



CITY PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 26th June, 2014
at 1.30 pm

MEMBERSHIP

Councillors

P Gruen
S Hamilton
E Nash
N Walshaw
M Ingham
J Lewis
J McKenna
(Chair)
C Gruen

C Campbell

R Procter
G Latty

T Leadley

D Blackburn

Agenda compiled by:
Angela Bloor
Governance Services
Civic Hall
Tel: 0113 24 74754

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>SITE VISIT LETTER</p> <p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 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 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

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2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF 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 style="padding-left: 40px;">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>	
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 DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	

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5			APOLOGIES FOR ABSENCE	
6			MINUTES To approve the minutes of the City Plans Panel meeting held on 5 th June 2014 (minutes attached)	3 - 8
7	City and Hunslet		APPLICATION 13/02034/FU - 14-28 THE CALLS LS2 To consider a report of the Chief Planning Officer on an application for demolition of existing buildings and construction of 77 apartments and bar/restaurant and office development (Use Classes A3/A4/B1) with 2 level basement parking and laying out of public open space (report attached)	9 - 34
8	City and Hunslet		APPLICATION 14/01998/FU - SOVEREIGN STREET AND SWINEGATE LS1 To consider a report of the Chief Planning Officer on an application for 6 storey office building with ground floor retail space (A1 retail, A2 financial and professional services, A3 café/restaurant, A4 drinking establishment, B1 office, D1 non-residential institution and D2 assembly and leisure uses) and basement car park (report attached)	35 - 60

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9	City and Hunslet		<p>APPLICATIONS 14/01903/FU AND 14/01924/DEM - VICTORIA GATE - PHASE 2</p> <p>To consider a report of the Chief Planning Officer on applications for the second phase of Victoria Gate, specifically:</p> <p>Application 14/01903/FU – For the use of the land as a shopper’s car park for a temporary 5 year period – land bounded by Vicar Lane, Lady Lane and Templar Place LS2 and</p> <p>Application 14/01924/DEM – For a determination for demolition of the buildings; Lyons Works, Templar Street/Templar Lane/Templar Place, 100-104 Vicar Lane (former bus station), 108-116 Vicar Lane (Provident House), 1-5 and 7 Templar Street (former Park Lane College) and 130 Vicar Lane – land bounded by Vicar Lane, Lady Lane and Templar Place LS2</p> <p>(report attached)</p>	61 - 84
10	Cross Gates and Whinmoor		<p>APPLICATION 14/02514/OT - FORMER VICKERS FACTORY MANSTON LANE LS15 - POSITION STATEMENT</p> <p>To consider a report of the Chief Planning Officer setting out the current position in relation to a hybrid application for outline application for up to 385 dwellings, retail development, associated site access, landscaping and site works and full application for 100 dwellings including site access, public open space and landscaping</p> <p>(report attached)</p>	85 - 98

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11	Cross Gates and Whinmoor		<p>APPLICATION 14/02521/FU - FORMER VICKERS FACTORY MANSTON LANE LS15 - POSITION STATEMENT</p> <p>To consider a report of the Chief Planning Officer on the current position in respect of site remediation works (including prior extraction of coal, demolition of existing buildings, removal of hard-standing, mine shafts and other below ground structures and re-instatement of ground</p> <p>(report attached)</p>	99 - 116
12	City and Hunslet		<p>PREAPP/14/00510 - VICTORIA GATE PHASE 1 - LAND BOUND BY EASTGATE, ST PETER'S STREET AND GEORGE STREET/DYER STREET LS2</p> <p>To consider a report of the Chief Planning Officer on pre-application proposals for a redesigned multi storey car park, surface car parking and landscaping and to receive a presentation on the proposals</p> <p>(report attached)</p> <p><i>This is a pre-application presentation and no formal decision on the development will be taken, however it is an opportunity for Panel Members to ask questions, raise issues, seek clarification and comment on the proposals at this stage. A ward member or a nominated community representative has a maximum of 15 minutes to present their comments</i></p>	117 - 124

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13	City and Hunslet		<p>PREAPP/13/01135 - 3 ST PETER'S HOUSE KIRKGATE LS2</p> <p>To consider a report of the Chief Planning Officer on proposals to demolish the existing building and to erect a new residential development and to receive a presentation on the proposals</p> <p>(report attached)</p> <p><i>This is a pre-application presentation and no formal decision on the development will be taken, however it is an opportunity for Panel Members to ask questions, raise issues, seek clarification and comment on the proposals at this stage. A ward member or a nominated community representative has a maximum of 15 minutes to present their comments</i></p>	125 - 132
14	City and Hunslet		<p>PREAPP/14/00448 - LEEDS METROPOLITAN UNIVERSITY CALVERLEY STREET LS1</p> <p>To consider a report of the Chief Planning Officer on proposals for illuminated signs and lighting on Leeds Metropolitan University buildings and to receive a presentation on the proposals</p> <p>(report attached)</p> <p><i>This is a pre-application presentation and no formal decision on the development will be taken, however it is an opportunity for Panel Members to ask questions, raise issues, seek clarification and comment on the proposals at this stage. A ward member or a nominated community representative has a maximum of 15 minutes to present their comments</i></p>	133 - 138
15			<p>DATE AND TIME OF NEXT MEETING</p> <p>Thursday 17th July 2014 at 1.30pm</p>	
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Third Party Recording

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.

Use of Recordings by Third Parties– code of practice

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

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To all Members of City Plans Panel

Contact: Angela M Bloor
Tel: 0113 247 4754
Fax: 0113 395 1599
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Your reference:
Our reference: site visits
Date 17th June 2014

Dear Councillor

SITE VISITS – CITY PLANS PANEL – THURSDAY 26TH JUNE 2014

Prior to the meeting of City Plans Panel on Thursday 26th June 2014, the following site visits will take place:

9.40am		Depart Civic Hall
10.00am	Crossgates and Whinmoor	Application 14/02514/OT and 14/02514/FU – Application for residential development and associated site remediation works – Former Vickers Factory Manston Lane LS15
11.00am	City and Hunslet	Preapp/13/01135 – Preapplication proposals to demolish the existing building and to erect new residential development – 3 St Peter's House Kirkgate LS2
11.45am	City and Hunslet	Preapp/14/00448 – Preapplication proposals for illuminated signs and lighting on Leeds Metropolitan University Calverley Street LS1
12.00 noon Approximately		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at **9.40am**. Please notify Daljit Singh (Tel: 247 8010) if you wish to take advantage of this and meet in the Ante Chamber at **9.35am**.

The Chair has agreed to request Panel to attend a site visit to see a private rented residential development in Manchester by Dandara, the developers who presented their proposals for the Ingram Row site at the last panel. Members will be asked at the meeting on 26th June to confirm their availability for one of the following dates:

8th July

9th July (pm only)

11th July

15th July

Yours sincerely

Angela M Bloor
Governance Officer



CITY PLANS PANEL

THURSDAY, 5TH JUNE, 2014

PRESENT: Councillor J McKenna in the Chair

Councillors P Gruen, R Procter,
D Blackburn, S Hamilton, G Latty,
T Leadley, E Nash, N Walshaw, M Ingham,
C Campbell, M Harland and C Macniven

192 Election of Chair

In the absence of the designated Chair, nominations to chair the meeting were sought, with Councillor J McKenna being nominated to the chair the meeting

Councillor McKenna in the Chair

193 Chair's opening remarks

Councillor McKenna welcomed everyone to the meeting and asked Members and Officers to introduce themselves

194 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests

195 Apologies for Absence

Apologies for absence were received from Councillor J Lewis and Councillor Cummins, with Councillors Harland and Macniven substituting for their respective colleagues

196 Minutes

RESOLVED - That the minutes of the City Plans Panel meeting held on 8th May 2014 be approved

197 Applications 14/01511/FU and 14/01713/LI - Full and Listed Building applications for the variation of the approved plans for replacement weirs at Leeds Weir and Knostrop Weir

Draft minutes to be approved at the meeting
to be held on Thursday, 26th June, 2014

Plans, photographs and graphics were displayed at the meeting. A Members site visit had taken place earlier in the day

With reference to minute 59 of the City Plans Panel meeting held on 17th January 2013 and minute 91 of the City Plans Panel meeting held on 24th October 2013, where applications for two replacement weirs and flood defences and cut were approved as part of the Leeds Flood Alleviation Scheme (FAS), Officers presented the report which related to revisions to the design and location of the movable weirs

The revisions and design changes were outlined, with Members being informed that these were necessary to improve efficiency and assist in the delivery of other elements of the Leeds FAS

Regarding the use of reclaimed stone for the cladding material for the in channel piers, these would now be finished in concrete as engineers had indicated there were concerns about the strength of the reclaimed stone to undergo the demolition and rebuilding process. It was also stated that the use of concrete would provide better construction and would result in reduced maintenance requirements to remove vegetation growth

The Council's Conservation Officer had raised concerns about the use of concrete, although English Heritage had not commented. If minded to approve the applications, suitable conditions to control the external appearance of the weirs would be included

Members discussed the applications, with the main issues relating to:

- the design of the control cabinets
- the case for not reusing the stone due to concerns about its strength and whether this could be justified
- the visual appearance of concrete cladding which would not be in keeping with its surroundings
- that concrete could be considered to be acceptable at Knostrop Weir but not at Leeds Weir in view of its prominent location
- the need for regular maintenance of the weirs to ensure that damaging vegetation was removed
- concerns about the dominance of the weirs
- the absence of a water turbine at Leeds Weir

The Chief Planning Officer highlighted the different elements of the scheme and suggested that for Leeds Weir, stone could be used on the side elements, with concrete being used in the middle, which would better reflect the location. Members considered this, with the suggestion being made that stone should also be used in the middle at Leeds Weir, so long as the engineering works were not compromised by this

The Panel considered how to proceed

RESOLVED:

Application 14/01511/FU

To defer and delegate approval of the application to the Chief Planning Officer, subject to the conditions set out in Appendix 1 of the submitted report and subject to the use of stone at Leeds Weir, subject to details being agreed with English Heritage and the Council's Conservation Officer and in the event this matter cannot be satisfactorily resolved, to bring a further report to Panel for final approval of the application

Application 14/01713/LI

To agree in principle and defer and delegate to allow the application to be referred to the Secretary of State for the Department of Communities and Local Government

198 Preapp/14/00337 - Proposal for residential development at Sweet Street, Holbeck, Leeds

Plans, graphics, photographs and precedent images were displayed at the meeting

The Panel considered a report of the Chief Planning Officer on pre-application proposals for a residential development at Sweet Street and received a presentation on proposals from the developer's architects and agents

The key elements of the proposals were outlined to Members, which included:

- that the site has planning permission for a mixed use scheme comprising residential with A1/A2/A3/A4/A5 and B1 uses
- that the scheme being drawn up was a less dense residential scheme which provided courtyards and meaningful public realm with good pedestrian permeability
- the massing of the buildings related to their immediate context and allowed for good levels of sunlight in to the courtyards
- that the ground floor apartments would each have their own front door and balcony, which would help activate the streets
- that 750 apartments were proposed, with the larger apartments facing into the courtyards and benefitting from their own private amenity space
- that vehicular access would be from Ingram Street
- that 696sqm of commercial accommodation would be provided, with this being set back from Sweet Street
- that a range of studios, 1, 2, and 3 bedroom apartments would be provided, in a private rented development, managed by a single investor
- a generous landscaping scheme would form an important element of the development
- that public seating areas would be provided at key locations
- that the use of colour will be considered in the materials for the scheme, with the aim of creating a sense of identity through this

Members discussed the proposals and commented on the following matters:

- the amount of natural light residents would receive for much of the year
- the maintenance of the landscaped areas, particularly the raised beds
- the need for problems of litter and vermin around the landscaped areas to be fully addressed
- the use of tree pits and whether sufficient space would be available for trees to grow adequately

- a suitably sized play area for children would be required
- issues of security for residents
- the high number of studios and one bed room flats in the scheme and the need to understand the market the development would be aimed at
- community identity and how this would be forged
- S106 contributions which would be required
- Issues of sustainability and whether photovoltaics and grey water could be included in the proposals
- the size of the units with concerns these were not as generous as hoped
- the location of public seating areas and the need to address potential issues of noise nuisance and anti-social behaviour for tenants of units in close proximity to these areas
- whether a public seating area was necessary
- concerns about the proliferation of studios and that these did not help create a permanent community
- appropriate tree species and that Councillor Nash should be consulted on this, in the event the pre-application proposals progressed to a formal application
- the need for the different sized units to be mixed across the scheme to prevent segregation
- the changes to the heights of blocks; that the shortfall would need to be made up elsewhere in the scheme; the siting of the 13 storey block and whether this was appropriate
- the need for any development on this site to be of a high quality and distinct character, rather than just standard residential apartment blocks
- the need for detailed sunlight surveys to be provided as well as a proposed colour palette
- that more family accommodation was needed, particularly in view of proposals for a large school to open in the area within a few years
- the buoyancy of the private rented market and that city centre apartments were welcomed as were some elements of the design principles, i.e. the proposals to activate the streets and provide front doors and private courtyards space. However it was felt the scheme lacked a sense of place; that buildings of greater architectural merit were required for this key location; that the mix of units was not suitable and that more family accommodation should be provided

In response to the specific issues raised in the report, Members provided the following comments:

- that the proposed use of the site for a predominantly residential scheme was appropriate
- that whilst in general Members agreed with the siting of the buildings, provision of landscaping; public realm and provision of active street frontages, to note Members detailed comments on

these matters. That the arrangement of the taller block should be explored further and a clear rationale for it should be provided. Consideration of orientating the tall building towards The Mint building should be considered

- to note that more work was required regarding the height of the buildings, together with requirements for rooftop plant and the distribution of building heights around the scheme
- to note Members' detailed comments about the proposed landscaping
- that issues of sustainability needed to be addressed
- regarding the mix of units; their size; proportions and quality of the proposed flats, to note Members' comments and the Chief Planning Officer's comments about the work in progress on trying to achieve a Leeds Standard for units and for this work to be shared with Panel Members
- to note the requests for further detailed sun path surveys, information on proposed materials and the size of units in relation to average furniture sizes

RESOLVED - To note the report, the presentation and the comments now made

199 Date and Time of Next Meeting

Thursday 26th June 2014 at 1.30pm in the Civic Hall, Leeds

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Originator: Tim Hart
Tel: 3952083

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 26th JUNE 2014

DEMOLITION OF 14-18 THE CALLS, 28 THE CALLS AND THE MISSION HUT BUILDING, AND CONSTRUCTION OF 77 APARTMENTS AND BAR / RESTAURANT / OFFICE SPACE (USE CLASSES A3/A4/B1) AND LAYING OUT OF PUBLIC OPEN SPACE, 14-28 THE CALLS, LEEDS 2 (REFERENCE 13/02034/FU).

APPLICANT
Commercial Development
Projects Ltd

DATE VALID
14th May 2013

TARGET DATE
13th August 2013

Electoral Wards Affected:

City & Hunslet

Yes

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) and also the completion of a Section 106 agreement to include the following obligations:

The provision of 4 affordable housing units (equivalent to 5% of the total number of units) if the development is commenced within two years or affordable housing provision in accordance with the relevant policy at that time if the development is not commenced within that period;

A public transport contribution between £23,540 and £24,101 (depending upon the extent of A3/A4 and B1 office provision in the scheme);

A Travel Plan review fee of £2,500; £6,000 compensation for loss of the pay and display bay, and £2,970 for free trial membership and usage of the car club;

Provision of public realm prior to occupation and retention of accessibility to public realm;

Local employment and training initiatives;

Section 106 management fee (£2250).

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

1.0 INTRODUCTION

1.1 This application seeks planning permission for the development of a large riverside site at Warehouse Hill between The Calls and the River Aire. The site has been the subject of several planning permissions during recent years. The current proposal is a mixed use scheme comprising apartments, commercial space set around a large, landscaped, public space. A pre-application presentation of the current scheme was presented to City Plans Panel in April 2013. The minutes of that meeting are attached as Appendix 1.

1.2 Subsequently, a Position Statement was considered by City Plans Panel on 1st August 2013. Members confirmed that:

- the principle of the development, including the proposed mix of uses was acceptable
- the demolition of all buildings on the site, other than 20-24 The Calls was acceptable, but only at a point when it had been established that the site would definitely be redeveloped
- the scale and layout of the development and views towards the river were acceptable. In terms of soft landscaping more trees were required within the scheme
- that the overall architectural approach was acceptable as was the revised arrangement of the proposed balconies, with Members welcoming the taking away of balconies from the corners
- that the proposed approach to residential amenity was satisfactory
- that the general approach to access issues was appropriate and that the proposed use of gates was acceptable
- that the proposed package of S106 measures set out in the submitted report was appropriate, although it would not be acceptable for a clause to be inserted in the agreement which enabled a subsequent review of viability to be undertaken
- that flood risk measures in respect of different events should be set out in the final report to be submitted to Panel

The minutes of that meeting are attached as Appendix 2.

1.3 This report addresses issues raised by City Plans Panel and refers to the current position regarding section 106 issues. Suggested conditions are attached at Appendix 3.

2.0 SITE AND SURROUNDINGS

2.1 The application site is located within the City Centre Conservation Area between The Calls and the River Aire. The site contains a number of buildings originally built to

serve trade on the river. The existing buildings fronting The Calls are of traditional design, with the rear elevations facing onto the riverside being functional and plain in appearance. The open wharf has been used for surface car parking for some time. There is no public access to the site at present.

- 2.2 A number of buildings have been neglected, appear rundown and adversely affect the appearance of the area and the character and appearance of the City Centre Conservation Area. In particular, 18 The Calls has been derelict for a number of years, and is in a precarious state, supported by scaffolding. Although a Grade II listed building there is an extant consent for its demolition.
- 2.3 28 The Calls is a small warehouse building, possibly the earliest surviving building on The Calls. However, it was significantly altered in the 20th Century including rendering of the original brick skin both to the front and rear elevations and alterations of window openings. Internally the structure was drastically altered and only the original roof trusses and beams survive.
- 2.4 The Mission Hut is a stone built former chapel building used by the Leeds canal and waterfront workers in the 19th and early 20th Century. The building has fallen into disrepair and has no viable function at present. There is an extant consent for its demolition.
- 2.5 2 to 12 The Calls to the northwest of the site is occupied by offices. 32 The Calls is located on the eastern fringe of the site. The listed building comprises 6 storeys fronting The Calls and 7 storeys to the riverside. The building primarily contains apartments. The Aire Bar is situated at lower level within the building with an open terrace area extending towards the river. Buildings on the southern side of the river facing the application site are primarily in residential use, including Navigation Walk. However, in common with the wider riverside area there is a mix of leisure, office and residential use.

3.0 PROPOSALS

- 3.1 The current proposals work closely with the principles of the previously approved scheme. As with earlier schemes 14-18 The Calls, 28 The Calls and The Mission Hut are proposed to be demolished allowing opportunities for opening up views of the river and public access into the site.
- 3.2 An “L” shaped building is proposed towards the west end of the site. The 4-7 storey building would step up in height from The Calls towards the river. The building would front The Calls close to the existing location of 14-16 The Calls, project directly towards the river, then run alongside the river behind 2-12 The Calls. The building would accommodate two levels of parking (47 spaces) at lower ground floor level accessed from Riverside Court. The ground floor is identified as commercial space fronting The Calls and residential facing the river. Above this level the use is entirely residential. Levels 4-7 have a reduced footprint, with the highest level only running parallel to the riverside.
- 3.3 The extant planning approval identifies the extension of 20-24 The Calls at two levels on the southern side. This extension is no longer proposed enabling the provision of a larger area of open space. The retained building would be converted to commercial space at lower ground and ground floor, with access to apartments proposed at first floor level.

- 3.4 A new building with a predominantly rectangular footprint is proposed at the eastern end of the site between 24 and 32 The Calls. The building would have a commercial use at lower ground and ground floor with 3 levels of residential accommodation above. A public, pedestrian, route into the site is now located on the west side of this building.
- 3.5 A total of 77 residential units are proposed comprising 23, one bedroom apartments; 53 two bedroom apartments; and 1, three bedroom apartment. Approximately 1350 square metres of commercial space is proposed at ground and lower ground floor levels of the buildings.
- 3.6 The proposed new building materials are identified as ashlar sandstone at plinth level, rustic variegated red-blue brick walling, with aluminium/timber composite windows. The residential element of the scheme incorporates projecting and integral balconies constructed utilising mild steel balustrades and hardwood handrails overlooking the river.
- 3.7 A large public space (approximately 30 metres by 40 metres) is proposed at the heart of the site. The primary public access would be located between 20-24 The Calls and the new "L" shaped building, with additional access from the walkway at the end of Riverside Court, and from the cut to the east of 20-24 The Calls. The space will be primarily hard-surfaced with levels falling from The Calls in a series of stages towards the river. A lift would be provided to allow level access between the levels. 6 trees and 2 raised planters would provide a balance to the extent of hard surfacing, and provide other benefits including for biodiversity and provision of areas of shade.
- 3.8 The flood defence comprises a flood wall incorporated into the new development, linked into a flood wall along the terraced area. Access to the riverside is achieved by openings which would be protected by demountable floodgates. The flood defences are designed to be consistent and to integrate with the long-term standard intended for the Leeds Flood Alleviation Scheme.

4.0 RELEVANT PLANNING HISTORY

- 4.1 Application 20/262/03/FU was approved in April 2007 for redevelopment of the site to provide 74 apartments, offices and A3 bar and restaurant uses. The scheme involved the demolition of 14-16 The Calls, 18 The Calls and The Mission Hut. This consent expired in April 2012.
- 4.2 Application 08/05307/FU was approved in July 2011. It involved demolition of 14-18 The Calls, 28 The Calls and The Mission Hut and the construction of two new blocks containing 5070 square metres of office accommodation and 1500 square metres of A3/A4 floorspace, with basement parking facilities. The proposed buildings framed a south-facing public space with terracing stepping down to the river. The permission is extant until July 2016.
- 4.3 Conservation Area Consent is in place for the demolition of 14-16 and 28 The Calls and the Mission Hut (13/02032/CA). Listed Building Consent is also in place for the demolition of 18 The Calls (13/02033/LI). Both of these consents are subject to a condition that there should be no demolition before a contract for the carrying out of the works of redevelopment of the site has been agreed and planning permission has been granted for the redevelopment to which the contract relates.

5.0 PUBLIC/LOCAL RESPONSE

- 5.1 Prior to submission of the application the developer presented the scheme to Leeds Civic Trust. The developer also held a public consultation event. Site notices were displayed around the site on 31st May 2013 and the application was advertised in the YEP on 6th June 2013. No public representations have been received.

6.0 CONSULTATION RESPONSES

Statutory:

Transport Development Services:

Further details of the proposed crossing on The Calls need to be provided. A car parking management strategy is required to ensure that the car parking is used efficiently. Cycle storage needs to be identified. Conditions are recommended to secure each of these details.

Environment Agency:

The development will be acceptable if the measures detailed in the flood risk assessment are implemented.

English Heritage:

English Heritage (EH) is broadly supportive of the proposed scheme. EH question the metal cladding and substation close to the main entrance into the site. They also advise that consideration should be given to the provision of some form of interpretation materials as part of the development.

Canal and River Trust (CRT):

CRT has no objections to the development subject to conditions relating to boundary treatment, demolition, landscaping and litter management. They also encourage the addition of visitor moorings as part of the development and the use of the river for the transportation of demolition and construction materials.

The Coal Authority:

The Coal Authority does not object to the conclusion that it would not be economically viable to recover coal from the site. Intrusive investigation should be undertaken to enable the design of any mitigation measures that may be necessary to ensure the safety and stability of the proposed development.

Non-statutory

Leeds Civic Trust (LCT):

LCT supports the development. LCT welcomes the reduction in bulk relative to the approved scheme and the larger public space that will be created. They also welcome the way in which the scheme will enhance views of the river. LCT considers that the even spread of balconies represents an improvement on the details originally submitted. They oppose the provision of gates commenting that it would allow the area to be closed off. They also suggest additional greenery would

be beneficial as would means to deter the area being used by skateboarders. LCT suggests the site would be a good location for public art or for casual play features for children. Riverside railings should be the minimum necessary. The site access road should be redesigned as a shared surface. Consideration should also be given to the potential for widening pavements and providing a shared crossing on The Calls.

The Victorian Society (TVS):

TVS support Leeds Civic Trust comments. In particular, they comment that demolition should not be allowed until a main contractor for the scheme has been appointed.

LCC Regeneration Programmes:

The site falls within the City Centre Housing Market Zone where there is a current requirement for 5% affordable housing split 40% social rent and 60% submarket housing. Therefore, there is a requirement for 4 affordable units (2 for social rent and 2 for submarket housing).

Transport Development Services – Travelwise:

The Travel Plan dated 2nd June 2014 is acceptable. The Travel Plan should be included in the section 106 agreement along with the following : a Travel Plan review fee of £2,500 will be required along with £6,000 compensation for loss of the pay and display bay, and £2,970 for free trial membership and usage of the car club.

Contaminated Land Team (CLT):

CLT do not require any additional soil sampling to be undertaken, unless any visual and or olfactory contamination is encountered during the additional geotechnical investigations. Conditions are recommended.

Metro

The proposals involve a significant parking reduction for this site which is welcomed. Metro support the application of the Public Transport SPD with NGT in mind to receive any contribution made.

Access:

There is a significant change in level between The Calls down to the river. More details are required regarding the design of the public open space and external landscaping arrangements. If the lift is to remain as proposed it needs to be clearly signed and the route to and from it kept clear. The step design should comply with the British Standard. The tapering steps could be dangerous. The disabled persons parking bays should be closer to the lift core and a further 2 bays should be identified which are large enough to become disabled parking bays in the future.

Flood Risk Management:

No objections subject to a condition regarding surface water drainage.

Yorkshire Water:

If planning permission is granted drainage conditions should be included.

NGT Project Team:

The development will have a significant travel impact. An index linked contribution of between £23,540 and £24,101 towards the cost of providing strategic public transport is required depending upon the extent of A3/A4 and B1 office provision in the scheme.

Entertainment Licensing:

The site is located in the City Centre Cumulative Impact Policy Area. The area in which the development is situated has been designated as a crime and disorder hotspot (red area). It is current policy to refuse new licence applications for bars, pubs, clubs and for premises offering late night refreshments in such areas. It is therefore uncertain whether further premises would be successful in obtaining a Premises Licence within this area.

The density of existing licensed premises in the area will bring problems for residents. Noise attenuation measures therefore need to be built into the development, including adequate ventilation systems to avoid the need to open windows.

Police Architectural Liaison Officer:

Demolition of the existing buildings and development of the scheme will benefit the community and the built environment. Gating is paramount to the scheme. The developer should also be required to include physical security hardware as required by the Secured by Design scheme.

West Yorkshire Archaeology Advisory Service:

WYAAS recommend a condition that would secure a programme of archaeological recording before development of the site.

LCC Nature Conservation:

There is a low to moderate potential for bat roosts on site. Therefore, conditions are recommended requiring up-to-date surveys and provision of bat roosting opportunities in the new buildings.

7.0 PLANNING POLICY

7.1 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

7.2 National Planning Policy Framework

- 7.2.1 One of the core planning principles in the National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has previously been developed. Planning should proactively drive and support sustainable economic development; and seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (para. 17). Local Planning Authorities should recognise town centres as the heart of their communities and support their vitality and viability; and recognise that residential development can play an important role in ensuring the vitality of centres (para. 23).
- 7.2.2 Housing applications should be considered in the context of the presumption in favour of sustainable development (para. 49). Where it has been identified that affordable housing is needed policies should be set that deliver this on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (para. 50).
- 7.2.3 Developments should establish a strong sense of place creating attractive and comfortable places to live, work and visit (para. 58). Shared spaces should be promoted to help deliver the social, recreational and cultural facilities communities require (para. 70). Section 12 refers to the historic environment. Para. 131 identifies the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 7.3 Unitary Development Plan Review (UDPR)
- 7.3.1 The site is located in the City Centre Conservation Area and the Riverside Proposals Area. In the Riverside Area a range of generally complementary land uses are actively encouraged (CC28). The Warehouse Hill proposal area (27a) statement indicates that the site provides a major opportunity to combine new building and public space with conservation of adjoining buildings. It states that a significant element of leisure and tourism uses is particularly suitable. Leisure uses are encouraged to spill out into the public space part of the area.
- 7.3.2 Policy H4 allows for residential development on unidentified, brownfield sites subject to the proposals being compatible with the area and all other normal development control considerations. UDPR policies H11-H13 set out the requirement for the provision of affordable housing. The Interim Affordable Housing policy states that 5 per cent of dwellings should be provided as affordable housing if the development is implemented in two years.
- 7.3.3 Other relevant UDPR policies include GP5 (detailed planning considerations to be resolved) and BD5 (ensure a satisfactory level of amenity for occupants and surroundings); GP11 and GP12 set out sustainable design requirements; N12, N13, CC3 and BD6 (priorities for urban design); T2 (development should not create or materially add to problems of safety or efficiency on the highway network); and A4 (design of safe and secure environments, including access arrangements, public space, servicing and maintenance, materials and lighting). Policies T5 and T6 require satisfactory provision for disabled people, pedestrians and cyclists. Policies N14, N18A, N18B, N19 and CC5 identify requirements to preserve listed buildings and the character of the conservation area. As the site is in the city centre and exceeds 0.5 hectares a minimum of 20% of the area should be identified as public space (CC10).

7.4 Natural Resources and Waste Local Plan 2013 (NRWLP)

7.4.1 The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013. General Policy 1 is that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy Water 4 requires developments in flood risk areas to consider the effect of the proposed development on flood risk, both on-site and off-site including through submission of a flood risk assessment (Water 6). Policy Land 1 states that new tree planting should be introduced to create high quality environments for development. One of the strategic objectives of the NRWLP is the efficient use of previously developed land.

7.5 Draft Core Strategy (DCS)

7.5.1 The draft Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State. The Inspector examined the Strategy during October 2013 and the consultation period on the proposed modifications has now ended.

7.5.2 Spatial Policy 1 states that the majority of new development should be concentrated in the major settlements of the main urban area. Priority will be given to previously developed land and other infill sites. Spatial Policy 3 states the importance of the City Centre will be enhanced by (iv) re-using vacant and under-used sites for mixed use developments; (vi) managing flood risk; (vii) creating a network of open spaces; and (x) expanding city living. Policy H2 confirms that new housing development will be acceptable in principle on non-allocated land subject to meeting accessibility standards. Policy CC1 identifies the intent to provide 10,200 in the city centre with residential uses sited on upper floors and away from major roads. H3 and H4 identify density and housing mix requirements. Policy H5 states that the Council will seek affordable housing from all developments of new developments either on-site, off-site, or by way of a financial contribution if it is not possible on site.

7.5.3 Policy G5 sets out new open space requirements in city centre developments over 0.5 hectares. DCS Policies T1 and T2 identify transport management and accessibility requirements for new development. Specific accessibility standards are included in DCS Appendix 2. Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and enhancing existing landscapes and spaces, and development protects and enhance the district's historic assets in particular existing natural site features, historically and locally important buildings, skylines and views. Conservation Policy P11 states that innovative and sustainable construction which integrates with and enhances the historic environment will be encouraged. Policies EN1 and EN2 identify sustainable development criteria including achieving a BREEAM standard of Excellent from 2013 onwards.

7.6 Supplementary guidance

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

- 7.6.2 Building for Tomorrow Today – Sustainable Design and Construction SPD identifies sustainable development requirements.
- 7.6.3 Current affordable housing policy comprises both the Interim Affordable Housing Policy and Supplementary Planning Guidance (SPG) (the SPG, Feb 2003 and SPG Annex July 2005, revision April 2010). The interim affordable housing policy was approved by Executive Board on 18 May 2011. Any application for planning permission for 15 residential units or more has to provide affordable housing in accordance with policy. Permissions granted on the basis of the interim policy will normally be time limited to 2 years implementation to ensure that permissions are implemented swiftly. Within the City Centre Housing Market Zone there is a current requirement for 5% affordable housing, split 40% social rent and 60% submarket housing.
- 7.6.4 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.
- 7.6.5 Leeds Waterfront Strategy 2002 (Review 2006) guides the regeneration of Leeds Waterfront through use, links and appropriate environmental enhancement.
- 7.6.6 Travel Plans SPD (September 2012) identifies the need for sustainable approaches to travel.
- 7.6.7 SPG6 Development of Self Contained Flats and SPG13 Neighbourhoods for Living (2003) identify amenity and design considerations in developing new flats.

8.0 MAIN ISSUES

Principle of the development
 Demolition
 Scale, layout and landscape
 Design and appearance
 Residential amenity
 Highways and access
 Flood risk
 Section 106 obligations

9.0 APPRAISAL

9.1 Principle of the development

- 9.1.1 The site is located within the city centre and constitutes previously developed land and buildings which are largely vacant and inefficiently used. Both local and national policies support the principle of the efficient and sustainable redevelopment of brownfield land in accessible locations such as this. The site benefits from an extant permission for a multi-level mixed use office and A3/A4 leisure development with basement parking. Prior to that, permission was granted for a mixed use residential, A3/A4 leisure and office development. The principle of the uses and general scale of the development have been previously agreed.

- 9.1.2 The Unitary Development Plan (Review) Riverside proposals area (CC28) and the related Warehouse Hill statement promote the development of the site with a range of uses to ensure vitality throughout the day; to create a significant publicly accessible riverside space; and to encourage leisure uses to spill out into the public space. The proposed mix of leisure/office and residential uses are entirely in accordance with these objectives and would also help to deliver housing in accordance with draft Core Strategy objectives. Further, the introduction of active uses in this location is important to the continued regeneration of the waterfront and is also supported by West Yorkshire Police.
- 9.1.3 The large proposed public space (over 1000sqm) within a site area of approximately 0.36 hectares accords with UDPR policy CC10 and DCS policy G5. The proposals are in accordance with the Unitary Development Plan (Review) and also the aims of the Waterfront Strategy which seeks to increase the vitality of the area and to introduce pedestrian access to and along the river corridor. The principle of the development is therefore in accordance with the Development Plan.
- 9.1.4 At City Plans Panel on 1st August 2013 Members confirmed that the principle of the development, including the proposed mix of uses, was acceptable.

9.2 Demolition

- 9.2.1 28 The Calls has lost its original appearance and its altered form has neither group value nor makes a strong contribution to the Conservation Area in its own right. The contribution of 28 The Calls to the conservation area is neutral to slightly positive.
- 9.2.2 It is not possible to adapt or to reuse 28 The Calls without major reconstruction, which is un-economic, and would change the building form yet further. The proposed replacement building will be a high quality infill which will enliven The Calls frontage and also provide opportunity for a new public access route into the site.
- 9.2.3 The demolition of The Mission Hut and 14, 16 and 18 The Calls have been previously approved through earlier consents and their removal also formed part of the previously agreed schemes. Their condition has continued to deteriorate over time. Their removal continues to be justified by the benefits of the current proposals. However, in common with comments from Leeds Civic Trust, English Heritage and The Victorian Society, it is not considered that there is justification for demolition of these buildings before a contract for redevelopment of the site has been let. To do so would set an undesirable precedent and potentially leave gaps in the frontage without any remediation or public access for an unknown period of time.

9.3 Scale, layout and landscape

- 9.3.1 The extant approved scheme went through a number of iterations before being agreed by Plans Panel. The current proposals are closely related to the mass and scale of that approval which itself represented a good response to its context.
- 9.3.2 The footprint of the “L” shaped building has been adjusted from that previously approved. The ground and first floor were previously splayed relative to The Calls but now are intended to be built up to the back of the footpath in common with neighbouring buildings along The Calls.
- 9.3.3 The height of this “L” shaped building has increased by approximately 1 metre but the top level has a significant set back such that the increase would not be

discernible. The depth of the riverside limb of this building is also significantly reduced from that previously approved. This provides a greater separation to be achieved between the new building and offices in 2-12 The Calls.

- 9.3.4 The proposed layout involves an eastward extension of the riverside wing of the “L” shaped building towards The Calls. The projection is reduced at ground floor level enabling a pedestrian route access towards the river beneath upper floor levels of the building.
- 9.3.5 The new “Atkinson Building” towards the east of the site is set back slightly further from the river than previously approved and is approximately 1.4 metres lower. The reduction in roofline improves the relationship with high level windows on the gable end of 32 The Calls to the east. The pedestrian access route has also been relocated away from the eastern boundary creating a much greater separation from residential accommodation in 32 The Calls.
- 9.3.6 The removal of extensions to 20-24 Warehouse Hill enables a larger area of public space to be delivered. In response to the Plans Panel pre-application presentation Members commented that the larger public space was beneficial to the scheme but as part of the justification for the demolition of 14-16 and 18 The Calls, that as many open views towards the river should be achieved. Views towards the river would be achievable at the main pedestrian entrance into the site and glimpses of the riverside should be possible across the eastern public access route. The reuse of 20-24 The Calls may also enable views through the building to be attained. Members agreed that the views to the river were acceptable in August 2013.
- 9.3.7 In response to comments made regarding the proposed landscaping by Leeds Civic Trust revised landscaping details were received which identified mooring rings for boats, anti-skateboarding measures and additional soft landscaping. The revised scheme incorporated two trees and two raised planters. In August 2013 City Plans Panel stated that more trees were required within the scheme. The current proposals now involve 6 trees and two raised planters arranged in response to the design of the public space. The tree sizes are proposed as semi-mature so that they will have some visual substance and greater vandal resistance from the outset. Subject to conditions to secure suitable planting conditions and long-term management it is considered that the proposed landscaping arrangements would provide a suitable setting and response to the development; provide a balance to the extent of hard surfacing, and provide other benefits including for biodiversity and provision of areas of shade.

9.4 Design and appearance

- 9.4.1 The proposed new build elements of the scheme adopt a more conventional approach than those previously approved. The elevational treatment is based upon a simple grid with regular openings. Consequently, the buildings are more closely related to the form and context of nearby riverside buildings.
- 9.4.2 The stone plinth to the new buildings, which is carried across the public space, reflects the vernacular of traditional warehouse buildings in the city. The predominant material at upper levels would be a variegated red brick. The upper levels of the L shaped building would be full height glazing to give the appearance of a light weight pavilion on top of the solid masonry. The proposed brick, natural stone and glazing materials are considered an appropriate contextual response to this setting. Glazing is to be framed in aluminium / timber composite windows. Only

three types of glazing are proposed. The larger windows would include etched glass in the side panels. The fenestration would be set in deep reveals generating a sense of solidity and permanence to the buildings.

- 9.4.3 The buildings incorporate large balconies to take advantage of the south-facing riverside location. The applicant advises that the scale of the balconies, which are larger than those generally seen within the city, are required to make them usable, to help generate riverside activity and are fundamental to the scheme. The number and location of balconies was revised following Member's comments at pre-application stage.
- 9.4.4 The proposed use of upper levels of the new Atkinson Building as residential accommodation has enabled the elevational treatment to be refined. In particular, windows would now have a closer relationship to the arrangement at 32 The Calls. At ground floor, openings to the commercial use would respond to both existing neighbouring buildings. Consequently, the proposed building responds well to its neighbours in both scale and appearance. In August 2013 Members commented that the overall architectural approach and the balconies were acceptable.
- 9.4.5 Demolition of 18 The Calls to form the pedestrian entrance into the site will expose the western end of the retained building at 20-24 The Calls. The condition of this gable end is not known. A narrow extension is proposed which would provide an entrance from the street into 20-24 The Calls, and also provide a recessed area to contain the proposed gates. English Heritage raised concerns regarding the intention to use painted steel for this extension. Subsequently, the applicant has confirmed that the gates themselves will be designed as a piece of public art, the details of which would ultimately be agreed by planning condition, whilst the extension itself is likely to be formed in metal, details of which would be agreed by condition as part of the discussion regarding other materials on the site.

9.5 Residential amenity

- 9.5.1 The area experiences high levels of noise from road traffic and existing licensed premises. The impact of the proposed leisure (A3/A4) element of the scheme on nearby residential properties was reviewed in detail as part of the previously approved scheme. The current scheme includes additional residential accommodation giving rise to the potential for additional conflict between uses. The earlier permission included conditions to ensure that no amplified music or external entertainment was permitted and the operator was required to clear patrons from the external space by 2200 hours. Conditions are proposed designed to ensure that noise from within the building is adequately mitigated by a combination of building design and management control and the residential accommodation will be designed so as not to be adversely affected by external noise sources. Similarly, conditions are proposed to manage the external use of the space.
- 9.5.2 The revisions to the scale and form of the Atkinson Building are such that the building itself would have less of an impact upon 32 The Calls than previously approved. In addition, the relocation of the pedestrian access route to the opposite side of the new Atkinson Building would reduce the potential for disturbance.

9.6 Highways and access

- 9.6.1 The site is located in a highly sustainable city centre location. A Travel Plan, intended to reduce single occupancy car trips and to encourage access by other

means, has been agreed. The target is to achieve a maximum mode split target of 21% of residents accessing the site by single occupancy vehicle within three years of occupation. The scheme provides 47 parking spaces which would be used by residents of the flats and potentially by staff of the commercial units. The details of how these spaces will be managed, and the location of disabled persons parking, would form the subject of a parking management plan. Cabling for four electric vehicles would be provided within the basement car park.

- 9.6.2 A new pedestrian crossing would be provided across The Calls outside the development. Secure cycle parking would be provided in the basement and additional spaces would be provided in the public realm for visitors. One City Council Car Club parking space would be provided on The Calls for use by residents of the development and others in the area. The space would be provided by the conversion of an existing pay and display space. The section 106 agreement would ensure a payment of £6,000 as compensation for the loss of the bay. The developer will also pay £2,970 to promote use of the car club by residents.
- 9.6.3 The development will generate a significant number of trips, a proportion of which will have to be accommodated on the public transport network. In accordance with the Public Transport Improvements and Developer Contributions SPD a contribution of between £23,540 and £24,101 will be paid by the developer.
- 9.6.4 Level access into buildings will be provided. The design of the public space also responds to the needs of all users. The provision of a public lift enables level access across the site where there is a significant change in levels.
- 9.6.5 The scheme proposes the provision of a new pedestrian crossing across The Calls outside the development. This would provide a safe route between the proposed development and the city centre and assist with wider connectivity in the area. Leeds Civic Trust has an aspiration for a reduction in the width of the highway and a shared surface crossing at this point. The details of this scheme would ultimately be designed by Leeds City Council Highways following the grant of planning permission in accordance with the normal approach albeit the costs of its design and implementation would need to be met by the developer.
- 9.6.6 In accordance with the previously agreed arrangements the proposals identify gates around the development which would be closed at 10.30pm, opening again at 7.30am the following day. Leeds Civic Trust raised concerns that the provision of gates would enable the site management or residents to close off the area. The provision of gates is intended to help to control the potential for disturbance and anti-social behaviour late at night. The proximity of buildings to the river in this area is such that a continuous pedestrian walkway is not achievable. Consequently, closing the gates at night-time would only affect those utilising the development. As with the previously approved scheme, a clause in the section 106 agreement would ensure public access into this area is maintained at all other times. In August 2013 Members stated that the general approach to access issues was appropriate and that the proposed use of gates was acceptable

9.7 Flood risk

- 9.7.1 The site is largely situated in Flood Zone 3 where the annual risk of fluvial flooding is greater than 1% (1 in 100 years). Climate change effects over the next 100 years would result in the entirety of the site being within Flood Zone 3. In order to reduce

flood risk to an acceptable level it is proposed to incorporate an integrated flood defence scheme within the development.

- 9.7.2 The riverbank walk level is 25.37m AOD. The flood defence level will be 27.29m AOD providing protection up to 1 in 200 years, plus climate change, flood levels. The proposed ground floor level of the development of 30.60m AOD would be 3.31m above this level. The lower ground floor would be protected by the floodwall. Ground levels to the front of the development in The Calls exceed 30.0m AOD so there will be a safe means of access and egress during flood conditions.
- 9.7.3 The flood defence comprises a strengthened flood wall incorporated into the new development, linked into a proposed flood wall along the terraced area. Access to the riverside is achieved by openings which would be protected by demountable floodgates. It has been informally agreed in discussions with the Environment Agency that a flood response action plan, identifying the action threshold for closing the floodgates in times of flood, will be prepared in consultation with the Environment Agency and Leeds City Council.
- 9.7.4 The flood defences are designed to be consistent and to integrate with the long-term standard intended for the Leeds Flood Alleviation Scheme. Members will be aware that the Flood Alleviation Scheme (FAS) will be a phased project, initially providing a 1 in 75 year standard of flood protection for the City Centre, including the application site where FAS proposes a 1.15 metre high wall running alongside the river.
- 9.7.5 The implementation of the application flood defence proposals would provide the long-term standard of protection aspired to across the City Centre; remove the need for a wall to be constructed alongside the river and, in doing so, save the Council a significant sum of money that would otherwise need to be spent to provide a lower standard of flood protection.
- 9.7.6 The planning application was supported by an updated Flood Risk Assessment which has been agreed by both the Environment Agency and the Council's Flood Risk Management section.

9.8 Section 106 issues

- 9.8.1 A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010. These provide that 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.
- 9.8.2 The proposed scheme produces the need for the following obligations which it is considered meet the legal tests:
- 4 affordable housing units (2 for social rent and 2 for submarket housing) if commenced within two years.
 - Provision of public realm prior to occupation and subsequent maintenance of access to the space by the public
 - Public transport contribution between £23,540 and £24,101
 - Car club contribution £2,970

- Compensation for loss of pay and display space £6,000
- Implementation of travel plan and travel plan review fee £2,500
- Local employment and training scheme
- Management fee £2,250

9.8.3 In August 2013 Members confirmed that this section 106 package was appropriate. However, the applicant advised that the development was not viable at that time. In particular, the applicant was concerned regarding the requirement for affordable housing as part of the scheme. Consequently, at that stage, the applicant requested that a clause be inserted in the section 106 agreement which would allow for viability issues to be reviewed at a later date.

9.8.4 In response to the August 2013 Position Statement, City Plans Panel confirmed that it would not be acceptable for a clause to be inserted into the section 106 agreement which would enable a subsequent review of viability to be undertaken. As a result, in November 2013, the applicant submitted a full financial appraisal which suggested that the scheme was currently unviable with or without the section 106 requirements. However, the applicant has now confirmed that the scheme will be fully policy compliant in that all the components of the section 106 agreement, including the affordable housing provision, will be met in full.

9.9 Conclusion

9.9.1 The site has been the subject of a number of unimplemented planning permissions over recent years. During that time the condition of the buildings has continued to deteriorate and their appearance, together with that of the surface car parking, detracts from the wider area. The scheme now proposed would deliver high quality architecture and a new public riverside space. It would also provide 77 residential apartments and active commercial uses in a highly sustainable location which accord with planning policy. The development of the site would contribute to the vitality and viability of the area. As a result, the application is recommended for approval subject to appropriate conditions and the completion of a section 106 agreement.

Background Papers:

13/02032/CA, 13/02033/LI, 013/02034/FU, 08/05307/FU, 08/05309/CA, 20/262/03/FU, 20/261/03/CA, 07/01174/FU, 08/01340/FU & 08/00353/FU

Certificate of ownership – signed on behalf of applicants.

112 Preapp/13/00304 - Proposed development of 79 residential apartments, 1115 sqm of commercial floorspace (A3/A4) and new public space - 14-28 The Calls LS2

Plans, photographs and graphics were displayed at the meeting. Members noted that a previous scheme on this site had been agreed by City Centre Panel in 2010, however revised proposals to include an element of residential accommodation were now being presented.

Officers presented a report of the Chief Planning Officer outlining preapplication proposals for a mixed use riverside development at The Calls and Members received a presentation on behalf of the applicant

Members were informed that key elements of the previously approved scheme had been retained but that the intention was to improve on the existing scheme with better pedestrian routes and improved views through to the river and provide apartments on the scheme, with nearly all of these residential units benefitting from a riverside view. Deep balconies which would provide a liveable area, rather than just for storage, would be included.

A more shallow floor plate would be used which would enable a larger area of public open space (POS) to be provided. Steps had been introduced down to the POS which was considered to be an improvement on the permitted scheme.

A quality landscaping scheme would be provided which would include hard and soft landscaping. Main materials would comprise stone at lower levels and red brick above.

If the formal application was granted planning permission, it was hoped to commence on site in 2014.

Members broadly supported the scheme and welcomed the wider balconies being proposed.

In response to the specific points raised in the report, Members provided the following comments:

- that Members agreed that the principle of the development was acceptable
- that the larger public space was beneficial to the scheme but that as part of the justification for the demolition of 14-16 and 18 The Calls, that as many open views towards the river should be achieved
- that Members agreed that the overall architectural approach was acceptable, subject to sensitive design and that the larger, usable balconies were appropriate

Safety issues were raised as a request was made for the entrances to The Calls to be gated. The Chief Planning Officer stated that safety was considered as part of the previous scheme but that the options for waterfront safety would be looked at again as part of a deliverable scheme.

RESOLVED – To note the report, the presentation and the comments now made.

38 Application 13/02034/FU - Demolition of 14-18 The Calls, 28 The Calls and the Mission Hut building and construction of 77 apartments and bar/restaurant/office space (use classes A3/A4/B1) and laying out of public open space - 14-28 The Calls - Position Statement.

Further to minute 112 of the City Plans Panel meeting held on 11th April 2013, where Panel considered a pre-application presentation on proposals for a mixed-use riverside development at The Calls, Members considered a further report of the Chief Planning Officer setting out the current position on the proposals.

Plans, photographs and graphics, including an historic image of the site were displayed at the meeting.

Officers briefly outlined the recent planning history of the site; explained the extent of the proposed demolitions and highlighted the revisions to the scheme since it was last seen by Panel, which included moving away balconies from the corners, reducing the number of balconies and providing a more uniform layout of these across the façade. The main materials proposed would be sandstone for the plinth with variegated brick to the upper elements.

In terms of financial viability, the applicant had indicated that currently the scheme was unviable and had requested a clause in the S106 Agreement whereby the requirements of the legal agreement could be reviewed at a later date, with Members' views on this being sought.

Panel discussed this matter with the view being expressed that a viability clause should not be inserted in the S106 Agreement, with concerns that if this was agreed to, then other developers would seek such a clause.

In response to the specific points raised in the report, Members provided the following comments:

- that the principle of the development, including the proposed mix of uses was acceptable
- that the demolition of all buildings on the site, other than 20-24 The Calls was acceptable, but only at a point when it had been established that the site would definitely be redeveloped
- that the scale and layout of the development and views towards the river were acceptable. In terms of soft landscaping more trees were required within the scheme
- that the overall architectural approach was acceptable as was the revised arrangement of the proposed balconies, with Members welcoming the taking away of balconies from the corners
- that the proposed approach to residential amenity was satisfactory
- that the general approach to access issues was appropriate and that the proposed use of gates was acceptable
- that the proposed package of S106 measures set out in the submitted report was appropriate, although it would not be acceptable for a clause to be inserted in the agreement which enabled a subsequent review of viability to be undertaken
- that flood risk measures in respect of different events should be set out in the final report to be submitted to Panel

RESOLVED - To note the report and the comments now made

Appendix 3 - Suggested conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.
- 3) The Local Planning Authority shall be notified in writing of the date of the commencement of development at least one week prior to such commencement.
- 4) The demolition works within the site shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been let and a copy produced to the Local Planning Authority.
- 5) Prior to the commencement of development involving demolition of any buildings, or works to excavate the basement area of the development abutting The Calls, a method statement detailing temporary and permanent highway retention works shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall also set out how the waterway will be protected during demolition works. The works shall accord with current design criteria and be completed in accordance with the agreed details.
- 6) No demolition or development shall commence within the application site area indicated until a programme of archaeological recording and/or work together with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. Work shall be carried out in accordance with the details and timescales thereby approved.
- 7) In the event of a cessation of operations, for a period exceeding 12 months, at any time before the development is completed a reinstatement and restoration scheme shall be submitted forthwith, in writing, to the Local Planning Authority for its approval. The scheme shall provide details of final levels, restoration, landscaping of the site and a timescale for the carrying out of the scheme. The approved scheme shall thereafter be carried out in accordance with the approved timescale and each element within the approved period.
- 8) Prior to the commencement of any works on site, details shall be submitted to the Local Planning Authority of any existing street or building signs on site, the methodology for their removal and restoration of such signs, details of their re-instatement on site and the timescale for such re-instatement. Such signs shall thereafter be retained as part of the development.
- 9) No development shall take place until a plan showing satisfactory details of provision to be made for the storage, parking, loading and unloading of contractors' plant, equipment and materials, and the parking of vehicles of the workforce, within the site, have been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided for the duration of site works.
- 10) Prior to commencement of works on site, full details shall be submitted to the Local Planning Authority of the methodology to control dirt, dust, noise and disturbance during demolition and construction. Works shall be carried out in accordance with agreed details.
- 11) No works, including demolition, shall begin at the site until full details of the methods to be employed to prevent mud, grit and dirt being carried onto the public highway, have been submitted and approved in writing by the Local Planning Authority. The methods

thereby approved shall be implemented at the commencement of work on site, and shall thereafter be retained and employed until completion of works on site.

12) Prior to the commencement of development a minimum of two up-to-date bat activity dusk-dawn surveys shall be carried out during the period May to September by a licensed bat surveyor and a copy of the survey results submitted to the Local Planning Authority prior to any demolition. The results shall be accompanied by a mitigation plan which shall be agreed in writing by the Local Planning Authority. The mitigation plan shall include details for the removal of any potential bat roost features and provide details of new bat roosting opportunities to be provided within the development. The mitigation plan shall be implemented in accordance with the details thereby agreed.

13) Development shall not commence until a Phase I Desk Study has been submitted to, and approved in writing by, the Local Planning Authority and:

(a) Where the approved Phase I Desk Study indicates that intrusive investigation is necessary, development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority,

(b) Where remediation measures are shown to be necessary in the Phase I/Phase II Reports and/or where soil or soil forming material is being imported to site, 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.

14) 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.

15) 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.

16) Intrusive investigation works to investigate the risk of mining-related ground movement and the need for any remedial works, and the potential for extraction of any remnant shallow coal resources, shall be undertaken as recommended by the JPG Coal Mining Risk Assessment Report April 2013. Details of any mitigation works and proposed coal extraction shall be submitted to and agreed in writing by the Local Planning Authority. The agreed works shall be completed prior to the commencement of development.

17) No building operations shall take place before 0700 hours on weekdays and 0900 hours on Saturdays nor after 1800 hours on weekdays and 1600 hours on Saturdays, and there shall be no building operations at all on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

18) No building operations shall be commenced in the relevant part of the development until 1 to 20 scale drawings and details of the following have been submitted to and approved in writing by the Local Planning Authority-

- (i) detail of roof line, soffit and eaves treatments, ground floor shopfront treatments, car parking grilles, and building entrance points
- (ii) each type of window detail.
- (iii) the extension to 20-24 The Calls including details of the gates.

The works shall be carried out in accordance with the details thereby approved.

19) No building operations shall commence in the relevant part of the development until details and samples of all external facing and roofing 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 building works shall be constructed from the materials thereby approved.

20) Construction of external walling in the relevant part of the site shall not be commenced until sample panels of the external walling to be used has been constructed and approved in writing by the Local Planning Authority. The sample panels shall be erected on site to establish their detail. The external walling shall be constructed in strict accordance with the sample panels which shall not be demolished prior to the completion of the development.

21) No building works shall take place in the relevant part of the site until details and samples of all surfacing materials in that area 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.

22) No building work in the relevant part of the site shall be commenced until details of an external lighting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be installed prior to first use of the site and thereafter retained.

23) The development shall not be occupied until details of the cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The facilities thereby approved shall be provided before first occupation of the development and shall thereafter be retained and maintained as such.

24) The development shall not be occupied until the approved disabled parking facilities have been provided. The facilities shall thereafter be retained and maintained.

25) The development shall not be occupied or brought into use until that part of the site shown to be used by vehicles, on the approved plans, has been laid out, drained, surfaced and sealed, as approved, and that area shall not thereafter be used for any other purpose other than the vehicle related use approved.

26) Prior to first occupation of the development a car parking management plan for the basement car park identifying how spaces will be allocated shall be submitted to and approved in writing by the Local Planning Authority. The car park shall thereafter be used in accordance with the approved details and shall not be separately let or rented out.

27) No part of the development shall be occupied until a pedestrian crossing, details of which shall first be submitted to and approved in writing by the Local Planning Authority, has been provided across The Calls outside the development.

28) No development 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) walls, steps and means of enclosure including flood gates and planters, (b) hard surfacing areas, (c) minor artefacts and structures (including lighting, seating, balustrades, riverside railings, the proposed interpretation panels and directional signage). Soft landscape works shall include (d) written specifications (including cultivation and other operations associated with plant establishment), (e) schedules of plants noting species, planting sizes and proposed numbers/densities, (f) implementation programme, (g) long term maintenance and management programme beyond initial establishment, and (h) full construction details of tree pits and raised planted areas to be provided in paved areas. These shall include:

- i) the depth and area of growing media;
- ii) specification of topsoils including additives and conditioners;
- iii) proprietary structures to support paving over extended sub-surface rooting areas
- iv) tree grilles and guards and means of anchoring root balls;
- v) passive irrigation including directed use of grey water / roofwater or surface water;
- vi) active temporary irrigation systems, using mains water or filtered, re-cycled greywater, its application rate, distribution system and controls;
- vii) means of positive piped drainage of pits.

29) 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.

30) If, within a period of five years from the planting of any trees or plants, those trees or plants or any trees or plants planted in replacement for them is removed, uprooted, destroyed or dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective another tree or plant of the same species and size as that originally planted shall be planted at the same place in the first available planting season, unless the Local Planning Authority gives its written consent to a variation. If such replacements die within twelve months from planting these too shall be replaced, until such time as the Local Planning Authority agrees in writing that the survival rates are satisfactory.

31) The development shall not be occupied until an oil interceptor, designed to intercept all surface water from areas to be used by vehicles, and any other areas likely to be subject to contamination, has been provided. The oil interceptor shall thereafter be retained and maintained in a satisfactory condition.

32) No development in the relevant part of the site shall take place until details of the extract ventilation system, including details of a filter to remove odour, and the methods of treatment of the emissions, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works approved in accordance with this condition have been completed. Such works shall thereafter be retained.

- 33) No development involving any extract ventilation system, flue pipes, or other excrescences proposed to be located on the roof or sides of the building shall take place until details of their siting, design and external appearance have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the details thereby agreed.
- 34) Any mechanical ventilation or air conditioning system shall limit noise to a level at least 5dBA below the existing background noise level (L90) when measured at the nearest noise sensitive premises with the measurements and assessment made in accordance with BS4142:1997.
- 35) Plant and machinery operated from the site shall limit noise to a level at least 5dBA below the existing background noise level (L90) when measured at the nearest noise sensitive premises with the measurements and assessment made in accordance with BS4142:1997.
- 36) The A3/A4 uses hereby approved shall not be brought into operation unless a scheme to control noise emitted from the premises has been approved in writing by the Local Planning Authority and installed as approved. The scheme shall provide that the LAeq of entertainment noise does not exceed the representative background noise level LA90 (without entertainment noise), and the LAeq of entertainment noise will be at least 3dB below the background noise level LA90 (without entertainment noise) in octaves between 63 and 125Hz when measured at the nearest noise sensitive premises. The approved scheme shall be retained thereafter.
- 37) The hours of opening of the A3/A4 uses shall be restricted to 0800 hours to 0200 hours Monday to Saturday and 0900 hours to 2400 hours on Sundays and Bank Holidays, unless otherwise agreed in writing. A management plan confirming details of measures to ensure that the external terrace areas are not used after 2200 hours and proposals for the closure of access gates at 2230 hours shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the A3/A4 premises. The A3/A4 uses shall thereafter be operated in accordance with the management plan thereby approved.
- 38) There shall be no playing of music or amplified sound in connection with the A3 /A4 use in any external area unless otherwise approved in writing by the Local Planning Authority.
- 39) Hours of delivery to commercial activities within the site including loading and unloading shall be restricted to 0800 hours to 1800 hours Monday to Saturday with no such operations taking place on Sundays or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.
- 40) No A3/A4 uses shall not be brought into operation until a grease trap has been provided on the drainage outlets from any food preparation areas. The grease trap shall be retained at all times thereafter.
- 41) Before construction of the development is commenced a scheme for protecting the future occupiers from road noise shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed as approved and shall be retained thereafter.
- 42) Prior to the first use of the development a scheme detailing the method of storage and disposal of litter and waste materials for all users of the development, 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.

43) No external storage of plant, materials and/or products shall take place on the site.

44) Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3m of the line of the sewer which crosses the site.

45) A separate system of drainage for foul and surface water shall be provided.

46) No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off site works have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented prior to the occupation of the development.

47) The development shall not be occupied until the details of the approved John O Connor flood risk assessment reference 13/001.01 dated 26th April 2013, incorporating the accepted mitigation measures including a flood defence scheme designed to the 1 in 200 year plus climate change level of protection and reducing surface water run-off by 30% as compared to the existing situation, have been implemented. The approved works shall thereafter be retained and maintained.

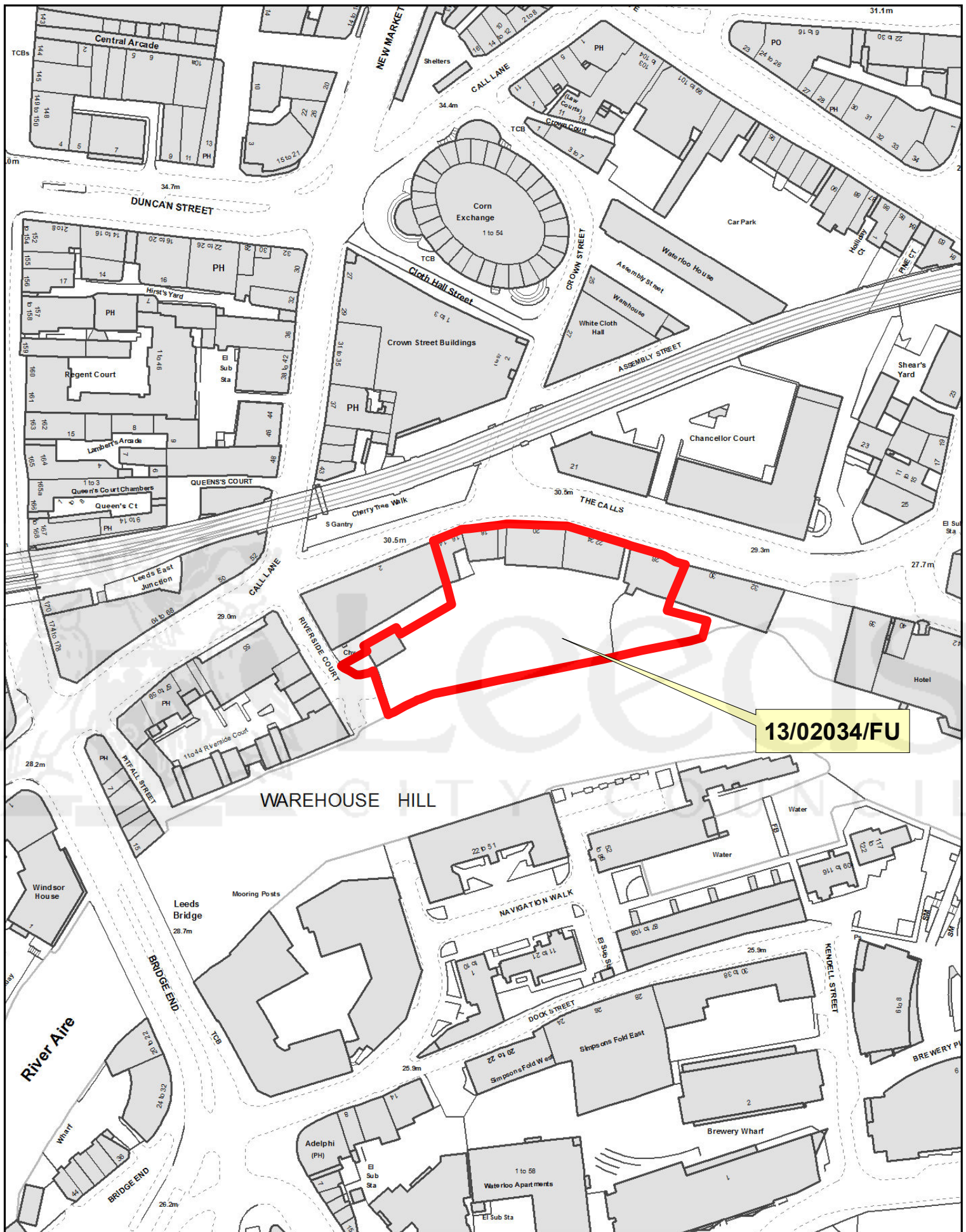
48) Other than for the basement car park finished floor levels of the development shall be no lower than 26.675m AOD except for lower ground floor levels which are protected from flooding by a surrounding external ground level of at least 26.675m AOD.

49) Prior to commencement of works on site, full details, including cross sections of the treatment and materials to be used for strengthening the river bank, shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details.

50) Prior to the commencement of development a risk assessment shall be submitted with regards to the proposed use of the site and waterfront safety. The development shall be completed in accordance with the details thereby agreed.

51) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or and other Order revoking or re-enacting that Order with or without modification) planning permission shall be obtained before any change of use of the premises referred to in this permission to any use within Use Classes A1 and A2 as defined in the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order with or without modification).

52) The development shall not be occupied until provision has been made in the means of access both to and within the proposed development, and within sanitary conveniences, for the needs of employees who are disabled. All such facilities shall thereafter be retained, maintained and made available for use.



13/02034/FU

CITY PLANS PANEL



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Originator: C. Briggs

Tel: 0113 2224409

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 26 JUNE 2014

**Subject: PLANNING APPLICATION 14/01998/FU
6 STOREY OFFICE BUILDING WITH FLEXIBLE GROUND FLOOR SPACE (A1 RETAIL, A2 FINANCIAL AND PROFESSIONAL SERVICES, A3 CAFE/RESTAURANT, A4 DRINKING ESTABLISHMENT, B1 OFFICE, D1 NON-RESIDENTIAL INSTITUTION, AND D2 ASSEMBLY AND LEISURE USES), AND BASEMENT CAR PARK AT SOVEREIGN STREET AND SWINEGATE, LEEDS LS1 4AG**

APPLICANT

3 Sovereign Square LLP

DATE VALID

2 April 2014

TARGET DATE

2 July 2014

Electoral Wards Affected:

City and Hunslet

Yes

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).

Conditions for 14/01998/FU

The full wording of conditions is set out in full in Appendix 1 at the end of this report.

1.0 INTRODUCTION:

1.1.1 This application is brought to Panel as it is a major full planning application for a new office development at the corner of Sovereign Street and Swinegate. The scheme would be the second of three buildings around the Sovereign Square greenspace. In 2012, City Plans Panel approved the Sovereign Square greenspace and a new office building for KPMG which is currently at an advanced stage of construction. Works on the greenspace are due to commence later this year.

1.1.2 City Plans Panel Members commented on a pre-application presentation for Plot C (this site) by the developer and their architect on 14 March 2013, and were generally supportive of the proposal at that stage.

2.0 PROPOSAL:

- 2.1 The proposal is for a 6 storey office building (9398sqm GIA) with flexible ground floor office, non-residential institution, assembly and leisure, retail, food, and drinking establishment uses. The ground floor is divided into a reception area for the upper floors, and three separate units of 393 sqm, 294 sqm and 285.5 sqm (GIA). The building would present active glazed ground floor frontages to Swinegate, the new Swinegate Link, Sovereign Street, and the Sovereign Square greenspace. The elevational treatment to Sovereign Square and Swinegate would be a 'sawtooth' glazed façade with aluminium cladding panels, whilst the Sovereign Street and Swinegate Link elevations would feature brickwork and glazing. The main office entrances to the building would be accessed from Sovereign Square.
- 2.2 Basement car parking and refuse storage would be accessed from Sovereign Street, with 31 car parking spaces (including 3 disabled bays), 14 motorcycle spaces, 59 long stay cycle spaces proposed at basement level. 8 short stay cycle spaces are proposed close to the Sovereign Street frontage.
- 2.3 A number of documents have been submitted in support of this proposal:
- Scaled Plans
 - Planning Statement
 - Statement of Community Involvement
 - Design and Access Statement
 - Wind report
 - Transport Assessment
 - Flood Risk Assessment
 - Flood Risk Sequential Test
 - Land Contamination Desk Top Study
 - Travel Plan
 - Sustainability Statement
 - Archaeology report
 - Ecology report
 - Tree report

3.0 SITE AND SURROUNDINGS:

- 3.1 The Sovereign Street site is located at the heart of Leeds City Centre, close to Leeds Railway Station and the River Aire. The whole development site comprises 1.16 hectares and is currently used as a surface car park. It sits directly to the south and west of the City Centre Conservation Area within the Riverside Area, and has remained undeveloped since the demolition of the former Queens Hall in 1989, despite gaining planning permission for a mixed use redevelopment in 1995, and being the subject of pre-application discussions for the Criterion Place 'Kissing Towers' scheme from 2003-2007.
- 3.2 The surrounding area is a mixture of uses including multi-storey car parking to the north, offices to the south and west, hotels to the east and south east, and supporting restaurant and retail uses to the east and south.
- 3.3 The Sovereign Street Planning Statement identifies three indicative building plots A, B, and C, as well as an area of greenspace (see attached plan at Appendix 3). Plot C

is the subject of this application, and the applicants have named this plot No. 3 Sovereign Square. The plot is located at the south west corner of the site, bounded by a service road for the multi-storey car park to the north, Sovereign Street to the south, Swinegate to the east, and where the plot edge meets the recently approved Sovereign Square greenspace to the west. Twelve semi-mature Norway Maple trees are present along the southern and eastern edges of the site.

3.4 The site is identified in the Strategic Flood Risk Assessment in flood risk zone 3, however, more detailed topographical surveys have indicated that the site lies within zone 2.

4.0 RELEVANT PLANNING HISTORY:

4.1 The Sovereign Street site has been identified as a development site since the early 1990s, and in 1995 Leeds Development Corporation granted planning permission for a large mixed use development, of which only the multi-storey car park was built. The adoption of the UDP in 2001, and its review in 2006, formalised the site's allocation in the statutory development plan. In 2002 an informal Planning and Development Brief was adopted for the site, which guided the pre-application discussions with Simons Estates and Ian Simpson Architects regarding the Criterion Place 'Kissing Towers' mixed use scheme. Following the cancellation of this scheme, the site was identified by the Council's Executive Board as a potential site for new buildings and a greenspace, and following public consultation in 2011, a revised Sovereign Street Planning Statement incorporating that vision was adopted. Plans Panel (City Centre) discussed the updated Sovereign Street Planning Statement in March and October 2011.

4.2 Planning application reference 12/04018/FU for a 4 storey office building at Plot A Sovereign Street was submitted in September 2012, approved in principle at City Plans Panel in November 2012, and subsequently granted planning permission in December 2013. The building is currently under construction and is due for completion in 2015.

4.3 Planning application reference 12/04017/FU for a new greenspace at Sovereign Street was submitted in September 2012, approved in principle at City Plans Panel in November 2012, and subsequently granted planning permission in December 2012. Works on the greenspace are due to commence later this year.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Pre-application discussions have taken place regarding this site between 2012-14. City and Hunslet Ward Members were consulted by email on 4 March 2013, prior to the developer and their architect presenting the scheme at pre-application stage to 14 March 2013 City Plans Panel. Members were generally supportive of the scheme. Minutes of the presentation and subsequent comments are attached at Appendix 2 of this report.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Application publicity consisted of:

- Site Notice of Proposed Major Development posted 25 April 2014
- Press Notice of Proposed Major Development published 8 May 2014
- City and Hunslet Ward Members consulted 15 April 2014

6.2 Leeds Civic Trust wrote on 16 May 2014 expressing support for the scheme proposal, and making the following comments:

- They feel the design will be an asset to the city and will help to deliver the aspirations set out in the Planning Statement within the parameters of which the scheme has been developed.
- Their general view is that the proposal is one of the best office buildings we have seen in some time - perhaps this benefits from having a strong planning context in which to develop your proposals, as well as the appointment of a high quality design team. They like the split heights of the building, the active frontages and the response to the curve of Swinegate.
- However, they do have some thoughts which they feel require further consideration:
 - the overall success of the design will depend on detailed treatment in terms of materials
 - colour and the quality of the glass work
 - the Sovereign Square design should be adapted as required in order to enable units to spill out on to the open space while still providing clear pedestrian routes through the site.
- Whilst not part of this application and the responsibility of other stakeholders - it would be good to ensure that these matters are covered by one body or another so that they do not fall 'through the cracks' and get forgotten. Key points here are the need to look comprehensively at the potential for shared surfaces on the routes into the square - this should include areas such as that between Plot C and Bibis, and that between BT and KPMG. They also feel that proper consideration should be given to approaches from the north with a need to:
 - o review present lighting under the Swinegate Bridge (the 'artwork' there no longer functions and it is a dark and dismal area which will not attract people to Sovereign Square
 - o tidy up the existing route from Trevelyan Square (where the car park access is not well arranged)
 - o examine the potential of breaking through more of the arches (perhaps now more possible given Bruntwood's interest through its occupancy of City House)
 - o the treatment of Sovereign Street alongside the square, with potential links to South Bank via a new footbridge – Leeds Civic Trust appreciate that this whole area may be affected by HS2 but that is still many years away.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.1.1 Leeds City Council Transport Development Services:

The proposal is considered acceptable in terms of traffic impact, transportation provision (including walking and cycling provision) and road safety. A Travel Plan has been agreed and this would be subject to on-going monitoring and review. Highways officers have made the following comments:

- a) The proposed level of car parking is acceptable
- b) Vehicular access to the basement car park is proposed from Sovereign Street, visibility splays of 2.4m x43m are required for a 30mph speed limit road, this is

achieved within the proposed layout when loading is not occurring. However a loading bay is proposed on Sovereign Street to serve the development. This is likely to be well used given the proposed ground floor uses and other demands in the area. The position of the loading bay as originally proposed was such that the sightlines of pedestrians wishing to cross Sovereign Street at the informal crossing close to the Swinegate junction will be severely restricted, as a result the loading bay was unsafe in this location. There was also concern that when the loading bay is in use, vehicles passing would be in conflict with westbound vehicles. A revised plan has been submitted on 9 June 2014, and the plan is acceptable.

- c) Long and short stay cycle parking, motorcycle parking, and showers and lockers for staff are proposed at an acceptable level
- d) The position of the car park roller shutter would need to be 6.0m from the back of footway to ensure that pedestrians are not obstructed by vehicles waiting to gain access
- e) Provision of resurfacing to Swinegate and Sovereign Street footways to match Sovereign Square and those around 1 Sovereign Square (KPMG), and the temporary surfacing of Swinegate Link is required
- f) A condition regarding a construction management plan is also required
- g) A commitment to a Section 106 agreement is required to secure the car club provision for office occupiers, public transport contribution and travel plan monitoring and fee

7.1.2 Environment Agency:

No objection subject to a condition requiring the recommendations of the submitted Flood Risk Assessment to be implemented

7.1.3 Yorkshire Water: No objection

7.1.4 Canals and Rivers Trust: No comment

7.2 Non-statutory:

7.2.1 Leeds City Council Environmental Protection: No comments at time of writing.

7.2.2 Leeds City Council Flood Risk Management: No objection subject to conditions regarding surface water drainage and the implementation of the scheme in accordance with the submitted FRA.

7.2.3 West Yorkshire Combined Authority (Metro) No objection. The scheme is centrally located and would benefit from both bus and rail services, and would benefit from the Leeds Station Southern Entrance (LSSE) and the New Generation Transport trolleybus (NGT) in the future. WYCA and the Council have had discussions regarding a change in bus routes to enable buses to use Sovereign Street to get closer to LSSE. The application proposal would not prevent the location of a potential bus stop at Sovereign Street.

7.2.4 West Yorkshire Archaeological Advisory Service No objection subject to a condition requiring further archaeological study and record to inform the wider Sovereign Street development and as examples of the development of both water power and the early stages of the county's textile industry. The development site overlies the site of the sixteenth century Flay Crow Mill which is documented as a fulling mill in 1579 - 80. Concordia Mill (a corn mill) was constructed

to the north during the 19th century. WYAAS recommend that the site be subject to post-determination evaluation to establish if elements of the medieval goit system and Flay Crow Mill survive. If present, further archaeological recording (excavation) would be necessary to preserve any remains by record during site preparation works.

8.0 PLANNING POLICIES:

8.1 Development Plan

Leeds Unitary Development Plan Review 2006 (UDPR)

The site is allocated as a development site in the adopted Unitary Development Plan Review 2006 as Proposal Area 21, which forms part of the designated Riverside Area. This states that the site should be principally developed for office use, with scope for ancillary retail, food and drink and leisure uses. This policy highlights the need for north-south pedestrian routes through the site, with a central public space.

Other relevant policies include:

- SA1 Environment
- SA2 Transport
- SA4 Local economy
- SA7 Urban regeneration
- SA9 Aspirations for City Centre
- GP5 all relevant planning considerations
- GP7 planning obligations
- GP11 sustainability
- GP12 sustainability
- BD2 new buildings
- A1 improving access for all
- A4 safety and security provision
- N12 urban design
- N13 design and new buildings
- N25 boundary treatments
- N29 archaeology
- BD4 all mechanical plant
- CC3 City Centre character
- CC10 public space and level of provision
- CC11 streets and pedestrian corridors
- CC12 public space and connectivity
- CC13 public spaces and design criteria
- CC28 Riverside Area
- Riverside Proposal Area Statement 21
- E14 Office development
- T2 Transport provision for development
- T2C Travel plans
- T2D public transport provision for development
- T5 pedestrian and cycle provision
- T6 provision for the disabled
- T7A cycle parking
- T7B motorcycle parking
- T24 Car parking provision
- LD1 landscaping

R5 employment and training for local residents associated with the construction and subsequent use of developments
N38A development and flood risk
N38B planning applications and flood risk assessments
N39A sustainable drainage systems
N51 Nature conservation

8.2 Relevant Supplementary Planning Guidance includes:

SPD Street Design Guide
SPD5 Public Transport Improvements and Developer Contributions
SPD Travel Plans
SPD Building for Tomorrow Today: Sustainable Design and Construction
City Centre Urban Design Strategy

Sovereign Street Planning Statement 2011

The Council adopted the Sovereign Street Planning Statement in July 2011. Following on from the UDPR 2006 Proposal Area designation, it states that a mix of complementary City Centres uses such as office, hotel, residential and supporting active ground floor uses such as food and drink would be acceptable. It identifies three indicative buildings and an area of greenspace. The indicative building plots are sited in order to enhance key views from the Conservation Area in the east and from Neville Street in the west, to take account of existing and potential future pedestrian connections from east to west and north to south, to deliver a significant viable greenspace, and to start to improve pedestrian connections towards the South Bank.

8.3 Leeds Natural Resources and Waste DPD 2013

The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013. The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies regarding trees, land contamination, coal recovery, flood risk, drainage, and air quality are relevant to this proposal.

8.4 Leeds Core Strategy Publication Draft 2012

8.4.1 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The draft Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State. The Inspector examined the Strategy during October 2013. The weight to be attached is limited where representations have been made.

8.4.2 Of particular relevance to this scheme proposal is Spatial Policy 3 Role of Leeds City Centre. This policy seeks to maintain and enhance the role of the City Centre as an economic driver for the District and City Region, by

- promoting the City Centre's role as the regional capital of major new office development,
- making the City Centre the main focus for office development in the District (focused upon the West End, South Bank, and Holbeck Urban Village)
- comprehensively planning the redevelopment and re-use of vacant and under-used sites for mixed use development and areas of public space,
- enhancing streets and creating a network of open and green spaces to make the City Centre more attractive
- improving connections between the City Centre and adjoining neighbourhoods

Core Strategy Policy CC1 outlines the planned growth within the City Centre, including office growth.

8.5 National Planning Policy Framework (NPPF)

The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. The NPPF advocates a presumption in favour of sustainable development, and a 'centres first' approach to main town centre uses such as offices. The location of prime office development within the City Centre, meets this requirement to locate such uses in sustainable locations. The NPPF also promotes economic growth in order to create jobs and prosperity. This new office building would help consolidate Leeds City Centre's role as the economic driver of the Yorkshire region, and the focus for investment in highly skilled and competitive businesses, as advocated by the emerging Core Strategy.

Section 7 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:

- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimising the potential of the site to accommodate development;
- Respond to local character and history;
- Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments; and
- Development to be visually attractive as a result of good architecture and appropriate landscaping.

9.0 MAIN ISSUES

1. Principle of use
2. Urban design and landscaping
3. Transportation
4. Flood risk
5. Sustainability
6. Wind
7. Amenity
8. Planning obligations

10.0 APPRAISAL

10.1 Principle of Use

- 10.1.1 The application site is within the designated City Centre, within the designated Riverside Area, and specifically identified within Proposal Area 21 as part of a major re-development site. Riverside Proposal Area Statement 21 at paragraph 13.7.64 of the UDPR identifies the site as principally being developed for office use, with scope for some ancillary retail, catering and leisure uses associated with a major north-south pedestrian thoroughfare through the area, and a central public space. Policy E14 of the UDPR states that the City Centre shall be the principle location for all new office development, and Policy CC19 states that office development will be accepted outside the Prime Office Quarter where it contributes to overall planning objectives reflected in Proposal Area Statements.
- 10.1.2 The Sovereign Street Planning Statement 2011 was adopted by the Council in July 2011, and carries forward the aspirations of UDPR Proposal Area Statement 21 in promoting office development as part of a mix of uses aimed at increasing activity in the area, to complement the delivery of a new City Centre public greenspace.
- 10.1.3 The NPPF advocates a presumption in favour of sustainable development, and a “centres first” approach to main town centre uses such as offices and the other supporting uses proposed as part of this application. The location of prime office development within the City Centre, close to the railway station and bus facilities would meet the requirement to locate such uses in sustainable locations. The NPPF also promotes economic growth in order to create jobs and prosperity.
- 10.1.4 This new prestigious office building would help consolidate Leeds City Centre’s role as the economic driver of the Yorkshire region, and the focus for investment in highly skilled and competitive businesses, as advocated by the emerging Core Strategy. The building has been designed to provide workspace for around 640 office staff, with further opportunities for retail/food/drink employment in the ground floor units.

10.2 Urban design and landscaping

- 10.2.1 The proposal would meet the design aims of the Sovereign Street Planning Statement, by following the indicative building footprint identified in that document as Plot C. The building would be slightly higher than the existing buildings to the south of Sovereign Street, but would sit within the recommended indicative height of 5-6 storeys in the Planning Statement. It is considered that the massing and configuration of the building has been carefully considered and addressed through a high quality design. The location of the proposed building would continue the well-defined townscape along Sovereign Street where buildings line streets, pedestrian routes, and the new public space, to provide spatial definition and a sense of enclosure. The building has been designed to appear striking from all angles, as all its elevations are visible from the street or from the public realm.
- 10.2.2 The north east and south west façades of the building have been designed to complement the greenspace and the new KPMG building, and provide a focal point to Swinegate. The north west and south east elevations aim to be in keeping with the more traditional red-brick to the south of Swinegate and Sovereign Street. The treatment of materials and to the rhythm of the fenestration is similar to that on Royal House opposite, with deep window reveals and similar solid to void proportions across the elevation. This contrasts with the glazing of the sawtooth to the other two elevations. The sweeping curve to Swinegate would mimic the curve

of the former Queens Hall. The sawtooth elevations and deep window reveals on the other two elevations would also help to control solar gain. Typical details have been provided by the architect of the key design features such as the 'sawtooth' feature to Sovereign Square and Swinegate, and the deeply recessed brickwork window reveals to Sovereign Street and Swinegate Link, would make this building a distinct piece of architecture, appropriate to the needs of its users, and appropriate to the existing and emerging character of the Sovereign Street area, in accordance with the adopted Planning Statement. On-site material sample panels and provision of typical 1:20/1:50 details would be subject to condition approval in order to protect this design quality at construction stage.

- 10.2.3 At pre-application stage, some Members asked for a parapet finish to ensure the roofline has interest – other members thought that the simplicity contrasted with the sawtooth which was enough as an architectural device. The typical bay of the brickwork elevations shows an aluminium-clad parapet. An appropriately screened rooftop plant enclosure to meet the requirements of the offices and the ground floor units would also minimise any potential for visual impact of rooftop plant from the surrounding streets, taller buildings and the railway platforms
- 10.2.4 The upper floor office element would have one entrance from Sovereign Square. The arrangement of the ground floor units leads to more active frontages to all sides of the building. There is scope for the three ground floor units to have external seating areas along Swinegate Link, Swinegate and Sovereign Square. A signage strategy would be required by condition to ensure that the glazed ground floor treatment indicated on the proposals remain open and active around the building once it is occupied, and there would be adequate provision for bins, kitchens, chiller cabinets, store-rooms, and other back-of-house functions away from the window frontages, to avoid the need for tenants to use window vinyls to conceal them.
- 10.2.5 The Sovereign Street Planning Statement gives further urban design advice, which aims to deliver quality buildings, streets and open spaces to form over time, which make a distinctive 'place' at the heart of Leeds City Centre. Taking each of its urban design aims and aspirations for this site in turn it is considered that the building would:
- provide an appropriate neighbour to a new public greenspace with ground floor active uses facing onto it.
 - improve the 'sense of street' of Sovereign Street.
 - improve the urban form at the junction of Sovereign Street and Swinegate
 - give access to new buildings and spaces for all users.
 - Ensure a high quality, innovative building design.
- 10.2.6 It is considered that the proposed building would meet the urban design criteria of the planning statement, and by doing so it would complement the delivery of the new greenspace proposal, and building plots A (already under construction) and B (which will form future development proposals by another party in due course). It is also considered that the proposal would enhance the character and appearance of the nearby City Centre Conservation Area.
- 10.2.7 A small amount of hard landscaping would be provided by this proposal around its footprint. Along the edge of the Square, Swinegate and Sovereign Street, this would be provided to match the Yorkstone in Sovereign Square and the along the footways around the KPMG office building at Plot A. Along Swinegate Link, the full width would be resurfaced in coloured tarmac, which would be an improvement on the current uneven mix of surfaces. A Yorkstone paved, soft landscaped Swinegate Link, in accordance with the planning permission for the greenspace, would be

completed at the end of the construction of a building at Plot B, as this route is likely to be damaged during works. Exact details of hard landscaping, including samples of surfacing materials prior to commencement of development would be required by condition to ensure continuity of high quality materials and an acceptable visual relationship with the proposed new public greenspace.

- 10.2.8 On its own, the development of Plot C would not be required to deliver public open space under UDPR Policy CC10 and draft Core Strategy Policy G5, as it is under 0.5 hectare. However the development of plots A, B, and C would be required to make a 20% site area contribution, because cumulatively the Sovereign Street site (as covered by the Planning Statement) is greater than 0.5 hectare. The value of the wider greenspace scheme for Sovereign Square would far exceed these contributions and the overall value of the policy requirement for these sites. The provision of over 50 new trees within the greenspace proposal would far exceed the value of the trees lost within this site. In accordance with the Natural Resources and Waste DPD, a financial contribution is sought from the applicant for the mitigation of the loss of the 12 trees within the application boundary. This has been calculated by assessing the landscape amenity and biodiversity value of the trees on the site, and estimating the cost of an appropriate landscaped setting to the proposed building and the streetscene to Sovereign Street, in order to mitigate their loss. The Capital Asset Value for Amenity Trees (CAVAT) methodology to assess the value of the trees has been employed to give a monetary figure to the landscape value of semi-mature/mature trees. This has led to a £172 296 contribution as part of the Section 106 agreement towards the delivery of complementary planting and landscape enhancements in the Sovereign Street locality, as identified in the Sovereign Street Planning Statement. The delivery of the new public greenspace Sovereign Square would give this site a strong biodiversity and landscape setting, and a distinctive local identity appropriate to the character of the area. It is therefore considered that the proposed building would be complemented by the emerging character of the surrounding area.

10.3 Transportation

- 10.3.1 The site lies within the core commuter control parking area, and the parking provision proposed are below the UDPR maximum parking guidelines for the site. However, the site is located very close to existing bus and rail travel facilities, and would benefit from Leeds Station Southern Entrance (LSSE), the New Generation Transport trolleybus (NGT), and High Speed 2 rail in the future.
- 10.3.2 To further reduce reliance on the private car in accordance with the NPPF and local policies, the submitted Framework Travel Plan is considered acceptable and includes the following measures in order to achieve a 4% shift away from single occupancy private car use by the third year of operation for each use or and occupier, with subsequent targets to be agreed annually after that based on staff surveys:
- Provision of shower facilities, changing rooms, lockers and drying room to encourage cycle use
 - Provision of £9000 free trial membership for office users of Leeds City Car Club, the nearest vehicles are located at Concordia Street
 - Appropriate long and short stay secure storage for cyclists and motorcyclists
 - Arrangements with the occupiers through an appointed workplace coordinators for the promotion, support, monitoring of targets and take-up of the Travel Plan measures, and ongoing revision of the Travel Plan as necessary.

- 10.3.3 The applicant would also provide a contribution of £69,589 towards strategic public transport improvements in accordance with SPD5 Public Transport Improvements and Developer Contributions.
- 10.3.4 The scheme allows for a potential future bus stop on Sovereign Street, but this would not be delivered as part of this planning application or in the short term by WYCA.
- 10.3.5 The exact details of access arrangements for the basement car park, details of the re-paving of the footways, and the provision of related off-site works to mark the loading bay would be controlled by condition.
- 10.3.6 It is considered that the development would provide facilities and measures to encourage more sustainable forms of travel, an adequate level of car parking, and would not raise any highway safety or amenity concerns within the controlled traffic environment of the City Centre.
- 10.4 Flood Risk
- 10.4.1 The proposed development is for a use which is classed as 'less vulnerable' under the National Planning Policy Framework and is therefore appropriate in Flood Zone 2, subject to the measures identified in the submitted flood risk assessment, which has been agreed with the Environment Agency. The measures include raising the finished floor level of the office accommodation to 27.5m AOD, locating the basement access no lower than 27.5m AOD, the identification of safe emergency evacuation routes, and provision of on-site surface water drainage attenuation. Offices and the other supporting uses proposed are considered to be appropriate uses for the City Centre, and are uses which under the National Planning Policy Framework, the UDPR and the draft Core Strategy, should be located in a sustainable location within an existing designated centre, and one which would secure the specific brownfield site regeneration objectives of the UDPR Riverside Area and the Sovereign Street Planning Statement.
- 10.5 Sustainability
- 10.5.1 The proposed scheme would achieve BREEAM Excellent accreditation. This would be achieved by using a package of measures to minimise water use, and energy use in heating and cooling the building.
- 10.5.2 The submitted Sustainability Statement confirms that 27% of the building's energy needs would be met from renewable energy generated on-site by air source heat pumps and photovoltaic cells on the roof. The statement also confirms that the building would achieve a 25% reduction in CO2 emissions through renewable energy generation and efficient building systems. These standards, and the implementation of all sustainable building construction and management to the accredited BREEAM Excellent standard would be controlled by planning condition.
- 10.6 Wind
- 10.6.1 The applicant has submitted a qualitative wind assessment in support of the proposal which states that the wind environment would be acceptable for all users in the vicinity of the building, including sitting in Sovereign Square. The building is unlikely to generate wind conditions that would cause distress to pedestrians, or result in a danger to high-sided or other road vehicles. The Council instructed an independent wind expert to review the report, and they have confirmed that the findings of the report are reasonable.
- 10.7 Amenity

10.7.1 This part of the City Centre is envisaged in the UDPR, emerging Core Strategy, and the Sovereign Street Planning Statement, as a mixed use environment. Therefore adjoining sites such as the upper floors of nearby existing buildings, and Plot B Sovereign Street, have the potential to be developed for housing, and therefore future amenity needs to be considered. A condition would control construction works times, ground floor unit and external drinking/dining area opening times, delivery times, sound insulation of the ground floor units, the exact details of all external plant and any necessary noise attenuation, in order to prevent noise nuisance during the day and at night from the use and any mechanical plant to nearby residential or hotel occupiers. It is therefore considered that the proposal would not result any significant adverse amenity issues, and the proposed use would be acceptable in the context of the mixed commercial and residential character of this part of the City Centre.

10.8 Planning obligations

10.9.1 A Section 106 Agreement has been agreed with the applicant in connection with the planning application. They would sign the draft agreement following a grant of planning permission and the subsequent transfer of land ownership from Leeds City Council to the applicant, because the Council cannot sign such an agreement with itself as the current landowner of the site. The draft agreement would be attached to the grant of permission, and this would be controlled by Condition 3 as set out in Appendix 1. The agreement would contain the following obligations:

- Contribution to local public realm provision prior to commencement of development in accordance with UDPR Policies GP7, CC11, CC12, N12 and LD1, Riverside Proposal Area Statement 21, Leeds Natural Resources and Waste DPD, and the Sovereign Street Planning Statement 2011 £172 296
- Public transport contribution in accordance with SPD5 Public Transport Improvements and Developer Contributions £69,589
- Travel plan monitoring fee in accordance with the Travel Plans SPD £5915
- Car club trial provision £9000
- Cooperation with local jobs and skills training initiatives during construction and subsequent building use through the provisions of a Section 106 clause in accordance with UDPR Policy R5.
- Section 106 management fee £2250

10.8.2 As part of Central Government's move to streamlining the planning obligation process it has introduced the Community Infrastructure Levy Regulations 2010. This requires 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, there are matters to be covered by a Section 106 agreement. These 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. In this case because the Council owns the site, the provision of the Section 106 would be controlled by planning condition, and would be completed following the sale of the site to the applicant.

11.0 CONCLUSION

- 11.1 This proposal would add to the provision of new prestige offices proposed in Leeds City Centre in recent years. It would help enable the City to meet the emerging Leeds Core Strategy (Draft 2012) spatial vision, that by 2028, Leeds will have maintained and strengthened its position at the heart of the City Region and grown a strong diverse and successful urban economy, with skilled people and competitive businesses, which are sustainable, innovative, creative and entrepreneurial. It is also considered that the proposal would meet the urban design, sustainability, and highways and transportation aspirations of the UDPR Riverside Proposal Area Statement 21, Sovereign Street Planning Statement 2011, and the National Planning Policy Framework. The application proposal is therefore recommended for approval.

Background Papers:

Application file 14/01998/FU

Appendix 1 Conditions

Appendix 2 Minutes of pre-application presentation at City Plans Panel 14 March 2013

Appendix 3 Sovereign Street Planning Statement Plan

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 development shall take place pursuant to this planning permission until a planning agreement substantially in the form of the draft attached and (unless otherwise approved by the Local Planning Authority) binding all of the land which is the subject of this planning permission has been executed by all relevant parties and completed by the Local Planning Authority.

In order to ensure the provision of public transport/transportation measures to meet the needs of the development, to encourage travel to work other than single car occupancy in accordance with sustainable transport principles, to ensure that appropriate employment and training opportunities associated with the construction and subsequent use of developments are sought, and to ensure the provision of landscaping and public realm improvements adjacent to the building hereby approved, in accordance with the NPPF and Leeds UDPR Policies GP5, GP7, T2, T2C, T2D, R5, LD1, CC3, CC9, CC11, C12, N12, LD1, the Travel Plans SPD, the Public Transport Improvements and Developer Contributions SPD, Leeds Natural Resources and Waste DPD, and the Sovereign Street Planning Statement (2011).

- 4) No construction of external walling or roofing shall take place until details and samples of all external walling and roofing 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 building works shall be constructed from the materials thereby approved.

In the interests of visual amenity in order to accord with Leeds UDP Review Policies GP5, BD2 and N13

- 5) Construction of external cladding and glazing shall not be commenced until a sample panel of all external facing materials and glazing types (including any opaque panels) to be used has been approved in writing by the Local Planning Authority. The external cladding and glazing materials shall be constructed in strict accordance with the sample panel(s) which shall not be demolished prior to the completion of the development.

In the interests of visual amenity in order to accord with Leeds UDP Review Policies GP5, BD2 and N13

- 6) Notwithstanding details shown on the plans hereby approved, no external walling or roofing shall be constructed until typical 1:50 scale working drawings showing the details shown on Sheppard Robson drawings 4797-21-401 and 4797-21-402 have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the details thereby approved and retained as such thereafter.

In the interests of design quality and visual amenity in accordance with the NPPF and Leeds UDPR Policies GP5, N13 and BD2.

- 7) No external surfacing works shall take place until details and samples of all external 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 prior to occupation of the building.

In the interests of visual amenity, in accordance with Leeds UDPR Policies GP5, LD1 and N12.

- 8) Prior to the commencement of development, full details of the provision of the loading bay on Sovereign Street as indicated on Sheppard Robson Architects Drawing reference 4797-00-105 B or as otherwise agreed, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented as approved prior to the first occupation of the site unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity, and pedestrian and vehicular safety in accordance with Leeds UDPR Policies GP5, LD1, N12, and T2.

- 9) The side pass doors hereby approved to the office entrance shall be operated by automated push pads and shall be unlocked and available for use at all times that the revolving doors are unlocked and open for use.

In the interests of access for all, in accordance with Leeds UDPR Policies GP5 and A4, and the NPPF.

- 10) Prior to the commencement of development an updated Sustainability Statement shall be submitted which will include a detailed scheme comprising (i) a Site Waste Management Plan (SWMP), (ii) a pre-assessment using the BREEAM assessment method demonstrating how a credit score of 'Excellent' standard will be achieved, (iii) details of the photovoltaic cells (iv) details of air source heat pumps (v) an energy plan showing the percentage of on-site energy that will be produced by the selected Low and Zero Carbon (LZC) technologies and that it produces a minimum of 10% of total building demand and a carbon reduction target and plan showing a minimum of 20% reduction against building regulations and approved by the Local Planning Authority and the development shall be carried out in accordance with the detailed scheme; and

(a) Within 6 months of the occupation of the development a post-construction review statement for that phase shall be submitted by the applicant including a BRE certified Excellent Standard final assessment and associated accreditation,

(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.

To ensure the adoption of appropriate sustainable design principles in accordance with Policies GP5, GP11 and GP12 of the Leeds UDPR, Leeds SPD Sustainable Design and Construction, the Sovereign Street Planning Statement 2011, the Regional Spatial Strategy Policy ENV 5, and the NPPF.

- 11) Development shall not be occupied until all areas shown on the approved plans to be used by vehicles have been fully laid out, surfaced and drained such that surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

To ensure the free and safe use of the highway in accordance with adopted Leeds UDP Review (2006) policy T2 and Street Design Guide SPD (2009).

- 12) Prior to the occupation of the uses hereby approved, details of secure cycle storage, shower facilities and lockers for staff for all building occupiers shall be submitted to and approved in writing by the Local Planning Authority. Secure cycle storage, showers and lockers shall be available for all units/floorspace prior to its occupation and retained as such thereafter.

In the interests of promoting walking, running and cycling as more sustainable means of travel to work, in accordance with the NPPF and Leeds UDPR Policies GP5, T2, and T2C.

- 13) Notwithstanding the approved details, before development is commenced full details of cycle/motorcycle parking and facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved cycle/motorcycle parking and facilities have been provided. The facilities shall thereafter be retained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

In order to meet the aims of adopted Leeds UDP Review (2006) policy T2 and T7A

- 14) Prior to the occupation of any part of the building, details of a signage/window manifestation strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall set out signage zones on the building for appropriate signage or obscure window manifestation for the building itself and for building occupiers in order that all future additions would be in keeping with the architectural features of the host building.

In the interests of visual amenity and the character and appearance of the nearby Conservation Area, in accordance with the NPPF and Leeds UDPR Policies GP5, BD6 and BD8.

- 15) Prior to the commencement of development full details (including siting, materials and means of enclosure) of the proposed bin store(s) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the bin store(s) thereby approved have been provided. The bin store(s) shall thereafter be retained and maintained as such in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

To ensure that adequate provision for bin storage is made and in the interests of visual and residential amenity, in accordance with Leeds UDPR Policies GP5 and T2

- 16) Development shall not commence until a scheme detailing separate surface water and foul drainage works has been submitted to and approved in writing by the Local Planning Authority. This shall include drainage plans and summary of calculations and investigations. The works shall be implemented in accordance with the approved scheme before the development is brought into use.

To ensure sustainable drainage and flood prevention in accordance with policies GP5, N39A of the adopted Leeds UDP Review (2006), the Council's Minimum Development Control Standards for Flood Risk, the Leeds Natural Resources and Waste DPD and the NPPF.

- 17) Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

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

- 18) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) T/14/1404/FRA Issue 1.0, and the following mitigation measures detailed within the FRA:
- a. Limiting the surface water run-off generated by the up to and including 1 in 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 - b. Identification and provision of safe routes into and out of the site to an appropriate safe haven.
 - c. Finished floor levels and basement entrance level are set no lower than 27.50m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure safe access and egress from and to the site, and to reduce the risk of flooding to the proposed development and future occupants, in accordance with the NPPF and Leeds UDPR policies GP5 and N38B.

- 19) The approved Phase I Desk Study report indicates that a Phase II Site Investigation is necessary, and therefore development shall not commence until a Phase II Site Investigation has been submitted to, and approved in writing by, the Local Planning Authority. Where remediation measures are shown to be necessary in the Phase II Report and/or where soil or soil forming material is being imported to site, 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 presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site 'suitable for use' in accordance with national and Leeds City Council's planning guidance.

- 20) 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 national and Leeds City Council's planning guidance.

- 21) 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 national and Leeds City Council's planning guidance.

- 22) No development shall take place until details of the installation and/or erection of any air conditioning or extract ventilation system, flue pipes, or other excrescences proposed to be located on the roof or sides of the building, including details of their siting, design, noise attenuation, and external appearance have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works approved in accordance with this condition have been completed. Such works shall thereafter be retained, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of amenity and visual amenity, in accordance with Leeds UDPR Policies GP5, N13, BD2 and BD4

- 23) The opening hours of the units brought forward for any A3/A4/D1/D2 uses shall be restricted to 0700 to 2330 hours Monday to Thursday and Sunday, and 0700 to 0030 Friday and Saturdays.

In the interests of amenity in accordance with adopted Leeds UDP Review (2006) Policy GP5 and the National Planning Policy Framework.

- 24) No ground floor unit external seating areas shall be used between 2300 and 0700 hours.

In the interest of the amenities of occupiers of nearby buildings in accordance with Leeds UDPR Policy GP5 and the NPPF.

- 25) Any A3/A4 unit shall be acoustically insulated and treated to limit the break out of noise and vibration in accordance with a scheme of acoustic treatment that has been submitted to and approved in writing by the Local Planning Authority prior to first occupation. The scheme shall be implemented in full before the approved use commences, and retained as such thereafter.

In the interests of residential amenity and in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.

- 26) Prior to the commencement of any use that includes the cooking of hot food, details of measures to treat odour and fumes from processes carried on within the building shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be installed and maintained in accordance with the approved details.

In the interests of residential amenity and in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.

- 27) Details of all external extract ventilation system/air conditioning plant for any unit shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The system/plant shall be installed in accordance with the approved details and retained as such thereafter. The system shall be acoustically treated so as to achieve a noise level at least 5dBA below the existing background noise level (LA90) when measured at the nearest noise sensitive premises with the measurements and assessment made in accordance with BS4142:1997.

In the interests of visual and residential amenity and in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.

Hot food uses will often require an extract ventilation system to deal with odour and fumes. Guidance on suitable design is provided in DEFRA guidance at:
<http://www.defra.gov.uk/publications/files/pb10527-kitchen-exhaust-0105.pdf>

- 28) Notwithstanding the description of development, only one of the 3 ground floor units as shown on the approved ground floor layout plan referenced 4797-20-201 Revision G shall be used for Class A1 use (Retail) as defined in the Town & Country Planning (Use Classes Amendment) Order 2005 (or any order revoking or re-enacting that order with or without modification). Any A1 retail use shall only be for convenience goods only.

In the interests of the vitality and viability of existing retail centres, in accordance with Leeds UDPR Policies GP5, S1, S2, CC21, the draft Leeds Core Strategy and the NPPF.

- 29) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) planning permission shall be obtained before any change of use of any of A3 restaurant/café or A4 drinking establishment units hereby approved, to any use within use classes A1 and A2 as defined in the Town & Country Planning (Use Classes Amendment) Order 2005 (or any order revoking or re-enacting that order with or without modification).

In order that the Local Planning Authority can retain control over uses which it considers could be harmful to the character of the area and the viability of the City Centre, in accordance with the NPPF, and Leeds UDPR Policies S1, S2 and CC21.

- 30) Prior to commencement of development, details of the access controls to the basement car park shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to first occupation of the development and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of pedestrian and vehicular safety, in accordance with Leeds UDPR Policies GP5 and T2.

- 31) No removal of any trees, shrubs or other vegetation shall be carried out during the period 1 March to 31 August inclusive unless otherwise agreed in writing with the Local Planning Authority.

To ensure the protection of wild birds during the breeding season, in accordance with the NPPF and Leeds UDPR Policies GP5 and N51

- 32) Development construction and works activities shall be restricted to 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturdays, with no works on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of residential amenity in accordance with adopted Leeds UDP Review (2006) Policy GP5 and the National Planning Policy Framework.

- 33) No works shall begin on the relevant phase of development until a Statement of Construction Practice for that phase has been submitted to and approved in writing by the Local Planning Authority. The Statement of Construction Practice shall include full details of:

- a) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
- b) measures to control the emissions of dust and dirt during construction;
- c) location of site compound and plant equipment/storage;
- d) access, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles (including workforce parking)
- e) how this Statement of Construction Practice will be made publicly available by the developer.

The approved details shall be implemented at the commencement of work on site, and shall thereafter be retained and employed until completion of works on site. The Statement of Construction Practice shall be made publicly available for the lifetime of the construction phase of the development in accordance with the approved method of publicity.

In the interests of residential amenity of occupants of nearby property in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.

- 34) No development to take place 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 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

In the interests of appropriate archaeological recording, in accordance with the NPPF and Leeds UDPR Policy N29.

Appendix 2 Minutes of pre-application presentation at City Plans Panel 14 March 2013

84 Preapp/13/00105 - Proposals for office development - Plot C Sovereign Street, Leeds, LS1

Plans, graphics and photographs, including an historical image showing the former Queens Hall, were displayed at the meeting. Members considered a report of the Chief Planning Officer setting out pre-application proposals for an office development at Plot C, Sovereign Street and received a presentation on behalf of the developers. Members were informed that the proposals were for a 6 storey office building with ground floor retail and food and drink uses which would provide active glazed ground floor frontages to Swinegate, the new Swinegate Link, Sovereign Street and the recently approved Sovereign Square greenspace. The elevational treatment to Sovereign Square and Swinegate would be a 'sawtooth' glazed façade, with brick and glazing elevations to the Sovereign Street and Swinegate Link. Basement car parking would be provided for approximately 40 cars. The office entrance would relate to the entrance on the new KPMG building and the possibility of using a corner of the building to create a terrace overlooking the greenspace was being considered. The 'sawtooth' treatment enabled maximum glazing and would help to control solar gain. On the Swinegate elevation coloured elements could be introduced to emphasise the sweep of the building which was reminiscent of the Queens Hall. Members discussed the proposals and commented on the following matters:

- the roofline, with mixed views on the appearance of this
- the position of the vehicular access
- the opportunity to open up the area beyond the north end, possibly for open-air dining if the existing restaurant required this

In addressing the specific points raised in the report, the following comments were provided:

- taking into account the views about the roofline, the general form and siting of the building was acceptable
- that the building successfully addressed Sovereign Street, Swinegate and the new greenspace
- that the proposed elevational treatment and materials were considered to be appropriate to the character of the surrounding area
- that taking vehicular access from Sovereign Street was appropriate
- that the glazed ground floor treatment indicated on the proposals would create openness and activity around the building once it was occupied and that there appeared to be adequate provision for bins, kitchens, chiller cabinets, store rooms and other back of house functions away from the window frontages, to avoid the need for tenants to use window vinyls to conceal them
- that more information was needed on the screened rooftop plant enclosure

RESOLVED – To note the report, the presentation and the comments now made.

Appendix 3 Sovereign Street Planning Statement Plan



KEY

- SITE BOUNDARY
- 5-6 DEVELOPMENT SITES
- A POSSIBLE STOREY HEIGHTS
- ← ACTIVE FRONTAGE
- URBAN GREEN SPACE (HARD + SOFT LANDSCAPE)
- A OFF SITE CONNECTION FOOTWAY EDGE
- ← KEY PEDESTRIAN ROUTE
- KEY FUTURE PEDESTRIAN LINK (OPTIONS/POSSIBILITIES SHOWN)
- TREES ALONG STREET EDGE
- ← KEY VIEWS
- ← VEHICLE/DELIVERY ACCESS (GENERALLY TO BASEMENT PARKING)
- POSSIBLE VEHICLE LINK
- POSSIBLE DROP-OFF
- POSSIBLE OPPORTUNITY FOR BUT MULTI-STORY + PROVIDE ARCADE
- POSSIBLE ARCADE/SHELTERED ROUTE
- RAILWAY ARCHES TO BE RE-DEVELOPED (FUTURE OPTION)
- RAILWAY ARCHES REGENERATED/IN USE

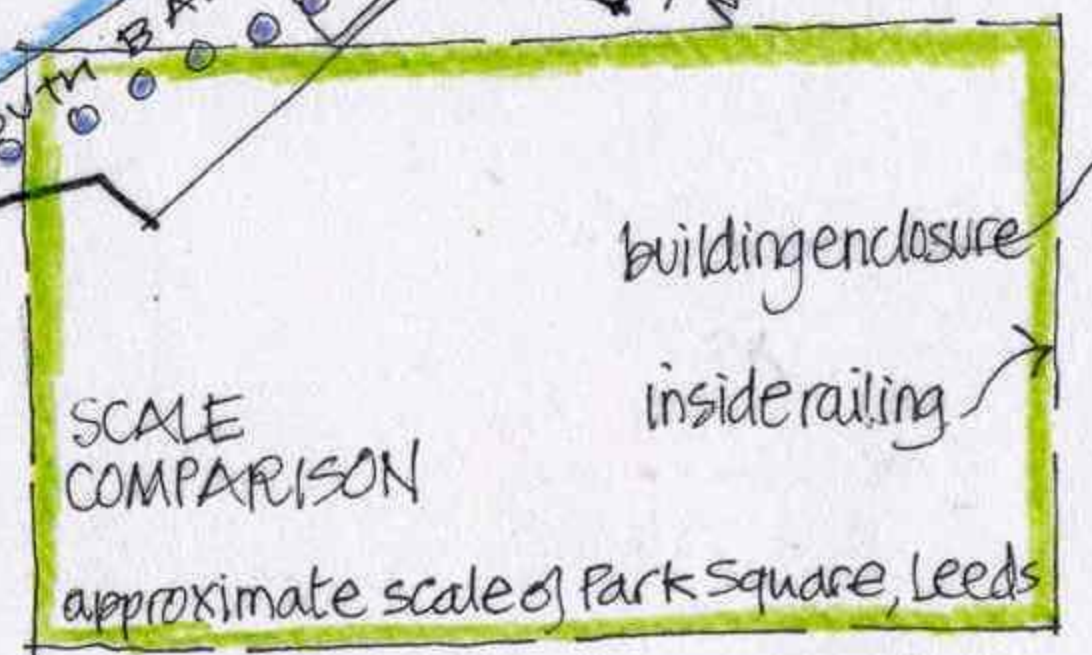
NB POSSIBLE NEW HIGHWAYS ALIGNMENT & IMPROVEMENTS FOR PEDESTRIANS ESPECIALLY AROUND SWINEGATE

NB ENCOURAGE POSITIVE RELATIONSHIP BETWEEN BUILDINGS & PUBLIC REALM/CITY PARK ~ INTEGRATED USES SUSTAINABLE CHARACTERISTICS & FEATURES

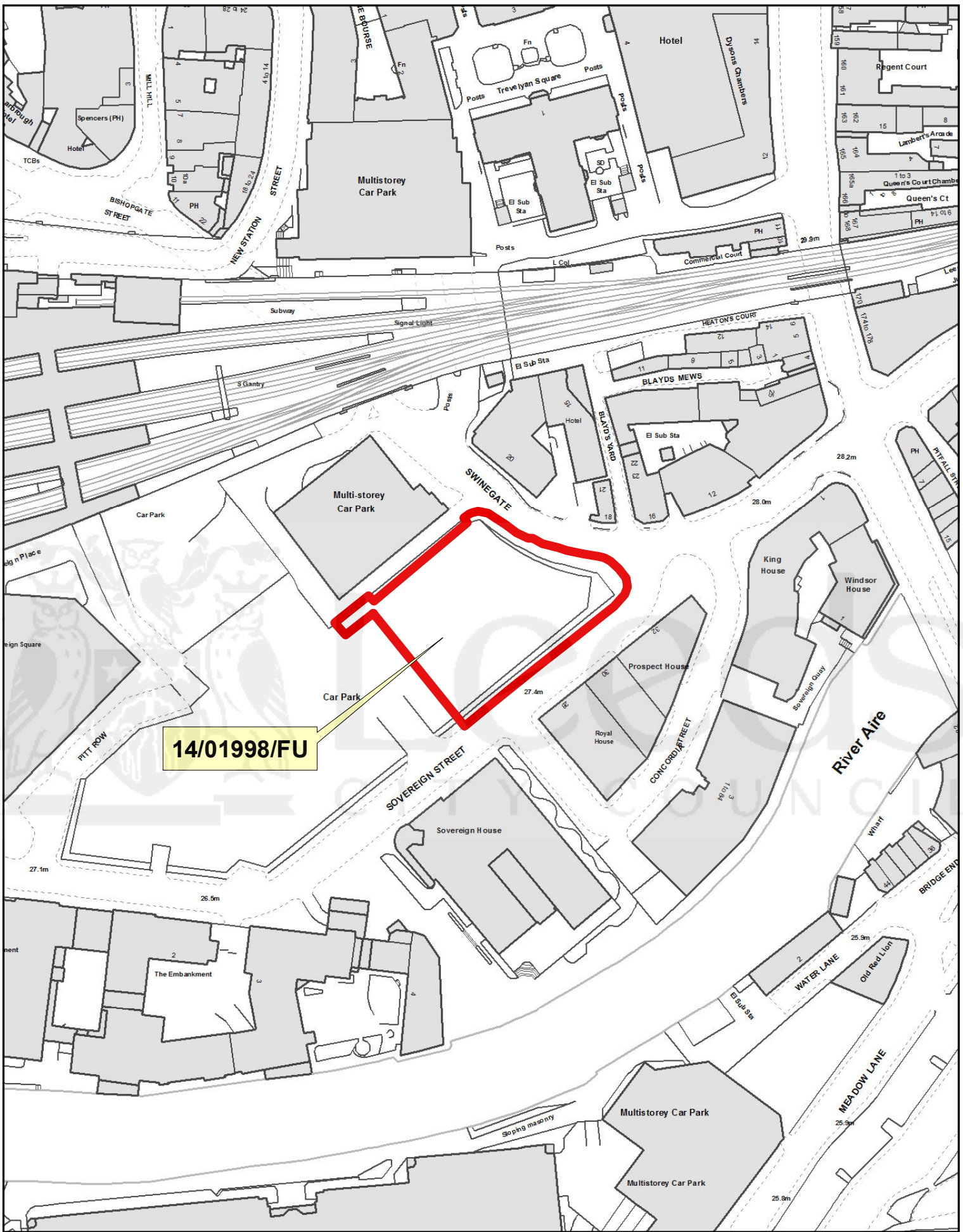
OPTION 1A

SOVEREIGN STREET DEVELOPMENT SITE FRAMEWORK

INDICATIVE ONLY



MB. S&P NOV 2010 REV. APR. 2011



14/01998/FU

CITY PLANS PANEL



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Originator: Sarah McMahon

Tel: 2478171

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 26 JUNE 2014

Subject: PLANNING APPLICATIONS

1. 14/01903/FU For the use of the land as a shopper's car park for a temporary 5 year period at Land Bound By Vicar Lane, Lady Lane And Templar Place Leeds LS2.

2. 14/01924/DEM For a Determination for demolition of the buildings; Lyons Works, Templar Street/Templar Lane/Templar Place, 100 – 104 Vicar Lane (former Bus Station), 108 – 116 Vicar Lane, (Provident House) , 1-5 and 7 Templar Street (former Park Lane College) and 130 Vicar Lane at Land Bound By Vicar Lane, Lady Lane And Templar Place Leeds LS2.

Electoral Wards Affected:

City & Hunslet

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

1. 14/01903/FU- Defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions (and any others which he might consider appropriate).

2. 14/01924 - Defer and delegate to the Chief Planning Officer for determination for the demolition of buildings.

Conditions for 14/01903/FU

1. Time Limit
2. Approved Plans
3. Date by which the temporary use must cease (5 years from the date of determination)
4. Removal and storage of the North Bar prior to commencement of development
5. Accordance with plan detailing short and long stay car parking areas.

6. The temporary short stay car park not to be open to the public between 0630-0930 hours Monday to Friday to discourage commuter car parking
7. Operation of a tariff structure for the short stay car parking to include a charge of no less than £25.00 for over 5 hours parking
8. Erection of signage confirming the use of the defined areas of the car park for short stay car park detailing the tariff structure and opening times
9. Details of all surfacing materials
10. Laying out prior to use of the car park
11. Submission of full landscape details
12. Submission of a landscape management plan
13. No lighting fitment to be installed such that the source of light is a hazard to users of adjoining or nearby highways
14. Submission of a bat activity survey.
15. Details of any soil or soil forming materials brought to the site
16. Notification of any unexpected land contamination encountered

All Conditions for 14/01903/FU are provided in full in Appendix 1.

No Conditions can be applied to 14/01924/DEM due to the application being a determination for demolition of buildings.

1.0 INTRODUCTION:

- 1.1 The proposals were put before Members at pre-application stage on the 27 February 2014. Members made a number of comments which are detailed in Section 5.0 below and in Appendix 2. The applications were subsequently submitted and is now brought back to Plans Panel to allow Members to consider this temporary proposal for the Phase 2 areas of the Victoria Gate site, which require the demolition of existing buildings.

2.0 PROPOSALS:

- 2.1 The proposals are a temporary scheme (for up to 5 years) to maximise the use of the existing off-street long stay (commuter) car parking areas by reordering the layout. In addition, it is proposed to introduce a number of off street short stay spaces (for shoppers and visitors) from the existing long stay spaces but also by adding new spaces to give a total short space allocation of 317. This would take the total spaces across the site from 542 to 687. Of this new total it is proposed that 28 be disabled users car parking spaces. In addition it is proposed that 30 of the total spaces will be parent and child spaces and 25 will be oversized spaces (for larger vehicles such as people carriers and 4x4s). This short stay car parking would provide replacement public short stay car parking for that lost on the Union Street car park for Phase 1 of the Victoria Gate development thereby providing car parking for the Victoria Gate business, as well the nearby Kirkgate Market, Quarry Hill and the Playhouse, the Grand Theatre and Arcade amongst others.
- 2.2 To facilitate such an increase in car parking numbers there would be a requirement to demolish some of the buildings on the Phase 2 site to create the necessary space. As such the proposal is for the demolition of, the former West Yorkshire Bus Station (100 to 104 Vicar Lane) and the attached Provident House building (106 to 118 Vicar Lane), and 130 Vicar Lane and the attached 1 to 7 Templar Street to the north western end of the site. The Lyons Works building is also included in the demolitions application but excluded from the change of use application. Details of the proposed

approach to Lyons Works are discussed in more depth below in paragraph 10.6. It is the case that the demolition of these buildings to facilitate the full retail led, mixed use Phase 2 part of the Victoria Gate scheme was approved under outline planning application 12/03002/OT.

- 2.3 The proposed scheme is largely hard surfaced in nature. All existing and new parking areas would be re-laid and set out with new surface treatments and markings to upgrade the existing parking bay arrangements. Some soft landscaping, including tree planting along Vicar Lane and the main pedestrian route through the middle of the site, is proposed. This greening would be predominantly focused around the Vicar Lane end of the site although some small areas of soft landscaping would be provided at other points across the site.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is defined by New York Road (Inner Ring Road A58M/A64M) to the north, Templar Place to the east, Lady Lane to the south and Vicar Lane to the west. It will form part of Phase 2 of the Victoria Gate development.
- 3.2 The site contains mixture of buildings, roads and open spaces, however, a significant land use is surface car parking (2.26 hectares) with some 542 spaces. Existing buildings on the site are commonly three or four storeys in height, and are predominantly vacant and in varying states of disrepair. There are a number of Grade II listed buildings in close proximity to (but outside of) the site, these being 90-94 Vicar Lane, The Grand Arcade, the former Leeds Chest Clinic at 18 Merrion Place, 1 and 3 The Headrow, 2 to 12 the Headrow and 2 to 8 Eastgate.
- 3.3 Buildings of note on the site are the vacant Saxon Hawke House (Lyon Works), a former clothing factory constructed in 3 phases between 1914 (northern end adjacent to Templar Street) and 1937 (southern end adjacent to Lady Lane). This building has been deemed to be immune from Listing by English Heritage. To the west of Templar Lane, Templar House is a Grade II Listed Building constructed as a chapel in 1840. The building has been unoccupied for some time and is in a poor physical condition with no remaining internal features of interest. The Templar Hotel, at the junction with Templar Street, is a mid-late 19th Century building still in use as a public house. 100-104 Vicar Lane originally formed part of the West Yorkshire Bus Station but is now vacant.
- 3.4 The existing off-street car parking spaces across the site are currently all long stay parking. A large proportion of these car parking spaces to the northern side of the site have been recently contracted to one company and as such are no longer available for general use. There is short stay on-street parking on Templar Street, Templar Lane, Templar Place, Lady Lane and Edward Street, totalling 97 spaces.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The original outline planning permission for the previous Victoria Gate development scheme (06/03333/OT) was granted consent on 24th August 2007 and permission was extended on 9 July 2010 (10/01477/EXT). Subsequently a revised scheme was submitted under outline planning application 11/0100/OT for major redevelopment, including demolition, involving mixed use to provide retail stores, restaurants, bars and offices (A1, A2, A3, A4, A5 and B1 Use Classes), gym (D2 Use Class), medical centre, crèche, multi-faith prayer room (D1 Use Classes), changing places toilet facilities, with new squares and public realm, landscaping, car parking and associated

highway works. This was approved on 6 September 2011. A Non Material Amendment planning reference 12/9/00055/MOD to amend the description to refer to leisure use (D2 use class) instead of gym (D2 use class) was approved on 4 April 2012.

- 4.2 A subsequent Section 73, Variation of Condition application, planning reference 12/03002/OT, was submitted seeking the variation of condition 3 of planning permission 11/01000/OT to allow for Leisure Use (D2 use class) and Casino Use (sui generis) as part of a retail-led mixed use development. This application was approved on 30 October 2012. A Non Material Amendment planning reference 12/9/00098/MOD to amend the description to add in Casino Use (Sui Generis) was also submitted in parallel to the Variation of Condition application (12/03002/OT) and this was approved on 2 October 2012.
- 4.3 Approval was granted for a trio of applications covering Phase 1 of the Victoria Gate development to the south side of Eastgate, on 9 January 2014. These applications were for:
1. 13/02967/FU - Major mixed-use, retail-led development including the demolition of all buildings and construction of retail (use classes A1, A2, A3, A4, A5), leisure (use class D2)/casino (sui generis), public realm works and landscaping,
 2. 13/02968/FU - Demolition of Millgarth Police Station and the erection of a multi-storey car park and associated landscaping, means of access and highway works and
 3. 13/02969/RM - Reserved matters approval for Plot HQ1 (to be occupied by John Lewis) of the outline planning permission, at Land Bound by Eastgate, George Street and Millgarth Street, Leeds, LS2.
- 4.4 Discussions regarding the current scheme commenced in November 2013 and have been undertaken with Officers to consider the proposed demolitions, the impact of the proposal on nearby designated and non-designated heritage assets and the street scene, the layout, amount and type of car parking, the design and materials, key views particularly those along Vicar Lane, pedestrian routes and connectivity and green landscaping, access and the impacts on the highways network.
- 4.5 Members will recall that there were comments from Leeds Civic Trust on the Phase 1 applications 13/02967/FU, 13/02968/FU and 13/02969/RM with regard to any temporary use of the Phase 2 area of the overall site. Leeds Civic Trust stated that they considered that the buildings on this part of the site should be reused and that there is sufficient car parking in the area and around the edges of the City Centre already. They suggested the creation of a temporary city centre park combined with the retention of the existing buildings and car parking.
- 4.6 Also of relevance are two certificates of lawful use for long stay car parking on the Phase 2 site, planning references 20/558/01/CLU and 20/560/01/CLU both approved on 25 June 2002

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 A pre-application presentation was given to Members at the City Plans Panel on 27 February 2014. The presentation focused on the impact of the proposal on nearby designated and non-designated heritage assets and the street scene, the layout, amount and type of car parking, the design and materials, key views particularly those along Vicar Lane, pedestrian routes and connectivity and green landscaping, access and the impacts on the highways network. Members made the following

comments:

- regarding the justification for the demolition of Lyons Works, the former West Yorkshire Bus Station and the other named buildings, there was majority support for the demolition of the Bus Station and complete support for the demolition of the other named buildings on Vicar Lane.

- Regarding Lyons Works, it was noted that permission to demolish this building had been granted as part of a different scheme and that in the circumstances where the original permission was not proceeding, that consideration be given to requesting the retention and re-use of Lyons Works without the modern extension

– On the issue of the use of the space as a car park, this could be accepted if the period of time for this use did not exceed 5 years, with the provision of a temporary car park to a higher standard being welcomed

– On the reconfigured and additional short stay car parking numbers and the required Stopping Up, these matters were acceptable as were the associated loss of on-street short stay car parking and the proposal for there to be financial compensation

– That the landscaping proposals were progressing positively; that a high quality scheme was expected and for the landscape treatment to the Vicar Lane edges, in particular, to adequately maintain the sense of enclosure of the street, preserve the character of nearby designated and on-designated heritage assets and add positively to views along Vicar Lane on a temporary basis

- Members also highlighted the need for the safe removal and retention of the North Bar stone to be tied down and for urgent repair works to be undertaken to Templar House.

5.2 Full minutes from the Plans Panels of the 27 February 2014 can be found in Appendix 2.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The full planning application (14/01903/FU) for the use of the land as a shoppers car park for a temporary 5 year period was publicised via Site Notices posted on 11 April 2014 expiring on 2 May 2014 and in an edition of the Yorkshire Evening Post printed in the week of 17 April 2014.

6.2 The determination for demolition application (14/01924/DEM) for the demolition of buildings was publicised via Site Notices posted on 28 March 2014 expiring on 19 April 2014 and in an edition of the Yorkshire Evening Post printed in the week of 17 April 2014.

6.3 Ward Members were consulted formally on 4 April 2014. No responses have been received to date.

6.4 Comments have been received from the Head of Markets at Kirkgate Market on 28 April 2014 stating that they are supportive of the proposals.

6.5 Comments have been received from Leeds Civic Trust on 28 April 2014 stating that they object to the demolition of the buildings prior to the construction of any permanent development on the site. The Trust state they have strong concerns about the loss of Lyons Works in particular, which they consider has significant merit and could be retained. They are supportive of other aspects of the proposals, these being the tidying up and landscaping of the site, but state that a wider landscape strip should be designed adjacent to Vicar Lane, a commitment to planting semi-mature trees is required, and the enhancement of the setting of Templar House should be considered. The Trust ask if there is potential for solar powered equipment on site

and that drainage be a sustainable system.

Response: the matters raised will be addressed as part of the appraisal below.

- 6.6 Comments have been received from Rushbond PLC on 12 May 2014 stating that there is an opportunity to dramatically enhance the landscaping along the eastern edge of the site and at the corner of Vicar Lane and the Ring Road (A58), which is a gateway location. The linkages with the Vicar Lane footpath need to be considered. There is an opportunity to plant some semi-mature specimen trees. Any lighting scheme needs to consider amenity impacts and bound gravel should be considered as a surfacing treatment in the car park areas. They also state it is important that the two applications submitted are linked together to ensure the demolitions do not occur without the proposed environmental enhancements coming forward.

Response: the matters raised will be addressed as part of the appraisal below.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

- 7.2 Highways state that they have no objections to the submitted revised demolitions statement but advised that the Applicant will require a number of Highways Licences and temporary Traffic Regulation Orders to undertake the demolition works due to the requirement to hoard of areas of the public highway.

- 7.3 Mains Drainage state that they have no objections to the proposals.

7.4 Non-statutory:

- 7.5 Conservation state that the loss of the buildings along Vicar Lane would weaken the urban context of the nearby City Centre Conservation Area but should be weighed against the public benefits of the proposal. With regard to the loss of Lyons Works the Officer advises that the building whilst being exempt from Listing, has significant value to Leeds and they questions whether or not the viability information has been based on comparable schemes in the vicinity such as Crispin House.

- 7.6 Landscape state that the spread of soft landscape elements is too concentrated to the western end of the site and there needs to be further focus to the east also, the new trees are welcomed but details need controlling regarding state of maturity, species, soil volumes and the number of trees. Proposed bench hedges need to be planted as mature specimens to ensure they provide the appearance of full hedges. These matters and the management of the landscaped elements need to be controlled via planning conditions.

- 7.7 Nature Conservation state that there is low bat potential within the site and as such a bat activity survey can be addressed via a Planning Condition rather than prior to determination.

- 7.8 Land Contamination Team state that any decision should be conditioned to cover the details of any soils or soil forming materials being brought onto site, and any unexpected contamination that may be encountered.

- 7.9 City Centre Management Team No response received to date

- 7.10 Asset Management No response received to date

7.11 Access Officer No response received to date

7.12 Architectural Police Liaison Officer advises that the scheme will need to comply with the requirements of Secure By Design, Crime Prevention Through Environmental Design, 'Crowded Places' The Planning System and Counter Terrorism and Protecting Crowded Places Design and Technical Issues 2012.

8.0 PLANNING POLICIES:

8.1 National Planning Policy Framework (NPPF)

8.2 The National Planning Policy Framework 2012 (NPPF) was adopted in March 2012 and sets out the Government's planning policies and how they expect them to be applied. This national planning policy document is likely to be of relevance in considering the schemes proposed progression. The NPPF advocates a presumption in favour of sustainable development, and a "centres first" approach to main town centre uses such as retail. The document also promotes economic growth in order to create jobs and prosperity

8.3 Paragraph 135: the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

8.4 Leeds Unitary Development Plan Review 2006

8.5 The UDPR includes policies requiring that matters such as good urban design principles, sustainability, flood risk, highways and transportation issues, public realm, landscaping, and access for all are addressed through the planning application process. The application site lies within the designated City Centre. Relevant policies include:

8.6 Policy SA8 (Strategic aim to provide safe and easy access for all)
Policy A4 (Access for all)

Policy ARC4 (Presumption in favour of physical preservation in areas of archaeological value)

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

Policy CC17 (highlights the need for additional short stay car parking close to the Prime Shopping Quarter including the Templar Street area)

Policy GP5 (Development control considerations, including highways, to be resolved)

Policy GP11 (development must meet sustainable design principles)

Policy LD1 (identifies requirements for landscape schemes)

Policy N25 (Boundaries of sites to be designed in a positive manner)

Policy T2 (New development not to create or add to highway problems)

Policy T5 (requires safe and secure access for pedestrians and cyclists)

Policy T6 (requires satisfactory access and provision for disabled people)
Policy T24 (identifies parking requirements within UDPR Volume 2)
Policy T24A (Refers to presumption against off site long stay parking)
Policy T26 (Presumption in favour of car parks in the core parking policy area for short stay users unless there is insufficient demand)
Policy T28 (manages the growth of long-stay commuter car parking)

Policy CCP2(i) (Non commuter parking will generally be acceptable; a planning condition will preclude use before 0930 hours)

Although Policy CCCCPC is not relevant in this instance the principles with regard to the landscape scheme established in this policy can be considered to be appropriate here, these being:

Physical improvements to the quality and appearance of the car park. Improvements may include the following: i) an attractive surface, making use of sustainable urban drainage solutions, ii) clear space markings, iii) appropriate landscaping, iv) security lighting, v) attractive means of enclosure and boundary treatment and vi) appropriate signage in terms of size and location. Physical improvement works and a maintenance programme should be agreed in writing with the City Council prior to planning permission being granted and implemented before commencement of operation of the car park,

Proposal Area 16 – Templar Street

The Statement comments that the site has potential for retail development with the Vicar Lane frontage having particular potential for retailing. There is also scope for subsidiary uses, particularly leisure and entertainment, and significant office use above ground floor. Catering uses would also complement the neighbouring Entertainment Quarter, and residential uses which would not prejudice the retail and leisure function would also be appropriate. The area also represents a major opportunity for public short stay parking. Pedestrian linkages to the Vicar Lane and Eastgate are noted as being particularly important. Public space should also be provided in any scheme.

8.7 **Draft Core Strategy (DCS)**

8.8 The draft Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State. The Inspector examined the Strategy during October 2013. The weight to be attached is limited where representations have been made.

8.9 Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design. Development should protect and enhance locally important buildings, skylines and views.

8.10 Policy P11: The historic environment, consisting of archaeological remains, historic buildings, townscapes and landscapes, including locally significant undesignated assets and their settings, will be conserved and enhanced, particularly those elements which help to give Leeds its distinct identity:

The Victorian and Edwardian civic and public buildings, theatres, arcades, warehouses and offices within the city centre and the urban grain of yard and alleys. The nationally significant industrial heritage relating to its textile, tanning and

engineering industries, including factories, chimneys and associated housing.
The legacy of country houses, public parks, gardens and cemeteries.
The 18th century transport network, including the Leeds and Liverpool Canal.

8.11 Policy T1: Transport Management states that support will be given to the following management priorities:

(iii) Parking policies controlling the use and supply of car parking across the city:
a) To ensure adequate parking for shoppers and visitors to support the health and vitality of the city and town centres.

8.12 **Supplementary guidance**

8.13 Building for Tomorrow Today – Sustainable Design and Construction.

8.14 The Leeds City Centre Urban Design Strategy (September 2000)

The application site falls within the Retail and Entertainment Area (Study Area 2) of the City Centre Design Guide. Pages 78-79 of the Design Guide highlight the aspirations and issues for the area. Some relevant key aspirations are highlighted as follows:

Realise potential for redevelopment of temporary car park areas

Retain and enhance the mixture of new and old buildings

Improve links to other Quarters

Preserve and enhance fine grain

Retain and enhance the existing character of strong street frontages

Preserve and enhance the quality of priority and permeability for the pedestrian

Preserve and enhance views

Provide and enhance spaces

Encourage lively activity and discourage perceived privatisation of shopping streets

Improve clear edges

8.15 Eastgate and Harewood Supplementary Planning Document

The Eastgate and Harewood Supplementary Planning Document (SPD) was adopted in October 2005. The SPD was prepared to supplement the guidance in the adopted UDP for the Eastgate and Harewood Quarter. The SPD provides 12 principles to guide the redevelopment of the Eastgate and Harewood Quarter and those of relevance are:

Enhance the public realm through pedestrianisation or street closures if necessary, and encourage pedestrian linkages from the site to the market, river, Sheepscar, Mabgate, Victoria Quarter and Quarry Hill, integrated into the existing fabric of the city centre.

Restrict access to through traffic using local streets and where possible, integrate the traffic displaced by, and accessing, the development into the improved highway network in recognition of safety and capacity constraints.

Preserve where both practical and appropriate, existing historic assets and their settings.

8.16 **Natural Resources and Waste Local Plan 2013 (NRWLP)**

8.17 One of the strategic objectives of the NRWLP is the efficient use of previously developed land. General Policy 1 is that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

9.0 MAIN ISSUES:

1. Principle of the demolitions and heritage
2. Principle of the proposed use
3. Impact on highway safety, access and connectivity
4. Public Realm and Landscaping
5. Equality

10.0 APPRAISAL:

10.1 Principle of the demolitions and heritage

- 10.2 Members will be aware that Permitted Development rights exist for the demolition of buildings of this nature, under part 31 of Schedule 2 the Town and Country Planning (General Permitted Development) Order 1995 (GDPO). As a result the determination for demolition application 14/01924/DEM has been submitted to the local planning authority to decide whether the authority requires prior approval of the method of demolition (in line with the conditions to part 31 of the GDPO) and environmental improvements and making good of the site only. The principle of the demolitions is established by the permitted development rights.
- 10.3 The buildings shown as proposed for demolition to bring forward the proposal are, Lyons Works and the former West Yorkshire Bus Station, which are defined in the Conservation Strategy (HUK17) of the 2011 Outline Planning Application (11/01000/OT) for the Victoria Gate scheme as a non-designated heritage assets and Provident House (106 to 118 Vicar Lane), 130 Vicar Lane and 1 to 7 Templar Street, which are not afforded the same importance in this approved document.
- 10.4 Members will recall that there was majority support for the demolition of the Bus Station and complete support for the demolition of Provident House (106 to 118 Vicar Lane), 130 Vicar Lane and 1 to 7 Templar Street when the scheme was presented them at pre-application stage on 27 February 2014. However the Developer was asked by Members to consider what other options there were for Lyons Works, which would allow it to be retained and reused. Lyons Works is considered to be a non-designated heritage asset of some quality, which is of significant note and value in the understanding the growth of the garment industry in Leeds.
- 10.5 The Applicants have submitted a Development Viability Summary report which looks at the value of the site and assessed the viability of using Lyons Works for residential or as a mixed use office and retail scheme. The report concludes that either proposed use would result in a negative land value if implemented.
- 10.6 The Applicants have also stated in a letter to the Chief Planning Officer dated 9 June 2014 that as a result of the strength of feeling regarding Lyons Works they proposed the scheme to be as follows:
1. The change of use application for temporary car parking is amended to remove Lyons Works from the drawing thereby removing the potential to use the land for car parking.
 2. The demolition application still contains Lyons Works as one of the buildings proposed for demolition but with Hammersons stating in their letter that the building

would be retained for a minimum period of 18 months to allow for the future development of the Phase 2 site to be fully considered.

It is considered that this is the best outcome that can be achieved in view of the permitted development rights that establish the principle of the demolitions.

10.7 Principle of the proposed use

10.8 The existing site has historic use for long stay car parking (under planning references 20/558/01/CLU and 20/560/01/CLU) on all currently hard surfaced areas with the exception of the public highways and the former West Yorkshire Bus Station. The proposal would be a combination and reconfiguration of the existing long stay (commuter) car parking (some 542 spaces) and new short stay (shopper) parking provision (of at least 145 additional spaces) giving a new total of 687 parking spaces. Leeds Unitary Development Plan Review 2006 (UDPR) Policy T26 recognises the importance of short stay car parking in the City Centre and supports proposals for such car parking within the defined core car parking policy area.

10.9 In addition the UDPR Proposal Area 16 – Templar Street statement advises that the area presents a major opportunity for public short stay car parking linked to new developments in the area. The proposed increased and reorder car parking would provide parking spaces for not only visitors and users of the nearby Phase 1 of Victoria Gate which is currently under construction, but also for Kirkgate Market, the Playhouse, the Grand Theatre and Opera North and also businesses in the Grand Arcade amongst others. As such the principal of providing short stay car parking accords with planning policy. The proposals would not increase, and in fact would reduce the existing numbers of long stay car parking spaces (from 542 down to 370 long stay spaces) on the site. As a result the proposals would be compliant with UDPR Policies T24A and T28.

10.10 Impact on highway safety, access and connectivity

10.11 The proposed reorganized and increase parking would result in;

Type of Parking	Numbers	Sizes
Standard bays	604	2.4m by 4.8m
Disabled bays	28	3.6m by 6m
Parent and child bays	30	3.6m by 4.8m
Large vehicle bays	25	3m by 4.8m
Total	687 (of which 370 are long stay and 317 are short stay)	

These car parking bays would, as shown in the table, be divided by long (commuter) and short (shopper) stay designation. As a result the existing long stay (commuter parking) provision to the northern most car park adjacent to the Inner Ring Road (to be called Victoria Gate North) would be retained and reconfigured providing 370 long stay spaces. Some of the existing long stay parking will become short stay (shopper parking) and with proposed additional short stay spaces the overall proposals for short stay parking would be to provide a total of 317 spaces. This results in the total of 687 parking spaces.

10.12 Pedestrian access to the site would be provided at all sides and corners with the exception of the north west corner where there is a levels change which would make

this difficult.

- 10.13 To assist vehicles to access and egress the site it is proposed to make the Vicar Lane end of Templar Street into a two way street from its current one way status. North Court will also be used for accessing the disabled car parking which would sit adjacent, and at level, to Vicar Lane. It is considered that the proposed increase in parking numbers would not have a detrimental impact on the capacity of the highways network in the City Centre and surrounding areas. The management, control of hours for the long stay and short stay car parks and the pricing structure will be controlled via planning conditions.
- 10.14 Public Realm and Landscaping
- 10.15 As a result of the proposals being to increase upon and reorder the existing car parking layout on the site, the proposed landscaping would be largely hard surfacing with soft landscaping to the edges of the site and routes through it. The hard surfaced areas would be treated with either reinforced gravel, tarmac or graded aggregate for the parking bays, and a vehicle loaded asphalt surface for the roads between the bays.
- 10.16 The most substantial area of soft landscape features would be to the Vicar Lane frontage. Here an avenue of trees is proposed to create a green edge to the street. These trees will sit within a wider soft landscape buffer containing ornamental hedging and low growing evergreen shrubbery. Seating is also proposed within this green band and would be positioned in good proximity to existing bus stops.
- 10.17 A defined tree lined pedestrian boulevard is proposed running north-south across the site to link the route through the site with the adjacent Lady Lane and on towards Eastgate. The site falls significantly from west to east and as such is sectioned at points by boundary walls. These existing walls would be refaced with gabion baskets using reclaimed stone.
- 10.18 The site would be edged by hedging and timber fencing to the eastern boundaries, and timber fencing only to the northern and southern boundaries of each area of car parking. Pedestrians access points, with pay point machines and lighting, are proposed to the eastern, western and southern boundaries. The details of lighting, signage and wayfinding will be controlled via planning condition.
- 10.19 With regard to Lyons Works, following the building's delayed demolition, the site would be bounded by a low rise fence (wooden posts with a wooden knee-height rail between). The basements would be filled in and overlaid with 300mm of top soil to bring the site level to the level of the surrounding land. Any soil brought to the site would be fully tested in accordance with the land contamination requirements. Wildflower and grass seeds will be sown into the soil, which is sufficiently deep to ensure a wildflower meadow to grow until such time as thorough development of the site comes forward. This proposed remediation of the site would complement the proposed landscaping as part of the car park works along Vicar Lane by providing an attractive albeit temporary setting.
- 10.20 Equality
- 10.21 The Council has a general duty under section 149 of the Equality Act 2010 to have regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups. The Equality

Act 2010 requires public bodies to have due regard to eliminate discrimination and to advance equality of opportunity, this is evident in UDPR policy SA8.

- 10.22 It is the case that the development proposal would be open for use by all and intends to provide public car parking that benefit the local and wider community.
- 10.23 Further to this as stated earlier in this report 28 of the 687 car parking spaces would be for disabled car use, with 30 spaces being for parent and child spaces and 25 being for oversized vehicles, all in accessible locations. The scheme also proposes an access strategy which aims to make all elements of the new development as accessible as possible with particular regard to level footways and thresholds onto the site, wayfinding and signage and appropriate lighting. Detailed matters of access arrangements will also follow under Planning Conditions and via Building Regulations.

11.0 CONCLUSION:

- 11.1 The proposals would provide an increased number of short stay/shopper car parking spaces, as well as retaining an element of established long stay parking. This would help to reinforce footfall in the area by providing parking not only for Phase 1 of the Victoria Gate scheme but also for neighbouring facilities and venues including Kirkgate Market, The Grand Theatre and Grand Arcade, the Playhouse and other artistic and entertainment venues on Quarry Hill. The proposed reordering of the site and hard and soft landscape scheme will be an aesthetic improvement on the current appearance of the existing surface car parks on the site. As such the proposals are recommended for approval.

Background Papers:

Planning Application 11/01000/OT
Non Material Amendment 12/9/00055/MOD
Planning Application 12/03002/OT
Non Material Amendment 12/9/00098/MOD
Planning Application 13/02967/FU
Planning Application 13/02968/FU
Planning Application 13/02969/RM
Planning Application 14/01903/FU
Determination for Demolition Application 14/01924/DEM

Appendix 1 – Conditions for planning application 14/01903/FU

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) The use hereby permitted shall be discontinued on or before XXXXX.

As permanent use of the site for car parking is not appropriate and so as not to prejudice future redevelopment of the site.

4) Prior to the commencement of any works the North Bar which is located in the Vicar Lane façade of the former West Yorkshire Bus Station shall be carefully removed from the building and safely stored for future reuse in accordance with details to be agreed in writing with by Local Planning Authority.

To ensure preservation and re-use of this important historic feature and in accordance with the National Planning Policy Framework and Leeds UDPR policy ARC4.

5) The defined areas of short stay and long stay car parking shall be laid out in accordance with the approved drawing reference Proposed Car Park Site Plan (90) dated 16 June 2014 and shall be retained and maintained thereafter as such.

In order to discourage the use of the temporary short stay car parking as commuter car parking and in accordance with UDP Review policies T24A, T28 and CCP2.

6) The temporary short stay car park use hereby approved shall not be open to the public between 0630-0930 hours Monday to Friday.

In order to discourage the use of the temporary short stay car parking as commuter car parking and in accordance with UDP Review policies T24A, T28 and CCP2.

7) The temporary short stay car parking hereby approved shall be operated in accordance with a tariff structure which shall include a charge of no less than £25.00 for over 5 hours parking.

In order to discourage the use of the temporary short stay car parking as commuter car parking and in accordance with UDP Review policies T24A, T28 and CCP2.

8) Prior to the use of the short stay car park a sign(s) shall be erected which shall confirm that the short stay car park is for use solely as a short stay car park with a tariff structure that results in a charge of no less than £25.00 for over 5 hours parking. Details of the location and appearance of the sign(s) shall first be submitted to and approved in writing by the Local Planning Authority.

In order to discourage the use of the temporary short stay car parking as commuter car parking and in accordance with UDP Review policies T24A, T28 and CCP2.

9) No works shall take place until details and samples of all surfacing materials to the temporary car parking areas have been submitted to and approved in writing by the Local Planning Authority. The surfacing works shall be constructed from the approved materials.

In the interests of visual amenity, in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.

10) The car park shall not be used by vehicles until all areas including the site access and parking spaces have been fully laid out, surfaced and drained in accordance with the submitted details. These areas shall thereafter be maintained as such for the lifetime of the development.

To ensure the free and safe use of the highway in accordance with adopted Leeds UDP Review (2006) policy T2 and Street Design Guide SPD (2009).

11) Development shall not commence until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include

(a) proposed finished levels and/or contours,

- (b) boundary details and means of enclosure,
- (c) car parking layouts,
- (d) other vehicle and pedestrian access and circulation areas,
- (e) hard surfacing areas,
- (f) minor artefacts and structures (e.g. furniture, signs, lighting etc.),
- (g) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).

Soft landscape works shall include

- (h) planting plans
- (i) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- j) schedules of plants noting species, planting sizes and proposed numbers/densities.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

To ensure the provision and establishment of acceptable landscape in accordance with adopted Leeds UDP Review (2006) policies GP5, N23, N25 and LD1.

12) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

To ensure successful aftercare of landscaping, in accordance with adopted Leeds UDP Review (2006) policies GP5 and LD1.

13) No lighting fitment shall be installed on the site in such a way that the source of light is a hazard to users of adjoining or nearby highways.

In the interests of highway safety and in accordance with the National Planning Policy Framework and Leeds UDPR Policy GP5.

14) Prior to the demolition of or works to Buildings B1 and B4 (as shown on Figure 2 (Habitat Features Plan) of the Ecological Appraisal dated March 2014 by Waterman Energy, Environment and Design Ltd.) an up to date bat activity survey will be carried out between May and September inclusive by a licensed bat surveyor. The bat survey will consist of a minimum of one dusk and one dawn survey (with at least 24 hours between the dusk and the dawn survey) as per the (Minimum Standards for Bat Surveys in West Yorkshire)

Prior to the demolition or works to Buildings B1 and B4 a Bat Mitigation Method Statement will be submitted and agreed with the LPA for the subsequent works detailing how any potential harm to bats will be avoided. The Bat Mitigation Method Statement will then be implemented in full.

To confirm presence or likely absence of a protected species (bats) and ensure works are carried out to avoid adverse harm to a protected species and in accordance with the National Planning Policy Framework and Leeds UDPR Policy GP5.

15) Any soil or soil forming materials brought to site for use in soft landscaping or for filling and level raising shall be tested for contamination and suitability for use. A methodology for testing these soils shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto site. The methodology shall include information on the source of the materials, sampling frequency, testing schedules and criteria against which the analytical results will be assessed (as determined by risk assessment). Testing shall then be carried out in accordance with the approved methodology. Relevant evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto the site.

To ensure that contaminated soils are not imported to the site and that the development shall be suitable for use with respect to land contamination in accordance with national and Leeds City Council's planning guidance.

16) The local planning authority shall be notified in writing immediately where unexpected significant contamination is encountered during any development works and operations in the affected part of the site shall cease.

Where remediation of unexpected significant contamination is considered by the Local Planning Authority to be necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the

recommencement of development on the affected part of the site. The Remediation Statement shall include a programme for all remediation works and for the provision of verification information.

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 necessary verification information has been approved in writing by the Local Planning Authority.

To enable the local planning authority to ensure that unexpected contamination at the site will be addressed appropriately and that the development will be suitable for use in accordance with national and Leeds City Council's planning guidance.

Appendix 2 - Plans Panel Minutes of 27 February 2014 relating to preapplication scheme for 14/01903/FU and 14/01924/DEM.

Preapp/14/00015 - Pre-application presentation for the demolition of a number of existing buildings to allow for the temporary reconfiguration of and addition to the existing car parking (increase in spaces from 542 to 824) and associated hard landscaping - Victoria Gate - Phase 2 Car Park - Land bounded by Vicar Lane, Lady Lane, Templar Place and the Inner Ring Road LS2

Plans, photographs and graphics were displayed at the meeting. A Members site visit had taken place earlier in the day

Members considered a report of the Chief Planning Officer outlining proposals for the temporary reconfiguration of existing off-street car parking and the addition of 281 additional off-street car parking spaces and landscaping on the phase 2 section of the Victoria Gate site. Members also received a presentation on the proposals on behalf of the applicant

The following information was provided:

- the proposals were for a temporary scheme for an estimated period of up to 5 years to maximise the use of existing off-street car parking; provide further parking for shoppers and visitors and to replace public parking from the Union Street car park which would be lost when building works for phase 1 of Victoria Gate commenced in April 2014
- there was a need for high quality car parking in Leeds and this had been identified as an issue which prevented people from visiting the city
- there was the opportunity to improve a part of the city which was in poor repair and although the works were temporary, they would be of high quality and would improve the feeling of safety in this area
- that several buildings would need to be demolished although approval for these demolitions had been granted as part of the outline approval for Victoria Gate
- a pedestrian spine, using resin bound gravel and bounded by trees and lighting columns would be created from the market to Templar Street. A green buffer, 4 metres wide, with nooks for seating would be provided at Vicar Lane. To create this effect semi-mature trees would be used. Gateway spaces (foyers) would also be provided around the site on key pedestrian desire lines to the surrounding area. Pay machines would be located at the foyers

- in terms of car parking surfacing treatments, various options were being considered including a cellular system

Members discussed the proposals and commented on the following matters:

- the timescale for the temporary scheme, with the hope that within 5 years phase 2 of the permanent Victoria Gate development scheme would be progressing
- there were no guarantees that if approved, the applicant would not then sell the site

- the extent of the demolition works to be undertaken
- whether the proposals could lead to flooding of the nearby beck
- whether parent and child parking spaces would be provided
- the price rates for parking
- the maintenance of the landscaping
- the width of the car parking bays and the need to ensure these could accommodate larger vehicles and 4x4s
 - security issues, particularly on an evening; that people currently loitered in the car park and the need for this to be addressed so as not to deter its use
 - how long stay parking would be discouraged
- Templar House; the need for a vision to be provided for this Grade 2 Listed Building; that the condition of the building had been left to deteriorate and that the building should be repaired
 - the need for the North Bar Stone on the site to be practically protected, carefully removed and safely stored
 - the future of Lyons Works; that a finely balanced decision had been reached regarding its loss on the original outline approval in view of the greater good which would be achieved from that scheme, with concerns being raised that the demolition of the building to make way for a City Centre car park for possibly up to 5 years was not acceptable
 - the loss of the Bus Station, with mixed views on the worthiness of retaining this example of post-war architecture
 - that the buildings attached to the Templar Pub should be demolished
 - the size of the car park, with concerns that due to its scale and the possible length of time it would be in operation that Vicar Lane would cease to exist as an area of character within the City Centre
 - the positive signs for the first phase with work close to commencing and the need for a period of up to 5 years for additional parking when the multi-storey car park for John Lewis would be completed in Autumn 2016
 - the need for Members to understand the timescales for phase 2 of Victoria Gate and that from the information provided, there was no sense that phase 2 would move along quicker if these proposals were agreed to

The Chief Planning Officer stressed the importance of achieving a successful regeneration of this part of the City Centre. In terms of context, Members were informed that more retail development was taking place in Leeds than in any other city, yet despite the gradual regeneration of The Grand Arcade, this part of the City Centre was vulnerable. It was important for the theatres to thrive and for phase 1 of Victoria Gate to take off and it was not unreasonable for there to be some uncertainty

In terms of Lyons Works, the building was exempt from listing and could be demolished immediately, however the Chief Planning Officer was of the view that the comments made by Members would be taken back to the applicant for consideration. The need for assurances on the future of Templar House was stressed

In response to the specific points raised in the report, the following comments were provided:

- regarding the justification for the demolition of Lyons Works, the former West Yorkshire Bus Station and the other named buildings, there was majority support for the demolition of the Bus Station and complete support for the demolition of the other named buildings on Vicar Lane. Regarding Lyons Works, it was noted that permission to demolish this building had been granted as part of a different scheme and that in the circumstances where the original permission was not proceeding, that consideration be given to requesting the retention and re-use of Lyons Works without the modern extension

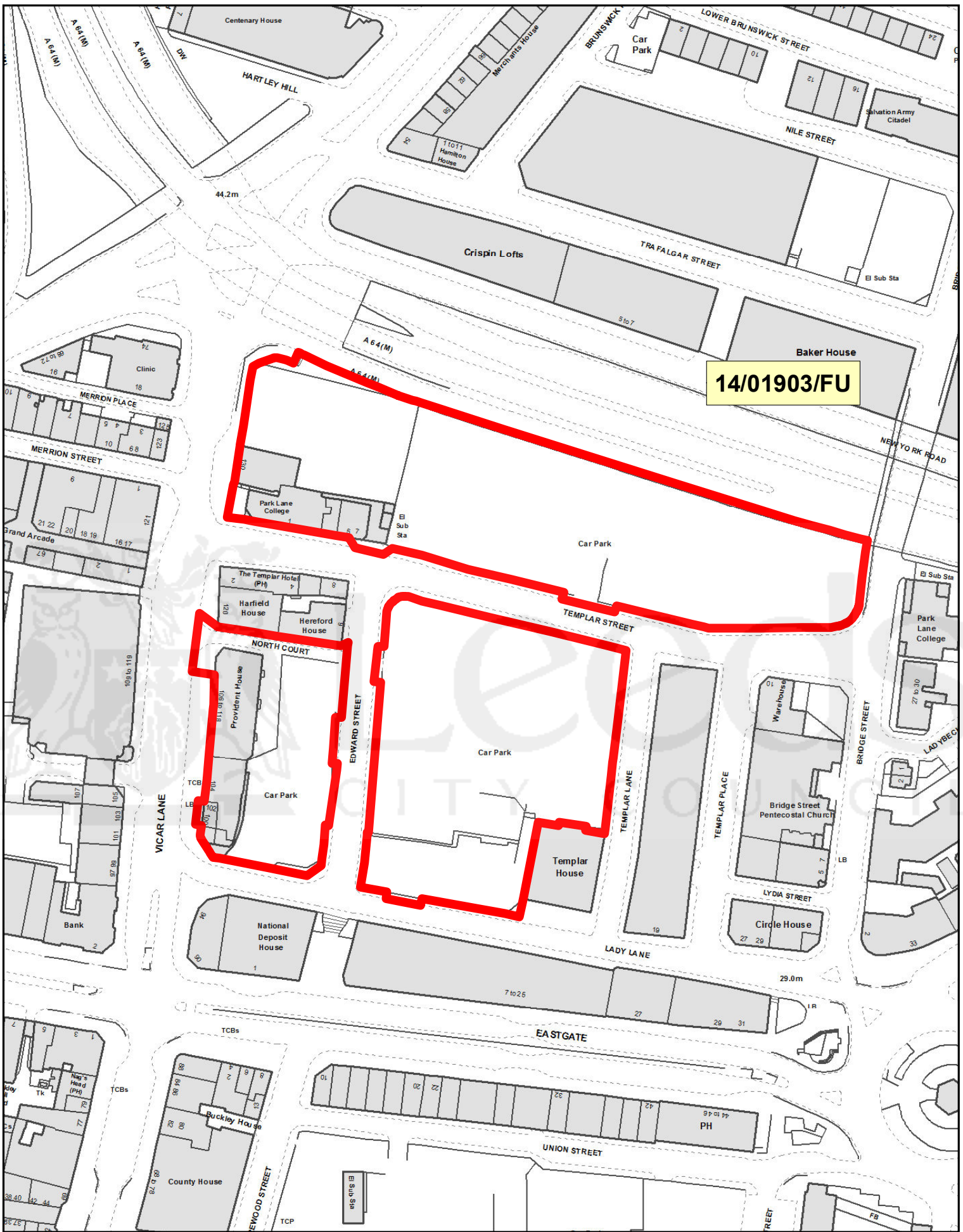
- on the issue of the use of the space as a car park, this could be accepted if the period of time for this use did not exceed 5 years, with the provision of a temporary car park to a higher standard being welcomed

- on the reconfigured and additional short stay car parking numbers and the required Stopping Up, these matters were acceptable as were the associated loss of on-street short stay car parking and the proposal for there to be financial compensation

- that the landscaping proposals were progressing positively; that a high quality scheme was expected and for the landscape treatment to the Vicar Lane edges, in particular, to adequately maintain the sense of enclosure of the street, preserve the character of nearby designated and on-designated heritage assets and add positively to views along Vicar Lane on a temporary basis

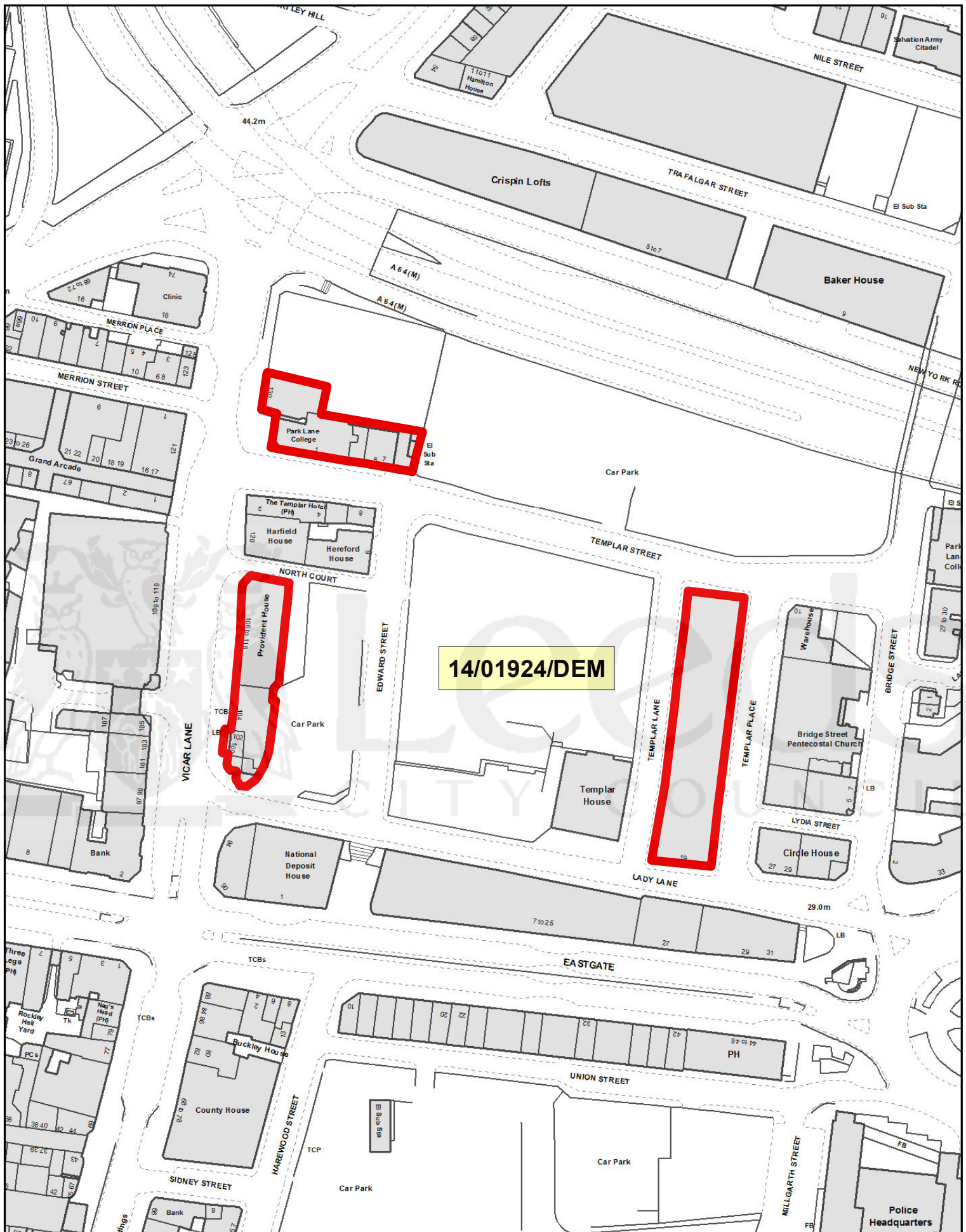
Members also highlighted the need for the safe removal and retention of the North Bar stone to be tied down and for urgent repair works to be undertaken to Templar House. On this matter, the Chief Planning Officer proposed a site visit with Officers and the applicant to also view the interior of Templar House

RESOLVED - To note the report, the presentation and the comments now made



SOUTH AND WEST PLANS PANEL





14/01924/DEM

CITY PLANS PANEL



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Originator: Andrew Windress

Tel: 3951247

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 26th June 2014

Subject: HYBRID APPLICATION (14/02514/OT) - FOR UP TO 385 DWELLINGS, RETAIL DEVELOPMENT, ASSOCIATED SITE ACCESS, LANDSCAPING AND SITE WORKS IN OUTLINE WITH FULL DETAILS PROVIDED FOR AN ADDITIONAL 100 DWELLINGS INCLUDING SITE ACCESS, PUBLIC OPEN SPACE AND LANDSCAPING AT THE FORMER VICKERS FACTORY, MANSTON LANE, LS15 8ST

APPLICANT:

Bellway Homes Ltd
(Yorkshire Division) and
Zurich Insurance

DATE VALID:

7/5/14

TARGET DATE:

10/11/14

Electoral Wards Affected:

Cross Gates and Whinmoor

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: For Members to note the content of the report and to provide feedback on the questions posed at section 11.0 of this report.

1.0 INTRODUCTION

1.1 This position statement is brought to Members for information/comment as it proposes the redevelopment of a significant brownfield site located within the Cross Gates area of the City. A commitment to undertake a position statement is also outlined in the Planning Performance Agreement entered into by the applicant and the Council.

2.0 PROPOSAL:

- 2.1 A 'hybrid' planning application seeks outline consent (all matters reserved) for up to 385 dwellings and up to 500m² of retail development on the eastern two-thirds of the former Vickers site (16.1ha) and full details relating to 100 houses on the westernmost portion (4.05ha) adjacent to the existing Bellway residential development known as The Limes.
- 2.2 The outline masterplan identifies a housing density of 25-40 dwellings per hectare and shows the existing sports pitches, pavilion and Sports and Social club retained in the far eastern portion of the site with a series of public open space (incorporating some balancing ponds) stretching through the development to the Manston Lane in the northwest corner of the site. A series of connected streets are identified and a neighbourhood retail facility is proposed fronting Manston Lane. Building heights are proposed to be primarily 2-2.5 storeys. However, at key entrance points and view terminators it is proposed to increase heights to a maximum of four storeys.
- 2.3 6ha of public open space is proposed (inclusive of the ponds) that will also include a Locally Equipped Area of Play (LEAP) i.e. a defined children's play space.
- 2.4 The layout of the 100 houses, for which full details have been provided, links to both the existing housing development, The Limes, and the network of streets identified on the masterplan layout relating to the outline component. The detailed layout includes a mix of dwellings ranging from 1 bed to 5 bed houses at a density of 25 dwelling per hectare. Detailed drawings of the proposed houses indicate a traditional appearance/design and a total of 250 parking spaces are proposed (including garages).
- 2.5 15% of the dwellings within the detailed proposal are shown as affordable to accord with Council policy.
- 2.6 As part of this redevelopment scheme it is also proposed to extract coal from the site. This is subject to a separate application currently under consideration by the Minerals Team.

3.0 SITE AND SURROUNDINGS:

- 3.1 The development site is situated on the eastern fringe of Cross Gates, which is to the east of Leeds City Centre. The site is currently occupied by a large industrial unit and several smaller properties. All of these units were associated with the Vickers Tank Factory that ceased operations in 1999. The site is currently vacant, with the exception of some minor storage, although it benefits from storage and distribution use granted permission in 2002. The site includes extensive areas of hard-surfacing, a tank test track and surface car parks. To the north-east of the site there is a currently a Sports and Social club, pavilion and playing pitches that are all intended to remain.
- 3.2 A tree belt partly demarcates the northern boundary with Manston Lane. The land falls away by approximately 2m from Manston Lane to the factory car park. The

western most fifth of the original site has been portioned off for redevelopment by Bellway Homes. The residential development is phased with that permitted pre Manston Lane Link Road (MLLR) nearing completion. A non-definitive bridleway is situated along the north-eastern/eastern boundary.

- 3.3 Ben Bailey Homes are currently on site on land to the north of Manston Lane on the former Optare site. This development is also phased pending construction of the MLLR. The land use along Manston Lane to the east of the Optare site is primarily commercial/industrial in character. However, the former Richmond Ice Cream factory to the immediate east has recently closed. In addition to the residential properties being constructed adjacent to the western boundary and at the Optare site, there are a small number of established dwellings to the north (of Manston Lane) and east. The Manston Lane Farm complex is also located to the north of Manston Lane, and includes a grade II listed Dovecote, with a public right of way located to the eastern boundary running north (Leeds 116). The grade II listed Lazencroft Farmhouse is situated further on to the east.
- 3.4 The Leeds-York railway line runs along the southern boundary of the application site with Thorpe Park and 'Green Park' beyond.

4.0 RELEVANT PLANNING HISTORY:

Application Site

- 4.1 14/02521/FU: Site remediation works including extraction of coal, pending decision.
- 4.2 11/02315/RM: Reserved Matters Application for 129 houses and 19 flats on the adjacent site to the west. Approved on 02.12.2011.
- 4.3 09/04999/OT: Outline application for residential (C3), employment (B1c), health centre (D1), foodstore (A1), ancillary uses (A1/A2/A3/A4), community building (A4/D2), associated car parking, landscaping and infrastructure. No decision and it is expected this application will now be withdrawn following receipt of the new hybrid application.
- 4.4 08/03440/OT: Outline application for partial redevelopment of the former Vickers tank factory for residential development. Approved on 16.03.2009.
- 4.5 32/147/05/FU: Residential development involving 110 dwelling houses and 78 flats to former tank factory site. Refused on 02.05.2007 on highways capacity grounds.
- 4.6 32/374/01/FU: Change of use of former tank factory to B8 (storage and distribution). Approved on 26.07.2002.

Nearby sites

- 4.7 12/03888/FU and 12/05382/FU: Detailed Applications for the MLLR (East - West Route). Approved on 28.10.2013.

4.8 08/00298/OT and 13/00288/RM: Approval of 192 dwellings on the former Optare site to the northern side of Manston Lane.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Discussions regarding the future use and development of this major site have been on-going for a number of years since the Vickers factory ceased operating, as indicated by the applications referenced above.

5.2 The former East Panel received a position statement regarding the redevelopment of the site under the 2009 application (09/04999/OT) for mixed uses in February 2010. At that time delivery of the residential component was closely linked to the delivery of the MLLR. As there was no certainty regarding the delivery of the MLLR or how any contribution towards its construction might impact on the S106 offer the application did not progress and it has remained undetermined pending the submission of this current application.

5.3 More recently the City Plans Panel received a pre-application presentation regarding the current proposals in February 2014. An extract of the minutes of that Panel relating to the proposed residential development is copied below and considered further in the appraisal at section 10 of this report.

5.4 *Members raised the following issues:*
the traffic situation in Cross Gates which was described as 'dire'; the limitations put on traffic movements by a Planning Inspector, ahead of the MLLR being delivered and the desire of the applicant to build 100 homes before any traffic improvements had been implemented

- *the difficulty of persuading local people about the early delivery of housing on the site, although an agreed timetable for the bridge and the road could help in this respect*
- *that an attempt to take on board some of the new principles around house types, design and space was commendable*
- *the need for further details to be provided on the measures to protect residential amenity and minimise environmental pollution during the coal extraction and construction processes*
- *that the challenges faced by the developer were understood but that equally the concerns of local residents had to be taken account of.*

In response to the specific questions raised in the report, Members provided the following responses:

- *that Members were supportive of the principle of the remediation of the site and its development for housing*
- *to note Members' concerns about highway capacity and the knock-on effect of this regarding safety*
- *that it was too early in the process to comment on the layout of the proposals on the detailed layout and illustrative masterplan*
- *that regarding the affordable housing provision of 15% on site in a mix of dwelling sizes, to note this level was in line with the current interim policy, but that this could change.*

In terms of the mix of dwellings the Chief Planning Officer referred to the Housing Needs Analysis in the Draft Core Strategy and that Members often requested a proportion of accommodation for older people, which could generate less traffic, which might be a consideration for the first phase of the scheme. Some concerns were raised at this, with the suggestion being made that bungalows might be more suitable

The Chief Planning Officer also referred to the issue of the Social Club and the playing fields on the site and suggested that these matters could be considered as part of the wider S106 requirements

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by way of site notices on 16/5/14 and in the YEP on 21/5/14. A significant number of letters of objection and some letters of support continue to be received. The letters of objection primarily state that the development of the site for housing should not take place until the MLLR has been opened.

7.0 CONSULTATIONS RESPONSES:

- 7.1 The majority of the consultations are still outstanding, those received to date are referenced below.
- 7.2 West Yorkshire Combined Authority (formerly Metro): Further consideration regarding the improvement to public transport in the area is required and the restriction of housing development pre-MLLR. New bus shelters will be required and the offer of funding Metrocards is welcomed.
- 7.3 Contaminated land: Further information is being sought.
- 7.4 Travelwise: Minor changes to the Travel Plan are required.
- 7.5 Coal Authority: No objection subject to a condition requiring the remediation and site investigation works as proposed.
- 7.6 Flood Risk Management: No objection subject to a condition requiring full surface water drainage details.
- 7.7 Public Transport Contribution Officer: £532,112 (£1,097 per dwelling) is sought.
- 7.8 Public Rights of Way: No claimed or public rights of way are directly affected but connections to existing PROW should be supported.
- 7.9 Environment Agency: No objection subject to conditions.

8.0 PLANNING POLICIES:

8.1 Development Plan

8.2 The statutory development plan includes the adopted Leeds Unitary Development Plan Review 2006 (UDPR) which is supplemented by relevant supplementary planning guidance and documents. The site is unallocated within the UDPR. Policies which are relevant are as follows:

SA1: Secure the highest possible quality of environment.

GP5 all relevant planning considerations

GP7 planning obligations

GP11 sustainability

GP12 sustainability

H4: Residential development.

H9: Housing mix.

H11-H13: Affordable Housing.

N2: Greenspace

N4: Greenspace

N12: Relates to urban design and layout.

N13: New buildings should be of a high quality design and have regard to the character and appearance of their surroundings.

N25: Seeks to ensure boundary treatments are designed in a positive manner.

N39A: Relates to sustainable drainage systems.

N51: New development should wherever possible enhance existing wildlife habitats.

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

T2C: Requires major schemes to be accompanied by a Travel Plan.

T2D: Relates to developer contributions towards public transport accessibility.

T5: Relates to pedestrian and cycle provision.

T24: Parking guidelines.

BD2: The design of new buildings should enhance views, vistas and skylines.

BD5: The design of new buildings should give regard to both their own amenity and that of their surroundings.

LD1: Relates to detailed guidance on landscape schemes.

E7: Loss of employment land.

S9: Retail development not in a designated centre.

8.3 The statutory development plan also includes the Natural Resources and Waste Development Plan Document (2013): Developments should consider the location of redundant mine shafts and the extraction of coal prior to construction.

8.4 Relevant Supplementary Planning Guidance

8.5 Supplementary Planning Document: "Street Design Guide".
Supplementary Planning Document: Public Transport Improvements and Developer Contributions.
Supplementary Planning Document: Travel Plans.
Supplementary Planning Document: Designing for Community Safety – A Residential Guide
Supplementary Planning Guidance "Neighbourhoods for Living".
Supplementary Planning Guidance "Affordable Housing" – Target of 15% affordable housing requirement.

Supplementary Planning Document – Sustainable Design and Construction
“Building for Tomorrow, Today”

Supplementary Planning Guidance 4 – Greenspace Relating to New Housing
Development

Supplementary Planning Guidance 11 – Section 106 Contributions for School
Provision

8.6 National Planning Guidance

8.7 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. Regeneration of brownfield sites and the delivery of sustainable housing are at the heart of this guidance.

8.8 Emerging Policy

8.9 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector was appointed. Examination commenced in October 2013 and the Inspector’s main modifications were published 13th March 2014. Further hearing sessions were held (13th and 14th May) concerning Policy H5 (Affordable Housing and Policy), Policy H7 (Accommodation for Gypsies, Travellers and Travelling Showpeople), updates in relation to the NNP and the housing step up. A further six weeks public consultation started on 16th June to deal with modifications not previously dealt with.

7.8 Significant weight can now be attached to the Draft Core Strategy as amended by the main modifications. The key policies relevant to this application are outlined below.

- General Policy: The Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework;
- Spatial Policy 1: Location of development - to deliver the spatial development strategy based on the Leeds settlement hierarchy;
- Spatial Policy 4: Regeneration priority programme areas. Priority will be given to developments that improve ... access to employment and skills development, enhance green infrastructure and greenspace, upgrade the local business environment...;
- Spatial Policy 13: Strategic green infrastructure;
- Policy P7: Retail development outside designated centres.;
- Policy P8: The creation of new centres.

- Policy P10: New development for buildings and spaces, and alterations to existing, should ... provide good design that is appropriate to its location, scale and function; protect amenity including privacy, noise, air quality...;
- Policy P12: The character, quality and biodiversity of Leeds' townscapes and landscapes, including their historical and cultural significance, will be conserved and enhanced to protect their distinctiveness through stewardship and the planning process;
- Policy T2: New development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility;
- Policy G8: Protection of important species and habitats;
- Policy EN5: Managing flood risk;
- Policy EN7: Proven mineral resources of surface coal will be protected from sterilisation by the designation.

9.0 MAIN ISSUES

- Background.
- Principle of development.
- Highways.
- Design/layout/landscaping.
- Affordable housing/housing mix.

10.0 APPRAISAL

Background

- 10.1 Tank manufacturing by Vickers ceased at the site in 1999 when the use was transferred to its sister site in Newcastle Upon Tyne. Following closure of the site, planning permission for a change of use to storage and distribution (Class B8) was granted in July 2002 and included a Section 106 Agreement which restricted vehicle trips to 2400 movements within a 24hour period (of which up to 35% could be HGV's). Since the relocation of Vickers the site has been used by a number of relatively low key uses and currently provides some industrial storage space in a small section of the main building.
- 10.2 In March 2005, a detailed planning application for residential development was submitted on the site (The Limes) to the west of the existing application site. This application, in conjunction with another outline application for residential development on the Optare site (ref: 06/06511/OT) was eventually refused planning permission in May 2007 and April 2007 respectively due to highway capacity issues. Both decisions were appealed and a joint public inquiry was scheduled for March 2008.
- 10.3 The public inquiry was adjourned and to avoid it re-opening, revised applications were submitted (ref: 08/03440/OT) and on the Optare site (ref: 08/00298/OT) to share highway capacity and by phasing the developments. These applications were approved subject to restrictions that limited the delivery of the number of residential units prior to the opening of the MLLR. Both developments are currently under construction and many units are now occupied.

- 10.4 In addition to the above, officers are mindful of the changing nature of this part of Manston Lane. To date, the general travel of direction has seen the closure of a number of industrial/commercial uses and their replacement with housing. Obviously these changes have made an important contribution towards the Council's overall housing numbers but this has been at the expense of local employment land even if the actual loss of jobs to date has been minimal. A balance therefore needs to be struck in terms of balancing these competing requirements as it is likely other sites may also come forward. Officers are currently working on proposals for how the wider area might be developed taking into consideration the current application for housing and will update Members on this as part of the overall presentation.

Principle of Development

- 10.5 The site is an unallocated brownfield site that has the ability to significantly contribute to the Council's housing delivery. Whereas the site was previously a major employer in the area and still benefits from a B8 use, there is very limited employment currently in place at the site with only a small proportion of the site being used to store engineering products. In light of the current use of the site in addition to the employment opportunities available nearby including on the northern side of Manston Lane and as part of the recently approved mix of uses permitted at Thorpe Park it is not considered that the loss of this particular site from its current employment use would be significantly detrimental to the availability of employment opportunities. Therefore subject to the specific planning considerations outlined below the principle of development for housing is considered acceptable. Members were also supportive of the principle of redeveloping the site for housing at the February 2014 pre-application presentation.
- 10.6 The proposals also include a neighbourhood retail centre of up to 500sq m. As the site is not within a designated centre, the proposal is subject to a Sequential Test to examine if other designated centres within a 5 minute drive-time can accommodate the proposed uses. The applicant's Sequential Test has been assessed and does not identify any sequentially preferable sites. Even if there were, it is considered they would not be suitable as the proposed retail uses are intended to act as a neighbourhood facility for this and the other permitted residential developments along Manston Lane. Policy P7 of the Core Strategy permits the creation of new centres serving local neighbourhoods and whereas the proposal does not strictly accord with this policy, due to the size and mix of units suggested indicatively, it is within the spirit of the policy and subject to conditions that prevent any large units and there to be at least 3 units to prevent the introduction of a large destination retail unit, officers consider the proposed retail component can be accepted.
- 10.7 Are Members still supportive of the principle of redeveloping this site for housing with ancillary retail?**

Highways (see additional highways report for a detailed analysis)

- 10.8 One of the key issues relating to the redevelopment of this site for housing is the impact on the already busy local highway network, particularly in and around Cross Gates centre. Once the MLLR is constructed and open it is anticipated the pressure on the existing streets (particularly from HGV's) to the west of the site and

at Cross Gate centre is expected to be significantly relieved as there will be a more direct route to the M1. However, until the MLLR is constructed the highways impact needs careful consideration. The MLLR is currently planned to be opened in late 2016.

- 10.9 Previous legal agreements and conditions relating to the development of this and other sites on Manston Lane restrict the number of houses that can be constructed/occupied until the MLLR is opened. The applicant proposes to construct 100 houses prior to the MLLR and the supporting documents submitted with the application state delivery of these houses is achieved by 'trading' the vehicle movements expected for the residential development with those permitted under the existing storage and distribution use (i.e. the theoretical fall-back position). Highways officers are examining the implications of the development including an assessment of how highway conditions in the area have changed following the closure of some of the original industrial uses and their replacement with residential developments. An additional report to Members will therefore be provided.
- 10.10 In terms of more site specific highway issues, the residential development would be directly accessed from Manston Lane but also links into the existing residential development, The Limes. There is a connected highway network identified on the masterplan and detailed layout. The general acceptability of the proposed access points and detailed/indicative layouts are also being examined closely by highways officers.
- 10.11 Subject to the detail contained within the additional highways report, are Members comfortable with the principle of trading the vehicle trips associated with the current lawful use of the site for residential trips for the 100 houses proposed to be delivered pre-MLLR?**

Design/layout/landscaping

- 10.12 The general layout of the full application is supported as this is a well-connected development that links to both the existing residential development under construction and the proposed masterplan. The design of individual houses is to be closely examined by design officers but incorporates a range of traditionally designed Bellway homes that have been accepted elsewhere in the city and are considered acceptable in principle in this instance. The density of 25 dwellings per hectare is considered appropriate and ensures a good spatial setting.
- 10.13 The masterplan for the outline portion of the proposals is also a well-connected layout that links back to Manston Lane. The dwellings are proposed at a higher density of between 25 and 40 dwellings per hectare. Public open spaces are proposed within and through the site and include the provision of a LEAP.
- 10.14 Many of the trees along the southern boundary adjacent to the railway line and along Manston Lane are proposed to be removed. However, most of these trees are considered to be of reasonable health and offer significant amenity value when viewed from both within and outside of the site. Officers believe most of the trees along the boundaries with Manston Lane and the railway could and should be retained. It is also considered that the largest of public open spaces within the site

should be relocated to the Manston Lane boundary to complement the existing trees and provide a new, attractive strategic public space that is fully accessible and links into other greenspaces that might come forward as part of other redevelopment opportunities to the north.

- 10.15 Officers have already raised some of these issues/concerns with the applicant and have also been working up options on how the application site might link into further developments along the Manston Lane corridor going forward. The applicant's initial response is that retention of trees and the relocation of the public open space would run counter to the ecology and drainage strategy that has been developed and requires a series of linked green spaces to be provided. The trees along the southern boundary are also in an area where the coal is at its deepest therefore the retention of these trees would significantly impact on the viability of the scheme. Officers are continuing to discuss these options with the applicant.
- 10.16 The existing sport pitches are to be retained along with the sport pavilion and sports and social club. No coal removal is proposed under these elements and accordingly it is not proposed to directly alter/improve the sports pitches or associated facilities. The applicant is however keen to hand ownership of these facilities to the existing sports and social club and allow them to manage them. Officers are currently considering these general proposals and what any greenspace contribution could potentially be spent on. Any improvements to existing facilities would however need to secure public access.
- 10.17 The scale of the dwellings would generally be 2-2.5 storeys. However, a maximum height parameter of four-storeys has been indicated at some of the key junctions and viewpoints including around the commercial centre. The residential properties in the area are currently limited to no more than three-storeys.
- 10.18 What are Members thoughts regarding the proposed layout, retention of trees and potential change in the location of the large public open space within the outline masterplan?**
- 10.19 Are Members keen to see improvements to the playing pitches, pavilion and/or sports club via any greenspace contribution secured?**
- 10.20 Do Members consider the higher density proposed for the outline area to be appropriate and should the maximum height parameter be restricted to three-storeys rather than four as currently advanced?**

Affordable housing/housing mix

- 10.21 The applicant proposes 15% on site affordable housing in accordance with current and draft policy. Current policy requires the 15% affordable housing to be split 40/60 social rented/submarket. The affordable housing will be constructed to the same standards as the open market housing and officers will ensure it is pepper potted across the site.
- 10.22 The housing mix of the outline element is not set at this stage but the detailed element proposes a mix of 2, 3, 4 and 5 bedroom houses. Such a mix is generally supported but at the preapplication presentation the potential for sheltered housing

and/or bungalows was raised by Members as being desirable. Similar comments were also made about the 2009 redevelopment proposals. This issue is being explored further with the applicant and housing officers and further information will be provided verbally at Panel.

10.23 Subject to further updates at Panel, do Members have any comment regarding the proposed housing mix?

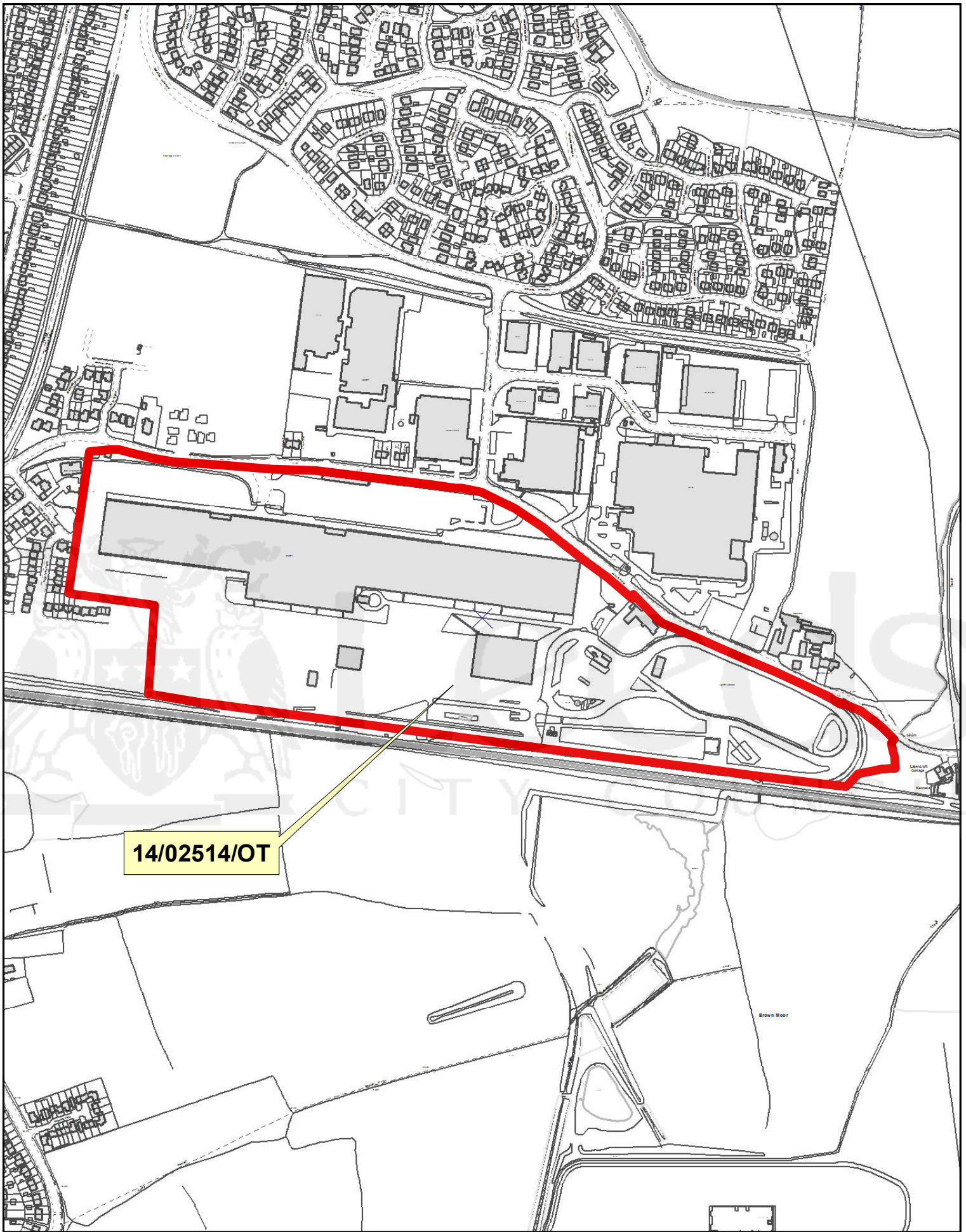
11.0 CONCLUSION

11.1 Members are asked to note the content of the report and invited to provide feedback on the questions highlighted and any other issues.

12.0 BACKGROUND PAPERS

12.1 Application file 12/02514/OT and history file 09/04999/OT.

12.2 Certificate of Ownership signed by the agent on behalf of the applicant.



14/02514/OT

CITY PLANS PANEL



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Originator: Jade Corcoran

Tel: 0113 222 4409

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 26th June 2014

Subject: **POSITION STATEMENT: 14/02521/FU - Site remediation works (including prior extraction of coal, demolition of existing buildings, removal of hard standing, mine shafts and other below ground structures and reinstatement of ground) at the former Vickers Factory, Manston Lane, Leeds 15.**

APPLICANT

Bellway Homes Ltd (Yorkshire Div) and Zurich Assurance

Electoral Wards Affected:

Crossgates & Whinmoor

Yes Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: For Members to note the contents of the report and to provide feedback on the questions raised in section 10.

1.0 INTRODUCTION:

1.1 This position statement is intended to inform Members of the current position in relation to this remediation proposal, which includes the demolition of buildings, removal of contamination and hard standing, extraction of coal and removal of below ground structures, that supports a separate application concerning housing development (14/02514/OT). The scheme has been previously presented to Members of City Plans Panel of the 13th February 2014 at the pre-application stage.

2.0 PROPOSAL:

- 2.1 Site investigations have revealed that the Middleton Main coal seam underlies roughly 60% of the site at a shallow depth with an average seam thickness of 1.8m. Previous coal mining of the area has resulted in voids in the seam causing potential land stability issues. Remediation of the site must involve stabilisation works in addition to demolition, breaking up of the concrete and treating areas of contamination. The applicant proposes to stabilise the site by removing the coal, mine shafts and other below ground structures. The cuts would then be backfilled to their original levels with material arising from the site.
- 2.2 The re-development of the site requires demolition of existing buildings and treatment of contaminated areas. Application 14/02514/OT is the current re-development proposal for the site, which would have to deliver a remediation scheme if the coal was not to be extracted. The different remediation options are discussed in the Principle and Highways and Access sections of this report.
- 2.3 The site area measures approximately 20.2ha, which includes an area of trees on the northern boundary and the Barnsbow Sports and Social Club that are not subject of the site remediation works. The remediation operation covers an area of 16.94ha and involves demolishing existing modern single storey industrial buildings; 11.6ha of which would be excavated as part of the prior extraction of coal. The applicant anticipates that the demolition and clearing of the buildings would take approximately 14 weeks.
- 2.4 The Method Statement sets out that the area underlain by the Middleton Main would be remediated in one continuous phase. The extraction and ground stabilisation is proposed to take place in the form of box cuts (measuring approximately 25m) moving from west to east across the site during week 4. Groundwater and surface water has to be settled prior to discharge. To facilitate the development of the water treatment lagoons (located to the east of the site over cuts 30-33) prior extraction of cuts 30-33 would be completed first (in week 2). Once the coal is removed each box would be filled with the extracted overburden material (subsoil and other materials which lies over the coal) with a capping layer. The applicant anticipates that there is sufficient fill material on site to reinstate the site levels without the requirement to import material. The backfill material would be laid in 250mm layers and compacted by a vibratory roller. Once a small number of cuts are filled settlement monitoring would begin immediately, which is expected to be undisturbed by continuing extraction operations.
- 2.5 The coal is expected to be removed at a rate of 3,000 tonnes per week, which equates to 20 loads being removed per day and 40 HGV trips. In other words, rounding this up, three-two way trips per hour is anticipated. The applicant is proposing to limit the delivery of coal from the site to 7.30am-4.00pm Monday to Friday.
- 2.6 Extraction works would be limited by a 5m stand-off from the boundary of the permitted housing development to the west; approximately a 20m stand-off from Network Rail's operations in the south; and, no further north than the existing northern perimeter of the tank factory. The applicant is proposing to create a 3-10m high bund along the northern boundary from the overburden materials to provide a visual and acoustic screen. Close boarded wooden fencing/bund to be erected to a height of 4 metres along the western boundary and to a height of 3 metres along the northwest boundary.

- 2.7 Phase 1 of works incorporates site establishment, demolition of buildings, breaking up of hard standing, establishment of lagoons, treating contaminated areas and prior extraction. This is anticipated to take approximately 46 weeks. Phase 2 accounts for breaking up of the remaining concrete, treating contaminated areas, turning over of made ground, screening where necessary and re-compaction and demobilisation of the site. The applicant estimates this would take approximately 6 weeks. Therefore, in total, the remediation proposal should take approximately 1 year.

3.0 SITE AND SURROUNDINGS:

- 3.1 The development site is situated on the eastern fringe of Cross Gates, which is to the east of Leeds City Centre. The site is not identified/ allocated for a particular use in the Unitary Development Plan. A large industrial unit and several smaller properties currently occupy the site, which were associated with the Vickers Tank Factory. The majority of the site is currently vacant with the exception of a company using an area of the large industrial building for overflow storage. In 2002, permission was granted for a storage and distribution use. The site includes extensive areas of hard-surfacing, a tank test track and car parks. To the north-east of the site there is a currently a Sports and Social club that is intended to remain.
- 3.2 A tree belt partly demarcates the northern boundary with Manston Lane. The land falls away by approximately 2m from Manston Lane to the factory car park. The western most fifth of the original site was previously portioned off to Bellway Homes. A residential development is currently under construction there, known as The Limes. A non-definitive bridleway is situated along the north-eastern/eastern boundary.
- 3.3 Ben Bailey Homes are currently developing the land to the north of Manston Lane on the former Optare site. The land use immediately to the east of the Optare site (north of Manston Lane) is commercial in character. In addition to the residential properties being constructed adjacent to the western boundary and at the Optare site, there are a small number of established dwellings to the north (of Manston Lane) and east. The Manston Lane Farm complex is located to the north of Manston Lane, which includes a grade II listed Dovecote, with a public right of way located to the eastern boundary running north (Leeds 116). Grade II listed Lazencroft Farmhouse is situated further on to the east.
- 3.4 The Leeds-York railway line runs along the southern boundary of the application site with Thorpe Park and 'Green Park' beyond.

4.0 HISTORY OF NEGOTIATIONS AND RELEVANT PLANNING HISTORY:

- 4.1 14/02514/OT: Hybrid application for outline application for up to 385 dwellings, retail development, associated site access, landscaping and site works; full application for 100 dwellings including site access, public open space and landscaping. Under consideration.
- 4.2 PREAPP/14/00080: Demolition of existing buildings, extraction of coal and construction of residential development.
- 4.3 12/05382/FU: Detailed Application for the Manston Lane Link Road (East - West Route). Approved on 28.10.2013

- 4.4 11/02315/RM: Reserved Matters Application for 129 houses and 19 flats. Approved on 02.12.2011
- 4.5 09/04999/OT: Outline application for residential (C3), employment (B1c), health centre (D1), foodstore (A1), ancillary uses (A1/A2/A3/A4), community building (A4/D2), associated car parking, landscaping and infrastructure. Pending decision. It is intended that this application would be withdrawn following the submission of the new hybrid residential application.
- 4.6 08/03440/OT: Outline application for partial redevelopment of the former Vickers tank factory for residential development. Approved on 16.03.2009
- 4.7 32/147/05/FU: Residential development involving 110 dwelling houses and 78 flats to former tank factory site. Refused on 02.05.2007.
- 4.8 32/374/01/FU: Change of use of former tank factory to B8 (storage and distribution). Approved on 26.07.2002

5.0 PUBLIC/LOCAL RESPONSE

- 5.1 The application was advertised via site notice on the 16th May 2014 and in the Yorkshire Evening Post on the 29th May 2014. Correspondence from Cross Gates Watch Residents Association, 31 letters/emails of representation and 1 petition with 31 signatures from the Crossgates Art Group have been received. A standardised letter has been produced for members of the community to reproduce and sign; 248 copies of this have been received. The views expressed within the correspondence received can be summarised as the following:
- The applicant has not provided a strong argument for the removal of coal.
 - The extraction of coal would generate an unacceptable increase in traffic through the already congested centre of Crossgates and generating more pollution and hazards for the local community. Austhorpe Road can, at times, be completely gridlocked with a mixture of local residential and business traffic, Long's Haulage lorries, public transport buses and construction traffic from the new housing developments. The congestion appears to be getting worse, as families move into the newly constructed houses from Bellway and Ben Bailey. Furthermore, Austhorpe Road has one of the highest accident rates in West Yorkshire. Therefore, development should not commence until the Manston Lane Link Road (MLLR) is constructed.
 - The Vickers site is next to an operational railway line, from which a feasible direct freight train route from Cross Gates to Drax is available. A connection to the national network existed at this location until the 1980s (to service the former tank factory). If the planning committee are minded to allow removal of the coal by road, then the ONLY route acceptable would be by the MLRR to M1 junction 46, to junction 47, thence to the A1 avoiding the residential areas of Cross Gates, Colton and Garforth.
 - Converting one zebra crossing into a pelican/toucan is not adequate. The provision for cyclists travelling in this area is already inadequate and having extra-large trucks on the road will make it even more dangerous.

- The traffic lights at the intersection of Austhorpe Road and the Ring Road are timed in such a way that when on green only a few cars get through the intersection. Having extra-large vehicles on the road would make this worse and causing delay for those trying to gain access from side streets onto Austhorpe Road.
- Coal should not be extracted from this site as this is unnecessary, and totally unacceptable in the middle of a residential area. This opinion would be further strengthened if the extraction process involved the use of explosives.
- This proposal clearly is not environmentally acceptable (noise, dust and litter), practicable and feasible (in the sense of the economic and social benefits being markedly in excess of the economic and social costs) and we cannot see what the community benefits will be. No argument has been made for any community benefits.
- Demolition and the ground work would introduce further noise nuisance to local residents. The use of acoustic fencing is not effective.
- Remediation Strategy Method Statement sets out the heavy plant which will need to be brought in for the excavation process, including a 50-tonne dump truck and an 86-tonne excavator. It is possible some of the equipment would brought in and out of the site as and when needed. Machinery being brought in via Austhorpe Road, as well as the removal of the coal via Austhorpe Road is strongly objected to.
- Once the MLLR is in place, the remediation scheme should reinstate existing ground levels and be conditioned appropriately to ensure this is the case to avoid problems for new residents.
- Starting work at 0730 within a residential area is early and working till 1800 equates to a long day that residents would have to suffer from dust and so on. Would the developer be seeking to work bank holiday weekends? The predicted duration of the coal extraction is also too long and likely to exceed these optimistic timescales.
- The movement of HGV's is proposed to be between 7:30am and 4pm on work days only. However, what hours would other vehicles associated with the development work to?
- Strict conditions must be in place to control noise and dust pollution for residents in the immediate vicinity.
- Austhorpe Road carries a major gas main and the level of heavy traffic has frequently caused damage to this.
- The consultation leaflet was misleading as it was not clear to the extent of the proposed remediation work. Also, the event was held on a winters evening at a time when people would be picking children up from school, coming home from work and was not held in an accessible venue.

5.2 One letter of support has been received, which can be summarised as the following:

- The restriction on new houses prior to the Link Road should not restrict preparation works.

The amount of traffic produced by coal extraction would not be significant. At the moment SCD have heavy-lift low-loaders accessing the site, which will cease once the site is closed-down.

- Crossgates congestion is made difficult with the allowance of parking & the installation of the second Zebra crossing.

6.0 CONSULTATION RESPONSES

6.1 Statutory

- *Coal Authority*: The Coal Authority encourages and supports this planning application, which is seeking to work coal in environmentally and socially acceptable ways to meet the market requirements. The site remediation works will also ensure that the risks of land instability associated with past shallow coal mining activities are removed to enable the site to be safely redeveloped in the future.
- *Environment Agency*: No objection subject to further information concerning water quality and conditions.
- *Highways*: The Highway Authority is still considering the application and the proposed mitigation. Officers in Transport Development Services are liaising with colleagues in the Traffic and Roads Safety sections.
- *Network Rail*: No objection in principle.

6.2 Non-Statutory

- *Conservation*: No objection.
- *English Heritage*: No objection. The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- *Environmental Health*: Further information required concerning the noise assessment and the potential from odour from decontamination practices on site. Conditions should cover noise monitoring, lighting, operational hours, odour prevention and a statement of construction practice.
- *Flood Risk Management*: No objection, subject to plan HRM1026/301 confirming the discharge rate off site shall be of 40l/second.
- *Landscape*: Awaiting comments.
- *Land Contamination*: No objection. Further information is sought but this relates to the housing application.
- *Local Plans*: In principle, there are no policy objections to the remediation and prior removal of coal from this site.
- *Nature Team*: No objection, subject to condition.
- *Public Health*: No objection.
- *Public Health England*: No objection.
- *West Yorkshire Archaeology Advisory Service*: The heritage statement details the history of the former tank factory. This establishes that there is little of archaeological significance within the boundary of the application site and, in this instance, the WYAAS feel that no further research or archaeological recording is necessary.
- *Yorkshire Water*: No objection.

7.0 PLANNING POLICIES:

7.1 The introduction of the National Planning Policy Framework (NPPF) has not changed the legal requirement that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. All policies outlined below are considered to align fully with the NPPF.

7.2 The proposals will be considered in the context of both national planning policy and the Development Plan. At the time of writing, the development plan currently comprises the adopted Leeds Unitary Development Plan (Review 2006) (UDP), policies as saved by directions of the Secretary of State, dated September 2007 and June 2009, the Natural Resources and Waste Local Plan, along with relevant supplementary planning guidance and documents and any material guidance contained in the emerging Local Development Framework (LDF).

7.3 Leeds Unitary Development Plan Review 2006:

- GP5: General planning considerations.
- GP7: Use of planning obligations.
- GP9: Community Involvement
- GP11/GP12: Sustainable development.
- N23/N25/N26: Landscape design and boundary treatment.
- N29: Archaeology.
- N39a: Sustainable drainage.
- N49: Protection of the districts wildlife.
- E7 Loss of employment land.

7.4 Natural Resources and Waste Local Plan: Adopted January 2013

- General Policy 1: Presumption in favour of sustainable development.
- Minerals 3: Mineral safeguarding areas – surface coal extraction
- Minerals 9: Detailed considerations concerning the application, highway safety and amenity considerations.
- Minerals 10: Restoration scheme
- Water 6: Flood risk assessments
- Water 7: Surface water run-off
- Land 1: Contaminated land
- Land 2: Development and preservation of trees

7.5 Supplementary Planning Guidance / Documents:

- SPD Street Design Guide (adopted).

National Planning Policy Framework:

7.6 The National Planning Policy Framework (NPPF) includes policy guidance on sustainable development, economic growth, transport, design, enhancing the natural and historic environment, minerals extraction and climate change.

The Framework advocates a presumption in favour of sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places. However, this should be achieved through encouraging effective use of land (including not sterilising mineral resources) with high quality design and a good standard of amenity for all existing and future occupants.

Core Strategy

7.7 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector was appointed. Examination commenced in October 2013 and the Inspector's main modifications were published 13th March 2014. Further hearing sessions were held (13th and 14th May) concerning Policy H5 (Affordable Housing and Policy), Policy H7 (Accommodation for Gypsies, Travellers and Travelling Showpeople), updates in relation to the NNP and the housing step up. A further six weeks public consultation is due to start on 16th June to deal with modifications not previously dealt with.

7.8 Significant weight can now be attached to the Draft Core Strategy as amended by the main modifications.

- General Policy: The Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework;
- Spatial Policy 1: Location of development - to deliver the spatial development strategy based on the Leeds settlement hierarchy;
- Spatial Policy 4: Regeneration priority programme areas. Priority will be given to developments that improve ... access to employment and skills development, enhance green infrastructure and greenspace, upgrade the local business environment...;
- Spatial Policy 13: Strategic green infrastructure;
- Policy P10: Design. New development for buildings and spaces, and alterations to existing, should ... provide good design that is appropriate to its location, scale and function; protect amenity including privacy, noise, air quality...;
- Policy P12: The character, quality and biodiversity of Leeds' townscapes and landscapes, including their historical and cultural significance, will be conserved and enhanced to protect their distinctiveness through stewardship and the planning process;
- Policy T2: New development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility;
- Policy G8: Protection of important species and habitats;
- Policy EN5: Managing flood risk;
- Policy EN7: Proven mineral resources of surface coal will be protected from sterilisation by the designation.

8.0 ISSUES TO CONSIDER

Principle of development

- 8.1 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. The Government outlines 12 core principles, within paragraph 17 of the NPPF, that should underpin planning and decision making. This includes proactively driving and supporting economic development to deliver thriving local places that the country needs and encouraging the effective use of land by reusing land that has been previously developed.
- 8.2 Section 11 of the NPPF sets out ways to conserve and enhance the natural environment. Paragraph 111 strongly encourages Local Planning Authorities to promote the re-use of previously developed land through decision making. Furthermore, the NPPF outlines that Minerals are essential to support sustainable economic growth. Minerals are a finite natural resource that can only be worked where they are found so it is important to make best use of them. For this reason, the NPPF requires the Local Planning Authority (LPA) to encourage prior extraction of minerals if it is necessary for non-mineral development to take place if it can be achieved in an environmentally friendly manner or can be made so by planning conditions or obligations. Recent advice given by the Coal Authority suggests that small scale, short term recovery operations by opencast methods are possible on small sites within heavily developed areas through utilising best practices methods and appropriate planning conditions.
- 8.3 The Core Strategy recognises the importance of coal resources and ensures their protection through Policy EN7. The full extent of the surface coal field in Leeds has been identified as the Coal Mineral Safeguarding Area. These areas have been identified to protect proven deposits of coal from developments that could jeopardise future working.
- 8.4 The Natural Resources and Waste Local Plan (NRWLP) policy Minerals 3 requires that the opportunity to recover any coal present at the site has been considered. There is a presumption in favour of extracting any coal from a site unless the applicant can demonstrate (i) it is not economically viable to do so; (ii) not environmentally sustainable; (iii) the need of the development outweighs the need to extract the coal; or, (iv) the coal would not be sterilised by the proposal.
- 8.5 As outlined above, the previous mining of the site has created land instability issues. The land can be stabilised by either drilling/grouting or recovery of the remaining coal, removal of voids and replacement of excavated materials. This process will also locate and remove buried structures and contamination hotspots. The grouting option has been discounted as it would sterilise the mineral resource, is uneconomic and would require approximately 24 months to complete with approximately 14000 vehicle trips.
- 8.6 **Do members agree that this approach to remediation makes better use of resources?**

Highway and Access

- 8.7 The re-development of the site requires demolition of existing buildings and treatment of contaminated areas.

Application 14/02514/OT is the current re-development proposal for the site, which would have to include a remediation scheme if the coal was not to be extracted. As previously outlined, there are voids in the coal seam under the site and mineshafts are present resulting in potential land instability, which will require stabilisation. Given these issues, remediation would be required by either grouting or extraction of the Coal Seam. The supporting information outlines that grouting (when compared to removal of the coal seam) would take longer; generate more HGV movements (circa 14,000 trips); result in a greater noise/dust issues as the majority of the activity takes place above ground; require cement and other material to be imported onto the site; and, be in conflict with national and Leeds City Council Planning Policy.

- 8.8 The site would be accessed via Manston Lane as per the existing arrangement. The coal is expected to be removed at a rate of 3,000 tonnes per week and would be taken from the site Monday to Friday between the hours of 0730 and 1600. This equates to 20 loads being removed per day and 40 HGV trips. Similar vehicles will also be utilised during the demolition of the existing buildings on site, although it is envisaged that these will be limited to two trips per day over a twelve week period. The excavation and compaction works would take roughly 52 weeks.

- 8.9 An assessment has been undertaken of the possible routes from the site to the M1 and onwards to the Drax Power Station. Three of the four routes have been discounted due to weight restrictions, traffic calming measures and education facilities being located along the routes. The chosen route consists of Manston Lane, Austhorpe Road and A6120, which is the shortest available and does not contain the aforementioned constraints.

- 8.10 The applicant is proposing to focus upon the potential for conflict with vulnerable road users, considering the route of the HGVs. There are a number of zebra crossings on Austhorpe Road which appear to be regularly used. The busiest one of these is outside Crossgates Shopping Centre, so it is proposed to upgrade this facility to a pelican/toucan crossing to provide a safer environment for pedestrians in this busy shopping area. This mitigation is being considered, and further measures are being explored by officers.

- 8.11 Given the presence of Leeds/Selby rail line to the south of the site, the applicant was asked to consider the possibility of transporting the coal by rail to Drax Power Station. However, using the rail link was discounted as network rail required 500 metres of sidings as the two tracks would be needed to allow the engine to turn around. This area would then need grouting to stabilise it which would result in more HGV movements on the network in connection with the delivery of pfa/cement to site. The construction of the sidings would impact upon the general railway timetable as trains approaching and leaving Crossgates Station past the site would be on “go-slow” for safety reasons. Lastly, the lead-in time would be onerous as it would be necessary to liaise with Network Rail to agree the scope of the works required and then to design and implement them.

- 8.12 The AM peak period has been identified within the transport statement as 07:30 – 08:30. The estimated first departures from the site would be in this peak hour. However, the current B8 use (storage and distribution) could also result in similar HGV movements at this time. The assertion within the transport statement is that four

or five extra HGV vehicle movements at this time when compared against overall background flows are considered to be negligible. The staffing levels at the site will vary between 17 and 25 people at any one time depending upon the nature of the remediation processes underway.

- 8.13 The traffic implications of the proposal, along with those associated with the phased housing development, and the relationship with the delivery of the Manston Lane Link Road (MLLR) are currently being considered by officers. The outcome of this assessment process will be the subject of a supplementary report. Once this information is presented, the full consequences of the proposal on traffic movements will be able to be assessed.
- 8.14 Members may wish to ask the applicant about the practicality of phasing the removal of the entire buildings but limiting the concrete removal, decontamination and coal extraction initial to the much smaller area subject to the full housing application. When the MLLR is built the operation would then extend to the whole site. This would have the benefit of reducing the number of lorry movements and their impact on the amenity of local residents.
- 8.15 **Are Member satisfied that coal extraction is the least intensive way of remediating the site?**
- 8.16 **Would Members consider a phased programme for extracting the coal underneath the proposed 100 houses only, prior to the MLLR being constructed, a suitable alternative?**

Environmental Considerations

- 8.17 The demolition works, removal of hard standing and extraction may introduce additional noise and dust. The extraction process may also incur vibrations. Local planning policy Minerals 9 requires that the applicant demonstrates that harm to amenity would not be introduced by the proposed development.

Noise

- 8.18 The National Planning Practice Guidance (NPPG) advises that LPAs should consider whether or not the noise from a proposal would give rise to significant adverse effects, give rise to an adverse effect or enable a good standard of amenity to be achieved. The NPPG also outlined that the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). A higher daytime noise limit (of up to 70dB(A) LAeq 1h (free field)) is outlined within the same document as being acceptable for temporary operations. Operations are only considered temporary if they do not occur for a greater length of time than eight weeks.
- 8.19 Baseline noise surveys were conducted on the 17th December 2013. Monitoring locations were selected to be representative of the closest sensitive receptors surrounding the development. The ambient noise level at the northwestern boundary, which is considered to represent No.10 Ethel Jackson Road, The Cottage and Chrisann, was 59 LAeq,2hr. The eastern boundary has been chosen to represent the noise climate at noise sensitive locations No.1 Manston Cottage and Lazencroft Cottage; the ambient noise level was calculated to be 61 LAeq,2hr. Survey work undertaken at the south-western boundary is considered to represent Phase 1 of the Bellway Homes development and the ambient noise level has been calculated to be 54 LAeq,2hr.

- 8.20 The noise assessment has made predictions based on the plant working at the closest point to the nearest sensitive receptor and with proposed mitigation measures being in place. A maximum predicted noise level is made for each of the sensitive receptors. The predicted worst case noise levels from coal extraction and re-compaction operations exceeds 55 dB LAeq,1h criterion (considered within the NPPG as an upper limit for mineral extraction operations) in two locations by approximately 1 dB(A) and 3 dB(A). However, within 2 weeks the works would have moved sufficiently away from these properties that the noise level would be within the standard limit of 55 dB(A) if not lower. The technical guidance within the NPPF advises that temporary operations amount to activities such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance. Therefore, the majority of the works would fall within the temporary allowance of 70 dB(A).
- 8.21 Large variations in traffic flow numbers are needed before any noticeable change in traffic noise levels occur. The noise assessment considers that a noise level changes of 3 dB(A) would be barely perceptible under normal conditions. Predicted basic noise levels for the surrounding road network indicate that, when comparing the predicted road traffic noise levels in the baseline year (2015) against the proposed number of HGV movements attributable to the development, changes in noise levels would be less than 1 dB(A) for all roads. According to the Design Manual for Roads and Bridges, changes in noise levels of this magnitude would be 'negligible'.

Dust

- 8.22 The generation of and dispersal of dust is highly dependent upon the weather conditions prevalent at the time. Dry windy days have the highest potential for dust dispersal and the risk of dust deposition at a particular location is determined by the frequency of these dry winds blowing towards them from a dust generating activity. Dust nuisance in the community is normally perceived as a deposit on surfaces such as washing, window ledges, paintwork and other light coloured horizontal surfaces, e.g. car roofs. Within the area around the site, the existing deposited dust levels are influenced by road traffic, industrial and agricultural activity. In the UK and Europe there are no definitive standards for deposited particulates. However, in the UK, long term dust nuisance criteria have been suggested for urban areas at, typically 200 mg/m²/day, averaged over a monthly period.
- 8.23 The closest dust sensitive locations to the site are residential properties to the west, north and east of the site. The dust assessment identifies that these properties will be subject to up to thirty five dry windy working days per annum, when the wind is blowing from the west north west to the west south west at sufficient strength to carry coarse particles. However, when conditions for dry windy working days occur, best practice techniques would be employed to prevent dust leaving the site boundary. In the event of a failure of dust mitigation measures, for example in extreme weather conditions, the dust generating activity shall be temporarily suspended, until appropriate dust mitigation is implemented or until a change in weather condition occurs. These measures would be supported through planning conditions if members were minded to approve the application.

Vibration

- 8.24 Vibration can be generated within the ground by a dynamic source of sufficient energy. It will be composed of various wave types of differing characteristics and significance collectively known as seismic waves. These seismic waves will spread radially from the vibration source decaying rapidly as distance increases.

The operation of the vibratory compactor will generate localised vibration in close proximity to the operational equipment. Therefore, the levels of vibration have been considered at the closest vibration sensitive receptors.

- 8.25 British Standard 7385 states that there is little possibility of fatigue damage occurring in residential building structures due to vibration. All research and previous work undertaken has indicated that any vibration induced damage will occur immediately if the damage threshold has been exceeded and that there is no evidence of long term effects.
- 8.26 The levels of ground vibration were monitored using instruments which were sited at between 2 and 20 metres from the operational compactor in order to establish the rate of vibration decay from the operation. Analysis of the vibration data allows for the operation of the vibratory compactor up to 12 metres from the façade of residential property in order to comply with the recommended vibration criterion of 7.5 mms-1 for vibration sources of a continuous nature from BS 5228: Part 2 2009 and BS 7385 Part 2:1992. If vibratory compaction activities are required within a 12 metre stand off, the vibration report recommends alternative equipment should be used, and vibration levels monitored, to ensure compliance with the criterion of 7.5 mms-1.
- 8.27 At the closest of residential properties, on the Bellway Homes Development, when working at the closest approach within the cut a most likely vibration level of 3.0 mms-1 and a maximum likely vibration level of 5.6 mms-1 is predicted. The maximum likely vibration at The Cottage, Chrisann, 1 Manston House and Lazencroft Cottage are predicted to be 0.9 mms-1, 0.9 mms-1, 0.7 mms-1 and 0.5 mms-1 respectively. In all instances the predicted vibration levels are below the relevant criteria of BS 5228: Part 2 2009 and BS 7385 Part 2:1992 and hence safe for adjacent property.
- 8.28 **Do Members have any comments on the levels of noise and dust and their potential impact residential amenity?**

Visual Amenity

- 8.29 The demolition and extractions works would alter the visual appearance of the area. However, the bund proposed along the northern boundary (approximately 10m high) and the existing trees would help to screen views from Manston Lane into the site. In addition, there is a drop in levels from the highway down to the existing car park and much of the coal extraction works would be below current ground level. A bund and an acoustic fence (measuring 4m in height) are proposed to the western boundary, which is shared with The Limes housing estate, to primarily reduce any noise impacts but would assist with minimising visual impact on the residents of the new estate. A number of boundary trees are currently proposed to be removed from the southern boundary for operational reasons, which would provide more open views into the site. However, in the longer term views into the site would be of a levelled site ready for redevelopment. Furthermore, the existing context is of large scale commercial buildings.
- 8.30 **Do Members have any comments concerning visual amenity?**

Drainage

- 8.31 The depth of excavation will vary from 3m to over 25m metres in depth, which would mean that the excavations would be below the anticipated ground water levels that are shown as 3m below ground level in the Lithos Site investigation report. The excavations will therefore require dewatering to enable safe excavations.

The method of dealing with this essentially amounts to pumping the water from the lower excavation levels to ground level where it would pass through a series of surface lagoons. This would allow any sediment to settle or treatment of the water to take place prior to discharge into the existing surface water systems. The outflow from the lagoon will be limited to the agreed discharge.

8.32 Extreme rainfall events that may occur during these works will be managed using an intercepting bund will be formed along the southern boundary of the site. This will catch run-off from the site and direct it into the main excavation and water treatment area. The water treatment areas would also be bunded with a sufficient freeboard to accept additional waters during extreme rainfall periods. In addition, the main excavation area could also act as principal storage during extreme rainfall events. During extreme rainfall events, pumping from the excavation areas will be suspended until conditions stabilise.

8.33 **Do Members have any comments concerning drainage?**

Ecology and Landscape

Ecology

8.34 There are no national or international statutory designated sites within 2km of the site boundary. However, there are a number of Leeds Natural Areas, and a single Site of Ecological or Geological Importance (SEGI), located within the 2km search area. The SEGI is known as Barnbow Common and located 500m to the north-east of the site. This large site comprises an extensive area of grassland and is considered to be of high ornithological value supporting many regularly breeding species including grasshopper warbler, whitethroat, turtle dove, hawfinch and skylark. Cock Beck flows across the site supporting some of the species.

8.35 The phased coal extraction and construction phases would, without mitigation, have the potential to result in the pollution or siltation of the watercourse, which currently runs under the site. Pollution/siltation may, if unchecked, result in impacts upon the aquatic and emergent vegetation of the watercourse and the adjoining Cock Beck, which flows through Barnbow Common SEGI. However, measures would be put in place during the development of the site to ensure that no pollution or silt is allowed to discharge into the watercourse.

8.36 The submitted Phase 1 Habitat, Bat and Bird Survey Results and Mitigation Strategy identified that Great Crested Newts (GCNs) were found within a waterbody (waterbody 10) to the south-east of the site (just beyond the railway line) during the 2013 surveys. A population assessment revealed a total of two adult GCNs over the six survey visits. Prior to works beginning on site, further survey work would be undertaken (in 2014) and the necessary license applied for from Natural England. If Members are minded to approve the application, the LPA could request a copy of this license to be provided.

8.37 No evidence of badger activity was found within the site boundary during the 2009, 2013 or 2014 surveys. However, outside the site boundary and adjacent to Waterbody 10, badger footprints were recorded in the soft mud in 2013. It is likely that badgers may use this area for foraging although no snuffle holes were found.

8.38 The majority of the buildings on site have negligible bat roost potential and their loss will have no significant impact on the small local bat population, which uses the site. The outbuilding to the south of the site has a low bat roost potential and single Common Pipistrelle bat was seen to enter the building for approximately 20 seconds

during the dusk survey. Owing to the single sighting of a bat using the building, the distribution of bat droppings and low level of bat activity recorded across the site in general it is considered highly unlikely that this, or any other building on the site, supports a roost. Immediately prior to the demolition commencing the building will be thoroughly inspected by a suitably licensed ecologist.

- 8.39 Despite the lack of roosting opportunities within the trees on site, the linear features present (eg tree lines) provide valuable linkages between potential roost sites within the off-site residential properties and the surrounding farmland. Only a very low number of Common Pipistrelle bats were observed, all commuting along the railway line. On two separate occasions up to two Common Pipistrelles were observed feeding off-site over Waterbody 10. Prior to the site clearance a total of nine bat boxes will be erected on trees that are to be retained along the southern boundary of the site. The bat boxes would be erected in groups of three to provide a variety of habitats. Lighting during the coal extraction and development work on the site will be kept to a minimum with all lighting being directional down lighting and no lights being directed towards the railway corridor or tree lines along the southern boundary of the site.
- 8.40 There are a number of measures proposed in the report that are long-term and so would be delivered as part of the residential use of the site i.e. plans for a number of ponds and other landscaping at the eastern end of the site.

Landscaping

- 8.41 As previously outlined, the northern boundary is demarcated by a significant tree line that offers a high level of visual amenity value. This is also the case for the trees positioned along the southern boundary. The remediation proposal currently incorporates the removal of two trees from the Manston Lane frontage and a group of trees to the south-west. The trees to the south-west are considered to be important in providing a strong buffer to the railway line and to the proposed public park (Green Park) to the south providing an important green boundary to the future park. The belt has high amenity value and has been given high Category B status in the submitted tree report. Therefore, it is considered that these trees should be retained and enhanced.

- 8.42 **Do Members have any comments concerning ecology and landscape?**

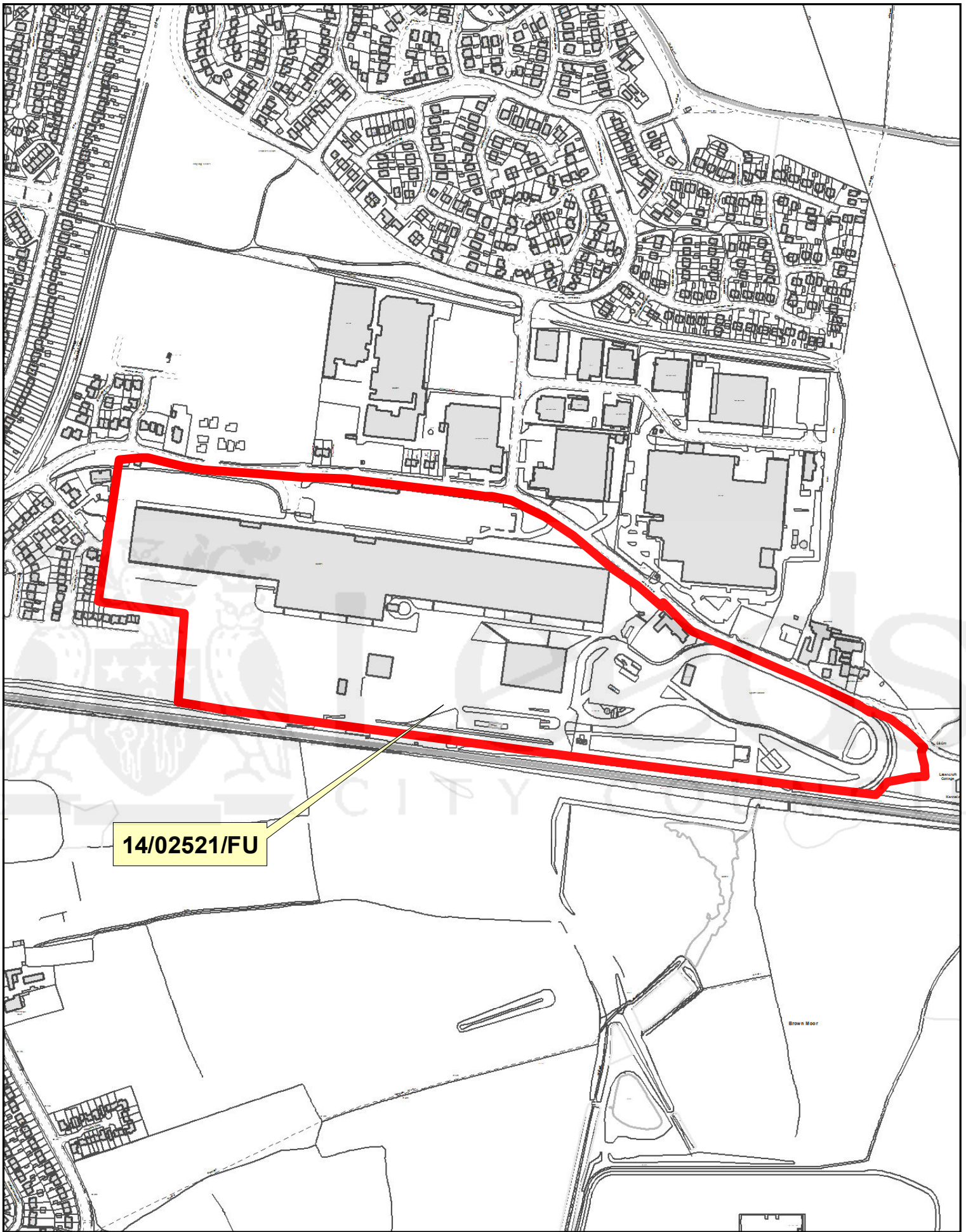
Planning obligations

- 8.43 A community benefit fund – 25 pence per ton of coal extracted is currently being offered to fund local community projects. In the past other coal extraction projects have attracted larger sums, such as 45 pence per ton. However, the value of coal on the open market has dropped in this time.
- 8.44 In the past, community benefits funds have been arranged in a manner that allows local community groups to apply to the LPA for money to support a particular local project. However, these funds have been associated with a larger overall pot of money due to the amount of coal being extracted. In relative terms, 140,000 tons of coal being extracted is a small project. Members may wish to consider if it would be appropriate to fund or contribute to a small number of community based projects in their Ward?
- 8.45 **Do Members consider the amount being offered per ton suitable?**
- 8.46 **Would it be appropriate to use the monies for community based projects?**

9.0 CONCLUSION

9.1 Members are asked to note the contents of the report and the presentation and are invited to provide feedback on the questions and issues outlined above, summarised below:

- 1. Do members agree that this approach to remediation makes better use of resources?**
- 2. Are Member satisfied that coal extraction is the least intensive way of remediating the site?**
- 3. Would Members consider a phased programme for extracting the coal underneath the proposed 100 houses only, prior to the MLLR being constructed, a suitable alternative?**
- 4. Do Members have any comments concerning residential amenity?**
- 5. Do Members have any comments concerning visual amenity?**
- 6. Do Members have any comments concerning drainage?**
- 7. Do Members have any comments concerning ecology and landscape?**
- 8. Do Members consider the amount being offered per ton suitable?**
- 9. Would it be appropriate to use the monies for community based projects?**
- 10. Are there any other comments that Members wish to make?**



14/02521/FU

CITY PLANS PANEL



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Originator: Sarah McMahon

Tel: 2478171

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 26 JUNE 2014

Subject: PREAPP/14/00510 - PRE-APPLICATION PRESENTATION OF PROPOSALS FOR A REDESIGNED MULTI STOREY CAR PARK, SURFACE CAR PARKING AND LANDSCAPING AT LAND BOUND BY EASTGATE, ST PETERS STREET AND GEORGE STREET/DYER STREET, LEEDS.

Electoral Wards Affected:

City & Hunslet

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

For Members to note the content of the report and presentation and to provide any comments on the proposals.

1.0 INTRODUCTION:

- 1.1 This presentation is intended to inform Members of the emerging proposals for the redesign of the approved multi storey car park to be positioned adjacent to the proposed John Lewis department store within Phase 1 of the Victoria Gate scheme. Members will recall approving application 13/02968/FU at Plans Panel on 26 September 2013, which involved the demolition of Millgarth Police Station, the development of an 8 level Multi storey car park (MSCP) with split-level decks comprising up to 815 spaces, and the relocation of the protected New Generation Transport (NGT) route from its current alignment along Millgarth Street to a new route running north-south through the centre of the site of the Multi Storey Car Park.
- 1.2 The current proposal is brought to City Plans Panel as the development involves the redesign of the multi storey car park, changing its massing and footprint, and the introduction of surface car parking and landscaped edges.

2.0 SITE AND SURROUNDINGS

- 2.1 The site is to the south eastern end of the wider Victoria Gate development demise and currently houses Millgarth Police Station. This is a 1970s red brick building, which has housed the Police services here since 1976. The culverted Lady Beck runs north to south under the site. The areas around the building are all currently hard surfaced with either vehicular carriageway or pedestrian footways. The proposed New Generation Transport trolley bus route would run across the site following the line of the culverted beck.

3.0 PROPOSALS

- 3.1 The proposals are to remodel the approved multi storey car park to remove the split deck arrangements and create simpler floor plates. This would result in a reduced east-west spread in the building's footprint to bring it largely behind the line of the NGT route. As a result the proposal would increase in width (north-south) across the site and increase in height. To the eastern side of the NGT route, which is still to pass over the culverted Lady Beck, it is proposed to lay out surface car parking with soft landscaping. The proposed car parking would provide replacement short stay car parking for that lost on the Union Street car park for Phase 1 of the Victoria Gate development thereby providing car parking for the Victoria Gate business, as well the nearby Kirkgate Market, Quarry Hill and the Playhouse, the Grand Theatre and Arcade amongst others.

4.0 PLANNING HISTORY AND CONSULTATION

- 4.1 The original outline planning permission for the previous Victoria Gate development scheme (06/03333/OT) was granted consent on 24th August 2007 and permission was extended on 9 July 2010 (10/01477/EXT). Subsequently a revised scheme was submitted under outline planning application 11/0100/OT for major redevelopment, including demolition, involving mixed use to provide retail stores, restaurants, bars and offices (A1, A2, A3, A4, A5 and B1 Use Classes), gym (D2 Use Class), medical centre, crèche, multi-faith prayer room (D1 Use Classes), changing places toilet facilities, with new squares and public realm, landscaping, car parking and associated highway works. This was approved on 6 September 2011. A Non Material Amendment planning reference 12/9/00055/MOD to amend the description to refer to leisure use (D2 use class) instead of gym (D2 use class) was approved on 4 April 2012.
- 4.2 A subsequent Section 73, Variation of Condition application, planning reference 12/03002/OT, was submitted seeking the variation of condition 3 of planning permission 11/01000/OT to allow for Leisure Use (D2 use class) and Casino Use (sui generis) as part of a retail-led mixed use development. This application was approved on 30 October 2012. A Non Material Amendment planning reference 12/9/00098/MOD to amend the description to add in Casino Use (Sui Generis) was also submitted in parallel to the Variation of Condition application (12/03002/OT) and this was approved on 2 October 2012.
- 4.3 Approval was granted for a trio of applications covering Phase 1 of the Victoria Gate development to the south side of Eastgate, on 9 January 2014. These applications were for:
1. 13/02967/FU - Major mixed-use, retail-led development including the demolition of all buildings and construction of retail (use classes A1, A2, A3, A4, A5), leisure (use class D2)/casino (sui generis), public realm works and landscaping,
 2. 13/02968/FU - Demolition of Millgarth Police Station and the erection of a multi-

storey car park and associated landscaping, means of access and highway works and

3. 13/02969/RM - Reserved matters approval for Plot HQ1 (to be occupied by John Lewis) of the outline planning permission, at Land Bound by Eastgate, George Street and Millgarth Street, Leeds, LS2.

4.4 Discussions regarding the current scheme commenced in April 2014 and have been undertaken with Officers to consider the reduced footprint and increased height, relationship to the culverted beck and to the NGT route, principal of surface car parking and extent of hard and soft landscape elements.

4.5 Ward Members were consulted formally on 4 June 2014. No responses received to date.

5.0 POLICY

5.1 National Planning Policy Framework (NPPF)

5.2 The National Planning Policy Framework 2012 (NPPF) was adopted in March 2012 and sets out the Government's planning policies and how they expect them to be applied. This national planning policy document is likely to be of relevance in considering the schemes proposed progression. The NPPF advocates a presumption in favour of sustainable development, and a "centres first" approach to main town centre uses such as retail. The document also promotes economic growth in order to create jobs and prosperity

5.3 Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and paragraph 14 goes on to state that there should be a presumption in favour of sustainable development.

5.4 The 8th principle listed states that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value

5.5 Paragraph 23 of the NPPF states that planning policies should be positive and promote competitive town centres.

5.6 Paragraphs 56 and 57 of the NPPF state that good design is a key aspect of sustainable development, is indivisible from good planning and contributes positively to making better places for people., and that design should be of a high quality and inclusive.

5.7 Unitary Development Plan Review

5.8 The UDPR includes policies requiring that matters such as good urban design principles, sustainability, flood risk, highways and transportation issues, public realm, landscaping, and access for all are addressed through the planning application process. The application site lies within the designated City Centre. Relevant policies include:

5.9 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 (Amenity and new buildings)

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

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

Policy GP5 (Development control considerations, including highways, to be resolved)

Policy GP11 (development must meet sustainable design principles)

Policy LD1 (identifies requirements for landscape schemes)

Policy N12 (Urban building design)

Policy N13 (Design of all new buildings)

Policy N25 (Boundaries of sites to be designed in a positive manner)

Policy T2 (New development not to create or add to highway problems)

Policy T5 (requires safe and secure access for pedestrians and cyclists)

Policy T6 (requires satisfactory access and provision for disabled people)

Policy T7A (identifies cycle parking guidelines)

Policy T7B (identifies motorcycle parking guidelines)

Policy T13 (protects Supertram/NGT routes)

Policy T15 (measures giving priority to bus movements will be supported)

Policy T24 (identifies parking requirements within UDPR Volume 2)

Policy T24A (Refers to presumption against off site long stay parking)

Policy T26 (Presumption in favour of car parks in the core parking policy area for short stay users unless there is insufficient demand)

Policy T28 (manages the growth of long-stay commuter car parking)

Policy CCP2(i) (Non commuter parking will generally be acceptable; a planning condition will preclude use before 0930 hours)

Proposal Area 15 - Kirkgate Markets Area

The Statement identifies the area as the most important remaining area for retail expansion in the city centre. It suggests that the area presents an exciting opportunity for quality shopping on a substantial scale. The retail development should relate to the established shopping core to the west of Vicar Lane and it is identified as a key stepping stone to surrounding proposals areas such as Templar Street. Any development should complement the markets. The statement also recognises the opportunity for leisure use, restaurants, and offices as part of a range of uses that would add to the life and vitality of the city throughout the day.

5.10 **Draft Core Strategy (DCS)**

5.11 The draft Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State. The Inspector examined the Strategy during October 2013. The weight to be attached is limited where representations have been made.

5.12 Policy P10 requires new development to be based on a thorough contextual

analysis to provide good design appropriate to its scale and function, delivering high quality innovative design. Development should protect and enhance locally important buildings, skylines and views.

5.13 Policy T1: Transport Management states that support will be given to the following management priorities:

(iii) Parking policies controlling the use and supply of car parking across the city:

a) To ensure adequate parking for shoppers and visitors to support the health and vitality of the city and town centres.

5.14 **Supplementary guidance**

5.15 Building for Tomorrow Today – Sustainable Design and Construction.

5.16 The Leeds City Centre Urban Design Strategy (September 2000)

The application site falls within the Retail and Entertainment Area (Study Area 2) of the City Centre Design Guide. Pages 78-79 of the Design Guide highlight the aspirations and issues for the area. Some relevant key aspirations are highlighted as follows:

Realise potential for redevelopment of temporary car park areas

Retain and enhance the mixture of new and old buildings

Improve links to other Quarters

Preserve and enhance fine grain

Retain and enhance the existing character of strong street frontages

Preserve and enhance the quality of priority and permeability for the pedestrian

Preserve and enhance views

Provide and enhance spaces

Encourage lively activity and discourage perceived privatisation of shopping streets

Improve clear edges

5.17 Eastgate and Harewood Supplementary Planning Document

The Eastgate and Harewood Supplementary Planning Document (SPD) was adopted in October 2005. The SPD was prepared to supplement the guidance in the adopted UDP for the Eastgate and Harewood Quarter. The SPD provides 12 principles to guide the redevelopment of the Eastgate and Harewood Quarter and those of relevance are:

Enhance the public realm through pedestrianisation or street closures if necessary, and encourage pedestrian linkages from the site to the market, river, Sheepscar, Mabgate, Victoria Quarter and Quarry Hill, integrated into the existing fabric of the city centre.

Restrict access to through traffic using local streets and where possible, integrate the traffic displaced by, and accessing, the development into the improved highway network in recognition of safety and capacity constraints.

Preserve where both practical and appropriate, existing historic assets and their settings.

5.18 **Natural Resources and Waste Local Plan 2013 (NRWLP)**

5.19 One of the strategic objectives of the NRWLP is the efficient use of previously developed land. General Policy 1 is that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

6.0 PROPOSALS:

- 6.1 Due to issues with the split level deck layout of the approved multi storey car park the Developer has reconsidered how the structure could be accommodated on the site. As a result the proposal is now to pull the multi storey car park back behind the line of the culverted beck. This means that the proposal would also be behind the line of the NGT route, except for the area where the route curves round to join Eastgate. The resulting proposal would be of a reduced footprint but would be wider across the adjacent wall of the John Lewis building (as it would sit north-south). In addition, the car park would be increased in height.
- 6.2 The external treatments to the proposed building would remain the same as previously proposed and as such would be the twisted metal anodised aluminum vertical fins, with either metal panels in a lace/knitted woven pattern or perforated panels with an interpretation of the sculptural twist of the fins above at ground floor level. The impact on long and close views of the structure and the other buildings in its context have been considered and the proposed changes are viewed as being acceptable.
- 6.3 **What are Members' thoughts on the redesign of the multi storey car park resulting in a reduced footprint but an increased height?**
- 6.4 The increase in the height of the structure and the change in floor layouts would ensure that not only the required number of spaces could be accommodated, but that the numbers could be increased. As such this would result in some 863 spaces (dropping to 784 when NGT comes forward), an overall maximum increase of 48 spaces from the approved application 13/02968/FU.
- 6.5 **What are Members' thoughts on the increase in parking space numbers?**
- 6.6 Due to the reduced footprint of the multi storey car park a larger area of the site to the east is left undeveloped. The Developer proposes to lay out in the region of 48 surface car parking spaces edged with soft landscaping. Officers are of the view that the surface car parking provision, on a key route into the city, is only acceptable on a temporary basis.
- 6.7 **What are Members' thoughts on the proposal to create surface car parking adjacent to the multi storey car park and should this be provided for a temporary period only?**
- 6.8 **What are Members' thoughts on the access and egress arrangements for the car parks?**
- 6.9 **What are Members' thoughts on the level and nature of the soft landscape elements proposed?**
- 6.10 **Do Members consider that any subsequent application for the proposals can be delegated to Officers for determination?**

7.0 ISSUES:

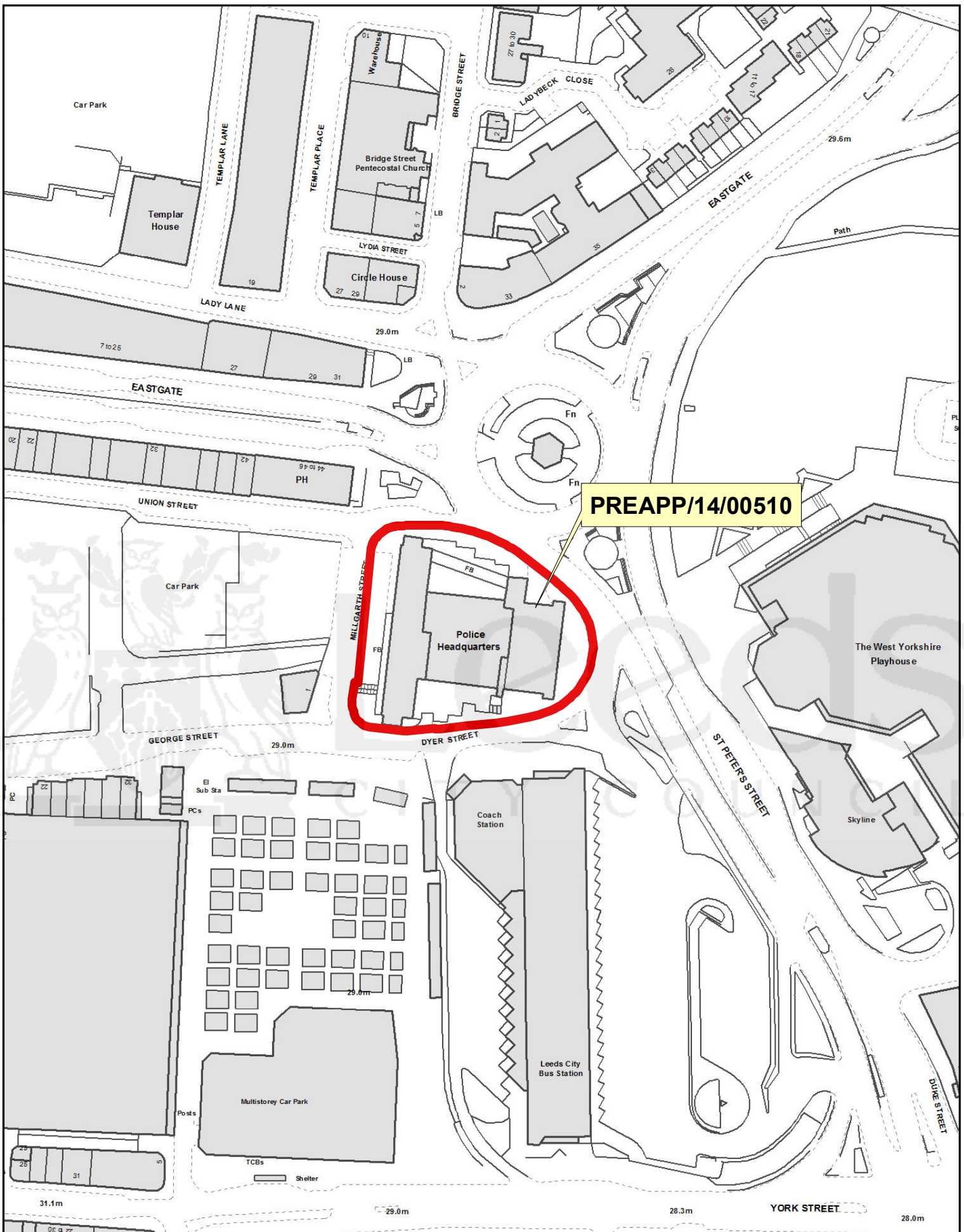
For clarity the above key issues Members are asked to consider and provide feedback are as follows:

- 1. What are Members' thoughts on the redesign of the multi storey car park resulting in a reduced footprint but an increased height?**
- 2. What are Members' thoughts on the increase in parking space numbers?**
- 3. What are Members' thoughts on the proposal to create surface car parking adjacent to the multi storey car park and should this be provided for a temporary period only?**
- 4. What are Members' thoughts on the access and egress arrangements for the car parks?**
- 5. What are Members' thoughts on the level and nature of the soft landscape elements proposed?**
- 6. Do Members consider that any subsequent application for the proposals can be delegated to Officers for determination?**

Background Papers:

PREAPP/14/00510

Planning application 13/02968/FU



CITY PLANS PANEL





Originator: Sarah McMahon

Tel: 2478171

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 26 JUNE 2014

Subject: PREAPP/13/01135 – Proposals to demolish the existing building and to erect a new residential development at St Peters House, Kirkgate, Leeds, LS2 7DJ.

Electoral Wards Affected:

City & Hunslet

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

For Members to note the content of the report and presentation and to provide any comments on the proposals.

1.0 INTRODUCTION:

1.1 The Developers have requested to present this scheme for the redevelopment of St Peters House. It is advised by the Developers that due to significant structural difficulties the previously approved scheme (under planning references 09/03230/FU and 13/00819/FU) would be unviable to bring forward. This previously approved scheme involved the partial demolition of St Peters House, with the remainder refurbished and extended to create new residential units over ground floor offices.

2.0 PROPOSAL:

2.1 The proposal is for the full demolition of St Peters House and the erection of a residential block of a similar scale, orientation and footprint on the site. The block would provide 14 residential dwellings set out as seven 1 bedroomed, six 2 bedroomed and one 3 bedroomed apartments, with ground floor offices.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is a City Centre location set within the Riverside Area, as defined by Leeds Unitary Development Plan Review 2006. Although this proposal affects one building only, a total of three buildings exist on the wider site, St Peters Hall and St Peters House, which are non listed red brick Victorian/Edwardian 4 storey buildings and Chantrell House a non listed red brick 1980s 3-storey office block. St Peters Hall and House provide limited residential (2 flats) and Minster related office accommodation, 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.
- 3.2 The site is within the boundary of the City Centre Conservation Area, adjacent to the Grade I listed St Peters (Leeds Minster) 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:

- 4.1 Approval was granted for a change of use including refurbishment and extensions to St Peters House and St Peters Hall, to form offices and 18 flats and erect part 3 part 4 storey block comprising office and 32 flats, with car parking, on 27 Jun 2012, planning reference 09/03230/FU.
- 4.2 Approval was granted for a Conservation Area application to demolish the existing offices at Chantrell House on 27 Jun 2012, planning reference 09/03280/CA.
- 4.3 Approval was granted for a Listed Building Application for alterations for replacement gate in boundary wall on 27 Jun 2012, planning reference 09/03397/LI.
- 4.4 Approval was granted for a change of use including refurbishment and extensions to 2 church buildings with 2 flats, to form offices and 14 flats and erect 5 storey block comprising office and 21 flats, with car parking - Variation of conditions 21, 33 and 37 of previous approval 09/03230/FU relating to floor levels, windows and approved plans on 8 July 2013, planning reference 13/00819/FU.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The proposal has been subject to detailed preapplication discussions with Officers to consider the proposed uses, the design and materials, scale and massing, and the heritage rich context.
- 5.2 Ward Members were consulted on 30 May 2014. No responses have been received to date.

6.0 POLICY BACKGROUND:

6.1 National Planning Policy Framework (NPPF)

The National Planning Policy Framework 2012 (NPPF) was adopted in March 2012 and sets out the Government's planning policies and how they expect them to be applied.

Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and paragraph 14 goes on to state that there should be a presumption in favour of sustainable development.

Paragraph 17 of the NPPF sets out the Core Planning Principles for plan making and decision taking. The 4th principle listed states that planning should always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 17 of the NPPF sets out the Core Planning Principles for plan making and decision taking. The 10th principle listed states that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Paragraph 60 of the NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes, and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 126 states that it is desirable to sustain and enhance the significance of heritage assets and that new development should make a positive contribution to local character and distinctiveness.

6.2 **Development Plan**

6.3 Leeds Unitary Development Plan Review 2006 (UDPR)

The UDPR includes policies requiring that matters such as good urban design principles, sustainability, flood risk, highways and transportation issues, public realm, landscaping, and access for all are addressed through the planning application process. The application site lies within the designated City Centre as well as being within the defined Riverside Area.

Relevant policies include:

Policy A4 (access for all)

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

Policy BD2 (design and siting of new buildings)

Policy BD3 (accessibility in new buildings)

Policy BD4 (All mechanical plant)

Policy BD5 (All new buildings)

Policy 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 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)

6.4 Leeds Natural Resources and Waste DPD 2013

The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013. The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies regarding coal recovery and drainage will be relevant to this proposal.

6.6 Emerging Policy

6.7 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and the examination took place in October 2013.

6.8 As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made.

The most relevant policies include:

6.9 Spatial Policy 1: Location of Development states that;

(i) The majority of new development should be concentrated within urban areas taking advantage of existing services, high levels of accessibility and priorities for urban regeneration and an appropriate balance of brownfield and greenfield land.

6.10 Policy P10: Design states that:

New development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis to provide good design appropriate to its scale and function.

New development will be expected to deliver high quality innovative design that has evolved, where appropriate, through community consultation and which respects and enhances the variety of existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place, contributing positively towards place making and quality of life and be accessible to all.

Proposals will be supported where they accord with the following key principles;

(i) The size, scale and layout of the development is appropriate to its location and respects the character and quality of the external spaces and the wider locality,

(ii) The development protects the visual and general amenity of the area including useable space, privacy, noise, air quality and satisfactory penetration of daylight and sunlight,

(iii) The development protects and enhance the district's historic assets in particular

existing natural site features, historically and locally important buildings, skylines and views,

(iv) Cycle, waste and recycling storage are integral to the development,

(v) The development creates a safe and secure environment that reduce the opportunities for crime without compromising community cohesion,

(vi) The development is accessible to all users.

6.11 Policy P11: Conservation states that development proposals will be expected to demonstrate a full understanding of historic assets affected. Heritage statements assessing the significance of assets, the impact of proposals and mitigation measures will be required to be submitted by developers to accompany development proposals.

6.12 Policy EN1: Climate Change – Carbon Dioxide Reduction states that; All developments of over 1,000 square metres of floorspace whether new-build or conversion, will be required to:

(i) Reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate until 2016 when all development should Be zero carbon; and,

(ii) Provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.

Carbon dioxide reductions achieved in meeting criteria (i) will contribute to meeting criteria (ii).

7.0 PROPOSALS:

7.1 The Developer has undertaken structural investigations into the existing building to understand what would be required to bring forward the residential and office scheme approved under planning application references 09/03230/FU and 13/00819/FU. As a result they have concluded that to partially demolish the building and rebuild it, with a new section connected to the retained element, would present significant structural and construction difficulties. The Developer advises that the costs of doing such works would result in the scheme being unviable to implement. However the Developer has stated that they remain committed to bringing some form of the scheme forward for this site. To allow them to do so it is now proposed to demolish the existing building in its entirety and replace it with a new building.

7.2 **What are Members' thoughts on the principle of demolition of the existing building and its replacement with a new building?**

7.3 The new building would be of a similar massing and position to that of the existing building. Due to the opportunity to create simpler internal floor layouts, the proposed number of residential units would increase from the previously approved (under planning applications 09/03230/FU and 13/00819/FU) 6 units to 14 units. These would be a mix of one, two and three bedroom apartments as detailed above in paragraph 4.4 above.

7.4 The new build block would be of a contemporary design which would be chosen to compliment rather than compete with the nearby heritage assets within this part of the City Centre Conservation Area. Care will be taken in detailing the proportions of windows, door openings and other elevational elements and the materials would be a simply palette of red brick, high level metal cladding or tiling, and wood.

7.5 What are Members' thoughts on the initial design concepts for the new building in respect of its massing, positioning, appearance and materials within the heritage rich context?

7.6 The proposal approved under the consented applications 09/03230/FU and 13/00819/FU carries the following Section 106 requirements:
The agreement of publicly accessible areas within the landscaped scheme
Provision of onsite affordable housing units in Chantrell House
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 currently proposed scheme would need to reflect these requirements and a further legal agreement would need to be drawn up accordingly.

7.7 Do Members have any comments to make regarding the S106 Legal Agreement requirements?

7.8 Do Members consider that any subsequent application for the proposals can be delegated to Officers for determination?

8.0 ISSUES:

For clarity the above key issues Members are asked to consider and provide feedback are as follows:

1. What are Members' thoughts on the principle of demolition of the existing building and its replacement with a new building?

2. What are Members' thoughts on the initial design concepts for the new building in respect of its massing, positioning, appearance and materials within the heritage rich context?

3. Do Members have any comments to make regarding the S106 Legal Agreement requirements?

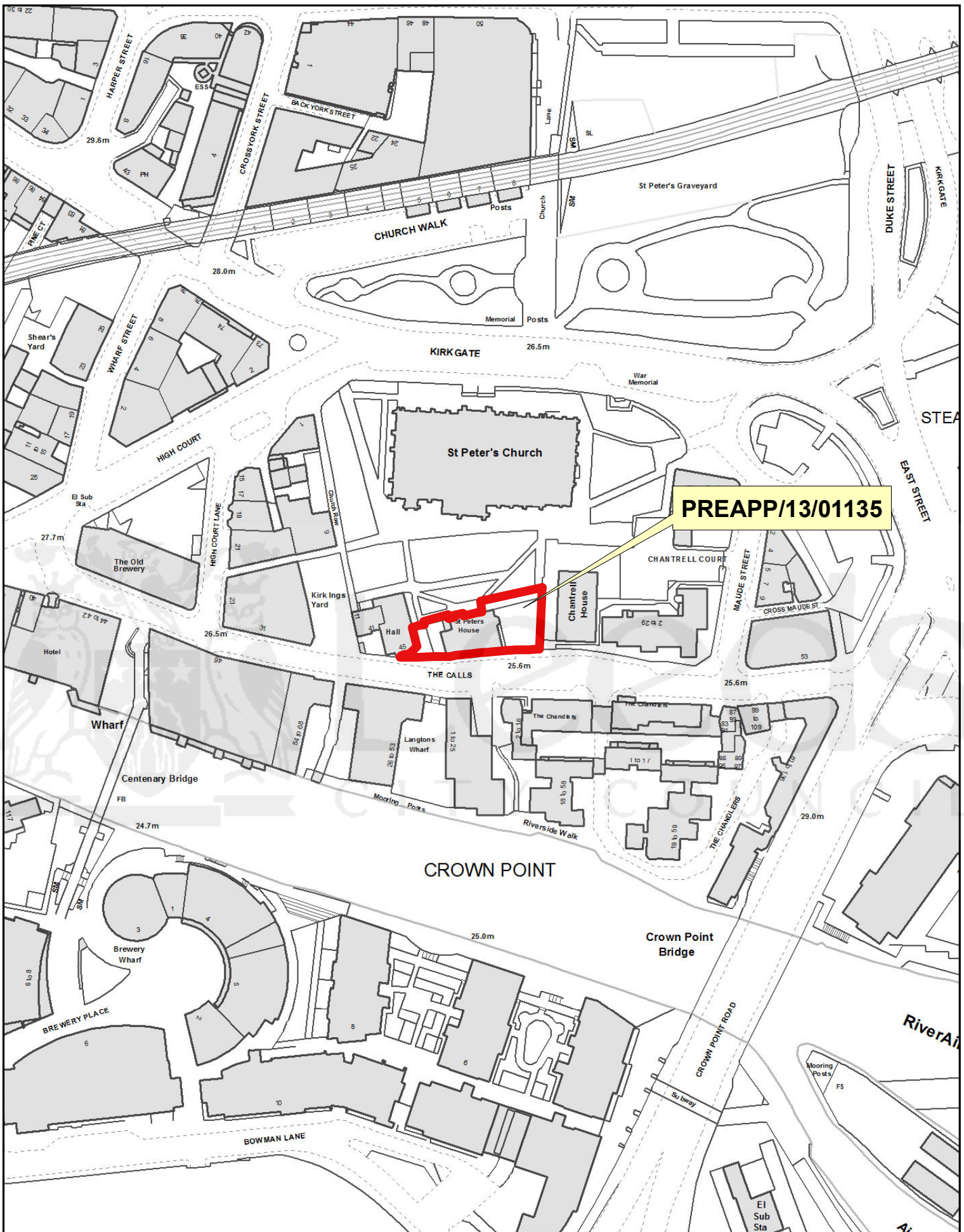
4 Do Members consider that any subsequent application for the proposals can be delegated to Officers for determination?

Background Papers:

PREAPP/13/01135

Planning Application 13/00819/FU

Planning Application 09/03230/FU



CITY PLANS PANEL



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Originator: Tim Hart

Tel: 3952083

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 26th JUNE 2014

Subject: PRE-APPLICATION PRESENTATION OF LIGHTING AND SIGNAGE PROPOSALS FOR LEEDS METROPOLITAN UNIVERSITY, PORTLAND WAY AND WOODHOUSE LANE, LEEDS (PREAPP/14/00448)

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 the scheme to allow Members to consider and comment on the proposals at this stage.

1.0 INTRODUCTION

1.1 This presentation is intended to inform Members of the emerging proposals for the collection of Leeds Metropolitan University (LMU) buildings located close to the junction of Portland Way and Calverley Street. The initial part of the strategy, prior to more substantive physical alterations to the buildings, is to announce the university's new name from September 2014 "Leeds Beckett University" and to unify the buildings through selected illumination of selected elements of the campus buildings.

1.2 The proposal is brought to City Plans Panel due to it being the first element of a series of changes to the buildings and the potential impact of the lighting scheme on the setting of a number of listed buildings and the conservation area.

2.0 SITE AND SURROUNDINGS

2.1 Leeds Metropolitan University city campus comprises 4 interconnected buildings situated to the west of the junction of Woodhouse Lane and Portland Way. The

Portland Building and Calverley Building are 11-storey concrete-framed buildings constructed on a north-west to south-east axis across the site. The Calverley Building is currently being refurbished, including the introduction of new windows throughout the building. The Portland Building, which was overclad in 1999, has a significant blank yorkstone façade fronting Portland Way. Given its height and the elevated position of the campus relative to city centre the rooftop plantroom is highly visible across the city centre. The Leslie Silver Building was constructed at a tangent to these spine buildings incorporating a new entrance onto Woodhouse Lane. The Woodhouse Building comprises a range of buildings, including the student union, dropping down in scale towards the junction of Woodhouse Lane and Portland Way. Trees along the south-eastern edge of the Woodhouse Building are protected by Tree Preservation Order (No.22) 2007.

- 2.2 Buildings immediately to the north-west form part of the Central Village student accommodation developed by Downing. The second phase is due for occupation this autumn. Planning permission was recently granted for Downing's third phase of purpose-built student accommodation to the south-west of the Portland Building and Calverley Building, fronting Calverley Street. Planning permission is also in place for the construction of a hotel at the junction of Calverley Street and Portland Way although there is no current indication of that scheme being built in the near future.
- 2.3 The surrounding area is mainly characterised by institutional and civic uses. The Civic Hall and the LMU Rosebowl building and car park are located to the south of Portland Way. Leeds General Infirmary is situated across Calverley Street to the west and The University of Leeds campus is located directly to the north of the Inner Ring Road. The Dry Dock, public greenspace and the Woodhouse Lane multi-storey car park are situated to the east beyond Woodhouse Lane. Broadcasting Place, which rises to 23 storeys, is located north-east of the campus across Woodhouse Lane and the Inner Ring Road.
- 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 PROPOSALS

- 3.1 The current proposals comprise two elements:
- (i) An internally illuminated sign at high level on the south-east gable of the Portland Building reading "Leeds Beckett University". The size of the individual letters would be approximately 1.5 metres in height. The letters would be illuminated using white LED units with a minimum 50,000 hours lifetime to minimise maintenance requirements. It is intended that the sign will be legible 50-150 metres away. An application for express consent has recently been received for this sign (14/03431/ADV). The University hope to have the sign in place prior to the start of the 2014-15 academic year.
 - (ii) Illumination of selected elements of campus buildings. LED floodlights would be located at lower levels of the buildings to wash light up the facades and fading towards the top. It is currently intended to illuminate the Portland Building gable and the Leslie Silver Building facades. It is also intended to illuminate the Portland Building plantroom, providing a solid or gently changing mix of University corporate colours, but with flexibility to use non-corporate colours to mark special events. At the same time the plant room would be reclad to hide the existing flues which project above the existing

cladding. There is potential for this to be of a simple extension to the existing cladding or to create a more sculptural form.

4.0 POLICY

4.1 Unitary Development Plan Review (UDPR)

4.1.1 The buildings are located within the designated Education Quarter. The main objective of the designation is to facilitate the University's main functional requirements on site, enhance its character and reinforce its distinct sense of place, improve linkages with the rest of the city centre, encourage the provision of extra student housing, and resolve vehicular access and circulation.

4.1.2 Relevant UDPR policies include GP5 (detailed planning considerations to be resolved); N12, CC3 and BD6 identify priorities for urban design; policy T2 states that development should not create or materially add to problems of safety or efficiency on the highway network; and policies BD8 and BD9 refer to the need for signs to be well designed and sensitively located. Policy BD14 states that carefully designed floodlighting schemes will be encouraged.

4.2 Draft Core Strategy (DCS)

4.2.1 The draft Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The Inspector examined the Strategy during October 2013 and the Inspector's Modifications have been consulted on. The weight to be attached is limited where representations have been made.

4.2.2 Spatial Policy 1 states development should respect and enhance local character. Policy P10 requires new development, including alterations, to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design. Development should protect and enhance locally important buildings, skylines and views. Policy P11 states that the historic environment, including its setting, will be conserved.

4.3 National Planning Policy Framework (NPPF)

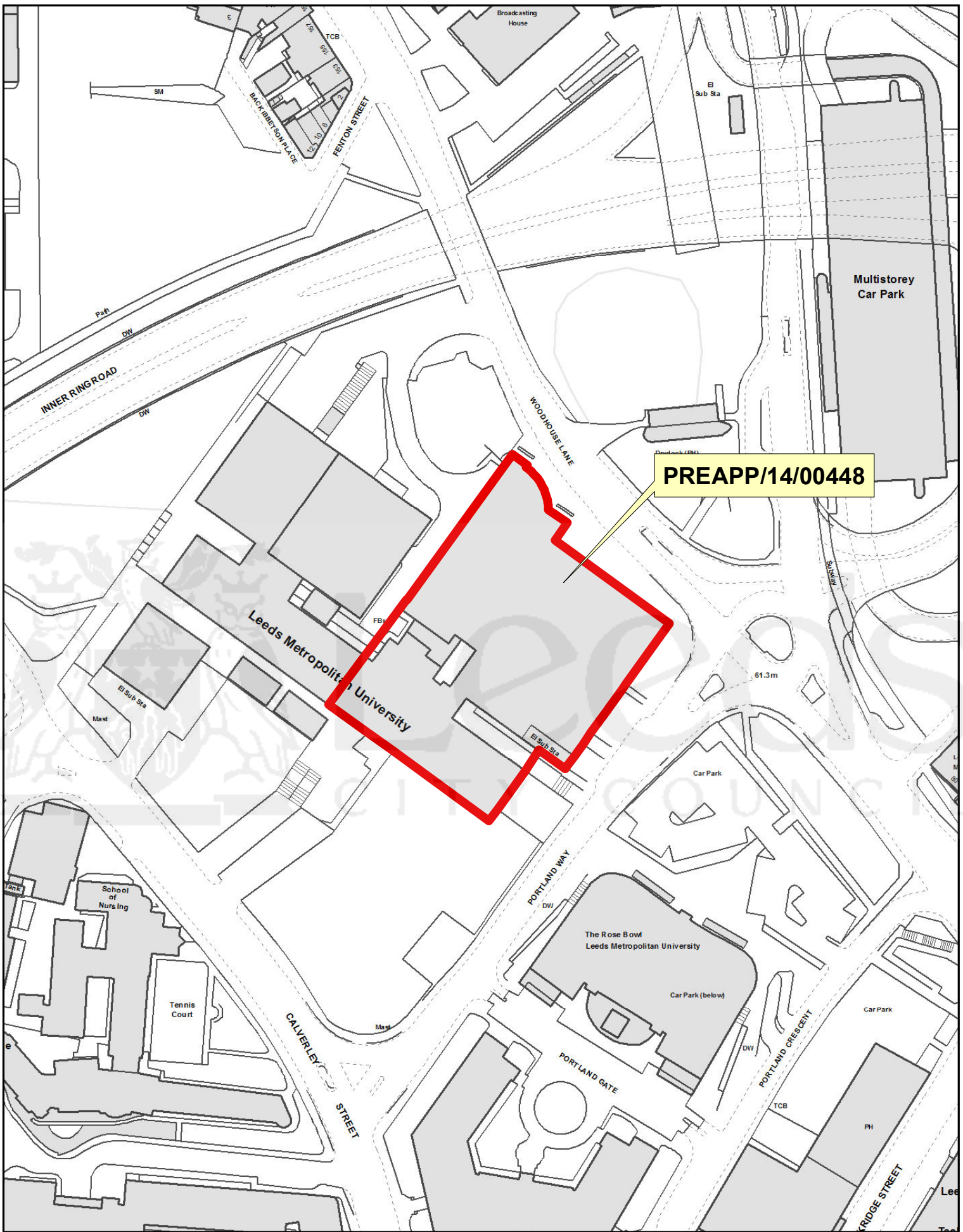
4.3.1 Poorly placed advertisements can have a negative impact upon the appearance of the built environment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts (para 67).

5.0 ISSUES

Members are asked to comment on the emerging proposals and to consider the following matters:

5.1 The existing purple fabric LMU sign on the Portland Building gable end has limited daytime presence and is not visible during evening periods when the University is still in use. Further, the materials do not complement those of the building. The change of name to Leeds Beckett University introduces a requirement to replace the existing sign and provides the opportunity to be designed to meet the current needs of the University and changing context.

- 5.1.1 During recent years new high level illuminated signage has been erected nearby at Woodhouse Lane multi-storey car park and Leeds City College. Slightly further afield new signage has been added to the top of West Riding House as part of its rebranding as Pinnacle.
- 5.1.2 The gable end of the building is currently visible in views from the south along Woodhouse Lane although the range of view will be limited with the construction of the new Hilton hotel on Portland Crescent. The gable end of the Portland Building is largely hidden from the south by the Civic Hall and other buildings.
- 5.1.3 **Do Members agree that the size of text, position and form of the proposed internally illuminated sign are acceptable? Given the aspiration for a sign to be installed over the summer are Members happy for the application to be determined with delegated powers?**
- 5.2 The campus buildings have been developed over a fifty year period and utilise a range of external materials. Future elevational changes may bring about a greater commonality between the buildings and are intended to have a much stronger physical and visual relationship with the city centre. In the meantime, and as a first step towards unifying the buildings, it is intended to illuminate key facades to frame the campus and to introduce a clear presence when viewed from ground level. Details of luminaires, and their fixings, the colour variation and its brightness, could all have an impact upon the appearance of the buildings and their wider setting.
- 5.2.1 The Portland Building plant room is visible from a number of medium range and distant locations across of the city centre, including behind the Civic Hall when viewed from the southern end of Millennium Square. The University propose to utilise this visibility to create a high intensity, luminous, beacon that would be visible across the city skyline. During the daytime, whilst the lighting would not be visible, the extended plantroom would be likely to be more visible. Screening existing flues, which cannot be removed or reduced in height, is considered beneficial. However, the design of the taller structure is not yet settled. A simple extension of the existing treatment is likely to have least visibility whereas a more sculptural form would be likely to be more conspicuous.
- 5.2.2 The night-time context is clearly different from that during the daytime and the association with the setting and appearance of other buildings is less distinct. As noted, high level, illuminated signage has been introduced onto other buildings in the city centre and other buildings such as The Light have been floodlit for many years. In the vicinity both the Arena and, in the near future the Merrion Centre car park, have purpose-designed lighting schemes and the addition of a carefully designed lighting scheme could help to activate the campus during evening periods.
- 5.2.3 **Do Members consider that the provision of a carefully designed lighting scheme would be acceptable on the LMU campus and, if so, do Members have any comments regarding the possibility of the use of changing colours? Further, do Members have any comments regarding the extension of the existing Portland Building plant room?**



CITY PLANS PANEL



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