



PLANS PANEL (CITY CENTRE)

Meeting to be held in Civic Hall Leeds on
Thursday, 14th October, 2010
at 1.30 pm

MEMBERSHIP

Councillors

G Driver
S Hamilton
E Nash
B Selby (Chair)
N Taggart

C Campbell
M Hamilton
J Monaghan

A Carter
G Latty

D Blackburn

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 16th September 2010</p> <p>(minutes attached)</p>	13 - 18
7	City and Hunslet;		<p>APPLICATION 08/054440/FU - GLOBE ROAD/WATER LANE HOLBECK LS11</p> <p>Further to minute 14 of the Plans Panel City Centre meeting held on 22nd July 2010 where Panel deferred determination of the application for a 5 storey 78 bedroom hotel, to consider a further report of the Chief Planning Officer</p> <p>(report attached)</p>	19 - 44

Item No	Ward	Item Not Open		Page No
8	City and Hunslet;		<p>APPLICATIONS 09/03230/FU/0903280/CA/0903397/LI - ST PETER'S CHURCH AND CHURCH BUILDINGS AND CHANTRELL HOUSE LEEDS PARISH CHURCH KIRKGATE LS2</p> <p>Further to minute 25 of the Plans Panel City Centre meeting held on 19th August 2010 where Panel received a position statement on the latest proposals for a change of use including refurbishment and extensions to 2 church buildings with 2 flats to form offices and 16 flats and the erection of a 5 storey block comprising office and 21 flats with car parking together with Conservation Area application to demolish office and Listed Building Application for alterations for replacement gate in boundary wall; to consider a further report of the Chief Planning Officer</p> <p>(report attached)</p>	45 - 68
9			<p>DATE AND TIME OF NEXT MEETING</p> <p><u>FRIDAY 12TH NOVEMBER 2010</u> at 1.30pm in the Civic Hall Leeds</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/
6th October 2010

Dear Councillor

PLANS PANEL CITY CENTRE – THURSDAY 14TH OCTOBER 2010

Prior to the meeting on Thursday 14th October 2010 there will be two site visits, and I set out below the details:

Depart Civic Hall Ante Chamber at 10.00am by bus to 6 Bingley Street off Kirkstall Road, then at approximately 10.45am a visit to the Leeds Metropolitan University campus, Calverley Street and Woodhouse Lane, with an anticipated finish for 11.30am.

Please could you let Daljit Singh know (2478170) if you will be attending the site visits and assemble in the Ante Chamber at **9.50am**.

Following agenda item 9 there will be two pre-application presentations, these being to consider the emerging proposals for part of the Leeds Metropolitan University City Campus site and proposals for a mixed use development up to 10 storeys (A1, A3, B1 use) with car parking at 6 Bingley Street LS3 and I attach both reports to this letter.

Yours sincerely

Angela M Bloor
Governance Officer



Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 14th OCTOBER 2010

Subject: PRE-APPLICATION PRESENTATION OF PROPOSED DEVELOPMENT AT LEEDS MET CITY CAMPUS, CALVERLEY STREET AND WOODHOUSE LANE, LEEDS.

Electoral Wards Affected:

City and Hunslet

no

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: This report is brought to Plans Panel for information. The Developer will present the details of scheme to allow Members to consider and comment on the proposals.

1.0 INTRODUCTION

1.1 This presentation is intended to inform Members of the emerging proposals for part of the Leeds Met City Campus site in advance of a planning application later in the year.

2.0 SITE AND SURROUNDINGS

2.1 Leeds Met city campus is a large rectangular area bounded by Calverley Street, Portland Way, Woodhouse Lane and the Inner Ring Road. It is currently characterised by denser built forms on the eastern side and a more open setting, with tall buildings set within generous grassed and tree lined spaces, on the northern and western sides. Trees around the site are protected by Tree Preservation Order (No.22) 2007. The southern portion of the site was cleared of redundant educational buildings during 2007/8. Levels fall by more than 10 metres from the northern to southern extremes of the site.

2.2 The area forms part of the designated Education Quarter in the adopted Unitary Development Plan Review (UDPR). The main objective of the designation is to

facilitate the University's main functional requirements on site, reinforce its distinct sense of place, improve linkages with the rest of the city centre and encourage the provision of extra student housing. The site contains a protected pedestrian corridor which runs from Woodhouse Lane across to Calverley Street.

2.3 The surrounding area is mainly characterised by institutional and civic uses. Leeds University campus is located to the north of the Inner Ring Road. To the west is the Leeds General Infirmary and to the south are the Civic Hall and the Leeds Met Rosebowl building. The Dry Dock, greenspace and the Woodhouse Lane multi-storey car park are situated to the east beyond Woodhouse Lane.

2.4 The campus is located between the University Conservation Area, the City Centre Conservation Area and Queen Square Conservation Area. The Civic Hall is grade II* listed.

3.0 PROPOSAL

3.1 The current scheme has been prepared by John McAslan on behalf of Downing, recent developers of Broadcasting Place to the north of the site. The current proposals relate to the north-west half of the campus site.

3.2 The proposals involve the change of use of block F (adjacent to Calverley Street) and block H (closest to the Inner Ring Road) to student accommodation. Approximately 470-500 bedrooms would be created. Whilst the existing concrete grid of the buildings would be retained and repaired, due to the room dimensions being greater than the window openings, the facades would need to be modified to enable the residential use. Studies as to how this can be best achieved are ongoing.

3.3 Existing building structure across the centre of block H would be demolished. The taller remaining component (H1) would house student accommodation. The lower section to the south (H2) would be used for car parking, as existing, and for other currently undefined uses. Similarly, there is a possibility that the ground floor of block F would be used for uses other than student accommodation to help activate the space and to respond to local need.

3.4 Block G which is located between blocks F and H is to be demolished. The space formed through the demolition of this building and partial demolition of block H would enable the delivery of a new, accessible public space at the heart of the campus. Pedestrian routes would be improved making the site far more permeable and providing enhanced connections from Woodhouse Lane to Calverley Street. The change of levels across the site bring forward challenges to ensure that the routes, spaces and buildings are accessible to everyone. Existing soft landscaping around the site would be protected and enhanced.

3.5 The developer has indicated an aspiration to deliver the public realm around the site incrementally, responding to development activity within the site.

3.6 The tight programme for the delivery of the student accommodation referred to above does not allow for proposals to be brought forward on land to the northwest of the proposed public square at this point in time. However, the current proposals have been developed in response to the developer's aspirations in that part of the site. Similarly, whereas there are no current proposals for the southern, vacant portion of the campus, the current proposals are intended to respond to likely patterns of development in that area.

4.0 TIMESCALES

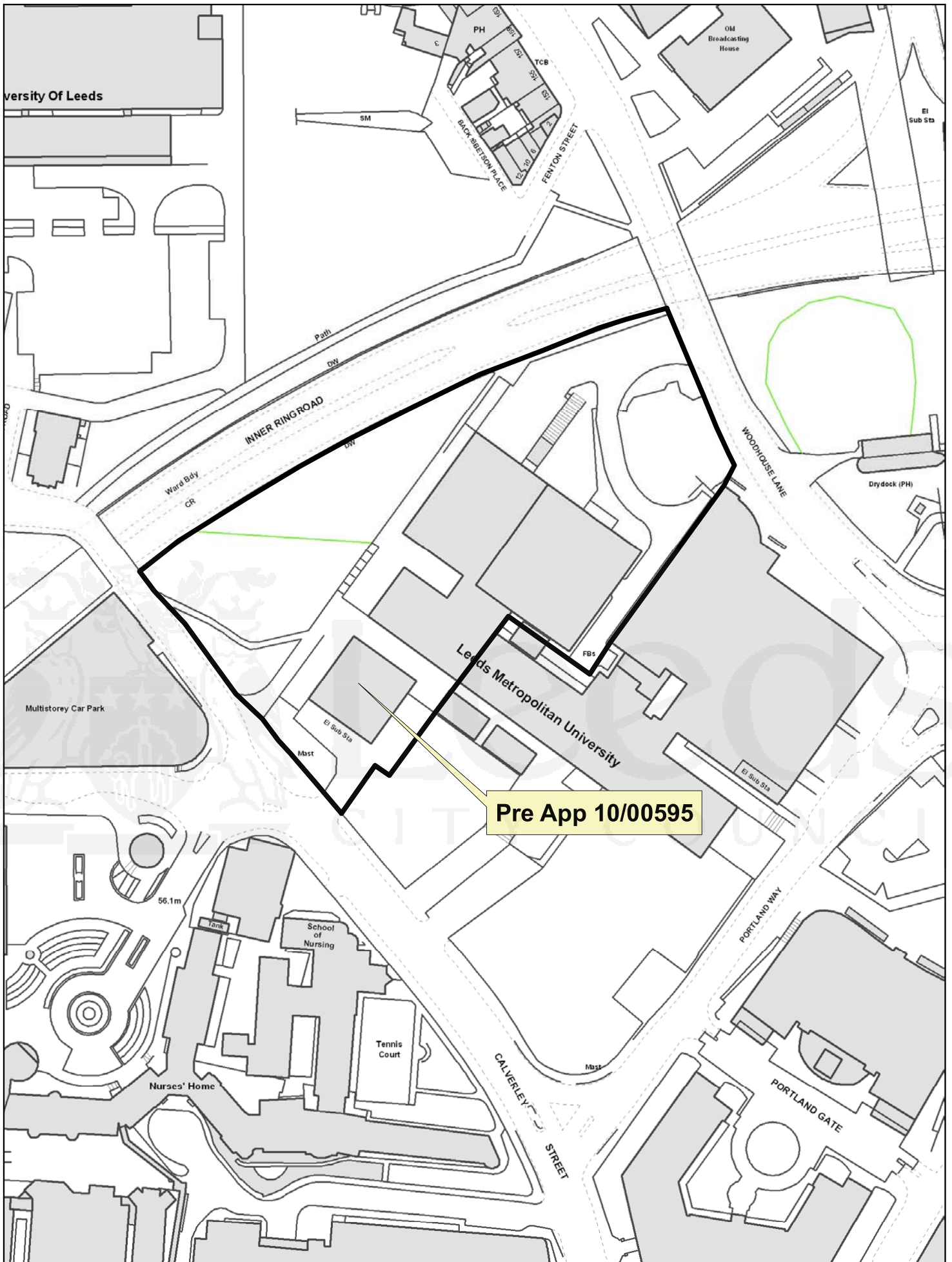
- 4.1 It is intended that the student accommodation is open in September 2012. In order to achieve this deadline it is proposed to submit a planning application at the end of October to enable commencement in Spring 2011.

5.0 ISSUES

Members are asked to comment on:

- (i) The emerging proposals for the uses of the buildings.
- (ii) The extent and arrangement of pedestrian routes and spaces and accessibility requirements.
- (iii) The need to protect and enhance existing landscaping.
- (iv) The proposals to deliver the public realm incrementally.
- (v) The developing ideas for the treatment of the building facades.

And to note the tight programme and the intention to come forward with proposals for the construction of new building on the site in the near future.



CITY CENTRE PANEL





Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 14 October 2009

Subject: PRE-APPLICATION – Proposal for mixed use development up to 10 storeys (A1, A3, B1 use) and associated parking at 6 Bingley Street Leeds LS3 1LX

Electoral Wards Affected:

City and Hunslet

No

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: This report is brought to Panel for information. The Developer will be asked to present the emerging scheme to allow Members to consider and comment on the proposals.

1.0 INTRODUCTION:

This site has had a number of years of pre-application discussion, initially for a student housing scheme with ground floor restaurant, and in more recent years, an office scheme with ground floor restaurant and small retail unit. An application was submitted in 2009, which was subsequently refused under delegated powers on design and highways grounds. The submission of an acceptable indicative parking and vehicle circulation within the site, transport assessment, travel plan and section 106 agreement in line with adopted policy would resolve the highways concerns. The reason for refusal on urban design grounds was as follows:

“The application proposal, by reason of its proposed level of floorspace and its indicative layout and siting, scale and massing, and resultant density and bulk, is considered to be an overdevelopment of the site detrimental to the character and visual amenity of the streetscene and the surrounding area. The overdominant height and massing would result in inadequate levels of daylight and sunlight, privacy, outlook, and spatial standards, detrimental to the amenities of nearby residents and the pedestrian environment. The proposal is therefore contrary to advice in Planning Policy Statement 1: Delivering Sustainable Development, Policies GP5, BD2, BD5, CC3, N12 and N13 of the Unitary Development Plan Review 2006, and adopted Supplementary Planning Guidance in the form of the Leeds City Centre Urban Design Strategy (September 2000).”

The proposals are presented to Panel to allow Members to comment on the evolving scheme and raise any issues, particularly in relation addressing the above reason for refusal, prior to the intended submission of an outline application later in the year.

2.0 SITE AND SURROUNDINGS:

The application site currently consists of a three storey pitched roof brick and render Maxi's restaurant, with surface car parking to the south and east. The restaurant is some 3-4 metres lower than Bingley Street at its junction with Cavendish Street at the north western corner of the site. At the rear of the restaurant is a single storey lean-to up against the retaining wall, this appears to be in use as additional storage and kitchens. To the north is a two storey red-brick public house The Highland, which has residential use at its upper floor, and features 5 south facing windows, approximately 15 metres from the northern boundary of the application site.

The section of Cavendish Street at this point is part tarmac and part cobble, and is blocked by the gates of the BT depot which closes off this part of the street. The BT building is a part 5/part 6 storey brick building which sits above and behind a retaining wall some 3 metres above the car park of the Maxi's restaurant. A fence runs along the site boundary behind an overgrown area above the retaining wall.

To the west lies the former RSPCA site, now a cleared site. This site has full planning permission for a part 6/7/8/9 storey student housing block, which Plans Panel agreed in September 2008 (ref. 08/02061/FU). This site was the subject of an appeal against a larger proposal for student housing, which was dismissed by a Planning Inspector on the grounds of its overdominant bulk and height. To the south of this lies a flooring warehouse at 84 Kirkstall Road, which has outline planning permission for a part 8/9/10/11 storey mixed use office/hotel/residential/bar/ restaurant scheme (ref. 06/02359/OT)

To the south of the site lies the part one/part two storey Napoleons Casino building in beige brick with mansard roof.

To the east lies the Grahams bathroom warehouse and associated car park. This consists of a two storey brick and metal clad warehouse and showroom. It is served from the same access road as Maxis, and is separated by a metal fence along the boundary with the restaurant car park.

The surrounding area is characterised by student housing, offices, and leisure uses. The area was mainly commercial and industrial in character, however recent developments have increased the mix of uses and facilities in the area, which lies unallocated within the designated City Centre and for car parking standards purposes the Fringe Commuter Parking Control Area. The site also lies within the area covered by informal supplementary planning guidance, the Kirkstall Road Renaissance Area Planning Framework 2007.

3.0 HISTORY OF NEGOTIATIONS

- 3.1 Pre-application discussions have been on-going at this site since 2005, culminating in the 2009 outline planning application (ref. 09/02339/OT). The refused scheme was a part 8, part 9 storey office building with a proposed height of approximately 28 metres above Cavendish Street. It included ground floor retail and restaurant, with two levels of car parking above the restaurant use. The layout of the building was 'L-shaped', with the higher part of the block parallel to Cavendish Street at 8

storeys, and a sloping projecting wing along Bingley Street, which would reach a height of 7 storeys. The layout allowed for a public space in the south-eastern corner of the site. Officers considered that the overall height of the block was excessive, and that the bulk of the projecting wing was too wide. It was also considered that the chamfered corner to Cavendish Street would benefit from being wider and more generous to give relief to surrounding existing and permitted buildings and the pedestrian environment.

- 3.2 Following the refusal of the 2009 application, the developer's architect has been in contact with officers to discuss how the previous reasons for refusal can be addressed, in particular layout and height (see below). However, officers still have concerns about the proposed scale and form of the building. It is considered that the building should be significantly lower, to protect the amenities of the surrounding area.

4.0 PROPOSAL

The proposal will show how the floorspace may stack up in three-dimensional form. The proposal will be in outline only and will not include details of appearance or landscaping. The revised proposal consists of a part 8, part 9, part 10 storey block, with ground floor retail unit, restaurant, two floors of parking, and offices above. The wing parallel to Cavendish Street has been reconfigured to step from 9 storeys in front of The Highland pub, up to 10 storeys in front of the BT building (approximately 27m and 31m high respectively when measured on Cavendish Street).

The other change from the previous refusal relates to the southern projecting wing towards Kirkstall Road which has been reduced in width by approximately 5m from the fourth storey upwards.

An area of public open space is located at the south eastern corner of the site. This could be added to if neighbouring sites were to come forward for redevelopment at any time in the future.

As before the car parking for the block would be accessed from Cavendish Street, with servicing for the restaurant from the public space. Two levels of car parking (accessed at grade from Cavendish Street) at first and second floor would provide 58 car parking spaces. Highways matters will be subject to LCC Highways and the Highways Agency's comments, as lack of an adequate transport assessment, travel plan and monitoring provision, and the lack of a provision toward public transport infrastructure were also reasons for the refusal of the previous application.

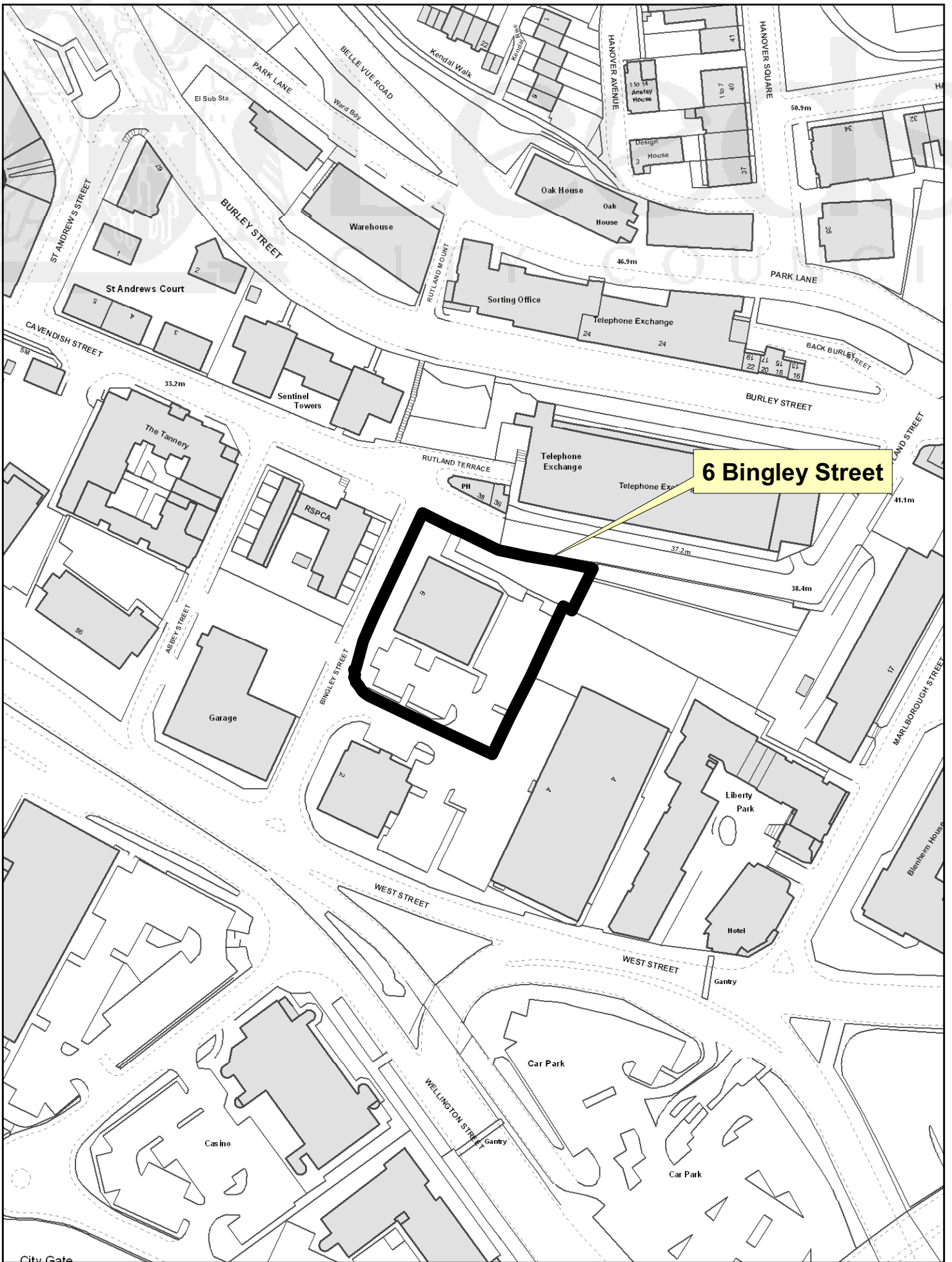
5.0 ISSUES

Members are asked to consider the following matters in particular :

- i. Is the proposed layout acceptable?
- ii. Is the proposed height and massing acceptable, in relation to the context of the surrounding area and existing buildings?
- iii. Is the depth/angle of the chamfered corner to Cavendish Street generous enough given proximity to neighbouring existing and permitted buildings?
- iv. Do the proposals support policy aspirations for an enhanced north-south pedestrian route between Burley Street and Kirkstall Road?

Background Papers:

Previous application file 09/02339/OT



CITY CENTRE PANEL



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Plans Panel (City Centre)

Thursday, 16th September, 2010

PRESENT: Councillor B Selby in the Chair

Councillors D Blackburn, C Campbell,
A Carter, G Driver, M Hamilton, S Hamilton,
G Latty, J Monaghan, E Nash and
N Taggart

Councillor

28 Chair's opening remarks

The Chair welcomed Councillor Taggart, who had recently been appointed to the Panel and then welcomed everyone to the meeting and asked Members and Officers to introduce themselves

29 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 10/01601/FU – Victoria Gardens LS1 – Councillor Driver declared a personal interest through being a member of Leeds Groundwork Trust Board who were the applicants (minute 32 refers)

Application 10/01601/FU – Victoria Gardens LS1 – Councillor Monaghan declared a personal interest through being a member of Leeds Civic Trust which had objected to the proposals (minute 32 refers)

Councillors Campbell, Nash and Selby declared personal interests through being members of English Heritage

30 Minutes

RESOLVED - That the minutes of the Plans Panel City Centre meeting held on 19th August 2010 be approved

31 Matters arising

Further to minute 26 of the Plans Panel City Centre meeting held on 19th August 2010 where Members were informed of structural damage to the property adjacent to the First White Cloth Hall on Kirkgate and the fear that the Listed Building might need to be demolished for public safety reasons, Members made the following comments:

- that the First White Cloth Hall was as important to the city as the Town Hall and the Corn Exchange
- the recent comments by Leeds Civic Trust that the Council should purchase the site; that a design statement had previously been drawn up and that the Council should consider purchasing the building and the whole row

- that a letter be sent from the Panel to the Executive Member for Development and Regeneration informing him of the Panel's views and that it supported the stance taken by Leeds Civic Trust
- that the Panel be informed of the status of the discussions which had been previously carried out on proposals for the refurbishment and regeneration of that area and whether the scheme had been progressed

The Head of Planning Services advised that the First White Cloth Hall had been saved for the immediate future and that a meeting had been arranged with the Chief Planning Officer, the Council's Conservation Officer, Councillor Nash, in her capacity as Heritage Champion and representatives of the site owner early next week to discuss the present situation and future proposals for the building

The Panel requested that the Chief Planning Officer write to the Executive Member for Development and Regeneration as set out above, with a copy to all Plans Panel City Centre Members and that a report on the current situation in respect of the First White Cloth Hall and the outcome of the meeting/how things will be progressed be submitted to the next meeting

32 Application 10/01601/FU - Alterations to public open space at Victoria Gardens The Headrow Leeds LS1

Further to minute 24 of the Plans Panel City Centre meeting held on 19th August 2010, where Panel deferred consideration of proposals for alterations to Victoria Gardens at the Headrow for further information on aspects of the scheme, Members considered a further report

Plans, photographs and graphics were displayed at the meeting

Officers presented the report which provided responses to comments raised by Members at the previous meeting

The Panel was informed that the proposals were for two large chess boards as the third chess board was not in use due to there not being a third set of chess pieces. Furthermore, the library did not have the storage space for an extra chess set. The proposals did however provide for smaller boards to be carved into the existing stone planters, so increasing the availability for chess games and other games which used this board layout. Whilst Members had raised the possibility of games such as hopscotch being laid out, it was felt more 'active' games were not appropriate in this setting

Regarding the underplanting of the trees with plants to provide more colour in the scheme, the provision of pot plants had been considered. However, it was felt that these could be damaged when events were taking place in Victoria Gardens and could therefore detract from the appearance of the scheme

In terms of the seating, the design of previous, large, Art Deco, wooden benches in the gardens had been considered and it was proposed to use this as a model for a smaller bench which would comprise a stainless steel sub-frame which would be timber clad. A design for a matching litter bin would also be drawn up

Bare-stemmed, clipped London Plane trees were still proposed for the scheme, although the trees positioned on the corner of the site and at the ends of the planters would have further pruning to provide a chamfered edged to continue the Art Deco motif

Members discussed the following matters:

- the siting of the benches and that these should be positioned around the site

- the size of the benches with concerns about the scaled down version of the existing large bench
- whether a slightly reduced amount of bulb planting could be considered, with the money saved being used to provide a third set of chess pieces
- that the Art Gallery could be approached with a view to storing a set of chess pieces
- the London Plane trees, with diverse views being expressed on this aspect of the proposals
- that the uplighters to the trees should be turned off through the night to avoid light pollution
- that measures were needed to prevent the planters being damaged by skateboarders
- the need for a signed maintenance agreement for the pruning of the trees and concerns based on previous experiences that the trees might not be maintained as regularly as required

Officers provided the following responses:

- that the benches would be sited around the gardens
- that smaller scale benches had been proposed in order to allow them to be manually lifted when the space was required for event purposes
- that the Chess Society had been consulted on the proposal and was satisfied with two large chess boards and the seven smaller boards around the site
- that a landscaping maintenance plan had been submitted and agreed

Members referred to the discussions which took place on the application at the meeting on 19th August 2010, with clarity being sought on what had been agreed in respect of the application

The Panel's legal adviser stated that the minute indicated that no decision had been reached on the application on 19th August 2010 which had been deferred to enable further information to be provided

RESOLVED - That the application be granted subject to the conditions set out in the submitted report and an additional condition to control the hours of operation of the uplighters

(During consideration of this matter, Councillor Driver left the meeting)

33 Application 10/02973/RM - 5 storey office building at Wellington Place (building 10) adjacent Grade II Listed Lifting Tower

Plans, photographs, sample materials, architects drawings and an image of the whole scheme depicted by cheese wedges were displayed at the meeting. A Members site visit had taken place earlier in the day

As there were two applications at the Wellington Place development to be determined by Panel, the Chair asked Officers to present the proposals together

Officers presented the reports which sought permission for Reserved Matters at building 10 and building 3 of the mixed-use development at Wellington Place which was granted outline approval by Panel in 2007

Members were informed that since the outline permission was granted, the applicant had reappraised the scale of the whole site and now wished to erect buildings which were lower than originally proposed

10 Wellington Place was angular in shape with splayed sides. Materials would comprise stone, metal, a green roof and expansive curtain wall glazing on one elevation which would reflect the Listed Lifting Tower. The slope of the roof would also enable glimpses of the green roof

3 Wellington Place was also angular in form, with two, complementary shades of stone forming the main material for the building

A central atrium space would be provided and on the 5th floor, a set back of the building allowed for a roof terrace

Some basement car parking would be provided underneath this building, with 40 car parking spaces, 84 cycle spaces and 11 motorbike spaces being provided

The landscaping treatment which had been agreed in the application for Tower Square would be continued for buildings 3 and 10, with this being high quality granite, lighting, seating, trees, plants and corten steel features. The soft planting would be naturally irrigated from the surface-water run off

The scheme would provide the opportunity to light the trees, structures and the linear routes which would provide a reference back to the railway tracks of the former goods yard

Officers reported that following further consultation, Leeds Civic Trust was supportive of both applications

Members were informed of a request from Environmental Health Officers for a condition requiring full details of the proposed sound insulation measures. Planning Officers were of the view that there were sufficient controls in place to protect amenity through conditions attached to the outline consent. A further condition on the Reserved Matters applications was therefore unnecessary

Members commented on the following matters:

- the inclusion of a comment from the Police Counter Terrorism Unit
- how the stone cladding would weather
- the reduced scale of the overall scheme and the impact of this on the roof line
- that the reduced scale of the proposals was more respectful of the Listed Lifting Tower
- concerns whether the mainly glazed elevation adjacent to the lifting tower would cause an unacceptable internal environment, particularly as the elevation was south facing
- that the temporary landscaping put in place by the applicant had been impressive and that this augured well for the scheme
- the quality of the proposals and that if approved, the city would benefit from a prestigious development
- whether the historic images shown on the site visit could be made available

Officers provided the following responses:

- that new national guidance had been brought out regarding security issues and that the police wished to consider sites where there would be significant public activity to ensure the design/materials would minimise potential damage in the event of an attack
- that in terms of weathering of the stone, much depended upon the type of stone to be used although good quality stone samples had been provided by the applicant. The distance from the back of the kerb to

the building was generous and it was felt that winter salt, which could be problematic, would not reach that far

- regarding the impact of reduced heights on the roof line, the site section presented included central low rise buildings which would be flat roofed as originally agreed. The surrounding buildings would continue to provide a distinctive sloping roof profile towards the centre of the site, although their overall building heights were to be reduced
- that the type of glass to be used would be treated to protect internal comfort conditions
- that the 1962 photograph of the site could be made available

RESOLVED - That the application be granted subject to compliance with the conditions attached to the outline consent

34 Application 10/02974/RM - 6/7 storey office building with basement car park and landscaping at Wellington Place (building 3)- corner of Wellington Street and Northern Street - Leeds LS1

With reference to the above discussions

RESOLVED - That the application be granted subject to the following additional condition:

Prior to the commencement of development, details to include plans and cross-sections of the new basement vehicular access and its method of linking to the underground road system, approved as part of outline permission 06/06824/OT, shall be submitted to and approved in writing by the Local Planning Authority.

These details shall include:

- i the line of the carriageway
- ii the security barrier mechanism
- iii all signing and lighting
- iv the lighting of the access route
- v a plan indicating all visibility splays
- vi a plan indicating all forward visibility dimensions
- vii details of any kerbs and protective barriers if required

The access point and linking road shall then be constructed in accordance with the approval details unless otherwise agreed in writing by the Local Planning Authority

Reason: in the interests of the provision of a safe vehicular environment which as the capacity to accommodate the necessary volume of vehicle movements

The site shall also be subject to compliance with the conditions attached to the outline consent

35 Date and time of next meetings

Thursday 14th October at 1.30pm in the Civic Hall

Friday 12th November at 1.30pm in the Civic Hall

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Originator: Andrew Windress

Tel: 3951247

Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 14th October 2010

Subject: APPLICATION 08/05440/FU – 5 STOREY 78 BEDROOM HOTEL AT GLOBE ROAD/WATER LANE, HOLBECK, LS11 5QG

APPLICANT	DATE VALID	TARGET DATE
Anthony Spencer and Richard Roe	2/10/08	1/1/09

Electoral Wards Affected:

City and Hunslet

No Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: APPROVE the application in principle and DEFER and DELEGATE final approval to the Chief Planning Officer for approval, subject to the specified conditions and following completion of a Section 106 Agreement to cover the following matters:

- Public transport contribution of £119,276.
- Holbeck Urban Village (HUV) public realm contribution of £322,050.
- Travel Plan with monitoring fee of £2,500.
- 24 hour public access along the north-south pedestrian route and access between 0700-2300 hours along the Hol Beck walkway.
- Off site highway works (the closure of redundant vehicular access points, introduction of a service/drop off lay-by and Traffic Regulation Order (TRO contribution).
- Restriction of period of stay in the hotel to be no more than 3 months and for the hotel to remain as one planning unit to ensure the hotel does not revert to a residential use that would be liable to affordable housing obligations.
- Commitment to use reasonable endeavours to cooperate with LCC Jobs and Skills Service that seeks to employ local people in both pre and post construction phases.
- £600 monitoring fee for each of the public transport and HUV contributions

and off site highway works.

In the circumstances where the Sec.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.

Conditions

1. Standard time limit.
2. Samples of surfacing materials to be submitted.
3. Sample panel of all external materials to be approved.
4. Boundary treatments to be approved.
5. Prevention of mud/grit/dust nuisance during construction works.
6. Full details of hard/soft landscaping to be submitted.
7. Implementation of landscaping.
8. Details of external vents, flue pipes etc.
9. Delivery hours to be between 0700-2300.
10. Provision for storage and collection of litter and servicing arrangements.
11. Noise attenuation measures.
12. Details of construction management measures including contractors' cabins and parking, location of site hoardings to protect passing pedestrians, contractors' vehicle routes to and from the site, times of day during which construction can take place and location of construction access.
13. Provision of Flood Risk mitigation measures in accordance with the approved flood risk assessment (to include minimum ground floor levels, construction methods and evacuation procedures).
14. Provision of typical 1:20 detailed elevations for material joints, windows, entrances, eaves, reveals, soffits and the proposed roof top plant.
15. Details of any external lighting scheme to Holbeck, public spaces and building.
16. Provision of satisfactory disabled access to the site and buildings.
17. Standard Yorkshire Water and Mains Drainage conditions.
18. Requirement to meet BREEAM excellent.
19. All redundant access points be reinstated as footway.
20. Standard land contamination conditions.
21. Any designated off-site parking to be agreed.
22. Details of short and long stay cycle parking.
23. Provision of a grease trap to the kitchen area.

Reasons for approval: The application is considered to comply with policies GP5, GP11, GP12, BD2, BD4, BD5, T2, T5, T6, T24, A4, SA9, SP8, CC11, CC27, S1, BC7, N12, N13, N19 and N25 of the UDP Review, as well as guidance contained within the City Centre Urban Design Strategy September 2000, Public Transport Improvements and Developer Contributions 2008, Sustainable Development Design Guide 1998, Holbeck Urban Village (HUV) Revised Planning Framework (2006), PPS1, 'General Policies and Guidance', PPS4 'Planning for Sustainable Economic Growth', PPG13 'Transport' and, having regard to all other material considerations.

A full list of draft conditions can be found at Appendix 1.

1.0 INTRODUCTION:

- 1.1 This application was brought to the 22nd July 2010 Plans Panel because it is a significant major application, which has been the subject of lengthy officer negotiations and because the site closely relates to an outline application for a much

larger scheme within Holbeck Urban Village (HUV). At the Panel, Members raised a number of queries including ones relating to design, disabled access, the Travel Plan measures and public transport links. These issues are discussed in detail below.

1.2 The application proposes a five storey 78 bedroom hotel on the corner of Globe Road and Water Lane.

1.3 Members resolved to approve an office development of a similar scale on the adjacent site to the west at the September 11th 2008 Panel, this application is yet to be formally determined for reasons outlined in more detail below.

2.0 PROPOSAL:

2.1 Approval is sought for a five storey 78 bedroom hotel on the corner of Globe Road and Water Lane.

2.2 The 78 bedrooms are spread across floors 1-4 and consist of solely double rooms. The ground floor includes the reception, a bar/restaurant, gym, plus servicing and back of house facilities. There is a plant room within the centre of the roof and roof terrace to the western edge of the building.

2.3 The building follows the shape of this triangular site abutting the Globe Road footway to the north but being set in from the Globe Road/Water Lane junction to the east, Hol Beck to the south and site boundary with the adjacent development site in the west to provide a walkway around the building and alongside Hol Beck.

2.4 The building is finished in a mixed palette of red and brown brick and zinc panels. The plant room is also clad in the zinc. The windows would have metal frames and be recessed behind the primary brick façade. At ground floor full height glazing dominates with the large glazed section separated by brick columns.

2.5 The building is designed sustainably through its orientation, window layout and depth of rooms to maximise light but avoid excessive solar gain in summer. In addition specific sustainability measures to be delivered include a brown/eco roof, nesting boxes for bats and birds and 8 solar panels to be used for the hot water system. Full details of the eco-roof will be agreed by condition. However, information submitted with the application indicates how materials such as crushed aggregate, dune sand, sedum and railway sleepers will be placed on the roof to attract plant growth and insects and therefore provide as a feeding site for insectivorous birds. A water attenuation tank will be located under the building, that in addition to the eco-roof, will reduce run-off into Hol Beck during storm events by 20%.

2.6 Prior to the Council introducing substantive highway works into Holbeck Urban Village, this development will carry out interim highway works that will include closing off the redundant vehicular access points and introducing a new lay-by to serve the hotel. There is no parking within the site.

2.7 The application is supported by the following documents:

- Design and Access Statement.
- Planning Statement.
- PPS25 Sequential and Exceptions Test.
- Flood Risk Assessment (FRA).

- Travel Plan (TP).
- Environmental Site Assessment.
- Contaminated Land Report.
- Transport Assessment (TA).
- Transport Statement.
- Sustainability Report.
- Environmental Noise Assessment.
- Noise Assessment.
- Acoustic Assessment.
- Atmospheric Dispersion Modelling Assessment.
- Biodiversity Objectives Statement.

3 SITE AND SURROUNDINGS:

- 3.1 The application site is located within the designated Holbeck Urban Village Planning Framework Area. It is a triangular site located at the junction of Globe Road and Water Lane, Hol Beck bounds the south of the site. The site is presently used for unauthorised long stay surface car parking.
- 3.2 The site is within the Holbeck Conservation Area and within close proximity to a number of grade II and II* listed buildings including the Italianate towers within the Towers Works site to the north.
- 3.3 The site formed part of the extensive Holbeck Estates landholdings in the area that include the adjoining site to the west and other land across Globe Road to the north west. Since submitting this application and other planning applications in the area Holbeck Estates have gone into receiverships. The receivers are now seeking to progress the applications to determination before looking to sell the land to a new developer.
- 3.4 Enforcement action is being taken against the unauthorised long stay car park on the site; this action is currently subject to an appeal.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Outline permission (ref: 20/245/05/OT) was granted for a major development on a 1.24 hectare site to the west of the application site and on land to the northern side of Globe Road. This application consisted of the demolition of an existing building and erection of a mixed use development of 42,977m². (gross) comprising hotel, office use, residential use and active ground floor uses (class A2, A3, A4, A5, D1 and D2) with basement car parking. This was granted in December 2006.
- 4.2 Application 09/05209/EXT was submitted in December 2009 and seeks to extend the time limit for the major outline application referenced above. This application is currently under consideration.
- 4.3 Application 08/03808/FU relates to the adjacent site to the west and is a full planning application for a part 5 part 6 storey office building with ground floor active uses and basement parking. This application is by the same applicant and was deferred and delegated for approval at the 11th September 2008 panel. Since this date officers have been addressing the flooding issues with the Environment Agency, temporary highway works and the S106. These issues are now largely addressed and a decision expected to be issued shortly.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Discussions regarding the development of land at and surrounding the application site previously owned by Holbeck Estates Ltd have been ongoing for a number of years and began prior to the first submission of the major outline application 20/245/05/OT in June 2005.

5.2 The application was presented to the 22/7/10 Panel and the following queries were raised (**in bold**), a response to each matter is provided.

- **The hotel and the market this would be aimed at.** The hotel layout provides solely double rooms with a mix of standard, enhanced and accessible rooms. The rooms are of quite a generous size to accommodate some small living areas with a sofa(s), desk and TV. The exact type of hotel is not known at this stage as the planning application is being progressed by the receivers therefore the site is likely to be sold on to another developer/hotel operator.
- **Whether guests would arrive predominantly by public transport.** The parking, public transport and travel plan issues are considered in detail in the appraisal section below.
- **That some doors appeared to open inwards and whether that was contrary to fire regulations.** Fire doors are required to open outwards but non-fire doors can open inwards.
- **The possibility of a café/bar use at the corner of the development; whether this would be in addition to the hotel bar and whether such a use could be sustained in view of the number of café/bars in the surrounding area, none of which seemed to be full.** To accommodate the change to the location of the entrance to the hotel, as requested by Members, there is no longer a separate corner use proposed.
- **Policy BC7 relating to use of local materials in Conservation Areas; that there did not appear to be much copper in the area around the site and how this policy requirement could be seen to have been met.** The copper coloured aluminium has been replaced with zinc as recommended by the Civic Architect at the 22/7/10 Panel. This material is considered to be more subtle and appropriate to this setting.
- **Policy N19 relating to the need for new development within or adjoining a Conservation Area to preserve/enhance the character and appearance of the Conservation Area and concerns that the use of copper in the scheme did not do this.** The copper coloured aluminium has been removed.
- **The metal ribbons at the entrance, with mixed views as to the overall success of this feature.** The ribbons have been removed.
- **The siting of the entrance on the west elevation; that this was not the most prominent position for it; that this could account for the need to highlight its position by using the metal ribbon feature and that moving the entrance to the front of the building in the area designated for the active unit would be more acceptable.** The hotel entrance has been relocated to the front of the building as requested.
- **Concerns at the lack of access to public transport in view of there being no bus routes in the area and the proposals for the southern railway station access having been halted.** The parking, public transport and travel plan issues are considered in detail in the appraisal section below.
- **The proposed drop-off point on the north side; whether this catered for people with disabilities and that the drop off point was too far from the entrance both for people with mobility problems and guests with heavy luggage.** The lay-by would cater for people with disabilities. The main

entrance is now adjacent to the lay-by. A condition requires full details of how people with disabilities access the site and building.

- **The travel plan; that no parking was being made available in the scheme either for staff or guests; the need to understand how this would be enforced; the specific detail on this issue in the travel plan; that it needed to be robust and that Members needed to understand this aspect of the scheme.** The parking, public transport and travel plan issues are considered in detail in the appraisal section below.
- **That it was unreasonable and unrealistic to think that people using the hotel in the way that was envisaged, i.e. up to 3 months at a time, would not use a car and require parking.** The exact type of hotel is not known at this stage as the planning application is being progressed by the receivers therefore the site is likely to be sold on to another developer/hotel operator. The three month restriction on periods of stay is an approach agreed with affordable housing and legal officers to ensure the units do not become permanent residential units that would have triggered an affordable housing contribution.
- **That the site was not near local transport, nor located centrally so there was a likelihood of guests parking their cars in nearby communities and what measures would be put in place to prevent this from occurring.** The parking, public transport and travel plan issues are considered in detail in the appraisal section below.
- **The possibility of the accommodation being sold off individually as flats and how this could be prevented.** The S106 requires the hotel stays as one planning unit and limits stays to no more than 3 months.
- **The need for an explanation of ‘reasonable endeavours’ in terms of the S106 requirement.** This is a common phrase used in S106 and commercial agreements. The use of reasonable endeavours has been defined by reference to an objective standard of what an ordinary competent person might do in the same circumstances. Reasonable endeavours do not require the taking of an action insofar as it disadvantages the party under the obligation. In this instance the standard S106 clause is included that requires the applicant to ‘use its reasonable endeavours to co-operate and work closely with Leeds City Council Jobs and Skills Service with respect to the provision of employment and training opportunities arising from the construction of the Development’ and seeks the use of local contractors and subcontractors.
- **That the building was fairly innocuous but that it did not make a statement and that at the Water Lane/Globe Road junction, it would probably be the Giotto Tower which was noticed more than the corner of the hotel building.** The design of the buildings has been significantly improved in response to Members’ comments. However, the proposal is expected to have a subtle and complimentary impact on the streetscene to ensure the prominence of the Italianate towers is protected.
- **That the relationship between the stone wall around Hol Beck and the brick of the building was uneasy and that some stone detailing should be introduced at ground level to help with the transition.** Stone detailing has been added to all sides at ground level.
- **The copper effect trim, mixed views as to its success in the scheme and concerns that if this was to be used, it should be real copper as the proposed material was not of a high enough quality.** The copper aluminium has been removed and replaced by perforated zinc panels as discussed at Panel.
- **That from the images shown, Members were unable to fully see the detailing of the building which gave the impression that the elevations**

were flat, leading to concerns at the overall effect of the building. Section drawings will be shown again. The design of the building has been amended to ensure there are three clearly defined planes to the elevations with prominent vertical piers, recessed brick panels and windows in a further recess.

- **The siting of the photovoltaic cells and that it would be more effective to put them on the plant room.** The solar thermal panels are now located in the plant area.
- **Concerns at the siting of the plant room and that a straight-line roof was needed.** With the exception of the lift overrun and four protruding flues, the plant room roof is flat. Site sections show that due to the parapet and level of the plant room, the plant room is not visible from Water Lane or Globe Road. Any limited views from streets farther away and nearby buildings are not considered to cause harm due to the grey finish to the zinc cladding and prominence of other buildings and towers in the area.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 An advert was placed in the Leeds Weekly News on 23/10/08 and site notices were erected around the site on 10/10/08.
- 6.2 Leeds Civic Trust commented on the scheme in a letter dated 23/10/08. The Civic Trust state that the proposed use and scale of development is acceptable. However, it is considered that the design fails to add distinctiveness or diversity to Holbeck Urban Village (HUV) and good examples of buildings that mark a corner site can be found elsewhere in the city centre. The artist's impression implies curved sides to the building but this is not evident on the plans. There is little activity in the ground floor. The extensive glass to ground floor with solid structure above reverses the historic pattern of the area. The application fails to include proper signage. *Response: The design of the building and issues regarding the ground floor activity are discussed in detail below. Details of signage would be the subject of future applications for advertisement consent where appropriate. However, signage zones have been indicated within some of the glazing panels above entrance doors. The signage zones appear acceptable in principle and it is considered that the indicative locations reflect the design and function of the building; it is considered there is also scope for signs elsewhere on the building. Full details will be considered with any future advert consent application.*

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.2 **British Waterways:** No objection.

7.3 **English Heritage:** Holbeck is an important conservation area and the proposed design is an appropriate modern design response to the site's historic context. EH have been involved in extensive pre-application discussions and consider the proposals enhance the conservation area and respect the setting of adjacent listed buildings.

7.4 **Environment Agency:** No objection subject to conditions requiring the details of construction methods adjacent to Hol Beck and evacuation procedures.

- 7.5 Non-statutory:**
- 7.6 Highways:** No objection to the revised ground floor layout showing all necessary doors opening inwards. It is acceptable to have no parking allocated to the hotel use. The interim highway works plan is acceptable.
- 7.7 Public Transport Officer:** A contribution of £119,276 should be sought in accordance with the supplementary planning guidance.
- 7.8 Mains Drainage:** No objection subject to conditions.
- 7.9 Highways Agency:** No objection.
- 7.10 Contaminated Land Team:** Conditions recommended.
- 7.11 West Yorkshire Police Architectural Liaison Officer:** Appropriate glazing and street furniture should be considered to reduce the potential terrorist threat/impact. *Response: The type of glazing will be examined in more detail via building regulations applications and street furniture will be considered via the hard landscaping condition.*
- 7.12 Transport Policy:** The Travel Plan is acceptable.
- 7.13 Access:** 5% of the total parking should be designated as parking for disabled motorists. Level access is required through the principal entrances and minimum door widths required. Glazing manifestations are required. *Response: Parking is not proposed on the site but disabled parking requirements will be provided on any off site parking agreed at a later stage. All other requirements are met by the proposals.*
- 7.14 Neighbourhoods and Housing:** Following the submission of additional acoustic reports, no objection.
- 7.15 Licensing:** A license would be required under the 2003 Licensing Act, nearby residents amenity would need to be considered.
- 7.16 City Services:** The refuse collection arrangements are acceptable.
- 7.17 West Yorkshire Archaeological Service:** There are no apparent archaeological implications attached to the proposed development.
- 7.18 Metro:** There are public transport services in the area and a contribution in accordance with the supplementary guidance should be sought. The majority of patrons will arrive by train with some also arriving by bus and the developer should enable improvements to the bus services. Metro support the provision of car club spaces. Real time information regarding public transport services should be made available and travel plan penalties should be included. *Response: The developer will be required to contribute to public transport improvements that could be used to enable local improvements to services. Public transport timetables will be made available as required by the Travel Plan. The Travel Plan also allows for the introduction of further agreed measures if targets are not being met and/or financial penalties as determined following the regular reviews of the Travel Plan.*

8.0 PLANNING POLICIES:

8.1 Development Plan Policies

8.2 Unitary Development Plan (Review 2006) (UDPR): The site is located within planning proposal area 31A, Holbeck Urban Village, Holbeck Conservation Area and there are a number of listed buildings in close proximity. 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.

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.

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.

CC11: Enhancement of pedestrian routes.

CC27: Proposal areas within the City Centre.

S1: The role of the CC as the regional centre will be promoted.

BC7: Use of local materials in Conservation Areas

N12: Fundamental priorities for urban form.

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

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

N25: Boundaries should be appropriate to the character of the area.

8.3 Relevant Supplementary Planning Guidance.

8.4 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.

8.5 Holbeck Urban Village (HUV) Revised Planning Framework (2006): The framework encourages buildings that respect key views of the towers on Tower Works and would enhance pedestrian permeability through the area. It indicates development of about 4 to 5 storeys as appropriate on the site.

8.6 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.

8.7 **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.

8.8 **National Planning Guidance**

8.9 PPS1 General Policies and Principles
PPS4 Planning for Sustainable Economic Growth
PPG13 Transport

9.0 **MAIN ISSUES**

- Principle of development and uses.
- Layout, scale, form and design and the impact on the Conservation Area (CA) and listed buildings.
- Highways issues.
- Sustainability.
- Section 106.

10.0 **APPRAISAL**

10.1 **Principle of development and uses.**

10.2 The site ('plot 5') is previously developed land and the proposed hotel use is an appropriate town centre use therefore the principle of development is in accordance with the national planning policy agenda of sustainable economic development. The development of a hotel on this site is compliant with the principles and objectives of the adopted Holbeck Urban Village (HUV) Revised Planning Framework that seeks a mix of uses in the area with active uses to ground floors and elements of public space and flows from UDPR policy CC27 (area 31A).

10.3 The hotel development includes ancillary gym, reception and bar/restaurant facilities at ground floor plus other service type uses. The hotel active areas would extend to over 75% of the frontage and is therefore considered to generate sufficient interest and activity in the ground floor of the building, in addition to the building design, to ensure the ground floor uses of the building has a positive impact on the streetscene.

10.4 **Layout, scale, form and design and the impact on the Conservation Area (CA) and listed buildings.**

10.5 The application site is located within 'Area Statement 2. Tower Works' of the HUV Framework. Following detailed studies of the historic and current character of the area, the Framework promotes a number of aims for developments in the area to ensure proposals are appropriate in the context of the CA and listed buildings and improve connectivity within the area. The site layout of this individual plot has been developed in accordance with the wider masterplan for the former Holbeck Estates sites that in turn has followed the aspirations of the HUV Framework.

10.6 The site is a triangular site bounded by Globe Road to the north and Hol Beck and Water Lane to the south, these roads meet at the eastern edge of the site where the site narrows. The building form follows the site boundaries and therefore results in a building with an interesting triangular footprint that follows the historic street pattern

but with a curved finish to the eastern edge. The building is to the back edge of the footway to Globe Road, another historic precedent, but importantly, it is set in from the east, south and western boundaries to ensure footways can be introduced to meet the connectivity aspirations of the HUV Framework. A new walkway is introduced adjacent to Hol Beck that will significantly increase the visibility of the beck, a key aspiration of the HUV Framework. This walkway will link into a similar walkway proposed at the site to the west (known as plot 4B, planning reference 08/03808/FU). The space remaining adjacent to the hotel bar/restaurant at the western end of the building will directly link with the open space agreed for plot 4B and therefore assist in delivering a wide north-south pedestrian connection from Water Lane to Globe Road and therefore linking the Round Foundry and Tower Works.

- 10.7 The site layout is also strongly influenced by the key views of the prominent listed buildings in the area, primarily the Italianate towers within Towers Works. The masterplan for the former Holbeck Estates land acknowledged these key views and therefore plot 5, the application site, was set out in accordance with this masterplan. Views of the Italianate towers are protected from both the east and west of the site and with the adjacent building on plot 4B, frames a view of the Giotto Tower from Water Lane.
- 10.8 The site forms part of a masterplan that delivers significant open spaces in addition to the enhanced connections discussed in 10.6 above. The space to the west of the building is delivered as a shared space with plot 4B.
- 10.9 The proposed building is 5 storeys in height with a further storey providing a plant room in the centre of the roof. The scale of the building has been determined by the historic context and further ensures key views of the Italianate Towers are retained. The scale is comparable with the Tower Works approval and building approved by Panel for the adjacent site, plot 4B, to the west.
- 10.10 The scale of 5 storeys is greater than the four storeys promoted by the HUV Framework. However, the hotel floor to ceiling heights is just three metres therefore the overall scale of the proposal is lower than a 4 storey office building of typical 4m floor to ceiling heights.
- 10.11 The scale of the development is considered to respect the scale of existing and proposed buildings in the CA and fully respect the setting and key views of the listed buildings and complies with the aims of the HUV Framework. An acceptable scale for the site was determined following a number of workshops with officers, English Heritage and the Civic Trust.
- 10.12 The HUV Framework seeks buildings to be of good contemporary architecture whilst reinforcing the special character of the CA, the buildings should be in traditional materials such as red brick.
- 10.13 A number of changes have been made to the building design and layout to reflect the comments made at Panel. These include:
 - The removal of the copper coloured aluminium cladding and wavy ribbons. Perforated zinc panels are now proposed at fascia level and to clad the plant room. Zinc was recommended at the last Panel and is considered to be a more subtle material complimentary to the some of the materials already in use in the area.

- The introduction of stone to the lower section of the brick piers, stall risers and roof parapet to respect traditional materials in the area, particularly the stone wall to Hol Beck.
- A uniform window size, type and pattern to the side elevations and an alignment of the windows in the bullnose to give the building a more uniform and traditional appearance.
- A refinement of the elevations to prevent them looking flat. Three planes have been clearly identified on the elevations, the vertical piers being the primary plane, recessed brick panels in the secondary plane and a further recess to the windows.
- A refinement to the parapet with a projecting element in natural stone.
- The relocation of the solar panels into the plant area to reduce the potential for viewing the panels and permit more roof space to be occupied by the 'eco-roof'.
- The removal of the ground floor 'active' unit and relocation of the hotel entrance to the bullnose. The hotel entrance is now much more prominent and will be located adjacent to the lay-by therefore making it easier for people with disabilities and heavy luggage to enter the hotel.

10.14 The architecture of the building has responded to Members' comments and accords with the aims of the HUV Planning Framework and proposes a simple and low key approach so as not to appear dominant over the listed structures to either side. A blend of traditional brick with punched windows reflects the historic precedents in the area. The ground floor is primarily glazed to increase activity and there are thick brick columns with stone 'feet' that project through to the ground to ensure the building does not appear lightweight or top heavy but retains its traditional feel.

10.15 Samples of the proposed materials will be made available at panel.

10.16 The proposed scale, form, layout and design of the building are considered to respect the buildings location within the Holbeck CA, setting of the listed buildings and responds to the issues raised at the 22nd July Panel. The site fully accords with connectivity aspirations and will introduce a building of quality design to this prominent corner site.

10.17 Highways Issues

10.18 Parking, public transport and travel plan issues were raised at the 22nd July Panel and are discussed in detail below.

10.19 The basement of the adjacent plot 4B was originally intended to deliver 23 parking spaces for the proposed hotel at plot 5. However, since the original applicant went into receivership it is possible that plots 4B and 5 will be sold individually and delivered by separate developers. As such, the parking under plot 4B cannot be allocated to plot 5 and there is no dedicated parking to the hotel. This is considered acceptable for the reasons outlined below.

10.20 UDPR policy: The UDPR parking policies and guidelines do not require a minimum level of car parking provision, particularly where sites have good access to public transport and the lack of car parking provision would not result in adverse highway conditions (as discussed below). The site is located with the Core Car Parking Policy Area that seeks a low maximum parking provision. Furthermore, the HUV Framework seeks to reduce the reliance on car use and recognises that some uses may be developed with no car parking provision.

- 10.21 Local traffic regulation orders: The surrounding streets incorporate double yellow lines, metered parking bays and loading restrictions. Historically there has been very little unauthorised on-street parking therefore it is considered that the controls in place are effective. The development will include a service, drop-off lay-by adjacent to the hotel and both temporary and permanent highway works include similar parking restrictions to those currently in place therefore the proposed development should not create on-street parking problems.
- 10.22 Site location and access to public transport: The site is located within the defined UDPR City Centre and national planning policy defines hotels as an appropriate town centre use. The site is also within HUV that is intended to be developed as a sustainable community with an urban village character including a mix of living, working and recreational opportunities. The provision of a hotel within HUV will assist in achieving this aim of a mix of uses. The site is already adjacent to a number of businesses, residential accommodation and other leisure uses.
- 10.23 As stated in the consultation response from Metro, 'the site benefits from a number of public transport services which access the city via Victoria Road and Neville Street'. Victoria Street is just 300m (4 minutes walk) from the site and the train station a further 300m (4 mins). Access to the station would be enhanced with the introduction of the southern access and it is considered that there are a significant number of bus services available within close proximity on Victoria Street to serve the development. The HUV Framework also seeks to improve bus facilities through HUV, the delivery of improved services would be expected on the back of further development.
- 10.24 Local parking provision: At present, on street parking bays are located adjacent to the site that would provide short stay parking during the day but with greater potential for overnight stays. However, many of these bays would be removed if the Council carries out the major highway improvement works proposed throughout Hol Beck. There is further car parking currently available nearby between the Tower Works site and the canal.
- 10.25 Whilst the site and surrounding area might appear to be away from (authorised) public car parks, the HUV Framework seeks the introduction of a multi-storey car park into HUV to provide for short stay parking and to accommodate contract parking that cannot be accommodated on individual development sites. Members approved a multi-storey car park on Sweet Street on 29th April 2010 which would provide the parking for new developments in HUV where parking had not been included on site. If, in the future, the hotel developer sought off-site park, it could be accommodated in this multi-storey car park.
- 10.26 Type of hotel operator: The application is being progressed by receivers and there is not a hotel operator signed up to develop this site therefore the exact type of hotel is not known. Hotels deal with car parking in different ways, depending upon the type of operator, with some budget hotels indicating in their promotional information the location of nearby car parks; others have arrangements with car parks to provide parking for guests whilst some high class hotels provided a valet service. It is considered all these options can be provided for at this site. Many successful city centre hotels do not have on-site parking allocations including the Park Plaza and Golden Lion.
- 10.27 It is ultimately the patrons' choice as to whether they stay at a hotel that has no parking, to some this location with no parking may be ideal.

10.28 Travel Plan (TP):

10.29 A TP has been the subject of detailed discussions with the LCC Travel Planning Co-ordinator and the Highway Agency and is in accordance with adopted policy. The TP requires a designated TP Co-ordinator to operate from the site who will promote non-car modes of transport and ensure all sustainable modes of transport are promoted and utilised by staff and visitors. TP targets will be identified following the initial 3 month survey and if these targets are not met further restrictive measures will be introduced as agreed between the TP co-ordinator and LCC.

10.30 Having established the objectives for the Travel Plan, identifying the roles of people who will work at the site and establishing current modes of transport currently in use around the site, the document illustrates how travel behaviours will be identified and the measures that will be adopted to achieve the established objectives.

10.31 The Travel Plan measures include:

- Introduction of a Travel Plan Co-ordinator 6 months prior to occupation and for at least five years after full occupation to promote the TP measures, distribute welcome packs, conduct travel surveys/gather information and co-ordinate with the LCC Travelwise Team. The Travel Plan for this site, plus that for plot 4B and for the larger site that has outline consent all require the Travel Plan Coordinator to be the same person if the sites are developed together to ensure continuity.
- Providing hotel guests with information relating to the site location, location of public transport services, cycle parking facilities, taxi ranks and contacts such as taxis and the car club. Information on local private parking and access from the road network will also be provided.
- Short stay cycle parking (Sheffield stands) will be located adjacent to the main entrance (a condition will also require long stay cycle parking to be identified within the building if the basement of the adjacent unit, plot 4B, is not available as planned by the original developer).
- Ensure delivery of up to two on-street car club spaces (cars that can be hired by the hour/day etc). These spaces will be provided and will include a Sheffield stand nearby for cyclists. The hotel operator will be required to join the City Car Club and enable guests to use the vehicles and pay for them via their hotel bill.
- Carry out a hotel travel survey within three months of occupation and annually thereafter. The results will be discussed with the LCC Travelwise Team and an action plan and targets agreed to ensure further promotion of sustainable modes of transport and reductions in any car use.
- Target no more than 30% of visitors to the hotel by private car.
- An initial target of reducing staff car trips from 26% to 22%. These figures are based on survey data from the LCC 2010 travel to work survey. The target to reduce single occupancy car journeys by staff to 22% is suitably ambitious and reflects the 2010 travel to work survey of businesses and organisations where a travel plan is in place, or they have promoted sustainable travel measures.

10.32 Should the targets not be met, the TP requires more restrictive measures to be agreed and implemented. The TP will also be reviewed as appropriate and any further actions will be identified to progress and if necessary improve the plan to meet the more general objectives.

- 10.33 The TP also makes the developer aware that the council may seek financial penalties for failure to meet travel plan requirements. £50,000-100,000 is usually sought to fund financial penalties and the applicant is aware of this.
- 10.34 It is considered that a robust TP has been agreed that seeks to reduce car usage in line with other similar developments in the city centre and promote more sustainable modes of transport. The TP will be regularly reviewed and monitored in conjunction with the LCC Travelwise Team. The TP is secured by the S106 therefore if the various measures are not implemented the applicant would be in breach of this legal agreement.
- 10.35 It should be noted that the TP for plot 5 also makes reference to the proposed office development at the adjacent site, known as plot 4B. As highlighted in this panel report and previous presentation to Members, this site was to be developed jointly with the hotel proposals at plot 5. However, the developer has gone into receivership therefore the developments may now be carried out separately and consideration of both scenarios (built jointly or built separately) has been taken into account. Motorcycle parking, additional cycle parking, changalooos (staff changing facilities) and car parking would be available under plot 4B if the sites are developed together. It is considered there is the flexibility and control from the existing travel plan for whichever scheme is developed. The Travelwise team have ultimate control via the annual monitoring.
- 10.36 For the reasons outlined above it is considered that the lack of designated car parking for the proposed development is unlikely to have an adverse impact on local amenities and can be accepted in this case.
- 10.37 Despite this, the conditions allow for off-site parking to be agreed at plot 4B or another site in the vicinity if the hotel developer required some parking at a future date. Any off-site parking would need to be allocated in accordance with UDPR maximum guidelines.
- 10.38 As highlighted above, the Council has identified a major highway and public realm improvement scheme for the area. The enhancements in the immediate vicinity of the site include the introduction of a wide footway to the south of Hol Beck on Globe Road and therefore reducing Water Lane to one way only and enhancing visibility of Hol Beck plus the introduction of a lay by on Globe road. It may be many years before the Council can commit to introducing these highway works therefore an interim highway works plan has been agreed that introduces the necessary highway amendments to deliver the proposed hotel without prejudicing the Council works. Such amendments include the closure of redundant vehicular crossovers and the introduction of a service/drop off lay-by. The interim off-site highway works also include the requirement to fund the preparation, processing and implementation of a traffic regulation order to control parking in the proposed lay-by on Globe Road and to amend the existing waiting restrictions on Globe Road and Water Lane where necessary.
- 10.39 Sustainability:**
- 10.40 The building is designed sustainably through its orientation, window layout and depth of rooms to maximise light but avoid excessive solar gain in summer. In addition specific sustainability measures to be delivered include a brown/eco roof, nesting boxes for bats and birds and 8 solar panels to be used for the hot water system. Full details of the eco-roof will be agreed by condition. However, information submitted with the application indicates how materials such as crushed

aggregate, dune sand, sedum and railway sleepers will be placed on the roof to attract plant growth and insects and therefore provide as a feeding site for insectivorous birds. A water attenuation tank will be located under the building, that in addition to the eco-roof, will reduce run-off into Hol Beck during storm events by 20%.

10.41 Section 106

10.42 The section 106 agreement has been under discussion in recent months and the document is nearing completion. The section 106 will ensure delivery of the following:

- Public transport contribution of £119,276.
- Holbeck Urban Village (HUV) public realm contribution of £322,050.
- Travel Plan with monitoring fee of £2,500.
- 24 hour public access along the north-south pedestrian route and access between 0700-2300 hours along the Hol Beck walkway.
- Off site highway works (the closure of redundant vehicular access points, introduction of a service/drop off lay-by and TRO contribution).
- Restriction of period of stay in the hotel to be no more than 3 months and for the hotel to remain as one planning unit to ensure the hotel does not revert to a residential use that would be liable to affordable housing obligations.
- Commitment to use reasonable endeavours to cooperate with LCC Jobs and Skills Service that seeks to employ local people in both pre and post construction phases.
- £600 monitoring fee for each of the public transport and HUV contributions and off site highway works.

10.43 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 2010 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.

10.44 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

- 11.1 The proposed development has been subject to detailed discussions to ensure the proposal complies with the masterplan exercise undertaken for the adjacent sites and fully respects its setting within a conservation area adjacent to many listed buildings. The scale, form and appearance accords with the HUV Framework aspirations for this area and those comments raised at the 22nd Jul Panel and is considered to deliver an attractive and interesting building on this important site. The building will have a high sustainability rating and will significantly enhance the visual connectivity with Hol Beck.

Background Papers:

Application file 08/05440/FU.

Certificate of Ownership signed by the original agent on behalf of the original site owner.

The new agent and receivers have no taken control of the application/site.

APPENDIX 1 – DRAFT CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

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

- 3) No surfacing works shall take place until details and samples of all surfacing materials have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The surfacing works shall be constructed from the materials thereby approved.

In the interests of visual amenity.

- 4) Construction of the external finishing materials shall not take place until a sample panel(s) of all external walling and roofing materials (including details of the materials to the louvres, roof arch, windows and doors) have been submitted to and approved in writing by the Local Planning Authority. The panel(s) shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The panel(s) shall clearly show the type, bonding and coursing of the materials. The building shall be constructed in strict accordance with the agreed sample panel(s) which shall not be demolished prior to completion of the development.

In the interests of visual amenity.

- 5) No permanent boundary treatment shall be erected until details of the position, design, materials and type of all walls and/or fences or permanent boundary treatment, whether or not shown to be erected on the approved plans, have been submitted to and approved in writing by the Local Planning Authority. Such boundary treatments shall be erected in accordance with the approved details, before the building is occupied, and shall thereafter be retained and shall not be altered or removed without the written consent of the Local Planning Authority.

In the interests of amenity and visual amenity.

- 6) Construction of the external finishing materials shall not be commenced until detailed drawings (at a scale of no less than 1:20) have been submitted to and agreed in writing by the Local Planning Authority showing the material junctions, windows, entrances, eaves, reveals, soffits.

In the interest of visual amenity.

- 7) The construction of any external finishing materials shall not commence until full details of the siting, design and external appearance of all external plant, flue pipes, external vents, roller shutters, lighting, solar panels or other excrescences to be located on the roof or sides of the building have been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented and retained thereafter.

In the interest of amenity.

- 8) No development shall take place until a construction management plan has been submitted to and agreed in writing by the Local Planning Authority. The construction management plan will include details of contractors cabins and parking, location of site hoardings to protect passing pedestrians, contractors vehicle routes to and from the site, location of construction access and provision of pedestrian access during construction, details of the prevention of mud, grit and dust nuisance during construction works, hours of construction and demolition and the minimising of noise during construction. The agreed details shall be adhered to for the duration of site works.

To protect the amenity of the area and in the interests of the free and safe use of the highway.

- 9) No landscaping shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include (a) proposed finished levels and/or contours, (b) means of enclosure, (c) pedestrian access and circulation areas, (d) hard surfacing areas, (e) minor artefacts and structures (eg, furniture, play equipment, refuse or other storage units, signs, lighting etc.), (f) proposed and existing functional services above and below ground (eg. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.). Soft landscape works shall include (h) planting plans, (i) written specifications (including cultivation and other operations associated with plant and grass establishment), (j) schedules of plants noting species, planting sizes and proposed numbers/densities, (k) implementation programme.

To ensure the provision of amenity afforded by appropriate landscape design.

- 10) Hard and soft landscaping works shall be carried out in accordance with the approved details. The hard landscape works shall be completed prior to the occupation of any part of the development. The soft landscape works shall be completed by no later than the end of the planting season following the substantial completion of the development. The landscape works shall be implemented to a reasonable standard in accordance with the relevant provisions of appropriate British Standards or other recognised codes of good practice.

To ensure the provision, establishment and maintenance to a reasonable standard of landscaping in accordance with the approved proposals.

- 11) Any off-site parking associated with the development hereby approved shall be agreed in writing by the Local Planning Authority prior to the use of that parking.

To ensure compliance with UDP Parking standards.

- 12) The development shall be carried out in accordance with the approved Flood Risk Assessment Addendum, URS Report 49352419/LEERP001 Issue No. 1, and shall incorporate all the proposed mitigation measures into the development including the 2m easement Hol Beck and flood resilience measures detailed in appendix F.

To minimise the impact of flooding.

- 13) No development shall be commenced until a scheme for the provision of an emergency egress and evacuation arrangement in the event of flooding has been submitted to and approved in writing by the Local Planning Authority.

To ensure that a satisfactory contingency plan for emergency access is provided for the development in the event of flooding.

- 14) Notwithstanding details on the approved plans, finished ground-floor levels shall be set no lower than 28m AOD.

To minimise the impact of flooding.

- 15) No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of sustainable drainage techniques, on-site storage from storm events, any balancing works and off-site works and management plans that will accord with Leeds city Council's 'Minimum Development Control Standards for Flood Risk' document, plus details of on site storage for additional run-off from storm events, have been submitted to and agreed in writing by the Local Planning Authority. The works shall be implemented and maintained as thereby agreed.

In the interests of satisfactory sustainable drainage.

- 16) The site shall be developed with separate systems of drainage for foul and surface water on and off site.

In the interests of satisfactory drainage.

- 17) There shall be no piped discharge of surface water from the site prior to the completion of the approved surface water drainage works and no buildings shall be occupied prior to the completion of the foul drainage works.

To ensure that the site is properly drained.

- 18) Before development commences details of the proposed treatment of the watercourse in and alongside the site must be submitted to and approved by the Council with the agreed details implemented prior to occupation and retained thereafter.

In compliance with the Leeds Land Drainage By Laws and to ensure that the watercourse is properly dealt with.

- 19) Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of construction, i) a Building Research Establishment 'BREEAM' assessment for a target rating of 'Excellent' (along with the associated BRE certificate(s) and scoring sheets for these standards), ii) a recycled material content plan (using the Waste and Resources Programme's (WRAP) Net Waste toolkit), and, iii) details of proposed measures to improve biodiversity at the site (to include consideration of green/brown roofs, swift bricks and bat boxes), and iv) detail of 'real time' information public transport displays, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the detailed scheme; and

(a) Prior to the occupation of the development a post-construction review statement 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.

In the interests of sustainable development and in order to accord with Policy GP11 of the Council's Unitary Development Plan.

- 20) Prior to the commencement of development, details of the provisions for disabled access onto the site and into the buildings shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to occupation and retained and maintained as such thereafter.

To ensure satisfactory access for all.

- 21) Details of the proposed methods of closing off and making good the existing access(es) shall be submitted to and approved in writing by the Local Planning Authority before commencement of works on site. The works of closure to the access(es) so approved shall be completed prior to the development hereby approved being brought into use or occupied.

In the interests of the free and safe use of the highway.

- 22) Prior to the commencement of development details of a sound insulation scheme(s) designed in accordance with the measures highlighted in the URS acoustic assessment reference 4935419 and to protect the amenities of the occupants of nearby buildings both during and after construction, and those of the future occupiers of the approved development, shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of amenity.

- 23) The use shall not be brought into operation until a grease trap has been provided on the drainage outlet(s) from the food preparation area(s). The grease trap shall be retained at all times thereafter.

To ensure the removal of grease from waste effluent in the interests of general amenity.

- 24) Prior to the commencement of development full details of the long and short cycle parking plus changing/showering facilities shall be submitted to and approved in writing by the Local Planning Authority with the agreed detail implemented prior to first occupation and maintained thereafter.

To ensure appropriate cycle parking facilities are provided and in the interests of promoting sustainable modes of travel.

- 25) Prior to the commencement of development a scheme detailing the method of storage and disposal of litter and waste materials, including recycling facilities, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a description of the facilities to be provided including, where appropriate, lockable containers and details for how the recyclable materials will be collected from the site with timescales for collection. The approved scheme shall be implemented before the development hereby permitted is brought into use and no waste or litter shall be stored or disposed of other than in accordance with the approved scheme.

In the interests of amenity and to promote recycling.

- 26) Prior to first occupation details of the external lighting of the Hol Beck, public spaces and buildings shall be submitted to and agreed in writing by the Local Planning Authority. The agreed works shall be implemented before the buildings are occupied.

In the interests of amenity.

- 27) Before development commences full details of the interim and/or permanent off-site highway works shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include the following:

- (a) provision of the drop-off layby;
- (b) alterations to the footpath (including stopping up of any redundant vehicle access); and

The works shall be implemented as thereby agreed before the occupation of the development.

In the interests of highway safety and the amenity of future occupiers of the site.

- 28) The hours of delivery to and from the premises, together with loading and unloading within the premises shall be restricted to 0700 hours to 2300 hours Monday to Sunday unless otherwise agreed in writing by the Local Planning Authority.

In the interests of amenity.

- 29) 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. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

To ensure that the remediation works are satisfactory and will make the site suitable for use in accordance with Policy GP5 of the Leeds Unitary Development Plan and Annex 2 of PPS23.

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

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use in accordance with Policy GP5 of the Leeds Unitary Development Plan and Annex 2 of PPS23.

- 31) If remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. An amended or new Remediation Statement shall be submitted to, and approved in writing by, the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Statement.

To ensure that any necessary remediation works are identified to make the site suitable for use in accordance with Policy GP5 of the Leeds Unitary Development Plan and Annex 2 of PPS23.

- 32) In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, GP11, GP12, BD2, BD4, BD5, T2, T5, T6, T24, A4, SA9, SP8, CC11, CC27, S1, BC7, N12, N13, N19, N25

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

For information:-

The applicant should be aware that there is an Agreement/Obligation by way of undertaking under Section 106 of the Town and Country Planning Act 1990 affecting this site or that there is likely to be a need to enter into such Agreement/offer an Obligation to discharge the requirements of conditions above.

Food businesses must be registered with the Local Authority. Please contact Leeds City Council Health and Environmental Action Service, Food and Health Services, Millshaw Park Way, Churwell, Leeds, LS11 0LS. Telephone: 0113 2477789 or email env.health@leeds.gov.uk for details

This permission does not give consent to any advertisement intended to be displayed on the site for which separate express consent may be necessary under the Town and Country Planning (Control of Advertisements) Regulations 2007.

This permission does not absolve the applicant(s) from the requirements for compliance with a Building Regulation approval, or the duty of compliance with any requirements of any Statutory Body, Public Utility or Authority, including the City Council's Leeds Environment Department, Department of Highways and Transportation (Highways Maintenance and Main Drainage Divisions), and Department of Housing Services; the West Yorkshire Fire Officer or the Health and Safety Executive.

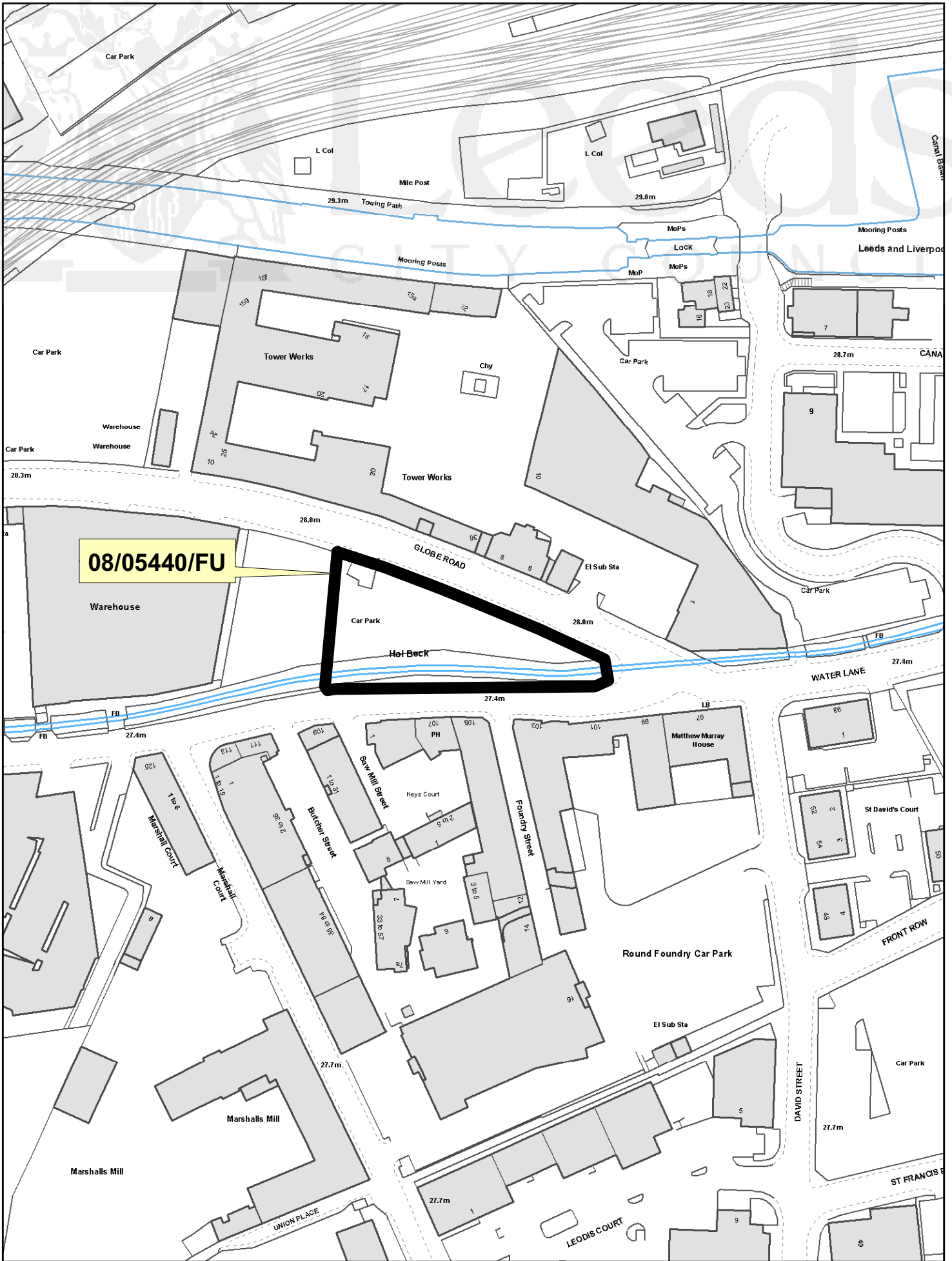
The approval of this planning application should in no way be construed to imply a licence under the provisions of the Licensing Act 2003 will be granted. For further information the applicant should contact Leeds City Council, Entertainment Licensing Section, Civic Hall, Leeds LS1 1UR. (Tel: 0113 247 4095, Fax: 0113 224 3885, e-mail: entertainment.licensing@leeds.gov.uk/licensing).

The applicant is advised that remediation of any contaminated site is required to a standard such that the site would be suitable for use pursuant to Annexe 2 of PPS23. This includes the quality of imported soils and soil forming materials. The developer is responsible for ensuring that development is safe and suitable for use for the intended purpose.

All reports addressing land contamination should be compiled in accordance with best practice, taking into account Annexe 2 of PPS23, and DEFRA and the Environment Agency's Contaminated Land Report No.11.

Prior to preparing any reports in compliance with conditions related to land contamination the applicant is also advised to refer to the Leeds City Council guidance leaflets in the series:- The Development of Contaminated Sites:
The Blue Leaflet (CL2) - Reports in Support of Planning Applications
The Green Leaflet (CL3) - Human Health Quantitative Risk Assessment
The Yellow Leaflet (CL4) - Residential Development on Land Affected by Contamination

These leaflets can be obtained from the council at the Leonardo Building Reception, 2 Rossington Street, Leeds, LS2 8HD or from our website www.leeds.gov.uk/contaminatedland .



CITY CENTRE PANEL

Scale 1/1500



Originator: Sarah McMahon

Tel: 2478171

Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 14 OCTOBER 2010

Subject: APPLICATIONS 09/03230/FU - Change of use including refurbishment and extensions to 2 church buildings with 2 flats, to form offices and 16 flats and erect a 5 storey block comprising office and 21 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: 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, employment and training opportunities for local people, the provision of two replacement trees within the site or the churchyard. 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. Programme of archaeological recording required
32. Programme of architectural recording required with regard to partial demolition to St Peters Hall and St Peters House
33. Obscure glazing to the corridor windows facing Chantrell Court and all bathroom windows
34. Development in accordance with the bat report and mitigation statement

35. 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, 31, 32 and 34.

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:

Members will recall that the proposed scheme has been put before them firstly as a Position Statement on 4 March 2010, and subsequently for determination on 24 June 2010. Subsequently the proposal was brought back to Members as a Briefing Note to consider design principles on 19 August 2010. On all three occasions Members made a number of 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 residential flats (2 studios, 14 x 1-bed, 15 x 2-bed and 6 x 3-bed units) and 566 metres² 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 5 and 4 storey buildings. These would both house office space at ground floor level with residential above. A total of 16 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 5 storey block comprising office use to part of the ground floor (fronting The Calls) and 21 flats, with 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 24 parking spaces in two parking courts on either side of Chantrell House. The proposal would result in a total of 24 car parking spaces on site being retained.

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
- 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 was then brought back before Members on 24 June 2010 and the following comments were recorded:

- the design details of the recesses and the absence of chimneys on Chantrell House
- the lack of windows on the gable wall of the extension of St Peters Hall
- that some of the best features would be covered up on St Peters Hall, which albeit some of the window frames were in poor condition, created an important view down The Calls
 - that the extension to St Peters Hall had tried, unsuccessfully, to imitate the adjacent Victorian building and that it was not of a high enough quality given its surroundings and proximity to a Grade I Listed church
 - that as an entrance into a precinct it was unattractive
 - that although improvements had been made to the scheme it was still not good enough, particularly the blocking off of the view of the Parish Church from Maud Street
- concerns about the design of Chantrell House; that the parapet should be in stone as opposed to stone and brick; that more glazing could be introduced on the elevations and concerns at the design of this building adjacent to the Parish Church
 - that what was being shown was a comparison with an earlier scheme;
 - that the current scheme should be considered in isolation and the view that this scheme was not good enough
 - that if the intention was to create a cathedral close, the buildings faced the cathedral, whereas Chantrell House did not face the Parish Church
 - that the applicant had taken on board Members' comments and responded but the scheme was not of sufficient quality to approve in this location

The Head of Planning Services stated that Members' views had been noted and that the applicant had a choice to make, but that Officers would need to discuss these matters with the applicant and to submit a further report setting out the results of these negotiations. The Panel was advised that the quantum of development on the site was likely to be reduced and that the report would seek the Panel's views on where there was room for manoeuvre in the scheme. As such the determination of the application was deferred to enable further discussions to be undertaken on the issues raised by Members.

On the occasion of the proposal's third presentation to Members on 19 August 2010, Members made the following comments:

- whether the remains of the old building (the boundary wall) would be incorporated in the proposals
 - the need for top quality materials to be used; possibly reclaimed materials
 - the increased height of Chantrell House; that it created better balance and if the views across were maintained, then this could be acceptable
 - concerns about the potential dominance of Chantrell House on Chantrell Court and whether the built form could be narrower pulling it away from Chantrell Court
 - on St Peter's Hall, the need to understand how the positioning of the lift in the corner would work
 - that concerns remained about how the proposed extensions would relate in detail to the existing buildings

- that some vertical emphasis could be considered on Chantrell House
- the possibility of using mirrored glass within the scheme, particularly on gable ends
 - that a feature should be made of the original detailing within the scheme
 - concerns that although suggestions could be made on the scheme, these might not translate as envisaged

The proposal is therefore brought back before Members to consider the responses to these matters and has been revised to produce a viable scheme which relates more closely to the context in which it is located.

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 there is now no increase in car parking numbers 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.

A further 1 letter was received from residents of Chantrell Court in response to the first set of revised plans stating that:

1. The revised drawings have not addressed the issues previously raised and listed above.

7.0 CONSULTATIONS RESPONSES:

Statutory:

British Waterways: Commenting on earlier revisions they state that they have no objections to the proposal.

Yorkshire Water: Commenting on earlier revisions they 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: Commenting on earlier revisions they state that the decision should be conditioned to address details of cycle and motorcycle parking including the numbers allocated for office use, the hard standing area, as well Section 106 agreement requirements for city car club membership.

Further comments from Highways states that as the revised level of residential units and office accommodation is below the threshold for requiring a Travel Plan, then such a document is no longer a requirement of this proposal.

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 earlier 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: Commenting on earlier revisions they 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: Commenting on earlier revisions they 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 commenting on earlier revisions they 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 earlier 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: Commenting on earlier revisions they 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..

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. As such the consent should be conditioned to ensure compliance with an agreed mitigation strategy.

Response: This matter will be addressed via condition.

Leeds Civic Trust: Commenting on earlier revisions they state that they last commented on the emerging proposals for the site in October 2007 but still wish to object to the proposals on the following grounds;

1. The relationship between the corner of the 'new' Chantrell House and the Church could be too tight and photo montages of this area are required.
2. There is concern that the new building element will shade parts of the churchyard and significantly alter its character, and again photo montages of this area are required.
3. There is a need to review the whole of the churchyard to allow a world class space to be created, and resolve car parking and access issues in the churchyard.
4. There is concern over the extent of demolition of the parts of the existing buildings that are to be retained.
5. The design currently appears 'crude' and should be more respectful of the existing buildings in the area
6. They note the need to create a flood escape route but are concerned about the proposed design of the gate and gap to be cut into the churchyard wall. It should not appear as a discordant feature.
7. They feel that the opportunity should be taken to restore railings which have been removed from parts of the boundary.
8. The design of the upper brick elevations appears unduly heavy and unsupported above the lightweight treatment to the ground floors.

Response: Points 1, 2, 3, 4, 5, and 8 will be considered as part of the Issues section below.

With regard to point 6 the applicant has indicated that they are agreeable to using the existing opening within the boundary wall as an escape route thereby negating the need to create an additional gap in the listed wall.

With regard to Point 7 the red line boundary does not extend around the full boundary of the churchyard. As such the Applicants have no plans to reinstate railings on the boundary in the manner suggested.

Transport Policy: State that the drop in residential unit numbers and the level of proposed office space are both below the threshold at which a public transport infrastructure improvements contribution is required. As such this is no longer an applicable contribution.

Development Plan -

Leeds Unitary Development Plan Review 2006

Policy A4 (access for all)

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)

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 public 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 and an existing office use on the site. Therefore, residential and office uses are considered to be appropriate in this location.

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. The heights of the 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

As a result the heights of the all the buildings have been rationalised. This means that St Peters Hall is to have 4 storeys, St Peters House is also to have 4 storeys, and the new Chantrell House would be a 5 storey block. The roofs of all three buildings are now to be pitched.

The office space at ground floor level fronting onto The Calls remains largely as previously proposed.

The overarching design principles are still to reflect the characteristics of the existing buildings on The Calls in respect of height, massing and appearance, whilst taking some historical references from the former St Peter's School (now demolished) that was on the site of the current Chantrell House and Chantrell Court. The aim remains to create 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, with the latter gap being enhanced by a proposed angling of the extended St Peters House.

St Peters Hall would now have a front extension reduced in mass such that the end bay and detailing of the existing 5 sided 'apse' to the south of the building would be fully exposed. The extension would be detailed with the horizontal dark brick and stone banding present on the existing retained building, with a pitched roof with stone copings, to match the host building. The staircore would be faced with copper shingles treated to retain a brown hue. Windows would be set in stone surrounds, with matching cills, lintels and mullions.

St Peters House as previously stated would be extended with an angled end to the western elevation to improve the view of the nearby Grade I listed Leeds Parish Church (St Peters). The extension would be designed to reflect the characteristics of the host building with stone banding and copings, as well as stone window surrounds, cills, lintels and mullions. As with St Peters Hall pre-treated copper shingles would clad the staircores.

The proposed Chantrell House has been amended in respect of its footprint such that it would now be a simple rectangular form that sits in a north-south position across the space currently occupied by the existing Chantrell House. The proposed building would be pushed closer to the listed boundary wall to reflect the position of the former St Peters School that once stood here. In addition, in further reference to the former school the elevations of the proposed Chantrell House would be a series of pitched gable ends in rhythms of two pitches to the north and south elevations, and four pitches to the east and west elevations. As such the roof would be a series of pitches, ridges and valleys with a central roof section elevated slightly to accommodate internal residential space. This central section would not be visible from street level. At each valley point a rainwater downpipe would be positioned giving vertical emphasis to the building. Again natural stone detailing would be used on all elevations with the introduction of horizontal pre-treated copper panels at break points between upper windows.

In respect of elevational treatment all 3 buildings are still to have Flemish Bond brickwork using conservation bricks or red/brown hues. Conservation style roof lights would also be present in all three proposals. The resulting revised scheme would be a calm, respectful backdrop to St Peters, complimenting its architecture and character rather than competing with this important Grade I listed building.

It is considered that the overall revised design of the buildings would result in high quality, contemporary additions that would preserve the character and visual amenity 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 west facing elevation of Chantrell Court would be sited approximately 3 metres distance from the proposed residential block to the west, however this elevation of Chantrell Court is blank. The second west facing elevation of Chantrell Court, which does contain windows would be some 27 metres from the east facing elevation of the proposed Chantrell House. These distances are considered to be acceptable for a development in this City Centre location.

With regard to the potential dominating effect of the proposed development on the existing flats it is considered that the positions of all three buildings reflects the tight urban grain of the streets around this site where buildings of a similar scale to those proposed face each other across similarly narrow street widths. The reduction in the mass of Chantrell House would also retain a feeling of openness and views of the churchyard to the north.

Concerns have also been expressed that Chantrell Court may be overshadowed by the proposed Chantrell house block. The proposed development would be positioned to the 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 car parking provision on site is for 9 spaces for the offices in Chantrell House. 6 spaces for the Church's use and 9 for the residential occupants of Chantrell Court. However, it is evident on site that more parking is taking place in undefined areas than the given total of 24 car parking spaces.

To address Members comments the proposal has been revised such that the main parking area and parking bays to the west and east sides of the Chantrell House plot would be retained to provide a total of 24 car parking spaces (including a percentage of 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 9 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 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 2 trees on the site in the proximity of Chantrell House. To mitigate against this adverse impact the applicant is willing to provide 2 replacement trees within the site or adjacent churchyard. This matter can be controlled by the Section 106 legal agreement.

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 and as such a Flood Risk Assessment has been submitted to, and is yet to be fully resolved with the Environment Agency in respect of the requirement for a flood warning strategy. The applicant has addressed this matter in the Flood Risk Assessment to the satisfaction of the Environment Agency.

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 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:

- 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
- Car club membership contribution of £4100.00
- The provision of two replacement trees within the site or the churchyard.
- Employment and training opportunities for local people

The drop in residential unit numbers and the level of proposed office space are both below the threshold at which a public transport infrastructure improvements contribution is required. As such this is no longer an applicable contribution.

A total of 37 residential units are proposed across the development with 16 of these units being housed in St Peters Hall and St Peters House, and the remaining 21 units being in the new build Chantrell House. This would mean an affordable housing contribution requirement of 5 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 3 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 16 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 6 matters to be covered by the S106. These 6 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 27.12mAOD. 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.

31. 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

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 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

34. 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.

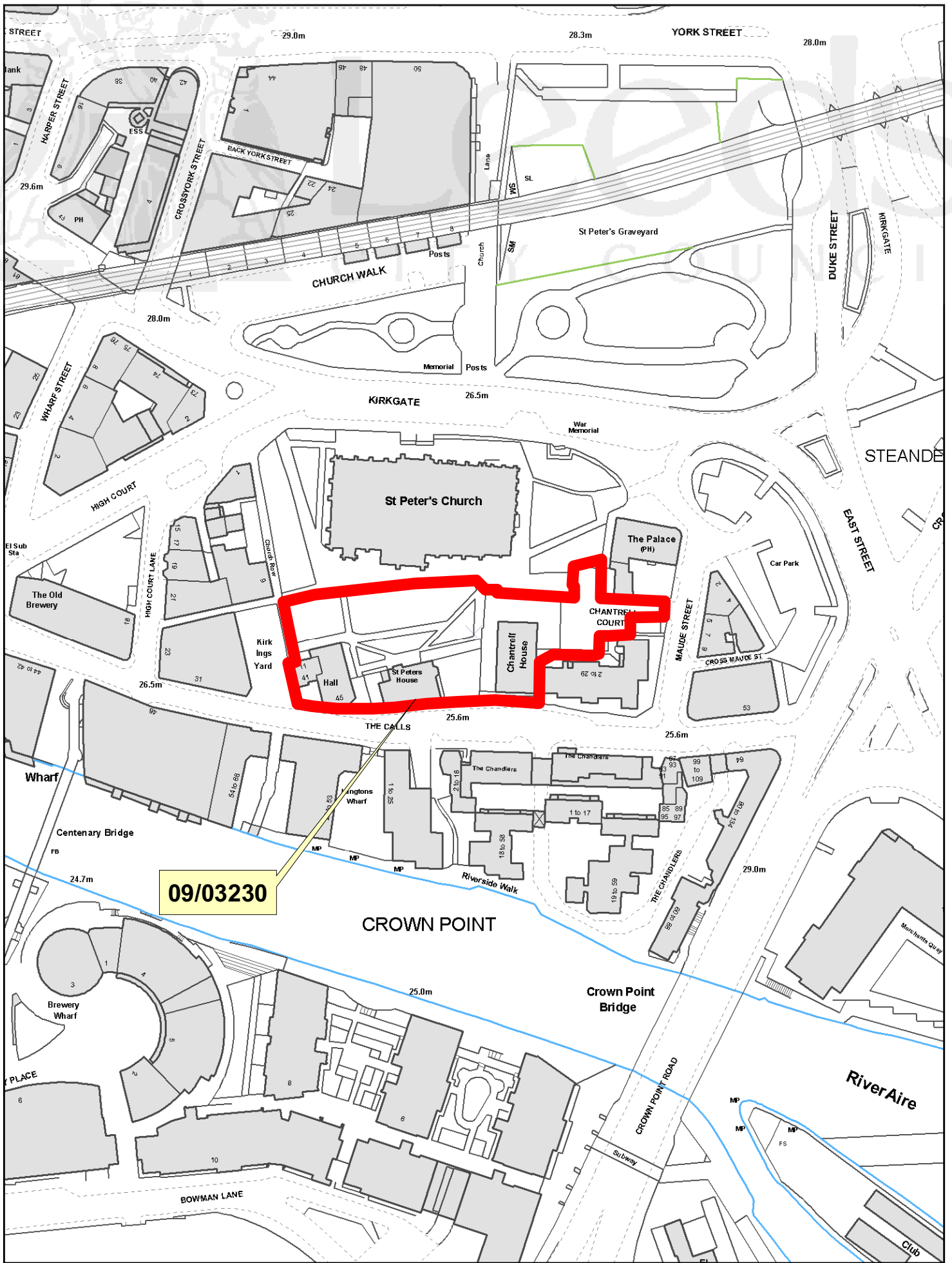
In the interests of amenity.

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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