
- 14 Hours of construction 0800-1800 Mon-Fri and 0900-1300 Sat only.
- 15 Cycle, motorcycle and disabled person's parking provision.
- 16 Parking areas to be laid out and drained.
- 17 Details of hard and soft landscaping including lighting, decorative grilles, car park and pedestrian gates, steps, ramp and riverbank railings.
- 18 Implementation of landscaping scheme and retention of lift.
- 19 Details of method, storage and disposal of refuse.
- 20 Contaminated land measures should unexpected contamination be encountered.
- 21 Separate system of foul and surface water drainage.
- 22 Details of foul and surface water drainage.
- 23 Provision of oil interceptor.
- 24 No building within 3m of sewer.
- 25 Development completed in accordance with approved flood risk assessment.
- 26 Piling and foundation design.
- 27 Floor levels no lower than 26.7m AOD.
- 28 No structures with 3.0m of the top of bank or watercourse along the boundary of the site.
- 29 Details of extract ventilation.
- 30 Details of air conditioning.
- 31 Details of flue pipes, extract ventilation or other excrescences to be located to the side or roof of the building.
- 32 Provision of a grease trap.
- 33 Specified entertainment noise levels.
- 34 Specified non entertainment noise levels (eg plant and machinery)
- 35 Opening hours of the A3/A4 use : 0800-0200 hours Monday to Saturday, 1000-0100 hours Sunday.
- 36 External areas not to be used after 2200 hours - management details to be submitted including no external speakers, no external entertainment and closure of gates at 2230 hours.
- 37 Deliveries 0800-1800 hours.
- 38 Removal of permitted development rights to A1.
- 39 Reinstatement and restoration of site should development for any reason cease.
- 40 Measures to be agreed to ensure 10% of energy is from decentralised and renewable or low-carbon energy sources.
- 41 Development to be in accordance with approved plans.

Application 08/05309/CA Conditions

1. Time limit for commencement of development.
2. No demolition until contract signed for redevelopment.
3. Archaeological recording prior to demolition.

Reasons for approval:

Application 08/05307/FU

The application is considered to comply with policies GP5, N12, N13, N19, T2, T5, T6, A4, CC3, CC5 and CC28 of the UDP Review; RSS policies YH4, YH7, E2, E3 and ENV5 as well as guidance contained within Leeds City Centre Urban Design Strategy; PPS1, PPS5 and PPS25 and having regard to all other material considerations the application is recommended for approval.

Application 08/05309/CA

The application is considered to comply with policies N18A and N18B of the UDP Review and PPS5 and having regard to all other material considerations the application is recommended for approval.

1.0 INTRODUCTION

- 1.1 This is a large riverside site that has an extant permission for a mixed use residential, office and A3 development approved in April 2007 (20/262/03/FU).
- 1.2 The current scheme was first presented to Panel in December 2007 at pre-application stage. A planning application was submitted in November 2008 and revisions to the scheme were presented to Plans Panel as part of a Position Statement on 18th June 2009. Following the receipt of revised plans a further report was considered by Panel on 3rd December 2009. Members were of the view that the scheme was much improved and commented on the following matters:
 - The alignment of the windows and the side elevation of the Warehouse Hill building;
 - The use of blue brick, particularly on the Atkinson Building, appeared too harsh;
 - The importance of the stone plinth;
 - Accessibility around the site and the number of car parking spaces for people with disabilities;
 - The impact of the scheme on residential units at 32 The Calls and possible restriction of hours of use to 1.00am, with no outside use after 10.30pm;
 - Concerns about flooding; and
 - The need for railings along the riverside.
- 1.3 Officers were requested to submit a further report for determination in due course which provided details on the viability of the public transport contributions; to address design issues and the outlook from 32 The Calls; to provide comments from Licensing and Environmental Health; to confirm that the level of disabled parking was in accordance with the UDP (Review); to comment on flooding issues and the provision of railings along the riverside. These matters are addressed in the Appraisal section.
- 1.4 Following the December 2009 Panel meeting the design team considered comments received from Members, residents and officers in detail. As a result the proposals for the Atkinson Building adjacent to 32 The Calls have been revised once more. At December Panel it was reported that the building had been modified by setting it a little further from the boundary and reducing its projection. The current proposals include a more significant reduction in the projection of the building. At the same time glazing and louvres on the elevation alongside 32 The Calls have been

replaced with a more solid format with a design echoing that of the Warehouse Hill building. Other design changes include the replacement of the blue brick with a rustic red/blue brick, a subtle refinement of fenestration on the Warehouse Hill building, and the introduction of railings along the river's edge.

2.0 PROPOSAL

2.1 The revised scheme involves the refurbishment of 20 to 24 The Calls and the construction of 2 distinctive new build blocks to form 5070m² of B1 office accommodation and 1496m² of A3/A4 floorspace, with underground car parking, cycle and motorcycle facilities. The buildings frame a large south facing space which incorporates ramps, staircases and a public lift to allow movement between the levels. The scheme is formed by the following actions:

- Demolition of 15-18 and 28 The Calls and The Mission Hut. Physical gaps are created at both points to create river views from The Calls and from the Corn Exchange and to encourage public access into a large area of public realm.
- 20 to 24 The Calls is a three/four storey, red brick former warehouse. This building is proposed to be retained as part of the proposed scheme. The former warehouse building will be refurbished as A3/A4 at ground and lower ground floor levels with two levels of offices above.
- The construction of two contemporary blocks situated towards the east and west fringes of the site. The west block (Warehouse Hill Building) occupies the site of 18 The Calls and projects at a right angle along the front of 2 to 12 The Calls. The building would contain 5 levels of office accommodation over a lower ground parking area. The building plan follows the natural bend in the river and would sit on a stone plinth. The building has a vertical emphasis expressed by the window proportions and brickwork arrangement. The verticality is reinforced by the projecting frame of the southern extent of the building element which runs through from The Calls. The glazed top floor of the building is cut back from the southern elevation and continues in a straight plane. The roof form is clearly defined and is capped by a copper cover which wraps over an elevated eastward extension of the building. The ground and first floor of the building on The Calls would be set back on a splay to create a double height void. As with the associated projecting riverside element the elevation is fully glazed and framed in brick. The return element to this part of the building would be constructed in a red/blue rustic brick with fenestration set in deep reveals. Lower levels would utilise expansive areas of glazing.
- The east block (Atkinson Building) is proposed on the site of 28 The Calls. The building projects southwards towards the river and at lower levels across the southern elevation of 20-24 The Calls. The building would be 4 storeys in height fronting The Calls and utilises the fall in levels to form a lower ground floor level facing the river. The building form has been significantly changed since December 2009 Panel. The building has been cut back 6 metres such that it would align with the upper terrace. The eastern elevation, perpendicular to 32 The Calls, is redesigned with the replacement of etched glazing and slot office windows above by an elevation comprising brickwork and copper cladding over a stone plinth. Glazing on this elevation would be limited to windows at office level with views solely towards the river. A lower link would abut 32 The Calls over a 3-4 metre wide route providing pedestrian access from The Calls to the lower terrace area.

- Basement car parking for 50 cars, including 3 disabled spaces, 12 cycle parking spaces and 4 motorcycle parking spaces. These facilities are accessed from Riverside Court and is located primarily beneath the Warehouse Hill Building. The basement includes storage, shower and changing facilities for cyclists.
- A “Very Good” BREEAM rating will be achieved for the buildings through location and travel considerations, selection of materials, solar orientation, high levels of thermal insulation and selection of maximum energy efficiency mechanical and electrical installations, including a system of water heater solar collectors at roof level and other devices to minimise energy consumption.
- The formation of a street level terrace and large area of public realm primarily located along the southern side of 20-24 The Calls. The primary pedestrian access would be in the existing position of 18 The Calls opposite Crown Street. This would lead to the upper terrace. The space would be linked to the lower terrace by steps, a ramp and a public lift. A new riverside footpath would be formed from Riverside Court and access would also be provided down steps adjacent to 32 The Calls to complete the circuit thereby ensuring no dead ends. Public areas and walkways would be appropriately lit. Gates are identified at each of the three access points into the public realm. The gates would be closed at 2230 hours. Railings have now been identified along the river edge.

2.2 The application is supported by the following documents:

1. Design and Access Statement (revised April 2009, November 2009, May 2010).
2. Planning Statement.
3. Flood Risk Assessment.
4. Travel Plan (revised June 2010).
5. Sustainable Development Design Proposals.
6. Bat survey.
7. Sunlight Study.
8. Justification for the demolition of 28 The Calls.
9. Statement of Community Involvement.
10. Land Contamination Report.
11. Transport Assessment.
12. Noise report.

2.3 Section 106

At Panel in December 2009 officers reported that issues regarding viability of the scheme had been belatedly raised by the applicant and consequently that Section 106 contributions may need to be reviewed before a decision could be taken. However, given that it is unlikely that the scheme would be implemented in the immediate future the applicant has accepted that the Section 106 will include the components set out below. A clause would be inserted within the agreement that would enable the applicant to submit a request to the Council prior to the development commencing to review the contributions in light of the viability of the scheme at that time. The request would need to be accompanied by a full financial appraisal and a fee to enable the Council to consider the appraisal.

- Index linked public transport contribution, including £50,000 - £60,000 for the provision of a controlled pedestrian crossing on The Calls. The public transport

contribution sum was not available at the time when this report was finalised but will be reported verbally to Panel.

- Travel Plans with monitoring fee of £4000. Reference to the provision of Leeds City Council Car Club parking spaces and free trial membership package of £7265 for the development.
- Public access and management of the external areas.
- Standard employment and training initiatives.
- A £600 monitoring fee for each clause that requires administration /management/monitoring.

3.0 SITE AND SURROUNDINGS

- 3.1 The application site is located within the City Centre Conservation Area and within the Riverside Area as identified in the UDP Review 2006. The site contains a number of buildings originally built to serve trade on the river.
- 3.2 The existing buildings fronting The Calls are of traditional design and appearance, with the rear elevations onto the riverside being functional and plain in appearance. The open wharf previously housed a storage shed and is now used for surface car parking for offices at 2 to 12 The Calls. There is no public access to the site at present.
- 3.3 A number of buildings have been neglected, appearing rundown and adversely affect the appearance of the area and the character and appearance of the City Centre Conservation Area. In particular, 18 The Calls has been derelict for a number of years, and is in a precarious state, supported by scaffolding. There is an extant consent for its demolition.
- 3.4 28 The Calls is a small warehouse building, possibly the earliest surviving building on The Calls. However, it was significantly altered in the 20th Century including rendering of the original brick skin both to the front and rear elevations and alterations of window openings. Internally the structure was drastically altered and only the original roof trusses and beams survive. Further discussion regarding this building is contained within paragraph 10.4 below.
- 3.5 The Mission Hut is a stone built former Chapel building used by the Leeds canal and waterfront workers in the 19th and early 20th Century. The building has fallen into disrepair and has no viable function at present. There is an extant consent for its demolition. 18 and 28 The Calls and The Mission Hut are proposed to be demolished as part of the proposed scheme.
- 3.7 2 to 12 The Calls to the northwest of the site was occupied by Thistle Hotels as its administrative centre and storage facility until 2002. Application 07/01174/FU secured refurbishment of the buildings to be used as offices. The refurbishment is complete and the building is now occupied.
- 3.8 32 The Calls is located on the eastern fringe of the site. The listed building comprises a 6 storeys fronting The Calls and 7 storeys to the riverside. The building primarily contains apartments. The Aire Bar is situated at lower level within the building with an open balcony area extending towards the river. Buildings on the southern side of the river facing the application site are primarily in residential use, including Navigation Walk. However, in common with the wider riverside area there is a mix of leisure, office and residential use.

4.0 RELEVANT PLANNING HISTORY

- 4.1 Application 20/262/03/FU was approved in April 2007 for redevelopment of the site to provide 74 apartments, offices and A3 bar and restaurant uses. This scheme was similar in scale to the current proposal albeit the distribution and form of the buildings was different. The scheme also involved the demolition of 14-16 The Calls, 18 The Calls and The Mission Hut. This consent is extant until April 2012.
- 4.2 20/261/03/CA: Conservation area application to demolish storage buildings (14 to 16 The Calls and The Mission Hut). This consent is extant until 03.01.2011.
- 4.3 20/591/01/LI: Listed building application to demolish building at 18 The Calls. Approved 28.12.05. This consent is extant until 28.12.2010.
- 4.4 A study of the hours of use of A3 and A4 premises in the locality has been submitted. This shows a wide variation in permitted closing times from 12 midnight Monday to Thursday at Aire Bar, 32 The Calls to 5am Friday to Sunday at The Oracle, Brewery Wharf.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 In December 2007 Members received a pre-application presentation regarding the scheme presented today. Members commented that the heights of the proposed new build element related to heights of existing buildings in the vicinity; considered the flood protection proposals; reviewed the relationship between the west building and 2 to 12 The Calls; and raised concerns that noise issues could arise from the A3 uses. Members also commented that the route to the east of the eastern building needed to be of sufficient width to provide suitable public access and to justify removal of 28 The Calls.
- 5.2 As noted above the scheme was presented to Panel in June 2009 in the form of a Position Statement. A series of workshops commenced shortly after the June meeting with a view to addressing concerns raised. In July Leeds Civic Trust commented on the proposals. The Trust indicated that whilst the overall massing was not inappropriate the solution may be the introduction of some verticality or greater solidity in the elevations, particularly that facing the river.
- 5.3 In response to the comments of Members, and other stakeholders including the Civic Trust, further workshops involving the Civic Architect were held during summer and autumn 2009. The design team responded by creating a stronger architectural form that is more contextual in the following ways:
- Opening up the views of the River Aire from The Calls by altering the form and extent of the Warehouse Hill Building's overhang and removing the columns.
 - Improving the relationship and connection with The Calls by reorganising the entrance arrangement to the Warehouse Hill building.
 - Improving the openness of the public space by remodelling the arrangement of space within the Atkinson Building.
 - Improving the visual link from the eastern "contemplative space" close to 32 The Calls and reducing the perceived risk of anti-social behaviour.
 - Reducing the impact upon occupiers within 32 The Calls by adjusting the footprint of the Atkinson Building whilst at the same time increasing the width of the public route.

- Transformation of the architectural expression of the Warehouse Hill Building introducing vertical emphasis to the frontage facing the river; the introduction of a stone plinth to provide a strong base to the building and the clear definition of the roof form expressed by a floating façade of copper.

5.4 The revised proposals were considered by Panel in December 2009. Members' comments are reported at paragraph 1.2 above. Subsequently, the design team have made further changes to the scheme in response to Panel's, public and officers' comments.

6.0 PUBLIC/LOCAL RESPONSE

6.1 Site notices were initially displayed on 19th November 2008 and the application was advertised in the Press on 27th November 2008. Site notices relating to revised plans were erected on 6th May 2009 and subsequently on 25th November 2009 when residents were also informed of changes to the scheme by letter. Representations were received from local residents and the Leeds Apartment Residents Association, the Aire Bar and Leeds Civic Trust.

6.2 In May 2009 Leeds Civic Trust stated that they did not have significant concerns regarding the overall form and content of the scheme. However, they were concerned that the change in materials, the flat roof and the horizontality of the glazing resulted in the principal building looking like an ugly 1960s multi-storey car park. Concerns regarding design quality were reiterated in a letter of July 2009. In November 2009 the Trust stated that design was a significant improvement and many earlier issues had been addressed. As such, they supported the project as envisaged but wished consideration be given to the junction of the stone plinth and brickwork; the opportunity for more greenery; the need to ensure there would be no external plant; and attempts should be made to link the site to balconies at 32 The Calls.

6.3 Local Residents comments up to December 2009:

6.3.1 19 letters of objection and two petitions were submitted in response to the original proposals:

1. Poor Design including the following observations:
 - Historical buildings run linearly to the river - the new blocks will be at right angles blocking views of the river and of 32 The Calls.
 - The proposed building is much bulkier than in the previously approved application.
 - The pyramid is a wasted opportunity to create soft landscaping in this area.
2. Loss of view from 32 The Calls.
3. Loss of light and privacy to apartments of 32 The Calls.
4. Public Safety particularly regarding access to the east of the proposal
 - Public access areas are fraught with potential dangers.
 - Public access areas have potential for anti social behaviour after dark. There should not be 24 hour access.
5. Loss of amenity from noise and disturbance from the proposed A3/A4 use including:
 - Late night entertainment and alcohol consumption and its effect upon the residential amenity of 32 The Calls. A 3am licence is not acceptable. The Aire Bar, Oracle etc have late licences until 1am but outside areas must be vacated by 10.30pm.
 - Use of outdoor terraces should have a restriction i.e. until 10.30 pm.

6.3.2 A letter was received supporting the demolition of the Mission Hut and redevelopment of the site.

6.4 Response to current proposals

6.4.1 Revised plans were received on 13th May 2010. The application was readvertised by sending letters to all original contributors on 13th May and site notices were erected on 19th May 2010.

6.4.2 Leeds Civic Trust (14th June 2010) support the principles of the project and state that the pulling back of the eastern block is a significant improvement. The Trust suggest that the scheme may be improved by wrapping copper around the western façade. They also refer again to the detailing of the stone plinth junction with other materials; the potential for more greenery, and the need to avoid external plant.

6.4.3 One letter of objection has been received in response to the current proposals. It is suggested that the proposals are much improved but objections remain to the use of the lower terrace area for drinking or dining. It is also suggested that the pedestrian access alongside 32 The Calls would be detrimental to the amenities of apartments within that building if access is provided 24 hours a day, 7 days a week.

7.0 CONSULTATIONS RESPONSES

Statutory:

7.1 Highways:

Car parking, motorcycle parking and cycle parking is acceptable. A traffic controlled pedestrian crossing on The Calls in the vicinity of Crown Street is required to provide a safe route between the proposed development and the city centre. Conditions regarding travel plans, off-site highway works and contractor's arrangements during construction are recommended.

7.2 Environment Agency:

No objections subject to conditions.

7.3 Yorkshire Water:

No objections in principle to the site layout details.

7.4 British Waterways:

Welcome the proposed development, an improvement to the previously approved scheme. A further improvement would be removing the gated access on the west boundary. Glazed frontages to the commercial ground floor properties are welcomed; however, the façade of the ground floor car parking offers a relatively dead frontage. Waterside barriers like railings should only be used where there is a high-perceived risk of falling into the water or where there is restricted space along the waterside.

Non-statutory

7.5 Transport Policy:

A framework Travel Plan is required for all the office units and a finalised Travel Plan for the bar/restaurant uses.

7.6 Contaminated Land Team:

Do not require any additional soil sampling to be undertaken, unless any visual and or olfactory contamination is encountered during the additional geotechnical investigations. The site investigation so far has encountered no significant contamination.

7.7 Access:

The disabled person's parking spaces are now well designed and located and are sufficient in number. Entrance arrangements into buildings complies with Part M of the Building Regulations. It is excellent that level access is provided between the upper and lower terrace. Detailed design of the external steps and ramp should be the subject of a condition.

7.8 Land Drainage:

A Flood Risk Assessment was completed for this site with recommendation for flood defences in line with the Environment Agency's proposal for flood defence in the area. Standard Land Drainage conditions should be applied.

7.9 Public Transport Contribution:

A contribution towards the cost of providing strategic public transport is required in accordance with the Supplementary Planning Document. In this case a contribution of £225,373 should be sought. (It should be noted that this figure related to a larger scheme and that officers will report a revised figure to Panel).

7.10 Environmental Protection Team

There is potential for noise breakout from the restaurant/bar, noise from plant and from patrons using outside terraces. A noise mitigation scheme may propose that plant can meet satisfactory criteria. Music breakout could be controlled by having an effective lobby to doors, playing music at low levels or not having music. It may be more difficult to deal with noise from patrons using external areas. Limiting use of the outside area for eating and drinking to a 2200 hours finish would help to reduce the potential for disturbance, as would a requirement for no external speakers although it is not possible to say that this would be enough to prevent complaints. Conditions are recommended regarding acceptable noise levels for entertainment noise and noise form sources such as plant and machinery.

7.11 Entertainment Licensing

Entertainment Licensing have been consulted throughout the planning process. A premise licence would be required. The Principal Licensing Officer (14.6.10) confirmed that the Licensing Section cannot put forward conditions on applications but that Environment Noise are likely to require conditions similar to the ones identified in the proposed planning conditions.

7.12 City Services:

No objections.

7.13 Metro:

Metro welcomes the development and the restrictive approach to parking for the site. In order to prevent excessive private vehicle use at the site, the measures contained within the travel plan must be enforced.

7.14 Police Architectural Liaison Officer:

Due to the site's location, security is a key element in the design process. Access control, controlled riverside access, lighting and landscaping should be taken into account.

7.15 West Yorkshire Archaeology Advisory Service:

WYAAS recommend that archaeological evaluation by means of trial trenching be undertaken along the street frontage once any proposed demolitions have taken place together with an appropriate degree of archaeological investigation and recording as necessary, with the nature and extent of this investigation to be based on the results of the evaluation. WYAAS further recommend that archaeological work in the form of an archaeological watching brief during construction works be undertaken in the southern portion of the site.

7.16 In February 2010 CABE confirmed that they did not wish to comment on the application.

8.0 PLANNING POLICIES:

8.1 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.

YH4 Regional cities

A Regional cities should be the prime focus for ...leisure...and cultural facilities in the region.

B Regional cities will be transformed into attractive and safe places by developing a strong sense of place with a high quality of public realm and buildings within a clear framework of routes and spaces (2).

YH7 Location of development

This identifies the need for a sequential approach giving first priority to the re-use of previously developed land and buildings and making effective use of existing transport infrastructure and capacity.

E2 Town centres and major facilities

A The centres of Regional Cities ...should be the focus for leisure, entertainment, arts, culture, tourism across the region.

- B Development, environmental enhancements and accessibility improvements should take place to create a distinctive, attractive and vibrant sense of place and identity for each centre.

E3 Land and premises for economic development.

Plans and investment decisions should make use of appropriately located previously developed land.

ENV 5 Maximise improvements to energy efficiency and increases in renewable energy capacity.

- A Reduce greenhouse gas emissions, improve energy efficiency and maximise the efficient use of power sources.
- B Maximise renewable energy capacity by (3) promoting greater use of decentralised and renewable or low carbon energy; for developments of more than 1000m² at least 10% of energy secured from decentralised and renewable or low-carbon sources.

It should be noted that the Government has recently stated that the RSS may be withdrawn at some point in the near future. However, it currently remains part of the Development Plan.

8.2 Leeds Unitary Development Plan (Review 2006)

The site is located in the City Centre Conservation Area and the Riverside Proposals Area as defined by the Leeds City Council Unitary Development Plan Review 2006. In the Riverside Area no predominant land use is sought (CC28). The Warehouse Hill proposal area (27a) statement indicates that the site provides a major opportunity to combine new building and public space with conservation of adjoining buildings. A significant element of leisure and tourism uses is particularly suitable. Further, leisure uses are encouraged to spill out into the public space part of the area.

8.2.1 Relevant policies include:

- GP5 All planning considerations
- GP11 & 12 Sustainable Design
- BD4 Mechanical plant should be contained within the building
- BD5 Ensure a satisfactory level of amenity for occupants and surroundings.
- BD6 All extensions and alterations should respect the scale and form of the host building.
- 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
- N16 Extensions to listed buildings should relate sensitively to the original buildings. In all aspects of their design, location, mass and materials, they should be subservient to the original building.
- N17 Wherever possible, existing detailing and all features, including internal features, which contribute to the character of the listed building should be preserved, repaired or if missing replaced. To the extent that the original plan form is intact, that plan should be preserved where it contributes to the special character and appearance of the building.

- N18a Presumption against demolition of buildings or parts of buildings in the Conservation Area that make a positive contribution to the character and appearance of the Conservation Area.
 - N18b Consent for demolition in Conservation Areas will not be given unless detailed plans for the redevelopment of the site have been approved. Such permission will be subject to a condition that demolition shall not take place until a contract for the approved scheme of redevelopment has been let.
 - N19 All new buildings and extensions within or adjacent to conservation areas should preserve or enhance the character or appearance of the area
 - CC3 The identity and distinctive character of the city centre will be maintained by: a) Protecting the building fabric and style b) Encouraging good innovative design and c) Upgrading the environment where necessary.
 - CC5 Development in the City Centre Conservation Area.
 - CC10 Public space requirements
 - CC28 In the Riverside Area a range of land uses is encouraged to ensure vitality throughout the day.
 - T2 Development shall be; a) served adequately by existing or programmed highways or by improvements to the highway network; and b) Adequately served by public transport c) Adequate cycle facilities.
 - T5 Satisfactory provision for pedestrians and cyclists.
 - T6 Satisfactory access and provision for disabled people and other people with mobility problems will be required within highway and paving schemes, and within new development.
 - 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

8.3 Supplementary Planning Guidance

City Centre Urban Design Strategy September 2000 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. It is considered that the proposals would meet these objectives as described in the Appraisal section below.

Leeds Waterfront Strategy 2002 (Review 2006) guides the regeneration of Leeds Waterfront through use, links and appropriate environmental enhancement.

Public Transport Improvements and Developer Contributions SPD identifies where development will need to make a contribution towards public transport improvements or enhancements.

National Planning Guidance

PPS1 Delivering Sustainable Development and Climate Change Supplement
 PPS4 Planning for Sustainable Economic Growth
 PPS5 Planning for the Historic Environment
 PPG13 Transport
 PPS25 Planning and Flood Risk

9.0 MAIN ISSUES

Principle of the development
Design
Residential amenity
Demolition of 28 The Calls
Highways
Section 106

10.0 APPRAISAL

10.1 Principle of the Development

Applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

The site is located within the city centre and constitutes previously developed land and buildings which are largely vacant and inefficiently used. The site benefits from permission for a multi-level mixed use development of residential, office and leisure development with basement parking. The principle of the uses and general scale of the development have therefore been previously established and that consent remains extant.

The Unitary Development Plan (Review) Riverside proposals area (CC28) and the related Warehouse Hill statement seek a range of uses in this location to ensure vitality throughout the day; to create a significant publicly accessible riverside space; and to encourage leisure uses to spill out into the public space. The proposed leisure and office uses are entirely in accordance with these objectives. The large area of public space accords with policy CC10. The proposals are in accordance with the Unitary Development Plan (Review) and also the aims of the Waterfront Strategy which seeks to increase the vitality of the area and to introduce pedestrian access to and along the river corridor. RSS policies emphasise the role of Leeds as the regional centre (YH4), recognising the role of the city in delivering employment and leisure uses in sustainable locations (YH7). The scheme accords with those priorities. The principle of the development is therefore in accordance with the development plan.

10.2 Design

In December 2009 it was reported that the form of the Warehouse Hill Building had been strengthened creating a contemporary but contextual response to the location. The use of a stone plinth creates quality and a suitable base for the building, whilst integrating well with the public space to the east. Verticality has been successfully introduced into the building to provide references back to the traditional warehouse vernacular. The top floor has been addressed through positioning and materials. The use of patinated copper cladding which wraps over onto the east elevation adds quality. Visual connections to the site and the river were previously improved by cutting back the elevated eastern projections to the Warehouse Hill Building and by rearranging the frontage of the building to encourage movement into the site. Members commented that the scheme was much improved.

In response to comments made by Plans Panel in December 2009 there have been further design refinements:

- The fenestration to the Warehouse Hill Building has been subtly amended by aligning the window jambs and stone mullions to create a more rationalised elevation.
- The proposed blue-black brick has been replaced with a rustic, variegated red-blue brick to provide a less harsh, more contextual response to the location.
- In conjunction with a significant reduction in the projection of the Atkinson Building the eastern elevation, perpendicular to 32 The Calls, is redesigned with the replacement of etched glazing and slot office windows above by an elevation comprising brickwork and copper cladding over a stone plinth echoing details on the Warehouse Hill Building. At the same time the building form sits comfortably with the riverside context.
- Suitably designed railings are now proposed across the length of the riverside boundary.
- The buildings and landscape design fully incorporate the requirements of the Environment Agency and Land Drainage in response to potential flooding issues. Buildings, other than the basement car park which is to be flood resilient and protected to a 1 in 100 year flood level, will be protected up to 1 in 200 year flood events. The scheme is consistent with the proposed Leeds Flood Alleviation Scheme.

10.3 Residential amenity

- 10.3.1 Subtle modifications to the scale of the Atkinson Building adjacent to 32 The Calls were reported to Plans Panel in December. Whilst Panel did not comment that building mass had an unacceptable impact on neighbouring uses officers were requested to review the outlook from 32 The Calls. Changes to the materials in this elevation are referred to above. Additionally, revised proposals include a more significant reduction in the projection of the building by 6.0m. As such, the building now projects 7m (originally 15m) beyond the rear elevation of 32 The Calls at a distance of 2.9m (originally 2.2m). Consequently, the extent of impact of the building on neighbours to the east would be much reduced.
- 10.3.2 Concerns were previously raised regarding the potential for overlooking. In conjunction with changes in materiality and scale, windows on the eastern elevation of the Atkinson Building would be limited to directional windows at office level with views solely towards the river. At the same time balconies across the southern elevation of this building have been removed.
- 10.3.3 The removal of glazing in the side elevation and balconies from the southern elevation of the Atkinson Building help to remove the potential disturbance from the lower ground and ground floor uses. Suitable conditions will ensure that noise from within the building is adequately mitigated by a combination of building design and management control. The external areas on the upper and lower terrace identified for eating and drinking have also been clearly identified. No amplified music or external entertainment will be permitted in this area and the operator will be required to clear patrons from this area by 2200 hours. Small zones identified for smoking will be located in positions where any noise transmission would be buffered by buildings.
- 10.3.4 Gates around the development will be closed at 2230 hours thereby helping to control movement and potential for anti-social behaviour. There is a range of approved opening hours for A3/A4 uses in the area. Given management proposals for the open space within the development it is considered that restricting internal areas to closing at 0200 hours would be reasonable.

10.4 Demolition of 28 The Calls (Atkinson Building)

It is suggested that 28 The Calls is a building with late 18th/early 19th century origins. It is probably the earliest building surviving on The Calls and is of interest as the last surviving small warehouse building served from the river. However, it is greatly altered externally and, as an unlisted building, it is the external appearance that the building is judged on. The original brick skin has been rendered and the window openings have been altered, taking on a classical *palazzo* guise. The rear of the building has also been rendered but without the architraves and string courses that mark the front elevation. It has lost its original appearance and the new appearance has neither group value nor makes a strong contribution to the Conservation Area in its own right. The contribution of 28 The Calls to the conservation area is neutral to slightly positive.

Information on the viability of retention and the argument in favour of demolition to allow access to the riverside and circulation through the new public space has been provided. It is not possible to adapt or reuse the building without major reconstruction, which is un-economic, and would change the building form yet further. The design of the replacement building has been considered at length and the opinion of the Local Planning Authority is that it will be a high quality infill which will enliven The Calls frontage and also provide opportunity for a public access route into the site.

The demolition of The Mission Hut and 14-16 The Calls have been previously agreed through earlier consents and their removal also formed part of the previously agreed scheme. Their removal continues to be justified by the benefits of the current proposals.

10.5 Highways and access

The principle of the recently refurbished 2 to 12 The Calls offices and the proposed office/A3 uses sharing car parking at basement level is acceptable. The amount of parking also reflects current standards. 5 disabled persons parking spaces have been provided in a good location within the car park. The amount of disabled persons parking is now acceptable. Appropriate cycle and motorcycle parking will also be provided. Within the site level access into buildings will be provided. As noted by the Access Officer (paragraph 7.7), the provision of a public lift provides level access across a site where there is a significant change in levels. Beyond the site boundary a traffic controlled pedestrian crossing on The Calls in the vicinity of Crown Street will be delivered which will provide a safe route between the proposed development, and the city centre and assist with wider connectivity in the area.

10.6 Section 106

A draft Section 106 Agreement has been submitted. The S106 includes the following:

- Public transport contribution including the provision of the controlled pedestrian crossing on The Calls.
- Travel Plans with monitoring fee of £4000.
- Provision of Leeds City Council car club on-street parking space and compensation for loss of pay and display revenue £9000.
- Free trial membership of car club of £7265 for the development.

- Standard employment and training initiatives.
- Management and accessibility to public areas.
- £600 monitoring fee for clauses that require administration/management/monitoring.

The Section 106 obligations are compliant with the Community Infrastructure Levy Regulations 2010 Statutory Tests.

11.0 CONCLUSION

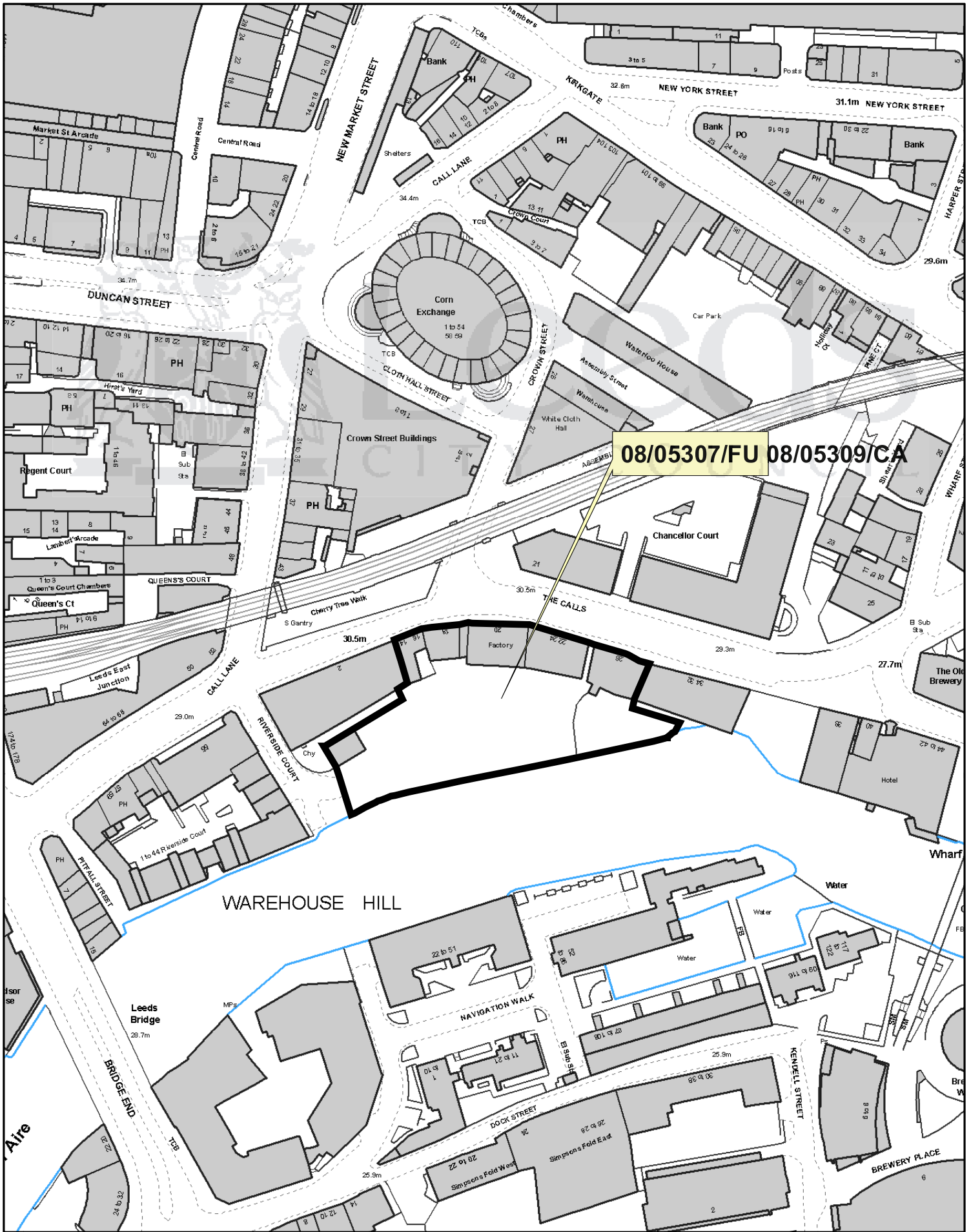
- 11.1 Through the viability study and the quality of the proposed scheme the applicant has provided suitable justification for the demolition of existing buildings within the site whilst retaining and refurbishing 20-24 The Calls. Consequently, subject to an appropriate condition regarding the implementation of the redevelopment scheme, the Conservation Area application (reference 08/05309/CA) is recommended for approval.
- 11.2 The proposed development will have an impact upon occupiers of nearby properties. However, following significant revision to the scheme, it is not considered that either the building mass or uses within the scheme would have an unacceptable impact within this existing city centre location which is characterised by a mixture of uses set within a tight urban grain. Further, the proposal is considered to be an improvement upon the extant scheme which would have a greater effect if implemented. The current scheme would deliver quality architecture and public realm, meet current flood standards and would bring forward an efficient and sustainable use of previously developed land in a highly accessible location. The proposed mix of uses is entirely appropriate and would contribute to the vitality and viability of the local area and the regional role of the city centre. As such, on balance it is considered that these considerations outweigh the potential impact on the amenity of neighbours. As a result the application is recommended for approval subject to appropriate conditions and the completion of a Section 106 agreement.

Background Papers:

Application Files 08/05307/FU and 08/05309/CA

Historic Files: 20/262/03/FU, 20/261/03/CA, 07/01174/FU, 08/01340/FU & 08/00353/FU

Certificate of ownership – signed on behalf of applicants.



CITY CENTRE PANEL



Scale 1/1500

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Originator: Sarah McMahon

Tel: 2478171

Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 1 JULY 2010

Subject: APPLICATIONS 09/03230/FU - Change of use including refurbishment and extensions to 2 church buildings with 2 flats, to form offices and 18 flats and erect part 3 part 4 storey block comprising office and 32 flats, with car parking.

09/03280/CA – Conservation Area application to demolish office.

09/03397/LI – Listed Building Application for alterations for replacement gate in boundary wall, at St Peters Church And Church Buildings, and Chantrell House, Leeds Parish Church, Kirkgate, Leeds, LS2 7DJ.

| APPLICANT | DATE VALID | TARGET DATE |
|-----------------------|----------------|--------------|
| Yelcon Ltd - S Holman | 6 January 2010 | 7 April 2010 |

Electoral Wards Affected:

City & Hunslet

No Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:
Defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions (and any others which he might consider appropriate), the completion of preliminary archaeological investigation works on site, and following completing of a Section 106 Agreement to cover the following matters: a public transport infrastructure improvements contribution of £10,971.00, a Green Travel Plan monitoring and evaluation fee of £2500.00, on site affordable housing provision, an agreement to undertake a list of repair and maintenance works to St Peters (Leeds Parish Church) within an agreed period, agreement to publicly accessible areas, a contribution of £4100.00 to a car club and a tree contribution. In the circumstances where the Section 106 Agreement has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

Conditions for 09/03230/FU

1. Time Limit (3 years)
2. Details of levels including Ordnance Survey Data
3. Samples of all external walling and roofing materials.
4. Construction of a sample panel of all external walling materials
5. Samples of all external surfacing materials
6. Detailed 1:20 scale working drawings shall be submitted including cross sections
1) all doorways, 2) all windows 3) eaves and soffit detail and 4) the external treatment and materials to any roof top plant rooms
7. Hard and/or soft landscaping scheme
8. Details of numbers, location and species of all removed and replacement trees
9. Implementation of landscaping
10. Maintenance of landscaping scheme
11. Waste storage and disposal details, including recycling and details of security of and access to the bins.
12. No refuse containers to be stored outside the building.
13. Details of installation and operation of air conditioning.
14. Details of a noise attenuation scheme
15. Specified operating hours for offices (not before 07.30 weekdays and 09.00 Saturdays or after 23.00 weekdays and 18.00 Saturdays)
16. Specified hours for delivery, loading and unloading (not before 07.30 or after 18.00 Monday to Saturday)
17. Specified operating hours during construction (not before 07.30 weekdays and 09.00 Saturdays or after 19.00 weekdays and 18.00 Saturdays)
18. Intrusive investigation works to be carried out in line with recommendations of the submitted Ground Investigation Scope
19. Amendment of remediation statement
20. Submission of verification reports
21. Development to be carried forward in accordance with the approved Flood Risk Assessment
22. No building or other obstruction within 3 metres either side of a water main.
23. Details of works for dealing with surface water discharges from the development required.
24. No piped discharge of surface water from the development prior to completion of approved surface water drainage works.
25. Dust suppression measures during construction.
26. Means of preventing mud on the highway
27. Undercroft area to be used for parking to be laid out and numbers of parking spaces for each use to be defined.
28. Area to be used for motorcycle parking to be laid out and numbers of parking spaces for each use to be defined.
29. Area to be used for bicycle parking to be laid out and means of providing secure parking and numbers of parking spaces for each use to be defined.
30. Submission of detailed scheme comprising (i) a recycled material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit), (ii) a Site Waste Management Plan for the construction stage, (iii) a waste management plan for the buildings occupation and (iv) a BREEAM assessment
31. Acceptable Green Travel Plan required
32. Programme of archaeological recording required
33. Programme of architectural recording required with regard to partial demolition to St Peters Hall and St Peters House

34. Obscure glazing to the corridor windows facing Chantrell Court and all bathroom windows
35. Development in accordance with the bat report and mitigation statement
36. List of approved plans

The following are non standard conditions which can be found in full in the Appendix – 6, 8, 14, 18, 21, 22, 23, 24, 28, 30, 32, 33 and 35.

Conditions for 09/03280/CA

1. Time Limit (3 years)
2. List of approved plans
3. Detailed schedule of works for the removal of the existing building and surfaces
4. A contract detailing the start date and schedule of the redevelopment scheme for the site

The following are non standard conditions which can be found in full in the Appendix – 3 and 4.

Conditions for 09/03397/LI

1. Time Limit (3 years)
2. List of approved plans
3. Detailed of proposed replacement gate including method of opening and fixtures and relationship to existing boundary wall.

The following are non standard conditions which can be found in full in the Appendix – 3.

Reasons for approval: The application is considered to comply with policies A4, BD2, BD3, BD4, BD5, CC1, CC3, CC5, CC8, CC9, CC10, CC11, CC12, CC28, GP5, GP7, H7, N12, N13, N18A, N18B, N19, N23, N51, T5, T24 of the UDP Review, as well as guidance contained within Leeds – City Centre Urban Design Strategy (CCUDS): Improving Our Streets, Spaces and Buildings (urban design principles based on the distinctive qualities of Leeds City Centre), PPS1, PPS3, PPS4, PPG15, PPS24 and PPS25 and having regard to all other material considerations, as such the application is recommended for approval.

1.0 INTRODUCTION:

The application is brought to Plans Panel to allow Members to consider whether the proposed scheme is acceptable in respect of use, design and location on this site. The proposal is for a change of use, including the refurbishment of and extensions to, 2 church buildings with 2 flats, to form offices and 18 flats, and the erection of a part 3, part 4 storey block comprising office and 32 flats, with car parking, the demolition of an existing office building, and the partial demolition and making good of a boundary wall. The proposal relates to the redevelopment of properties within the setting of a nationally important, grade I listed, Anglican Church (significant for the quality of its architecture and fine interior).

The scheme was presented to Members as a position statement on 4 March 2010. The proposal has responded to Members comments, which are detailed below in section 5.0 History of Negotiations.

2.0 PROPOSAL:

The proposal is to change the use of the site to a mixed use of 50 residential flats (5 x studios, 31 x 1-bed including 2 duplexe flats), 10 x 2-bed and 4 x 3-bed units) and 445 m² of gross office space. This would involve the partial demolition and subsequent refurbishment of and extensions to St Peters Hall and St Peters House to create extended 3 and 4 storey buildings. These would both house office space at ground floor level with residential above. A total of 18 flats are proposed within these two buildings. In addition, it is proposed to demolish the existing 3 storey Chantrell House office block. This would be replaced with a part 3, part 4 storey linked blocks comprising office use to part of the ground floor (fronting The Calls) and 32 flats, with undercroft car parking. To create a flood risk emergency escape route it is also proposed to replace an existing gate in the Grade II listed boundary wall to St Peters (Leeds Parish Church).

Consideration has been given to the appearance and design of the buildings in respect of their context of Leeds Parish Church (St Peters) and The Calls and the relationships to nearby buildings.

A visual inspection has shown that the site currently provides potential for approximately 23 parking spaces in two parking courts on either side of Chantrell House. The proposal would result in a total of 32 car parking spaces on site.

A number of documents have been submitted in support of this proposal and these are:

- Planning Statement
- Design and Access Statement
- Heritage Assessment Statement
- Sustainability Statement
- Low Carbon and Renewable Technologies Report
- Code for Sustainable Homes Pre-Assessment
- Biodiversity Statement
- Bat Survey
- Green Travel Plan
- Transport Assessment
- Flood Risk Assessment
- PPS25 Sequential and Exceptions Test Assessment
- Affordable Housing Support Statement
- Utilities Assessment
- Drainage Statement
- Noise Survey and PPS24 Assessment
- Phase 1 Land Contamination Report

3.0 SITE AND SURROUNDINGS:

The site is a City Centre location set within the Riverside Area, as defined by Leeds Unitary Development Plan Review 2006. Three buildings exist on the site, St Peters Hall and St Peters House, which are red brick Victorian/Edwardian 4 storey buildings and Chantrell House a red brick 1980s 3-storey office block. St Peters Hall and House provide limited residential accommodation (2 flats) but for the most part are vacant and in a state of disrepair. The site also includes part of the landscaped church grounds and the parking area accessed off Maude Street to the east of Chantrell House.

The site is within the boundary of the City Centre Conservation Area, adjacent to the Grade I listed St Peters (Leeds Parish Church) and its Grade II boundary wall (to the north). To the south the site fronts onto The Calls and to the east is Maude Street. Both streets are characterised by former warehousing buildings fronting the back edge of the footpath of heights varying around 3 to 5 storeys. Adjacent to the site to the east and also fronting The Calls is the 3 storey residential development, Chantrell Court.

4.0 RELEVANT PLANNING HISTORY:

None

5.0 HISTORY OF NEGOTIATIONS:

The proposal has been the subject of pre-application discussions between the Developers, their Architects and Local Authority Officers since May 2007. These discussions have focused on the proposed use of the site for a mix of office and residential uses, the level of affordable housing required, the numbers of car parking spaces, the position of the blocks in relation to other existing and proposed buildings, the height, form and scale of the blocks, details of the elevational design and materials, key views, pedestrian routes and connectivity through the site and links to the wider area, the sustainability credentials of the proposal, and the proposed hard and soft landscaping scheme.

The proposal was presented to Members as a position statement at Plans Panel on 4 March 2010. Members made the following comments:

- That the proposals for Chantrell House were contrived; overdeveloped; block-like; were too high; were too close to the Parish Church and over dominant leading to a loss of amenity to existing residents of Chantrell Court and would be out of character in the area
 - The demolition of a 1980s building with mixed views on the appropriateness of this
 - That the proposals for Chantrell House were not good enough for this high quality site, adjacent to a Grade I listed building
 - Concerns about car parking in the area and the impact of the development on this
 - The flat roof design of the new building; that this prevented the use of roof space and was out of keeping amongst the surrounding pitched roofs
 - The proposals in lieu of the full affordable housing contribution; the need for consistency across the city and concerns that whilst affordable housing was for everyone, Leeds Parish Church was a Christian church in a city which contained diverse beliefs and views

The Head of Planning Services referred to the specific points in the report on which Members' views were sought and noted the following responses from Members:

- That the Panel was supportive of the extent of the demolition and alteration proposed to St Peter's Hall and House, with the majority of Members accepting of the demolition of Chantrell House provided that its replacement was superior
 - Relating to the new build elements of the scheme:
 - concerns that the design of the extension to St Peter's Hall was

not good enough given its setting

- that the extension to St Peter's House did not relate well to the host property and that again the quality of design was not good enough

- the concerns set out above relating to Chantrell House

- Regarding the car parking, that concerns had been expressed on this matter

- Having noted the comments on the affordable housing contribution, The Head of Planning Services stated that rather than viewing this as funding for a church, it was more appropriate to consider this as funding for the upkeep of a Grade I listed building, which was a valid consideration as set out in PPG15.

The proposal is therefore brought back before Members to consider the responses to these matters.

6.0 PUBLIC/LOCAL RESPONSE:

The application was publicised via a Site Notice posted on 13 January 2010 expiring on 3 February 2010 for a Major Development Which Affects the Setting of a Listed Building and the Character of a Conservation Area, and in the Leeds Weekly news edition printed the week of 23 January 2010.

5 Letters were received from residents of Chantrell Court, and one letter from the Rt Hon Hilary Benn MP for Leeds Central, with the following comments:

1. That the plans do not make it easy to assess the impact of the proposals from the Chantrell Court viewpoint
2. That the Chantrell Court flats would be 'hemmed-in' by the new building block and this could affect them in a major flood, and there appears to be no escape route for existing residents.
3. That due to the proposal's height it would overshadow the Chantrell Court flats resulting in a lack of light and are too close to the church and churchyard
4. That the proposal looks out of place so close to the church and the Palace public house.
5. That there will be more noise pollution from cars and people.
6. That the existing landscaping and trees will be destroyed and not replaced adversely affecting diversity, the provision of green landscaping and flood risk
7. That the existing thriving bat and bird populations will be adversely affected.
8. That emergency services and refuse collectors will not be able to access the Chantrell Court flats.
9. That there has been no public consultation on this proposal
10. That the historic church wall should not have part of it demolished for this scheme.
11. That the proposal would block views of the church from Chantrell Court flats.
12. That access to the shared car parking area, the gated route to Maud Street will be destroyed and vehicle movements will be hampered.
13. That due to the proposal's height it would result in a loss of privacy for the occupants of Chantrell Court flats.
14. Consideration of the main full planning application (09/03230/FU) should be linked to consideration of the listed building application for part demolition of the boundary wall (09/03397/LI) as they are irrevocably linked
15. That it is important to distinguish between the wall between St Peters House and Chantrell House and the wall to the churchyard boundary, in respect of the age of wall, its historical importance, heritage and materials.

16. That there are already a number of empty apartments in the area so why build more
 17. That the demolition of Chantrell House, which is structurally sound and a building in use would not be sustainable and would be a waste of resources
 18. That the building of blocks A/B/C are on land previously not developed
 19. That the proximity of the site to the City Centre and transport links should negate the need for car parking provision.
 20. That the appearance of the building (its elevations) should be sympathetic to its context within the conservation area close to the listed St Peters Church.
- Response: Points 2, 3, 4, 6, 8, 10, 12, 13, 14, 15, 17, 18, 19 and 20 will be addressed as part of the Issues section below.

With regard to Point 1 the submitted plans are of an acceptable scale, format and type to allow the planning application to be appraised. CGI visualisations of views of the proposed scheme have also been provided as part of the planning application submission.

With regard to Point 5 the end uses are residential and office neither of which are high noise producing uses. In addition the increase in car parking numbers (9 spaces) is relatively low and as such there should be no significant increase in traffic movements

With regard to Point 7 it has been identified in the Biodiversity Statement and the initial Bat Survey that there is a bat roost present on site. As such there will be a requirement for the applicant to agree appropriate mitigation measures to provide for its replacement and the full details can be controlled by planning conditions.

With regard to Point 9 the Applicants advise that as well as presenting the scheme to Leeds Civic Trust, the details of the scheme were also put on display in St Peters (Leeds Parish Church).

With regard to Point 11 whilst it is understandable that there would be concern regarding the loss of the view of St Peters, there is no legal right to a view, and as such this matter can not be considered as a material planning consideration.

In response to Point 16, the location is a previously developed Brownfield site. Whilst there are a number of other existing residential developments in the area there is no defined cap in the Leeds Unitary Development Plan Review 2006, on the numbers of apartments allowed in the area.

Four further communications have been received from residents of Chantrell Court in response to the revised plans stating that:

1. The revised drawings have not addressed the issues previously raised and listed above.
2. Concerned that any removed boundary wall should be reinstated and incorporated into the scheme.
3. The facades should be sympathetic to the character of the Church
4. Any potential archaeological remains must be taken into account as part of full archaeological investigations.
5. The revised scheme does not address sustainability
6. The revised scheme does not address car parking and should be free from car parking.
7. The existing building (Chantrell House) is sound and should be incorporated into the scheme and it is not sustainable to remove such a building.
8. The design is just a simply brick box and inappropriate to be built so close to a Grade I listed building.
9. There is the danger of loss of life in a flood risk incident due to the 'hemming in' of residents.

10. The proposal would prevent emergency services and key services such refuse from gaining access to Chantrell Court.

11. Car parking for Chantrell Court will be lost

12. No public consultation has been given by the developers to the residents of Chantrell Court.

Response: With regard to Point 12 the Applicants advise that as well as presenting the scheme to Leeds Civic Trust, the details of the scheme were also put on display in St Peters (Leeds Parish Church).

All other points will be addressed as part of the Issues section below.

7.0 CONSULTATIONS RESPONSES:

Statutory:

British Waterways: State that they have no objections to the proposal.

Yorkshire Water: State that should the proposal be approved then conditions to cover the following matters should be applied: not building within 3 metres of a water main, separate systems for foul and surface water, the means for disposal of foul and surface water, no piped discharge of surface water.

Response: These matters will be addressed under appropriate conditions.

Highways: State that the decision should be conditioned to address details of car, cycle and motorcycle parking including the numbers allocated for office use, the hard standing area, as well Section 106 agreement requirements for a public transport infrastructure improvements contribution, city car club membership, and a green travel plan and its associated monitoring and evaluation fee.

Response: These matters will be addressed via the relevant conditions and Section 106 legal agreement

Mains Drainage: No response received to date.

English Heritage: In response to the revised scheme state that they were supportive of the previous proposals, and that the revisions are less convincing in respect of the roof design and detailing.

Response: These matters will be addressed in the appraisal below.

Environment Agency: State that they have now withdrawn their previous objection subject to the decision being conditioned to ensure it is built in line with the requirements of the agreed Flood Risk Assessment and supporting information sent by the Agent via email.

Response: These matters will be addressed under appropriate conditions.

Highways Agency: State that they have no objection to the application as it will not have a significant impact on the Strategic Road Network.

Demolition in Conservation Areas Amenity Groups: No response received to date.

National Amenities Societies for Listed Buildings: The Ancient Monuments Society state that on balance they are accepting of the scheme, that the scheme offers an improvement over the present situation and they raise no concerns. They do however advise that the interiors of the building and parts of buildings to be demolished should be inspected to ensure nothing of interest is lost.

Response: This matter will be addressed under an appropriate condition.

The Victorian Society in respect of the revised scheme they state that they withdraw their objection to the emergency escape route now it has been revised such that it exits through the existing gated opening in the boundary wall. In addition they note the reductions in heights of the blocks, that the palette of materials is a little wider and that the roof forms have changed with accommodation in the roof spaces. This they feel has the effect of reducing the bulk of the building and provides a more varied roof line. They note that the elevational treatments have not greatly changed but offer no formal objection to this.

Response: These matters are considered as part of the Issues section below.

Non-statutory:

West Yorkshire Archaeological Advisory Service: State that there is the potential for early medieval, medieval and post-medieval remains to survive at the development site. Excavations on Church Row (50m to the north-west) in 2004 uncovered evidence of medieval ditches, pits and pottery. As such an evaluation, based on the excavation of archaeological trenches, of the full archaeological implications of the proposed development is required, and that this evaluation should be done prior to determination of the planning application. The reason for this is that there may be remains on the site which are considered worthy of preservation in situ and which will as a result have implications for the proposed development or further archaeological work may be considered necessary to mitigate the impact of the development which should then be taken into account in terms of the costs and programme for the redevelopment works. However if the Local Planning Authority is minded to approve the application then they recommend that the application be conditioned to ensure that a programme of archaeological recording is secured and implemented.

Response: This request for further evaluation work has been raised with the applicant and needs to be resolved in consultation with WYAAS to ensure that any potential for below ground archaeology has been fully taken into account by the proposals.

Nature Conservation Officer: National planning guidance advises that proposals need to establish the presence or otherwise of protected species on site and the extent they are likely to be affected by the proposals before planning permission is granted. In this case there is evidence of a hibernating bat roost in St Peters Hall and further clarification is needed of the proposed mitigation measures to replace this roost as part of the development proposals. Also the bat survey of the site does not refer to the existing cellars to St Peters Hall and House which could also be potential roost sites. The applicant has been requested to prepare a precautionary mitigation statement for these areas so that appropriate mitigation measures can be incorporated into the redevelopment if necessary.

Response: This matter has been raised with the applicant to ensure that the development proposals fully mitigate for its potential impact on protected species.

Leeds Civic Trust: In response to the revised scheme, state that they still object to the proposal on the following grounds;

1. The response time for commenting on the proposal is too short.
2. Whilst they note the reduction in heights of the blocks, and redesign of the roofs, which do reduce the overall bulk, the elevations remain bland and uninteresting, especially those facing the Church.

Response: Point 2 will be considered as part of the Issues section below.

With regard to point 1 a period of 7 days was given for review and comment of the revised plans. This was following the initial consultation period of 21 days.

Transport Policy: State that there is a requirement for a public transport infrastructure improvements contribution of £10,971.00.

Response: This would be addressed as part of the required Section 106 legal agreement.

8.0 PLANNING POLICIES:

Development Plan -

Leeds Unitary Development Plan Review 2006

Policy A4 (access for all)

Policy ARC6 (Conditions required with regard to preservation of archaeological details by record)

Policy BD2 (design and siting of new buildings)

Policy BD3 (accessibility in new buildings)

Policy BD4 (All mechanical plant)

Policy BD5 (All new buildings)

Policy CC1 (Planning obligations)

Policy CC3 (Maintaining the identity and distinctive character of the city centre)

Policy CC5 (Development in the City Centre Conservation Area)

Policy CC8 (New buildings to respect the spatial character of existing buildings and streets outside the Prestige Development Areas)

Policy CC9 (Maintaining and improving access to existing public spaces)

Policy CC10 (provision of public space)

Policy CC11 (enhanced pedestrian corridors and upgraded streets)

Policy CC12 (New development and new public spaces relating and connecting to the existing street pattern)

Policy CC28 (Development within the Riverside Area)

Policy GP5 (all planning considerations)

Policy GP7 (planning obligations)

Policy H7 (new housing encouraged in City Centre)

Policy N12 (Urban building design)

Policy N13 (Design of all new buildings)

Policy N17 (All listed buildings)

Policy N18A (Level of contribution of building to be demolished in a conservation area)

Policy N18B (Requirement for detailed plans for redevelopment of buildings to be demolished in conservation area)

Policy N19 (New buildings and extensions within or adjacent to a conservation area)

Policy N23 (Space around new buildings)

Policy N51 (design of new development should where possible enhance existing wildlife habitats and provide new areas for wildlife)

Policy T5 (Provision to cyclists)

Policy T24 (Parking provision)

Regional Spatial Strategy

ENV1 (Development and Flood Risk)

ENV5 (Energy – efficiency and renewable energies)

ENV9 (Historic Environment)

H4 (The Provision of Affordable Housing)

It should be noted that a recent Ministerial statement has confirmed the Government's intention to abolish the RSS and as such it should be accorded limited weight in the interim.

Government Planning Policy Guidance/Statements

Planning Policy Statement 1 (PPS1) – Delivering sustainable development

Planning Policy Statement 3 (PPS3) – Housing

Planning Policy Statement 4 (PPS4) - Planning for Sustainable Economic Growth

Planning Policy Statement 5 (PPS5) – Planning for the Historic Environment

Planning Policy Guidance 24 (PPG24) – Planning and Noise

Planning Policy Statement 25 (PPG25) – Development and Flood Risk

Relevant Supplementary Guidance

Leeds – City Centre Urban Design Strategy (CCUDS): Improving Our Streets, Spaces and Buildings (urban design principles based on the distinctive qualities of Leeds City Centre).

9.0 MAIN ISSUES

1. The principle of the proposed use
2. Demolition and the merit of existing building.
3. The impact of the building design on the character and visual amenity of the site, the street scene and wider area
4. Residential amenity
5. Vehicle parking provision
6. Landscaping and publicly access areas
7. Sustainability
8. Flood risk and the sequential and exceptions tests
9. Bat Protection
10. Archaeology
11. Section 106 Legal Agreement – Heads of Terms

10.0 APPRAISAL

1. The principle of the proposed use

The proposed primary use of the buildings is as housing, with ground floor office space. The site is within the Riverside Area, as defined by Leeds Unitary Development Plan Review 2006 (UDP), where mixed complimentary uses are encouraged which will bring life and vitality to the area. The location is a previously developed Brownfield site and there are a number of other existing residential developments in the area. Therefore, residential and office uses are considered to be appropriate in this location and such proposed uses on this site are considered to be acceptable.

2. Demolition and the merit of existing building.

Consideration has been given as to whether the proposed demolition of Chantrell House is acceptable, or whether the building has significant architectural or historical merit. Consideration has also been given as to whether the proposed partial demolition of St Peters House and St Peters Hall is acceptable, or whether these buildings have significant architectural or historical merit. Although close to the Grade I Listed St Peters Church, Chantrell House, St Peters House and St Peters Hall are not themselves listed.

It is considered that the 1980s built Chantrell House is of a utilitarian modern style but with a disproportionately large pitched roof and discordant heavy eaves detail. It can not be considered to be architecturally or historically outstanding or of particular importance in respect of recording an architectural style or era. It can be argued that Chantrell House fails to preserve or enhance the character of this part of the conservation area due to its heavy roof and eaves detailing in particular.

With regard to St Peters House and St Peters Hall it is evident that the buildings do have some level of architectural merit and contribute to the historic character of this area. However it is the case that the most important areas of the buildings in respect of architectural and historical features are to be retained. In addition, the parts of the buildings that are to be demolished are in a very poor state of deterioration.

The original scheme proposed the creation of a gap in the listed boundary wall to provide an emergency escape route in the event of a flood incident. This has been reconsidered and revised by the applicant following comments from the Victorian Society. As a result the proposal is now to site this escape route through the existing gateway to the north in the boundary wall. Therefore, no demolition of any part of the boundary wall is now required.

3. The impact of the building design on the character and visual amenity of the site, the street scene and wider area

The proposals have been amended to address Members comments. As a result the heights of the all the buildings have been reduced. This means that St Peters Hall is to have 4 storeys, St Peters House is to have 3 storeys plus accommodation in the roof space, and the new Chantrell House would be interlocking L shaped blocks A/B/C and would have 4 to 3 storeys plus accommodation in the roof space. The roofs of all three buildings are now to be pitched, with a cap and parapets detailing. Accommodation in the roof spaces of St Peters Hall and Chantrell House requires the introduction of roof lights in the pitch of the roofs on these buildings.

The heights of these blocks still take their reference from the general heights and massing of former warehousing buildings which front The Calls, and which generally sit on the back edge of the footpath on a relatively narrow street, and range in height from 3 to 5 storeys

The office space at ground floor level fronting onto The Calls remains as previously proposed. The proposed Chantrell House blocks also still have undercroft car parking at ground floor level.

The overarching design principles would reflect the characteristics of the existing buildings on The Calls in respect of height, massing and appearance, whilst creating a 'cathedral close' precinct environment around the southern side of St Peters (Leeds Parish Church) by creating strong edges to better define the adjacent spaces. Key views of the St Peters (Leeds Parish Church) would be retained from The Calls through retention of the existing gaps between the St Peters Hall, St Peters House and Chantrell House blocks.

In respect of elevational treatment all 3 buildings are still to have Flemish Bond brickwork. However the vertical slots indicating the locations of staircores will now be clad in stone (rather than the previously proposed glass). In addition the alignment of the windows has been given a more consistent approach across all three buildings, with a strong vertical emphasis by being set in slots in the brickwork, with deep window reveals allowing the creation of shadow and relief on the

elevations, and tall slender window panes and stone cills. Some windows would also still have a glazed balcony screen. It is considered the revised scheme would form a calm backdrop to St Peters, complimenting its architecture and character rather than competing with this important Grade I listed building.

It is considered that the proposed buildings would result in high quality, contemporary additions that would preserve the character and setting of the adjacent Grade I St Peters (Leeds Parish Church), and would sit comfortably within the context of the street scene and the wider City Centre Conservation Area.

4. Residential amenity

To address Members comments the siting of the proposed Chantrell House blocks have been given further consideration. As a result, at its closest point the existing elevation of Chantrell Court would be sited approximately 15 metres distance from the proposed residential block to the north. The gap from east to west between the main western elevation of Chantrell Court and the proposed residential block would be 26m across the parking court. These distances are considered to be acceptable for a development in this City Centre location.

To overcome any potential issues of overlooking across the narrowest gap (north-south) the layout of the proposed flats to the north is such that where possible internal corridors would face the existing flats. Where windows for habitable rooms are required these will be obscurely glazed where they face Chantrell Court to ensure there are no issues of overlooking. However to maintain visual interest the residents of Chantrell Court would not be facing a largely blank elevation. The proposed façade will be treated with the same fenestration pattern as the rest of the building.

With regard to the potential dominating effect of the proposed development on the existing flats it is considered that the narrowest gap of 15m is reflective of the tight urban grain of the streets around this site where buildings of a similar scale to that proposed face each other across similarly narrow street widths. In addition, to reduce its dominance the part of the proposed building to the west of Chantrell Court will be reduce in height from 5 storeys to 4 storeys plus accommodation in the pitched roof, whilst the section facing this neighbouring building is to be 3 storeys plus accommodation within the pitch of the roof.

Concerns have also been expressed that Chantrell Court may be overshadowed by the proposed Chantrell house linked blocks. The proposed development would be positioned to the north and west of Chantrell Court. As such it may be the case that there would be some overshadowing at the end of the day as the sun moves from east to west (in a southerly arch). However, the current situation is such that the existing 3 storey Chantrell House offices cause some overshadowing at the end of the day, and it is considered that the proposal would not significantly or detrimentally increase this impact.

5. Vehicle parking provision

The existing allocated car parking provision on site is for 9 spaces for the offices in Chantrell House and 7 for the residential occupants of Chantrell Court, plus 6 spaces for the Parish Church's use.

To address Members comments the proposal has been revised such that the undercroft parking and parking area to the west side of Chantrell Court would

provide a total of 30 car parking spaces (including 4 disabled spaces), 4 motorcycle parking spaces and 32 bicycle parking spaces. The site is close to the city centre and the bus and train stations are within walking distance. The overall level of parking levels would accord with the parking guidelines laid down for the proposed office and residential uses in the UDP.

In terms of how this parking is to be allocated a total of 15 spaces will be for the new office use and for the proposed residential elements and 9 spaces retained for use by the existing Chantrell Court. The remaining 6 spaces, sited to the west of Chantrell House, would be retained for use by the Parish Church (as is the current arrangement)

Access to the existing car parking spaces for Chantrell Court will remain from Maude Street and will be shared with access for the proposed undercroft parking area. The Applicant has advised that parking rights for residents of Chantrell Court will be retained and parking space within the new development will be offered to accommodate this need. In addition, access for emergency and servicing vehicles will also be via the Maude Street site entrance, and a vehicle manoeuvring area is to be retained within the entrance of the site.

6. Landscaping and public access areas

Minimal intervention is proposed in respect of landscaping to ensure that the existing well formed hard and soft landscaped character of the churchyard is retained. However, the proposal will require the removal of up to 5 trees on the site in the proximity of Chantrell House. To mitigate against this adverse impact the applicant is willing to provide 6 replacement trees within the site and a financial contribution for the provision of two semi- mature trees on a site to be agreed on The Calls. This matter can be controlled by planning condition and the Section 106 legal agreement respectively.

The existing key pedestrian routes across the site, which run from the churchyard through the site from north to south, are to be maintained and enhanced. Yorkstone paving will be used in the existing courtyard between St Peters Hall and St Peters House.

7. Sustainability

The submitted Sustainability Statement indicates that the proposal is intended to achieve Level 3 of the Code for Sustainable Homes for the residential elements of the scheme via economic, social and environmental objectives including;

- Maintaining or improving good quality employment opportunities
- Maintaining or improving conditions which enable business success
- Improving the overall quality of housing
- Reuse of Brownfield land
- Use of a Combined Heat and Power system (CHP)

The proposal also aims to incorporate at least 10% on site renewable energy and an overall reduction in carbon emissions of 25% (when compared to existing Building Regulations requirements).

8. Flood risk and the sequential and exceptions tests

The site is positioned within Flood Zone 3a. As such a Flood Risk Assessment has been submitted to, and agreed by the Environment Agency provided the proposal is built in accordance with the agreed Flood Risk Assessment.

Sequential and Exceptions Tests have also been produced by the Applicant which have undertaken to examine possible alternative sites for this proposal. A search area for these sites was established based on the defined City Centre Riverside Area detailed in the UDP. This search area was agreed with the Local Planning Authority at the pre-application stage. A total of 10 sites within the Riverside Area were appraised and found to be unsuitable or unavailable for the proposed development. As such it is concluded that there are no alternative less vulnerable sites currently available within the search area for this scheme.

On site measures to deal with any flooding incidents include the emergency escape route through the boundary wall, and a 1 metre high flood wall at ground floor level to the offices. The emergency escape route would be available for use by users of the proposed development as well as by occupants of other existing blocks in the immediate area such as Chantrell Court.

9. Bat Protection

Surveys for bats have been carried out which confirm the presence of a non-breeding summer roost of common pipistrelle bats within the loft void of St Peters Hall. A mitigation strategy has been submitted and agreed which includes the retention of a roof void in this building which will be a dedicated bat loft and will not have access for storage, etc. The creation of additional roosting opportunities for bats and monitoring for two years after the completion of the development is also part of the mitigation statement.

Bats are protected under the European Habitats Directive and the City Council has a duty to have regard to the requirements of the Directive when carrying out its functions. The proposed development is considered to be an act that requires derogation from the requirements of the Directive by means of a licence issued by Natural England. The Conservation of Habitats and Species Regulations 2010 require that three 'tests' [in Regulation 53 (2)(e), (9) (a) and (9) (b)] be met in order that a licence may be issued and as part of its duty the City Council must also have regard to these three tests in any consideration of this planning application.

In respect of 53 (9)(b) whilst there will be some short term disturbance to the roost in St Peters Hall, roosting opportunities for bats will be retained in the roof void and additional roosting opportunities created as part of the development resulting in an overall net positive impact. A condition will be attached to the planning permission requiring compliance with the agreed mitigation strategy

10. Archaeology

West Yorkshire Archaeological Advisory Service (WYAAS) have stated that there is the potential for early medieval, medieval and post-medieval remains to survive at the development site. Excavations on Church Row (50m to the north-west) in 2004 uncovered evidence of medieval ditches, pits and pottery. As such an evaluation, based on the excavation of archaeological trenches, of the full archaeological implications of the proposed development is required, and that this evaluation should be done prior to determination of the planning application. The reason for this is that there may be remains on the site which are considered worthy of preservation in situ and which will as a result have implications for the proposed

development or further archaeological work may be considered necessary to mitigate the impact of the development which should then be taken into account in terms of the costs and programme for the redevelopment works.

A specification of these archaeological works has been prepared by WYAAS and agreed by the Local Planning Authority detailing 6 trenches across the site to be excavated and examined prior to determination of the planning application.

11. Section 106 Legal Agreement – Heads of Terms

The proposal would result in the following requirements to be addressed via a Section 106 Legal Agreement:

- A Green Travel Plan monitoring and evaluation contribution of a sum of 2500.00
- The agreement of publicly accessible areas within the landscaped scheme
- Provision of on site affordable housing units
- An agreement to undertake a list of repair and maintenance works to St Peters (Leeds Parish Church) within an agreed period
- A required public transport infrastructure improvements contribution of £10,971.00
- Car club membership contribution of £4100.00
- Tree contribution

A total of 50 residential units are proposed across the development with 18 of these units being housed in St Peters Hall and St Peters House, and the remaining 32 units being in the new build Chantrell House. This would mean an affordable housing contribution requirement of 7 units overall. However, the Applicants have put forward a financial appraisal for the development, requesting that the provision of affordable housing is limited to the Chantrell House part of the scheme only. This would mean an affordable housing provision of 4 units. The submitted Affordable Housing Supporting Statement states that the residential units in St Peters Hall and St Peters House would be owned by the Diocese only. The Diocese hopes that the income that can be gained from these 18 residential units can be put towards the operational and capital maintenance funds for St Peters (Leeds Parish Church). The case puts forward a detailed list of short, medium and long term repairs and maintenance costs (likely to be in excess of £123,175.00 in total) that the church needs to address to allow it to continue to function, not only as a day to day church and as a source of help and advice for the homeless, but also for many events of city wide importance (such as Remembrance Sunday) that require a building of this stature and status.

The financial appraisal has provided details of Church expenditure, capital and operations costs, the social benefits of the Church and additional funding to be provided to the Church by the Developer Yelcon Ltd. This has been appraised by our Senior Development Surveyor and is considered to be acceptable.

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 6th 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.

As listed above (and also in the 'recommendation' box at the beginning of this report), there are 7 matters to be covered by the S106. These 7 matters have been considered against the current tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

11.0 CONCLUSION

In conclusion, it is considered that the revised proposal is an appropriate use, scale, design and style for this site. The amended design of the three buildings allows them to integrate well within the street scene in terms of design, siting, scale and materials, whilst creating a complimentary, high quality backdrop to St Peters (Leeds Parish Church). Therefore, the proposal is recommended for approval.

Background Papers:

Planning application 09/03280/CA
Planning application 09/03397/LI
Planning application 09/03230/FU.

APPENDIX I

Planning Application 09/03230/FU Non Standard Conditions

6. Prior to commencement of development detailed 1:20 scale working drawings of the following features shall be submitted to and approved in writing by the Local Planning Authority:

1) all doorways, 2) all windows 3) eaves and soffit detail and 4) the external treatment and materials to any roof top plant rooms

Works shall be carried out in accordance with the approved drawings and maintained as such thereafter

In the interests of the character and visual amenity of the listed building and the City Centre Conservation Area

8. Prior to commencement of development, full details, including numbers, locations species and maturity, of all replacement trees on the shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The trees shall be planted in accordance with the approved details.

In the interest of the character and appearance of the City Centre Conservation Area, and the visual amenities of the adjacent listed building and wider street scene.

14. No development shall take place until details of a sound insulation scheme designed to protect the amenity of occupants of the building from noise emitted from nearby sources has been submitted and approved in writing by the local planning authority. The use hereby approved shall not commence until the works have been completed, and such noise insulation scheme as may be approved shall be retained thereafter.

In the interests of residential amenity.

18. Intrusive investigation shall be carried out in accordance with the recommendations provided by Buro Happold in the proposed ground investigation scope, reference GI_scope_23832, dated February 2010. The findings of which shall be submitted in writing to the Local Planning Authority. Should remediation measures be shown to be necessary development shall not commence until a remediation statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority.

To ensure that the presence of contamination is identified, risks are assessed and proposed remediation works are agreed.

21. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2009 and the email from Wesley Dodds (Carey Jones Architects) to Mark Garford (Environment Agency) dated 23/02/10 and the following mitigation measures detailed within the FRA:

1. Reducing the surface water run-off by 30% as compared to the existing situation. This applies up to and including the 1 in 100 year storm (plus climate change) so that it will not exceed the run-off from the existing site and not increase the risk of flooding off-site.

2. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

3. Flood-proofing measures detailed on page 30 of the FRA are included in the proposed development.

4. Finished floor levels are set no lower than 26.00 m above Ordnance Datum (AOD).

5. The development is defended from flood water up to a level no lower than 27.12m AOD. As detailed on page 30 of the Flood Risk Assessment.

To reduce the risk of flooding on the proposed development and future occupants.

22. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3 metres either side of the centre line of the water main, which crosses the site.

In order to allow sufficient access for maintenance and repair works at all times.

23. Before development commences, details of works for dealing with surface water discharges from the proposed development including any off-site watercourses shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details

In the interests of satisfactory drainage.

24. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of water from the development prior to completion of the approved surface water drainage works and the building shall not be occupied or brought into use prior to completion of the approved foul water drainage works.

To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

28. Notwithstanding the details shown on the plans hereby approved and prior to the commencement of development, full details of the facilities for the parking of motorcycles, including the numbers of motorcycle spaces for office use and residential use, within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the motorcycle parking facilities thereby approved have been provided. The facilities shall thereafter be retained and maintained as such.

In order to meet the aims of the Transport Policy as incorporated in the Leeds Unitary Development Plan.

30. Prior to the commencement of development a detailed scheme comprising (i) a recycled material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit), (ii) a Site Waste Management Plan for the construction stage, (iii) a waste management plan for the buildings occupation and (iv) a BREEAM and or Code for Sustainable Homes assessment, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the detailed scheme; and

(a) Prior to the occupation of each phase of the development a post-construction review statement for that phase shall be submitted by the applicant and approved in writing by the Local Planning Authority

(b) The development and buildings comprised therein shall be maintained and any repairs shall be carried out all in accordance with the approved detailed scheme and post-completion review statement or statements

(c) The development shall aim to achieve Level 3, as a minimum of the Code for Sustainable Homes.

In the interests of amenity, to promote the use of recycled material and to promote the implementation of sustainability measures within Leeds City Centre.

32. No development to take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

To ensure appropriate archaeological recording.

33. No development to take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of architectural recording of the areas of St Peters Hall and St Peters House which are to be demolished. This document shall then be submitted to and approved in writing by the Local Planning Authority.

To ensure appropriate architectural recording.

35. The development shall be carried out in accordance with the recommendations in the Bat Report and Mitigation Statement (reference A24.3160.00002) dated 29 March 2010 unless otherwise agreed in writing with the LPA. Monitoring shall be carried out in accordance with paragraph 6.1.5 of the above report for the first two years following completion of the works to St Peters Hall and a report detailing the results of the monitoring shall be submitted to the LPA before 30 September of each year of monitoring.

To ensure bat protection and enhancement measures are included as part of the development.

Conservation Area Application 09/03280/CA Non Standard Conditions

3. Prior to commencement of works on site a detailed schedule of works for the removal of the existing building and surfaces shall be submitted for the prior approval of the Local Planning Authority. The scheme shall include methods of removal of the building and surfaces.

In the interests of amenity and to uphold the character and appearance of the nearby buildings and the City Centre Conservation Area.

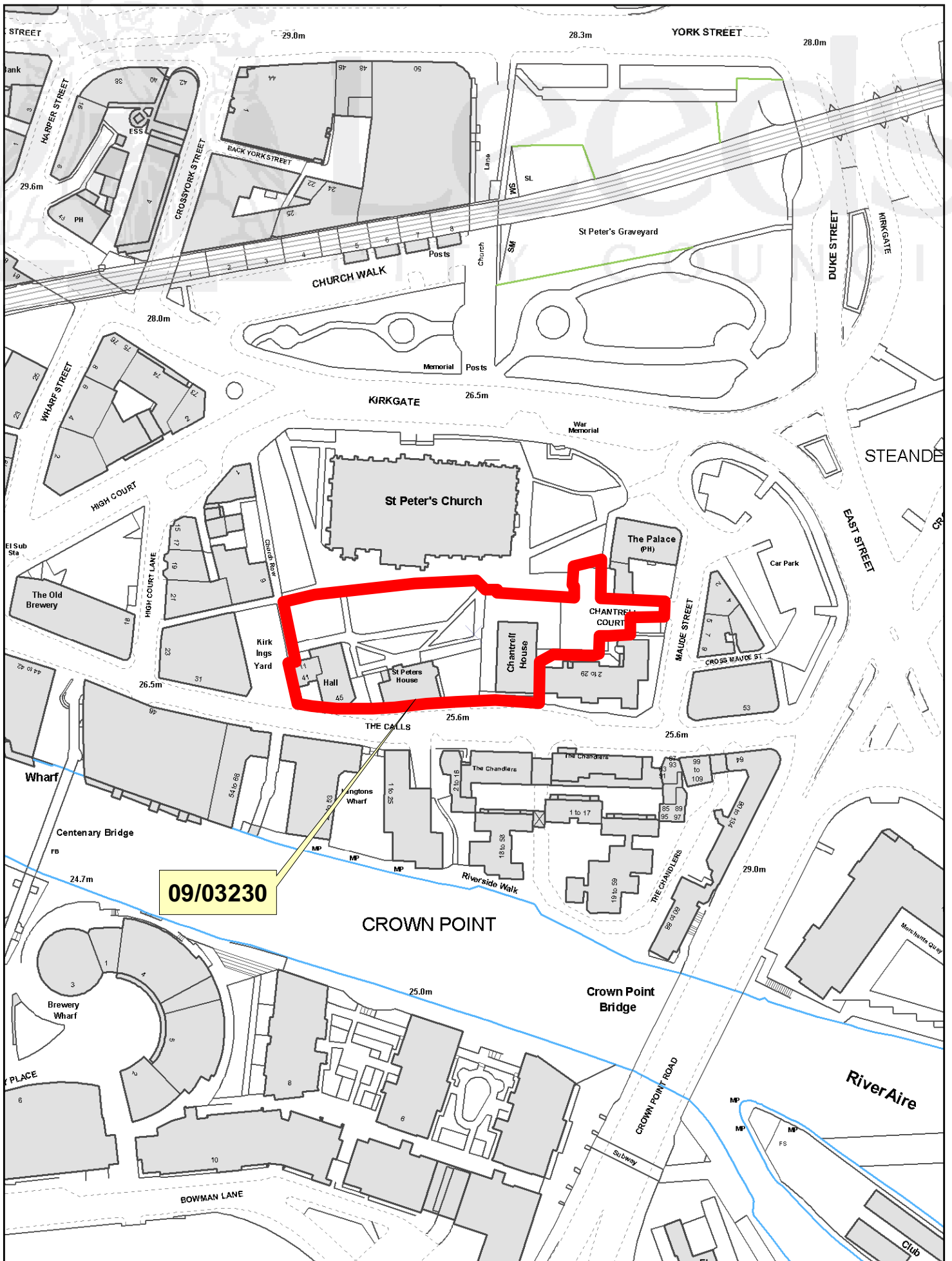
4. No demolition shall commence on site until a contract detailing the start date and schedule of the redevelopment scheme for the site, indicated on planning application 09/3230/FU has been submitted to and approved in writing by the Local Planning Authority.

In the interests of amenity.

Listed Building Application 09/03397/LI Non Standard Conditions

3. Notwithstanding the details on the hereby approved plans no building works shall take place until details of the proposed replacement gate, including a sample of the material, the colour and finish, cross sections showing its relationship to the boundary wall and methods and details of fixings to the boundary wall, have been submitted to and approved in writing by the Local Planning Authority. The replacement gate shall be constructed in accordance with the details thereby approved.

In the interests of the character and visual amenity of the host Grade II Listed boundary wall and the wider City Centre Conservation Area.



CITY CENTRE PANEL

Scale 1/1500

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Originator: Andrew Windress
Tel: 3951247

Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 1st July 2010

Subject: APPLICATION 10/00923/OT – OUTLINE PLANNING APPLICATION FOR REDEVELOPMENT OF LAND AT MEADOW ROAD FOR USES WITHIN THE FOLLOWING CLASSES B1, D2, C1, C3 (UP TO 296 RESIDENTIAL UNITS) AND ANCILLARY A1, A3, A4, AND A5 USES, INCLUDING ASSOCIATED WORKS FOR THE FORMATION OF SITE ACCESS ROADS AT LAND BOUNDED BY MEADOW ROAD, JACK LANE, BOWLING GREEN TERRACE AND TRENT STREET, LEEDS 11

| APPLICANT | DATE VALID | TARGET DATE |
|-------------------------|------------|-------------|
| Montpellier Estates Ltd | 3/3/10 | 23/7/10 |

Electoral Wards Affected:

City & Hunslet

NO Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

POSITION STATEMENT ONLY

1.0 INTRODUCTION:

- 1.1 This application is for a major mixed use development on the site known as ‘City One’ at Sweet St and Meadow Road. The site has benefited from previous major outline consents in 2004 (reference 20/476/02/OT) and 2006 (20/517/04/OT) and was also considered as a potential site for the arena.
- 1.2 The current scheme was brought to Members as a pre-application presentation in November 2009. Members received a presentation from the scheme architects and provided comment on the proposals. A summary of Members’ comments is provided in section 5.0 below. The scheme was developed further and an outline planning application was submitted in March of this year.

1.3 This outline application is presented to Panel as a position statement and Members are requested to provide comment.

2.0 PROPOSAL:

2.1 This outline scheme seeks approval for the principle of development and means of access only, all other matters (scale, appearance, landscaping, layout) are reserved.

2.2 An indicative site layout plan is included at the end of this report.

2.3 The scheme would comprise of 10 buildings providing office, residential and leisure (primarily hotel) accommodation, a multi-storey car park (MSCP) and ancillary retail units. The table below highlights the maximum floorspace proposed:

| Use | Maximum Floorspace (Gross External Area M²) | |
|-----------------------------|---|-----------------|
| Office (B1) | 93,071 | |
| Residential (C3) | 22,427 | Up to 296 units |
| Retail (A1) | 2,499 | |
| Food and Drink (A3-A5) | 1,483 | |
| Leisure (incl. casino) (D2) | 8,908 | |
| Hotel | 22,852 | |
| Miscellaneous | 751 | |
| Car Parking | 44,066 | 1,552 spaces |
| Total | 196,057 | |

2.4 Consent is sought for an amount of development up to the maximum floorspace identified above. Parameter plans have been submitted that show the minimum and maximum footprints and heights of the proposed buildings. In addition there is a parameter plan that shows the minimum and maximum distances between buildings to ensure appropriate separation and amenity space is provided.

2.5 Primary uses for the ground floor and upper floors of each building have been identified as have possible alternative uses. Ground floor ‘active frontages’ (A1, A3-A5 uses) are provided along the north-south pedestrian route through the heart of the development and along the Sweet Street frontage.

2.6 As the scheme is in outline only full details regarding form and design are not known at this stage. However, in addition to the parameter plans, a design code further highlights various parameters, design principles and precedent images of buildings and materials that will influence the future reserved matters submissions.

2.7 A large area of public open space is located in the middle of the site that is intended to provide a ‘green heart’ to the development. On the western boundary are the residential blocks (R1, R2, R3). The MSCP (CP1) is located to the south of this open space with three office buildings (O2, O3, O4) fronting Meadow Road in the east. There is a further office block (O1) and the hotel/casino development C1, H1, H2) at the northern end of the site on the Sweet Street frontage.

2.8 Vehicular access/egress points are available from Sweet Street and Bowling Green Terrace with an additional egress point onto Jack Lane. Further service routes will be provided within the site. The scheme also allows for the delivery of a cycle lane

running north-south within the site (as requested by Members when considering the previous outline approval).

- 2.9 A Car Park Management Plan has been submitted that highlights how the multi-storey car park will be managed to ensure it provides UDPR allocated parking, car sharing and cycle parking. Any initial overspill parking will be restricted to short stay parking only until full occupation in accordance with UDPR allocations. Around 450 parking spaces will be provided in the basements of the proposed buildings.
- 2.10 The electricity substation currently in the centre of the site will be relocated into the proposed MSCP on the southern boundary.
- 2.11 A section of Trent Street is to be closed and Bowling Green Terrace is extended up to Sweet Street.
- 2.12 The scheme is a phased development, areas of public open space and highway works are delivered with relevant building phases.
- 2.13 As this is a multi-phase and multi-building development, the applicant has requested the time limit for implementation be increased. In line with government guidance that permits planning authorities to agree extended time limits, and other recent approvals in the city centre, an increase of the normal time limit is considered appropriate. Conditions will restrict the development to no more than 4 phases and require phase 1 reserved matters to be submitted in 5 years with following phases submitted every two years.
- 2.14 The application is supported by the following documents:
- Planning Statement.
 - Design and Access Statement
 - Design Code and Sustainability Statement.
 - Various plans for approval and for information.
 - Transport Assessment.
 - Car Park Management Plan.
 - Environmental Site Investigation.
 - Geo-Environmental Desk Study.
 - Master Travel Plan.
 - Residential Travel Plan.
 - Noise Assessment.
 - Air Quality Assessment.
 - Wind Impact Assessment.
 - Ecological Habitat Report.
 - Utilities Statement.
 - Statement of Community Involvement.
 - Flood Risk Assessment.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site lies within the southern part of the City Centre, immediately west of Meadow Road, which is the main distributor to the City Centre from the M621.
- 3.2 The site measures 3.79 hectares.
- 3.3 The area has been predominantly commercial in the past but much of the site is now cleared and used as an unauthorised commuter car park. Halfords are located

in the north east corner of the site, there is an electricity substation in the middle and a warehouse unit in the southwest corner of the site is used as a nightclub/events venue. Previous uses include a bowling alley, car dealership and repair garage and associated open parking areas.

- 3.4 There is a large electricity sub-station within the site, and industrial units to the west. Small, low industrial units lie to the south across Jack Lane. To the north, across Sweet Street is the City Walk development consisting of offices, Bewleys Hotel and residential units, rising to 10 storeys, a cleared site providing unauthorised surface car parking but with approval for an 8 storey office block and the 'Mint' development consisting of 8 storeys of offices. Planning application 09/03829/OT proposed a multi-storey car park and two office blocks of 6 storeys in height on the site to the immediate west of 'City One', this application was recently approved in principle at the 29th April 2010 Panel.
- 3.5 The site rises from Sweet Street southwards towards Jack Lane.
- 3.6 The eastern portion of the site lies within a Prestige Development Area as designated by the Leeds Unitary Development Plan Review (2006). The site is outside Holbeck Urban Village with the boundary being Sweet Street to the north of the site.
- 3.7 There are gas pipelines running along the northern and southern edges of the site and flood zones 2 and 3 extend into the northeast portion of the site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 20/517/04/OT: Outline application for a multi-level development up to 40 storeys with 450 flats, offices, hotel, casino, MSCP (1550 spaces), A1, A3, A4, A5, approved 19/9/06. This consent was for a similar major mixed use scheme to that currently proposed. This scheme was on a slightly smaller site as it did not include the former LA Bowl site that is now included in the current application. This consent expired in September 2009 and, in addition to the application below, established a number of principles for a major mixed use development in the area.
- 4.2 20/476/02/OT: Outline application to erect up to 22 storey hotel & casino, offices A1 A3, A4 and A5 food & drink units and multi storey car park, approved 21/2/03. This was the first major mixed use approval for a site that excluded the former LA Bowl site and the warehouse to the southwest.
- 4.3 Part of the site abutting Sweet Street is subject to enforcement action against its use as a long stay commuter car park. An enforcement notice was served on Montpellier Estates Ltd on 16/3/10, this notice has been appealed.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Officers commenced discussions on the current proposals in 2007. Initially, a number of workshops took place to undertake an urban design analysis of the site and surrounding area and establish 10 key urban design principles. This analysis and design principles were then used to develop the site layout and parameter plans that formed part of the application submission. Detailed discussions have also taken place regarding the highways implications and section 106 heads of terms.

- 5.2 A pre-application presentation was made at the 5th November 2009 Panel. The scheme architects presented the proposals and Members made the following comments:
- Was there any affordable housing included in the scheme? *Response: In accordance with policy, the scheme will deliver 15% affordable housing either on site or in the form of a commuted sum.*
 - A daylight/sunlight study should be submitted to ensure sufficient light will penetrate the residential units and open space. *Response: A sun path study for the months of April, July and October has been submitted in support of the scheme and a brief commentary is provided in the design and access statement. The main public spaces benefit from direct sunlight during the times of day when they will be commonly used, lunchtime through early afternoon in the spring and summer. Direct sunlight is more restricted in the late autumn and winter, as would be the case in many city centre locations. Information has been provided in the design code that highlights the quality of the design of the open spaces.*
 - The scheme should include good street and feature lighting. *Response: Feature lighting columns have been identified on the main north-south pedestrian route through the central public space to highlight this route. Full details of the lighting will be conditioned..*
 - There was uncertainty regarding the quality of the open space, potential dominance of buildings and the amount of light into these spaces. *Response: Further details regarding the amount, usability and quality of the open space is provided within the supporting documents. The scheme complies with UDPR policy CC10 that requires a minimum of 20% public open space. A more detailed appraisal of the public open space is provided in section 10 below.*
 - Has sufficient public open space been included? *Response: See comment above and appraisal section below.*
 - The site is a prominent and important site and needed to be dynamic. *Response: The indicative layout proposes a layout that introduces new pedestrian connections and the potential for landmark buildings. The flexibility of the proposals, design code and developer's commitment to using a number of architects to design the individual buildings will further ensure a high quality dynamic site.*
 - Whilst accepting the need for flexibility, it was important that the maximum tolerances were not pursued across the whole site as this would lead to a reduction in amenity space. *Response: The maximum tolerances cannot be achieved across the whole site with regard to building heights. The parameter plans include a plan that requires minimum distances between buildings to ensure the amenity space is kept to an acceptable level.*
- 5.3 Following the presentation to Members, officers continued discussions with the applicant to ensure the submitted scheme was developed to reflect members' comments.
- 5.4 The applicant carried out a public consultation exercise in the Ante Chamber of the Civic Hall on the same day as the pre-application presentation, 5/11/09. Invitations were sent to 20 businesses adjacent to the application site, ward councillors, members of the Leeds, York and North Chamber of Commerce and an advert was placed in the Yorkshire Evening Post. This event displayed the proposals and was attended by 20 people, 4 comment sheets were submitted. The comments largely

supported the scheme and its greenspace, there were comments requesting family housing and local employment.

- 5.5 The applicant also met with Leeds Civic Trust on 6/11/09. In a letter from the Civic Trust support for the scheme was offered and it was stated it was a significant improvement on the previous scheme. The Civic Trust also believed the scheme proposed better integration into the surrounding area and supported the mix and distribution of uses.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 An advert was placed in the Leeds Weekly News 18/3/10 and site notices were placed around the site on 12/3/10.

- 6.2 Leeds Civic Trust have commented on the scheme and generally support the proposals. The Trust believe this is a significant improvement on the previous scheme and will integrate into the grain of the city. The mixed use character will increase activity to Holbeck and it will be important to create a safe and direct route across Sweet Street. The layout of uses seem appropriate but the proximity of the proposed MSCP to the west of the site could restrict the amenity of the proposed residential units. The tall building is appropriate in this location and its design should be of a high quality. More than one architect should be used to design the buildings. *Response: The MSCP car park to the west would be no less than 16.5m from the proposed residential block (and could be up to 24m away), this separation is considered compatible with the existing city centre character and urban grain and would not unduly detract from adjoining residential amenity. The detailed design of the MSCP will ensure that there are no adverse effects on amenity (eg car headlights etc). The design code highlights quality design and the developer's commitment to seeking multiple architects designing the buildings. Crossing routes across Sweet Street are being examined by highways colleagues.*

- 6.3 One letter of support has been received from Rushbond Plc that own the land on the western side of Bowling Green Terrace. Rushbond are generally supportive of the mixed use scheme. However, Rushbond believe the central space is inward facing resulting in the buildings turning their back on the Rushbond site. The building adjacent to their site are substantial. *Response: The scheme has developed with buildings on the back edge of Bowling Green Terrace and it would be inappropriate to set the buildings in from the highway and create any limited and difficult to use open space. The large central space will meet public open space requirements for the site and much of the area and will extend to the western edge of the site and therefore allow adjacent developers to link to and associate with this space. Whereas the proposed buildings are taller than the existing commercial units they respect the more recently constructed buildings and heights intended for the area as supported by the Holbeck Urban Village Planning Framework.*

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory

- 7.2 **Environment Agency:** No objection subject to a condition requiring a sustainable drainage system be agreed.

- 7.3 **Health and Safety Executive:** The site falls within the consultation distances of two high pressure gas pipelines. Only landscaping and access roads are located within the inner zone of the pipeline on Sweet Street and part of the MSCP and less

than 10% of office block O4 are within the inner and middle zone of the pipeline at the south of the site. As such there is no objection on safety grounds.

- 7.4 **Highways:** A highway improvement scheme has been submitted to provide improve traffic capacity for vehicular movements to and from the site and improvements to pedestrian and cycle movement around the site. Further testing of the impact on the highway network is taking place and updates will be provided verbally at panel. Pedestrian improvements include a widened footway/cycleway along the Meadow Road frontage, signal controlled Toucan crossings at the Jack Lane Meadow Road junction and an informal crossing on Jack Lane. Combined with the pedestrian routes through the site it is considered this will provide suitable local improvements for pedestrians. A car park management plan (CPMP) has been submitted to ensure appropriate management of the MSCP that serves the development. A one-off payment of £6,000 will be required for the removal of each pay and display parking space on Trent Street to cover the loss of revenue. *Response:* Discussions are on going regarding the highways issues and updates will be provided verbally at panel.
- 7.5 **Highways Agency:** Further information, justification of various points and improvements to the travel plans are required. *Response:* Discussions are on going and will be addressed prior to the application being brought for determination.
- 7.6 **Leeds Bradford International Airport (LBIA):** The tallest building (up to 119m) does not raise any problems. Crane locations and radio masts should be agreed with LBIA and there should be minimal light pollution. *Response:* The requirement to inform LBIA regarding crane and radio masts will be added as a direction, the standard lighting condition will also be added to protect against excessive light pollution.
- 7.7 **Yorkshire Forward (YF):** The scheme is welcomed as it has the potential to deliver significant economic benefits to the city and wider city region. The development will enhance the entrance to Leeds and assist in the regeneration of Holbeck Urban Village (HUV). The range of uses is appropriate and YF would support uses that further promote social inclusion in the area. The Sweet Street boulevard and central public open space are also welcomed. The highest sustainability standards viable at the site should be sought.
- 7.8 **Non-statutory**
- 7.9 **Access:** The application is in outline and no details regarding access are provided. Such details should be addressed by the reserved matters submissions. No objection.
- 7.10 **Affordable Housing Delivery Team:** 15% of the residential units should be affordable.
- 7.11 **Architectural Liaison Officer:** The site is within a high crime area and consideration of this should be taken into account. The North East Counter Terrorism Unit should be contacted at reserved matters stage and site security should be considered during detailed pre-application discussions.
- 7.12 **Education:** If any of the residential units have 3 or more bedrooms an education contribution would be required. *Response:* Such a requirement will be incorporated into the S106.

- 7.13 **Entertainment Licensing:** Licenses would be required for any casino/bingo hall and any premises selling alcohol.
- 7.14 **Environmental Health:** The dominant noise source in the area is road traffic, this issue is addressed in the noise report, double glazed non-opening windows and alternative ventilation will address this concern. Standard conditions are requested plus conditions restricting entrance/exit doors to the hotel and casino being onto Sweet Street only to protect the amenity of the residential accommodation. *Response:* *An appropriate condition will be added that requires a full examination of the potential for opening windows and suitable ventilation systems. The site is a major mixed use scheme with many active uses and it is hoped it will be in use 24 hours a day. As such it is not considered necessary or appropriate to restrict the location of the access doors to the casino and hotel uses.*
- 7.15 **Land Contamination:** No objection subject to conditions.
- 7.16 **Mains Drainage:** No objection subject to standard conditions.
- 7.17 **Metro:** Concerns are raised regarding the level of car parking, a public transport contribution should be sought, the developer should demonstrate how people will access the site from the opposite side of Meadow Road, the developer should provide a contribution to a second free city bus, greater commitment to the travel plan measures should be provided and there is an objection to the shortening of the bus lane on the inbound Dewsbury Road. *Response:* *The car parking is in accordance with UDPR allocation. The development will trigger a public transport contribution in accordance with policy but there is no second free city bus proposed at this time and no policy for this specific contribution. Until such a requirement for the second free city bus is identified, public transport contributions will continue to assist the deliver of improvements already identified. It is envisaged most people will arrive at the site from the north or south, existing crossing points are provided on Meadow Road. Improvements to the travel plans are being sought and discussions are on going regarding the shortening of the bus lane.*
- 7.18 **Northern Gas Networks (NGN):** NGN object to the scheme unless there is reference to the potential need to divert the pipelines and the lead in time to complete this work. NGN would like any planning consent granted to make reference to the need to permit NGN to undertake a risk assessment to examine if the pipelines will need to be moved and if they need time to complete the works. *Response:* *This issue is addressed in the appraisal section below.*
- 7.19 **Public Transport Officer:** The proposal will generate a significant number of public transport trips therefore a contribution of £1,101,310 should be sought in accordance with supplementary planning guidance.
- 7.20 **Transport Policy:** Further improvements to the submitted master and residential travel plans are required. The agreed travel plans and monitoring fee of £6,715 must be secured by S106. Conditions should be added that require cycle and motorcycle parking, the location of the car club and the 100 car share spaces and the provision of staff shower facilities. *Response:* *The necessary improvements to the travel plans are being sought, the travel plans will be appended to the S106 and appropriate conditions added.*
- 7.21 **West Yorkshire Archaeology Advisory Service (WYAAS):** There are no apparent significant archaeological implications attached to the proposed development.

7.22 **Yorkshire Water (YW):** Standard conditions requested including ones requiring easements to the water mains and sewers that cross the site. The baseline layout includes buildings over the line of the sewers and would not be acceptable. Sustainable Drainage Systems (SUDS) should be encouraged. Surface water discharges should have a reduction of a minimum of 30% on current levels to reflect climate change. The submitted Flood Risk Assessment (FRA) is acceptable and indicates discharge rates as previously agreed with YW. *Response: The requested conditions will be added to any approval and will include a condition that ensures reduced discharges. Whereas the potential site layout would conflict with existing sewers and/or water mains the conditions allow for diversion of the water mains to be agreed and implemented prior to the buildings being constructed. This issue has already been raised directly with the developer by YW and should not prevent any grant of planning consent.*

8.0 PLANNING POLICIES:

8.1 Development Plan Policies

8.2 **Regional Spatial Strategy (RSS):** 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. It should be noted that a recent Ministerial statement has confirmed the governments intention to abolish the RSS and as such it should be accorded limited weight in the interim.

8.3 **Unitary Development Plan (Review 2006) (UDPR):** The eastern part of the site is located within a Prestige Development Area (PDA). Other relevant policies include:
Policy 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.
BD15: Public art will be encouraged where appropriate.
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.
H4: Residential developments on non-UDPR allocated sites.
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.
CC4: High quality design and appropriate scale at city centre gateway locations.
CC10: Sites over 0.5ha require 20% public open space.
CC21: Ancillary shopping development can be accepted outside the Prime Shopping Quarter
CC27: Proposal areas within the City Centre.
CC31: Uses appropriate within Prestige Development Areas (incl. hotels, conference, leisure).
S1: The role of the CC as the regional centre will be promoted.

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.

LD1: Identifies requirements for landscape schemes

8.4 **Relevant Supplementary Planning Guidance.**

8.5 **Tall Buildings Design Guide (Adopted April 2010):** This Supplementary Planning Document (SPD) provides guidance as to where tall buildings should and should not be built. The document highlights the importance of design and urban design and seeks to protect the best elements already established within the city.

8.6 **Public Transport Improvements and Developer Contributions (2008):** Developments that have a significant local travel impact will be subject to a requirement for paying a contribution towards public transport improvements.

8.7 **Holbeck Urban Village (HUV) 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.

8.8 **Neighbourhoods for Living – A Guide for Residential Design in Leeds (2003):** This SPD provides guidance regarding the themes and principles of residential design; the character and essence of Leeds and the submission requirements and analysis based process.

8.9 **City Centre Urban Design Strategy September (2000):** 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.

8.10 **Sustainable Development Design Guide (1998):** This document 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.

8.11 **Leeds City Centre Area Action Plan (CCAAP)– Preferred Options Main Report (2007):** This development plan document identified the city one site/surrounding area as a potential 'service centre' that would include a range of convenience shops and services to meet a growing/proposed local population. Work on the CCAAP has ceased due to pressures to complete work on other policy documents and therefore only receives limited weight.

8.12 **National Planning Guidance**

8.13 PPS1 General Policies and Principles
PPS3 Housing
PPS4 Planning for Sustainable Economic Growth
PPG13 Transport

9.0 **MAIN ISSUES**

- Principle of development and uses including the retail provision.
- Connectivity and site layout.

- Public open space.
- Scale, form and design principles.
- Highways issues.
- Sustainability and biodiversity.
- High pressure pipelines.
- Section 106.

10.0 APPRAISAL

10.1 Principle of development and uses including the retail provision.

10.2 The principle of a major mixed use development in this area has been established by the previous two planning approvals. Whereas the site has now increased in size and therefore resulted in a change to the amount of development proposed, the principle of redeveloping this largely cleared brownfield site is supported.

10.3 The development is located within the city centre and proposes a type and mix of uses similar to previously approved and in accordance with current development plan policy and national guidance that seeks to promote sustainable development in accessible locations and leisure uses within defined centres. The PDA designation supports the range of uses proposed.

10.4 The maximum retail content proposed is similar to that previously permitted. The amount of retail amounts to approximately 1% of the total floorspace proposed for the development. However, this is still a significant amount outside the designated Prime Shopping Quarter (PSQ), up to 2,499m². The City Centre Area Action Plan (CCAAP) identifies the site as having the potential for being a 'service centre' with a range of convenience shops and services. Whereas work on this un-adopted Development Plan Document has ceased and is therefore offered limited weight, policy CC21 and paragraph 13.6.9 of the UDPR continue to promote ancillary shopping outside the Prime Shopping Quarter. It is still considered that the proposed retail content at the City One site could serve the site itself plus the existing and proposed developments nearby. Subject to further agreement regarding the scale of units and type of goods sold (greater emphasis on convenience goods rather than comparison) the retail content is considered acceptable and will not detract from the vitality and viability of the Prime Shopping Quarter.

10.5 The proposed abolition of the RSS is not considered to materially affect the determination of this application. The principle of a major mixed use development on this site is considered to comply with the document as adopted and with all other relevant development plan policies and national planning guidance.

10.6 Connectivity and site Layout.

10.7 In addition to the understanding of the site and its surroundings identified during the course of approving the two previous planning applications, this scheme benefits from detailed pre-application discussions. A detailed urban design analysis of the site and surrounding area and a number of workshops took place to establish ten key urban design objectives that have influenced the scheme now proposed. The site layout fully accounts for the existing and proposed communities in the area and will significantly improve connections to and from the city centre, HUV and other nearby sites.

- 10.8 The urban design analysis identified key pedestrian access points and desire lines within the locality of the site and wider area and sought to clearly identify with these by locating the pedestrian routes into and out of the site in relation to the identified points and routes. One of these routes identified and incorporated into the scheme effectively links the Beeston area via New Princess Street to the southwest of the site, through the main public open space within the site, and onto Sweet Street and the city centre beyond. This was identified as being one of the key routes the site should deliver and resulted in the large area of public open space (5,250m²) in the centre of the site and the various ancillary routes into and out of this space. The design code ensures connecting vistas are introduced at various points along this route.
- 10.9 In addition to the creation of the principal open space, associated linking spaces and pedestrian routes, another of the ten key urban design objectives sought to introduce a strong built form on Sweet Street, Meadow Road and Jack Lane to create a boundary to the site and define the street edge. Such definition has been achieved by locating on or close to the boundaries of the site whilst the large open space and linking spaces ensures the site is not an insular development but one with a strong edge that still integrates with the surrounding area.
- 10.10 The location of the gas pipeline at the Sweet Street boundary has restricted development in this area therefore whereas a strong building line has been achieved, this is set back from Sweet Street. Such a strong building line (in addition to the scale of buildings discussed below) ensure the HUV Framework's aspiration to create the sense of an avenue along Sweet Street is achieved.
- 10.11 As the application is in outline only with layout being one of the reserved matters, parameter plans have been submitted that identify the minimum and maximum distances between buildings plus minimum and maximum building footprints. These plans ensure the appropriate vehicular and pedestrian access points can be delivered whilst allowing for flexibility in the final scheme. The layout parameters have been carefully examined to ensure appropriate distances between buildings are provided in the interests of streetscape, privacy, public open space and connectivity. As a minimum the site layout achieves significant open space and pedestrian connectivity in conjunction with the potential for attractive streetscapes and ensures distances from residential properties to other buildings achieves the usual 15m separation to protect privacy. Open space and the streetscapes (including the scale of the buildings) are discussed in more detail below.
- 10.12 **Members are requested to comment on the proposed connectivity and site layout.**
- 10.13 **Public open space.**
- 10.14 As identified above, pedestrian connectivity and the resulting public open space has been a key driver in the development of the scheme to ensure appropriate connections are made and a minimum of 20% public open space is achieved in compliance with UDPR policy CC10. If all maximum building parameters were proposed at reserved matters stage, therefore resulting in the minimum acceptable distances between buildings, the proposal would still meet the requirements of policy CC10. The open space would be significantly increased if the distances between buildings were greater than the minimum space parameters.
- 10.15 In addition to ensuring the amount of public open space is compliant with policy and the aspirations for the site, details of the quality of the spaces have been sought

with information provided within the design code and associated plans. The design code designates 8 areas within the site and promotes a type of space suitable for that location. For example, the large central space (5,250m²) is identified as the 'green heart space' that will incorporate 'traced lawns, parkland trees and a formal pedestrian avenue linking the north-south axis of the park. The use of natural materials such as timber to vertical structures and resin bound aggregate to footpaths' to emphasise its 'parkland character'.

- 10.16 Another important part of the site is the space adjacent to Sweet Street. This will take the form of a 'tree-line boulevard with avenue tree planting, integrated parking and wide pavements'. It will include the use of stone to crossing points to add warmth and texture to the urban street scene whilst other surfacing materials will demark areas under tree canopies and key intersections.
- 10.17 In addition to the specific references to the 8 identified public open space areas, the design code commits to using materials referenced within the HUV Framework, despite being outside the framework designation, to complement those within HUV.
- 10.18 The principles established in the design code will clearly determine the type and feel of the public open space across the site. In addition a plan defining active frontages has been submitted. This will ensure that the design of the buildings into the key public open spaces plus some of the uses within them will provide an appropriate setting to the spaces. Retail uses plus leisure uses such as bars and restaurants are proposed in these areas.
- 10.19 At the pre-application presentation members raised queries regarding both natural and street light within the public open spaces. As stated at 5.2, a sun path study for the months of April, July and October has been submitted in support of the scheme that shows the main public spaces benefit from direct sunlight during the times of day when they will be commonly used, lunchtime through early afternoon in the spring and summer. Direct sunlight is more restricted in the late autumn and winter, as would be the case in many city centre locations.
- 10.20 With regard to street lighting, the submitted plans identify feature lighting columns on the main north-south pedestrian route through the central public space. Full details regarding lighting will be conditioned.
- 10.21 The proposed scheme introduces an acceptable amount of public space and commits to introduce high quality spaces specifically designed to meet the needs of its particular location. Active frontages further enhance the spaces and full details of all landscaping will be required by condition and reserved matters.
- 10.22 **Members are requested to comment on the quantity and quality of the public open space.**
- 10.23 **Scale, form and design principles.**
- 10.24 Parameter plans have also been submitted regarding the height of the proposed buildings. The key influences to have determined the scale of the proposals include the existing buildings in the area, general urban design objectives highlighted in UDPR policy, the HUV Framework, recently adopted tall buildings SPD and the previous planning approvals. One of the 10 urban design principles agreed through the pre-application design development also sought to achieve a diverse skyline that frames views into the city. At the pre-application presentation to panel it was stated

by one member of the panel that a dynamic development should be sought at this key gateway site.

- 10.25 The HUV Framework promotes buildings of around 7-9 storeys on the northern side of Sweet Street that would in turn closely reflect the scale of the existing Bewleys Hotel at the eastern end of Sweet Street. Despite being outside the HUV Framework boundary, 3 of the 4 proposed buildings on Sweet Street (R1, O1, O2) reflect this scale within their parameters.
- 10.26 The exception to this is the casino/hotel building (C1, H1, H2) that has a plinth with a parameter of 2-9 storeys with tower above ranging between 15 and 40 storeys. As this proposal incorporates a plinth, greater flexibility in the scale was considered acceptable as the primary element of the building is the tall tower. Tall towers were approved under the previous applications and the location of this tower is compliant with the tall buildings SPD and City Centre Urban Design Strategy that highlight suitable locations for tall buildings. The proposed tall building is within the north-south spine of existing and proposed tall buildings, at a gateway location, within a Prestige Development Area (PDA) and within a potential cluster area for tall buildings. This building will act as a 'pointer' for the pedestrian route from the south into the city.
- 10.27 The building in the northeast corner of the site (O2) reflects the 7-9 storeys appropriate on Sweet Street whilst development to the south of this along Meadow Road will be permitted under the parameter plans to increase in height up to a maximum of 13 storeys. This allows for greater prominence of the building in the southeast corner of the site and therefore appear as a gateway building adjacent to the M621 distributor, one of the main routes into the city.
- 10.28 The MSCP on the southern boundary of the site (CP1) and remaining buildings on the western boundary (R2, R3) have proposed heights of 6-12 storeys and 6-9 storeys respectively. The scale of the car park will be determined by the amount of development elsewhere within the site whilst the residential buildings reflect the scale of the buildings proposed at the adjacent site to the northwest.
- 10.29 The building toward the centre of the site (O5/R4) is designed with the greatest flexibility. The parameters allow this building to reflect the scale of those surrounding but also offer the potential to introduce a taller element up to 20 storeys. The taller element would be directly behind the tall hotel building and is therefore compliant with the tall building policies highlighted.
- 10.30 Despite being in outline only, a design code has been submitted that highlights a number of key design principles and aspirations that have been identified through the development of the scheme and will influence the final form and appearance of the buildings to be agreed via reserved matters submissions.
- 10.31 The design code identifies where setbacks should occur in particular buildings to reduce the prominence of upper floors and respect the scale of other buildings in the locality. The design code also requires the buildings along Meadow Road to be within 3 storeys of each other to ensure an appropriate urban form along this important route into the city.
- 10.32 With regard to the taller buildings there is a requirement for the two medium sized towers (H1, R4) to be no more than half the height of the tallest tower (H2) to ensure the taller tower remains the most prominent and acts as a marker in the area.

- 10.33 The detailed design of the tall buildings will comply with the tall buildings SPD to ensure high quality design and a focus on an appropriate grounding and top to the building.
- 10.34 Precedent images are included within the design code to highlight attractive elements of existing schemes that will be considered for the final design of the proposed buildings.
- 10.35 The scale of the buildings has taken into account the space between the proposed buildings and relationship with other buildings in the area whilst the proposed parameters and design principles ensure the individual buildings and site on the whole are appropriate for the area.
- 10.36 **Members are requested to comment on the scale of the proposed buildings and the form and design identified in the design code.**
- 10.37 **Highways issues.**
- 10.38 A highway improvement scheme has been submitted to provide improve traffic capacity for vehicular movements to and from the site and improvements to pedestrian and cycle movement around the site.
- 10.39 Further testing of the impact on the highway network is taking place and updates will be provided verbally at panel.
- 10.40 Pedestrian improvements include a widened footway/cycleway along the Meadow Road frontage, signal controlled Toucan crossings at the Jack Lane Meadow Road junction and an informal crossing on Jack Lane. Combined with the pedestrian routes through the site it is considered this will provide suitable local improvements for pedestrians.
- 10.41 A car park management plan (CPMP) has been submitted to ensure appropriate management of the MSCP that serves the development. This document ensures parking is allocated in accordance with UDPR standards plus the delivery car sharing spaces and cycle parking. Any initial overspill parking will be restricted to short stay parking only until full occupation in accordance with UDPR allocations.
- 10.42 **Sustainability and Biodiversity.**
- 10.43 Sustainability and biodiversity statements are included within the design code that highlight the aspirations of the scheme and how the scheme can respond to issues at reserved matters stage. Reference is made to the developers intention to achieve a minimum of BREEAM very good and Code for Sustainable Homes Level 3. It is intended to naturally ventilate the car park and examine the potential for green roofs and to deliver greater than 10% of the site energy from renewable sources. Conditions will require further details regarding the sustainability measures for each of the reserved matters submissions.
- 10.44 **High pressure pipelines.**
- 10.45 The Health and Safety Executive (HSE) are the statutory consultee regarding the gas pipelines adjacent to the site and they raise no objection to the proposals, as with the previous planning applications. Primarily landscaping and access roads and only a small amount of the buildings are affected therefore no objection is raised.

10.46 However, the pipeline operator, Northern Gas Networks (NGN) (a non-statutory consultee), object to the proposal unless the development is prevented from being commenced until they have relocated and therefore downgraded the pipeline. The legal requirement to downgrade any risk posed lies with the NGN therefore, as with the previous planning applications approved at the site, withholding planning permission or a condition restricting the commencement of the development on this ground is not appropriate. The regulations regarding the safety of the pipeline are enforced by the HSE under separate legislation and the planning authority should not try to duplicate control or legislation.

10.47 It is therefore considered there can be no concerns regarding granting planning permission on safety grounds. Whilst concerns expressed by NGN have been taken into account as a material consideration, on balance, whilst NGN may have to reconsider its operating methods in conjunction with the HSE, under its own legislation, the benefits in planning terms arising from the proposals, which are in line with long established proposals for the area, outweigh these concerns. For completeness, a direction will be added to request the developer liaises with the NGN prior to the commencement of development.

10.48 **Section 106.**

10.49 Heads of terms for the S106 have been agreed and work on the draft document has commenced. The S106 will have clauses to cover the following:

- Public transport contribution in accordance with SPD5.
- Education contribution if any of the residential units are 3 bed or larger.
- Securing the travel plan and travel plan monitoring fee.
- Penalties if the travel plan targets are not met.
- Delivery of 15% affordable housing.
- Public access arrangements to ensure 24 hour access is provided through the site.
- Car park management plan.
- Standard training and employment initiatives.
- Management fee for each clause.

10.50 Clauses may also be required in relation to the off site highway works.

10.49 At pre-application stage the applicant submitted a viability statement that shows the development to be unviable by virtue of producing a loss of almost £50m. The figures contained within the viability statement were accepted by Asset Management. Whereas the scheme is clearly unviable in today's market, the development is a phased development that will be delivered over many years and only once the economy has significantly improved and therefore profits increased. As such it is not intended to accept any reduction in planning contributions today. However, as with other recent approvals, a mechanism for submitting a viability statement in the future when reserved matters are submitted will be incorporated into the S106, which would allow the Local Planning Authority to consider this matter without prejudice at the appropriate time.

11.0 **CONCLUSION**

11.1 Members are asked to note the above position statement and provide comment on the proposals.

11.2 It is intended to bring a formal recommendation to the August Panel, when the proposal shall address all the outstanding issues and any comments made on this position statement.

Background Papers:

Application file 10/00923/OT and history files 20/476/02/OT and 20/517/04/OT.

Certificate of Ownership signed on behalf of the applicant and notice served on the owner of the electricity substation.

CITY ONE LEEDS - DELIVERY PHASES



LEGEND

- OFFICE BOULEVARD DELIVERY PHASE
- SWEET STREET BOULEVARD DELIVERY PHASE
- BOWLING GREEN TERRACE LINK ROAD DELIVERY PHASE
- BOWLING GREEN TERRACE ACCESS ROAD DELIVERY PHASE
- GREEN HEART DELIVERY PHASE
- LOT BOUNDARIES

10 / 00 923 #

City One Leeds - Delivery Phases

Plan No: P/0001/100

Scale: 1:1000

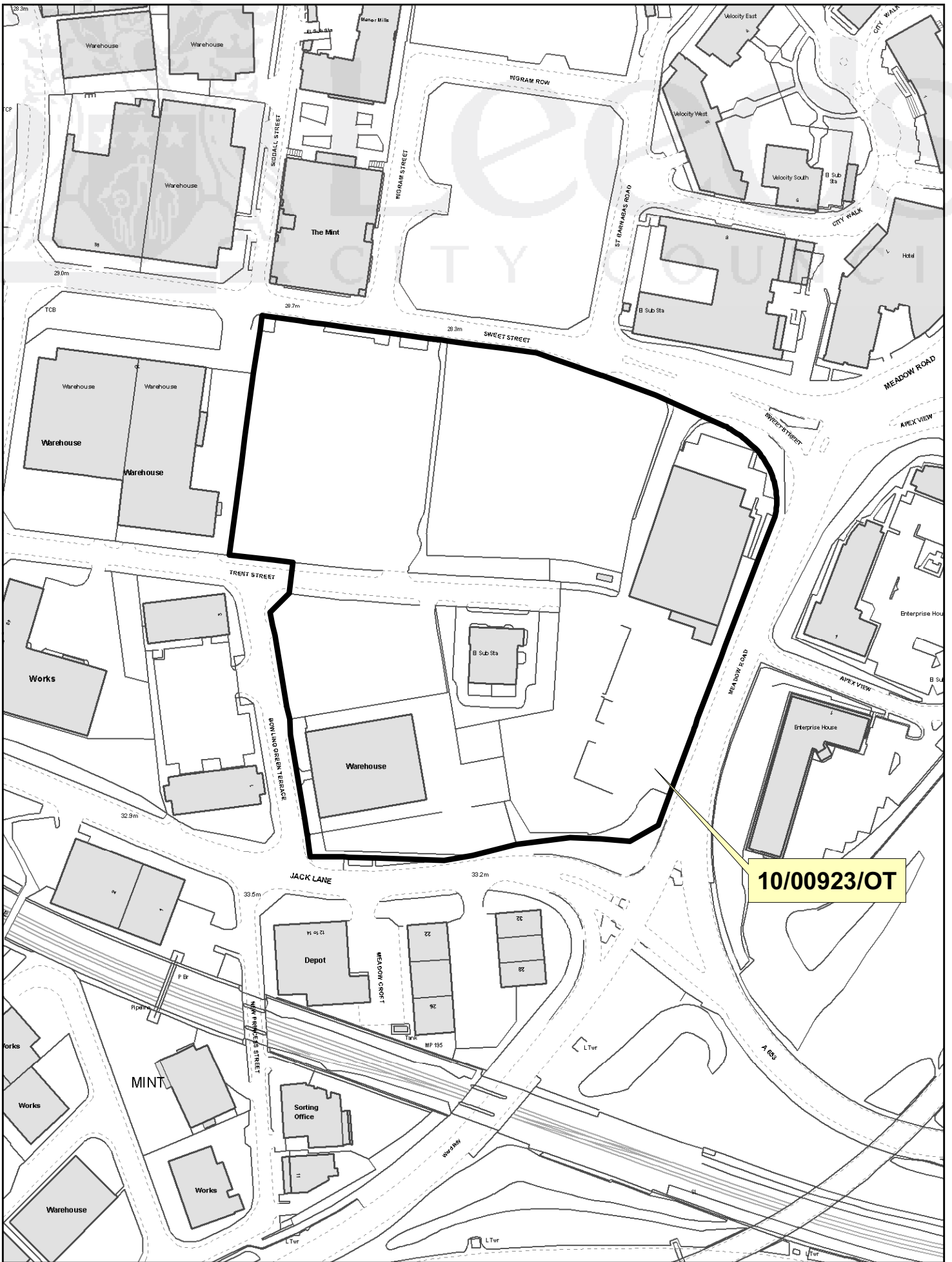
Date: 14/03/10

Author: [Name]

Checked: [Name]

Drawn: [Name]

Approved: [Name]



10/00923/OT

CITY CENTRE PANEL

Scale 1/2000

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