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## CITY PLANS PANEL

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Meeting to be held in Civic Hall, Leeds on  
Thursday, 12th February, 2015  
at 1.30 pm

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### 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

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**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 data-bbox="678 322 975 356"><b>SITE VISIT LETTER</b></p> <p data-bbox="678 465 1401 533"><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p data-bbox="678 613 1382 757">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 data-bbox="678 797 1385 940">(*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>	

Item No	Ward	Item Not Open		Page No
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF PRESS AND PUBLIC</b></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><b>RESOLVED</b> – 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><b>LATE ITEMS</b></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><b>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</b></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			<b>APOLOGIES FOR ABSENCE</b>	
6			<b>MINUTES</b>  To approve the minutes of the City Plans Panel meeting held on 22 <sup>nd</sup> January 2015  (minutes attached)	3 - 18
7	City and Hunslet; Hyde Park and Woodhouse		<b>APPLICATION 14/03735/FU - 46 BURLEY STREET LS3</b>  To consider a report of the Chief Planning Officer on an application for student residential accommodation building comprising 110 studio flats, including ancillary communal facilities and retail unit, associated landscaping and car parking  (report attached)	19 - 36
8	City and Hunslet		<b>APPLICATION 14/05288/FU - 34 KIRKGATE LS2</b>  To consider a report of the Chief Planning Officer on an application for change of use of part of ground floor to A5 (hot food take away), installation of duct and extract to rear and addition of new door to shop front  (report attached)	37 - 50

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9	City and Hunslet		<p><b>APPLICATION 14/05976/OT - FORMER YORKSHIRE POST SITE - WELLINGTON STREET</b></p> <p>Further to minute 99 of the City Plans Panel meeting held on 11<sup>th</sup> December 2014, where Panel considered a position statement on an outline application for a mixed use scheme comprising office (B1), residential and/or hotel (C3/C1) and a flexible range of supporting uses at ground floor (A1-A5, D1 and D2) with basement car parking; public open space and modifications to the site access junctions, to consider the formal application</p> <p>(report attached)</p>	51 - 68
10	City and Hunslet		<p><b>APPLICATION 14/06694/FU - ALBION STREET MULTI-STOREY CAR PARK , PINNACLE - 67 ALBION STREET LS1</b></p> <p>To consider a report of the Chief Planning Officer on an application for an additional parking level to an existing multi-storey car park</p> <p>(report attached)</p>	69 - 82

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11	City and Hunslet		<p><b>VARIOUS LOCATIONS WITHIN THE CITY CENTRE - PRE-APPLICATION PRESENTATION</b></p> <p>To consider a report of the Chief Planning Officer on pre-application proposals for 33, British Telecom telephone kiosks with advertisement panels at sites within the City Centre and to receive a presentation on behalf of the developer</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> <p>(report attached)</p>	83 - 98
12			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>Thursday 5<sup>th</sup> March 2015 at 1.30pm</p>	

**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.

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- 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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**Chief Executive's Department**  
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To all Members of City Plans Panel

Contact: Angela M Bloor  
Tel: 0113 247 4754  
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angela.bloor@leeds.gov.uk  
Your reference:  
Our reference: site visits  
Date 3<sup>rd</sup> February 2015

Dear Councillor

**SITE VISITS – CITY PLANS PANEL – THURSDAY 12<sup>TH</sup> FEBRUARY 2015**

Prior to the meeting of City Plans Panel on Thursday 12<sup>th</sup> February 2015, the following site visits will take place:

10.00am		Depart Civic Hall
10.15am	City and Hunslet	46 Burley Street LS3 – student residential accommodation building comprising 110 studio flats, communal facilities, landscaping and car parking – 14/03735/FU – depart 10.45am
11.00am	City and Hunslet	34 Kirkgate LS2 – change of use of part of ground floor to A5 hot food take away, installation of duct and extract to rear and addition of new door to shop front – 14/05288/FU
12.00 noon approximately		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at **10.00am**. Please notify Daljit Singh (Tel: 247 8010) if you wish to take advantage of this and meet in the Ante Chamber at **9.55am**.

Yours sincerely

Angela M Bloor  
Governance Officer



## CITY PLANS PANEL

THURSDAY, 22ND JANUARY, 2015

**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,  
J Lewis, C Campbell and C Gruen

### 102 Chair's opening remarks

The Chair welcomed everyone to the first City Plans Panel of 2015 and asked Members and Officers to introduce themselves

The Chair introduced Tim Hill, the new Chief Planning Officer who would take over following Phil Crabtree's imminent retirement

### 103 Exempt Information - Possible Exclusion of Press and Public

**RESOLVED** - That the public be excluded from the meeting during consideration of the following part of the agenda designated exempt on the grounds that it is likely, in view of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as designated as follows:

The appendix to the main report referred to in minute 111 under Schedule 12 Local Government Act 1972 and the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that if this information was in the public domain it would be likely to prejudice the affairs of the applicant. Whilst there may be a public interest in disclosure, in all the circumstances of the case, maintaining the exemption is considered to outweigh the public interest in disclosing this information at this time

### 104 Late Items

Although there were no formal late items, the Panel was in receipt of supplementary information on the position statement concerning proposed advertising sites around the city (minute 113 refers). The information had been circulated to Panel prior to the meeting and published on the Council's website

Concerns were raised about the level of additional information provided to Members directly from applicants, with a legal view on this being requested

The Head of Development and Regulatory stated that it was not good practice for developers and third parties to contact the Panel and that as the

additional information sent directly by applicants and developers had not been considered by Officers, Members were advised to disregard that information

## **105 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interest, however Councillor Leadley brought to the Panel's attention in respect of application 12/02470/OT – Land between Gelderd Road/Asquith Avenue and Nepshaw Lane North – that he was the Chair of Morley Town Council Planning Committee which had commented on this and all previous applications on the site (minute 108 refers)

## **106 Minutes**

**RESOLVED** - That the minutes of the City Plans Panel meeting held on 11<sup>th</sup> December 2014 be approved

## **107 S106 Agreements**

The Chief Planning Officer advised that a number of the reports being considered at the meeting referred to S106 Agreements and their completion within 3 months. As Community Infrastructure Levy (CIL) came into effect on 6<sup>th</sup> April 2015, the timetable for dealing with outstanding S106 Agreements needed to be revised, with the wording to be 'completed by 2<sup>nd</sup> April 2015'

## **108 Application 12/02470/OT - Outline application for proposed employment development for use classes B1 (B) Research and Development (B1(C), Light Industrial uses B2, General Industrial uses and B8 Storage and Distribution uses - Land between Gelderd Road/Asquith Avenue and Nepshaw Lane North Gildersome**

Further to minute 95 of the City Plans Panel meeting held on 11<sup>th</sup> December 2014, where Panel deferred determination of an outline application for proposed employment development on a site designated for employment use by the UDP Inspector, for additional information, the Panel considered a further report of the Chief Planning Officer. Appended to the report was a copy of the report presented in December 2014. It was noted that Members had visited the site prior to their consideration of the application on 11<sup>th</sup> December 2014

Plans, graphics and photographs were displayed at the meeting

Officers presented the report which responded to the issues raised by Panel at its previous meeting and outlined the conditions which were proposed to address matters such as phasing, quantum of development and the access arrangements

Additional landscaping was now proposed to the residential dwellings at Belle Vue Terrace, together with the provision of an acoustic fence.

Draft minutes to be approved at the meeting  
to be held on Thursday, 29th January, 2015

Planting details were also outlined for Nepshaw Lane North, with the minimum height of the proposed planting to be 10m. Members were informed that an 8m wide verge was proposed which could accommodate additional planting, with this being considered at Reserved Matters stage

In terms of the impact of the proposals on residents at Belle Vue Terrace, together with the additional planting proposed and the repositioning of the units as shown on the illustrative Master Plan, the adjoining unit would be restricted to B1 use only, with Officers of the view the proposals now represented an improvement in respect of the residents' amenity

Concerning the access arrangements and the view that this should be from Nepshaw Lane, whilst this suggestion had been put forward, the applicant required the access arrangements to be considered as set out in the application. An additional highways condition had been included which related to the level of passenger car units for the different industrial uses proposed, with this providing flexibility of use whilst at the same time capping what could be built

Reference was made to discussions by Development Plan Panel in respect of site allocations, at the meeting held on 13<sup>th</sup> January 2015, where it was noted that some Members wished to see housing on all or part of the site. Members were informed that employment use for the site was proposed but subject to the developer proceeding with this application and that in the event the scheme did not proceed, further consideration be given to the proposed allocation of this site

The receipt of additional representations was reported, with one further objection from Morley Town Council being read out and nine further representations being referred to

One issue which had arisen was in relation to a Right of Way (ROW), with representations being made that the proposed buffer at Belle Vue Terrace would encroach on this. Members were advised that Officers considered the ROW did not encroach on the application site but that if evidence was provided to contradict that view, the scheme could be reworked at RM stage to preserve the buffer

The Panel heard representations from a Gildersome Parish Councillor who outlined concerns about the proposals which included:

- impact of the proposals on Gildersome
- access arrangements and concerns about the safety of the proposed access from Asquith Avenue
- the need for the site to be developed for employment use in view of other empty brownfield sites in the area
- impact on the geography of the area
- effectiveness of the proposed landscape mitigation measures
- accuracy of the travel figures presented
- issues of sustainability

Prior to hearing from the applicant's representative, the Chair advised that the additional information which had been sent directly to Panel Members from the applicant would be disregarded in light of advice given by Legal Services at the start of the meeting (minute 104 refers)

The applicant's representative addressed the Panel and provided information which included:

- the conditions which were proposed would control the amount of development and the traffic generation from the proposals
- the revisions proposed regarding improved landscaping and an extended buffer to the nearby residential dwellings
- the importance of the site as an employment site in the Site Allocations Process
- the job creation the scheme would provide

The Panel discussed the application, with the main issues relating to:

- the impact of the scheme on the residents at Belle Vue Terrace
- the sum proposed for flood alleviation works and that this should be index-linked

The Chief Planning Officer advised that condition no. 4 should refer specifically to the masterplan; that service access to Unit 5 needed to be secured so that it was not directly next to the residential properties; that the distance of the 15m buffer should be increased and that the resulting amendments to the submitted plan should be conditioned

The Panel continued to discuss the application with concerns being raised that the applicant should be asked to evidence the financial issues in respect of providing the access from Nepshaw Lane over third party land

The Panel considered how to proceed

**RESOLVED** - To defer and delegate to the Chief Planning Officer for approval, subject to the conditions set out in the submitted report, with an amendment to condition no 4 to specify 'in accordance with the masterplan' (and any other conditions which he might consider appropriate); the submission of a revised plan for an improved relationship to the properties at Belle Vue Terrace and the units to the south east of the dwellings and the completion of a S106 agreement to cover the following:

- travel plan – including monitoring fee
- highway and transport mitigation measures – to include:

Weight limit restrictions through Gildersome, including Branch End, Town Street, College Road and Street Lane to be in place before first occupation of the development

Improvements to the junction of Victoria Road/Asquith Avenue/Bruntcliffe Lane/Brunswick Street to be completed before first occupation of the development

Traffic management works on Asquith Avenue from Victoria Road to the M621 motorway bridge

Neptshaw Lane North resurfacing ( c£20,000)

£60,000 towards improvement of two existing bus shelters on Asquith Avenue and one shelter on Gelderd Road

- woodland management plan – for woodland management within the applicant's ownership
- public transport contribution also required to comply with up-to-date SPD guidance. The sum is under negotiation but is calculated at £316,000 (£20,000 of this to provide enhanced bus stop facilities)

- drainage - £300,000 (index-linked) contribution towards off site flood alleviation works and drainage works to Gildersome tunnel. The £300,000 includes £50,000 towards a study of possible schemes in Farnley Wood Beck/Dean Beck, plus £250,000 towards a major scheme to address flooding in the catchment as follows, as required by the study:

Flood doors at Old Close (£70k); maintenance of the channels and grilles downstream of the Treefield site to just below Old Close, Churwell (£1k/ annum - £30k) and storage of storm flows in 2 potential locations (£75k each – total £150k)

- provision for local training and employment initiatives

In the circumstances where the Section 106 has not been completed before 2<sup>nd</sup> April 2015, the final determination of the application shall be delegated to the Chief Planning Officer

Following this resolution, a further discussion took place regarding S106 agreements and the introduction of CIL, with Members being informed that if a S106 was not signed by 2<sup>nd</sup> April 2015, from 6<sup>th</sup> April 2015 the application would become CIL liable, with some of the contributions falling away to CIL. The Head of Planning Services suggested that this matter be considered in greater detail at the next Joint Plans Panel

**109 Application 14/04340/OT - Outline application for residential development including means of access - Field at Ridge Meadows, Northgate Lane/Tibgarth Linton Wetherby LS22**

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

Officers presented the report which related to an outline application for residential development on a Protected Area of Search (PAS) site in Linton

Members were informed that the masterplan which accompanied the application indicated ten large houses in large plots. It was noted that Linton was a relatively unsustainable village with few facilities and limited linkages to the nearest centre - Wetherby

The proposals would see the loss of some trees and vegetation and Officers had concerns about the heavily engineered access into the site due to the topography of the land

Having considered the application, Officers were of the view that it should be refused, with the main issues being outlined to Panel, as set out in the suggested reasons for refusal within the submitted report

The receipt of an additional letter of representation was reported

Members discussed the application, with the main issues raised relating to:

- the topography of the site
- the need to consider protecting the trees on and around the site through TPOs

- that the application was not policy compliant and was premature

**RESOLVED** – That the Chief Planning Officer be asked to pursue TPO applications on the trees on and around the site and that the application be refused for the following reasons:

- 1 The Local Planning Authority considers that the release of the site for housing development would be premature, being contrary to saved policy N34 of the UDP and contrary to paragraph 85, bullet point 4 of the NPPF. The suitability of the site for housing purposes as part of the future expansion of Linton needs to be comprehensively reviewed as part of the preparation of the ongoing Site Allocations Plan and Neighbourhood Plan. The location and scale of the site in relation to the village of Linton means that the proposal does not fulfil the criteria set out in the interim housing delivery policy approved by Leeds City Council's Executive Board on 13<sup>th</sup> March 2013, to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan. It is anticipated that the Site Allocations Plan work will identify which sites will be brought forward for development in the life of the Plan together with the infrastructure which will be needed to support sustainable growth, including additional schools provision and where that would best be located. It is considered that releasing this site in advance of that work would not be justified and would prejudice the comprehensive planning of future growth and infrastructure of the village in a plan-led way
- 2 The proposal is contrary to the Core Strategy which seeks to concentrate the majority of new development within and adjacent to the main urban area and major settlements. The Site Allocations Plan is the right vehicle to consider the scale and location of new development and supporting infrastructure which should take place in Linton which is consistent with the size, function and sustainability credentials of a village. Furthermore, the Core Strategy states that the 'priority for identifying land for development will be previously developed land, other infill and key locations identified as sustainable extensions' which have not yet been established through the Site Allocations Plan and the Core Strategy recognises the key role of new and existing infrastructure in delivering future development which has not yet been established through the Site Allocations Plan, e.g. educational and health infrastructure, roads and public transport improvements. As such, the proposal is contrary to Policy SP1 of the Core Strategy. In advance of the Site Allocations Plan, the proposal represents such an expansion of the village that it is likely to adversely impact on the sustainability of Linton, contrary to Policy SP1 of the Core Strategy and guidance on the core planning principles underpinning the planning system as set out in the NPPF



- 3 The development of this site for residential purposes has poor sustainability credentials, represents an inefficient use of land and does not meet the minimum accessibility standards set out in the Core Strategy in terms of the frequency of bus services to give access to employment, secondary education and town/city centres. As such it is contrary to Policy H3 of the Core Strategy. Also, in the absence of any planned or proposed improvements it is considered that the proposal is contrary to Policy T2 of the Core Strategy and to the sustainable transport guidance contained in the NPPF and the 12 core planning principles which require that growth be actively managed to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sensitive
- 4 The Local Planning Authority considers that the development of this site for up to 10 dwellings in the manner proposed as set out within the indicative site layout, would be harmful to and out of character with the adjacent spatial pattern of existing residential development within this part of Linton, that would result in overly dispersed form of development that fails to take the opportunity to improve the character and quality of the area and the way it functions. The application also fails to provide an appropriate Design Code which would ensure that the development had an coherent character which responded well to its immediate context and the wider character of Linton Village and the adjacent conservation area. The Local Planning Authority also considers that, in the absence of an agreed design for the access road, the development would be contrary to the landscaped character of the wider area. As such, the proposal would be contrary to Policies P10, P11 and P12 of the Core Strategy, the guidance contained within the SPG 'Neighbourhoods for Living' and the guidance within the NPPF
- 5 In the absence of a detailed topographical survey, levels information, arboricultural impact assessment and further habitat and ecology surveys, it had not been possible for the Local Planning Authority to properly consider and assess the effect of the proposed development on existing trees within and adjacent to the site and the potential ecological implications. In the absence of this information it is considered that the proposed development would cause harm to protected species and the arboricultural and ecological amenities of the site, as well as the wider landscape character, contrary to Policy G8 and P12 of the Core Strategy and the guidance within the National Planning Policy Framework
- 6 In the absence of a signed Section 106 agreement, the proposed development so far fails to provide necessary on-site affordable housing, Greenspace and the offered public transport

(Metro Cards), contrary to the requirements of Policies H5, T2, G4 and ID2 of the Leeds Core Strategy and guidance in the NPPF. The Council anticipates that a Section 106 agreement covering these matters could be provided in the event of an appeal but at present, reserves the right to contest these matters should the Section 106 agreement not be completed or cover all the requirements satisfactorily

**110 Applications 14/05481/OT/14/05483/FU and 14/05484/COND - Land between Barrowby Lane and Manston Lane Thorpe Park LS15**

Further to minute 86 of the City Plans Panel meeting held on 20<sup>th</sup> November 2014, where Panel received a position statement on proposals for a residential and mixed use development at Thorpe Park, the Panel considered a further report of the Chief Planning Officer on the formal applications. It was noted that application 14/05481/OT was for determination and not for consideration as a position statement as set out in error on the report before Panel. Members were also informed that application 14/05484/COND had been withdrawn as this was not now required as the matter would be addressed by a specific condition linking the two applications

Plans and graphics were displayed at the meeting

Reference was made to the Members site visit to a residential development in York which had taken place in late December, which had proved useful, with both positive and negative aspects of that scheme being noted

Details of the revised S106 agreement were outlined, to reflect the housing element of the scheme now being proposed

An omission at paragraph 2.4 of the submitted report was corrected, with Members being informed that a transport assessment had been submitted and assessed. On condition no. 5, the application reference should read 14/05483/FU and if minded to approve the proposals, an additional condition was proposed on the outline application to cover details of the drainage pond and provision of updated surveys

The Panel heard representations on behalf of an objector who outlined concerns which included:

- the timescale for the necessary works, particularly in view of the application needing to be referred to the Secretary of State as a departure from the Development Plan
- the proposed housing on the site
- the trigger mechanisms
- the existence of coal on the site; the possible extraction of this and the lack of consultation with the local community on this and that the application was ultra vires and could prompt a judicial review
- the drainage ponds and the depths of these leading to safety concerns

- the part of the site allocated for a supermarket, with concerns that due to the changing nature of this retail sector, further housing could be introduced into the scheme

The Panel then heard representations on behalf of the applicant, with information provided about the proposals, which included:

- the procedure needing to be followed as the application was a departure from the Development Plan
- the bridge agreement with Network Rail and that the applicant was close to securing an agreement which would provide an additional 3 years for this work to be undertaken
- that information had been provided about the ponds and how they would be managed
- the introduction of housing into the site and the delivery of the MLLR
- that a sign off of 2017 was still being worked towards and that consideration could be given to including a timetable for the works in the S106 agreement, subject to further discussions with Officers and Legal representatives, in order ease local concerns about the development

The Panel discussed the applications and commented on the following matters:

- an issue raised by the objector regarding the legality of the application. The Panel's legal representative stated this related to the extraction of coal and that the application was considered to be lawful
- the lessons learned from the site visit to the Derwenthorpe development in York. Members were informed that the design of the scheme at Thorpe Park was of a better quality and that the Leeds Standard would be used to set the minimum standards and guide the process. It was also stated that the residential element of the scheme would not be the usual volume house builders development
- the delivery of the MLLR and the need for a fixed date for this to be provided
- education provision and the need for reports to make reference to school provision where this was an issue. The Chief Planning Officer advised that the long-term position in respect of education provision was being protected through the site allocations process and that in the short-term, there was scope for temporary expansion
- detailed design issues of the layout, with Members being informed these matters would be dealt with as part of the Reserved Matters application
- the need for sufficient parking to be provided to avoid on-street parking
- an acceptance that a large scale office park on the site in the current market would not be feasible and that the proposed mixed use, including housing was a sensible use of the site and

the inclusion of an additional condition linking the two applications

The Panel considered how to proceed

**RESOLVED** - To defer and delegate approve to the Chief Planning Officer, subject to referral of the two planning applications to the Secretary of State for the Department of Communities and Local Government as departures from the Statutory Development Plan, and for consultation under the Town and Country Planning (Consultation) ( England) Direction 2009, and in respect of 14/05481/OT, subject to conditions to cover those matters outlined in the submitted report, additional conditions in respect of the drainage ponds and provision of updated surveys (and any other conditions which he might consider appropriate) and the completion of a S106 agreement to cover the matters set out in the submitted report (and consequential variations of the existing S106 agreement in respect of application 12/03886/OT, to reflect the introduction of housing, amended MLLR layout and amended trigger points) To also delegate to the Chief Planning Officer any changes required to conditions of application 14/05483/FU to bring it in to line with the current proposal and circumstances and referral of application 14/05483/FU to the Secretary of State as a departure

In the circumstances where the Section 106 has not been completed before 2<sup>nd</sup> April 2015, the final determination of the application shall be delegated to the Chief Planning Officer

**111 Application 14/04641/FU - Mixed-use multi-level development comprising the erection of 4 new buildings with 744 residential apartments, 713sqm of flexible commercial floorspace (A1-A5, D1, D2 use classes), car parking, landscaping and public amenity space - Sweet Street and Manor Road Holbeck LS11**

Prior to considering this matter, Councillor Lewis left the meeting

Further to minute 74 of the City Plans Panel meeting held on 30<sup>th</sup> October 2014, where Panel considered a position statement on an application for a residential-led mixed use development at Sweet Street/Manor Road Holbeck, the Panel considered a further report setting out the formal application

Accompanying the report was an appendix which contained exempt information and which was considered in private

Plans, photographs, graphics, a model of the proposed development and sample materials were displayed at the meeting

Officers presented the report which sought the redevelopment of a large brownfield site at the edge of Holbeck Urban Village

Details of the buildings; the landscaping; public and private amenity areas and proposed materials were outlined to Panel. A sun path diagram of the public space at different times of the day and year was shown, with Members being informed that most of the public realm would be in sun at lunchtime

The apartment sizes of the 1, 2 and 3 bed dwellings were broadly in line with the Leeds Standard, although the studios were smaller, at approximately 29 sqm in gross internal area

The Panel heard representations from a representative of adjacent residents who attended the meeting and outlined concerns, which included:

- the level of car parking proposed – 263 parking spaces for 744 apartments
- the proximity of the Manor Road frontage to the neighbouring building
- that detailed design issues needed further consideration
- that low cost housing should be provided

The Panel then heard from the applicant's agent. Prior to her submission to Panel, the Chair reminded her that in line with the legal advice provided on additional information sent directly to Panel Members, (minute 104 refers) the additional information which had been sent in respect of this application would be disregarded

The applicant's agent addressed the Panel and provided information which included:

- the scheme was an improvement on the previously consented scheme for the site
- that it complied with policy
- that high quality accommodation in a variety of apartment sizes would be provided
- that additional family accommodation had now been included
- the site was in a highly sustainable location, well served by public transport and that the parking levels reflected this fact
- that key worker units would be provided through the scheme, either on or off-site

The Chair then asked the public who were in attendance to withdraw from the meeting to enable the Panel to consider information of a commercially sensitive nature

Councillor R Procter left the meeting at this point

A representative of the District Valuer was in attendance and explained the financial viability assessment he had carried out on the scheme and responded to questions and comments from the Panel. It was noted that the model proposed was for the development to be sold to a single investor on completion and the units then leased

Concerns were expressed that the development would only meet level 3 of the Code for Sustainable Homes, when the Council's policy was for level 4 to be met, with mixed views on this as a determining factor in granting planning permission when considered against specific energy/heat and sound performance matters

In view of the time limited nature of the information in the viability assessment (due to potential changes in economic and market conditions), if minded to approve the application, the Deputy Area Planning Manager proposed a shorter timescale for the grant of planning permission than the normal 3 years. Members were informed that the applicant had requested a

period of 18 months, however it was the view of Panel that a 12 month planning consent was appropriate in this case

Following consideration of the exempt information, the public were readmitted to the meeting, with the Panel proceeding to discuss the scheme, with the key issues relating to:

- viability issues
- detailed design issues, the extent of exposed concrete; how the concrete would weather; the balcony treatment and that the intended railings were reminiscent of 1960s Local Authority flats; the size of the balconies, with concerns these were not large enough to make use of; the uninspiring design overall and that the City Centre should benefit from the best treatments and standards in terms of development.
- the need for the deletion of exposed concrete from the scheme; that a more sculptural form be considered for the buildings and that a more interesting and natural palette of materials be pursued
- the possibility of Housing Leeds managing the units which were available for low cost rent. The Chair allowed the applicant's agent to respond to this point, with Members being informed that all of the units would be managed by the same organisation but that Housing Leeds could nominate people for the low cost flat units
- concerns about the level of the S106 contributions being offered in terms of affordable housing provision
- proposed parking levels. The Transport Development Services Manager informed Members that the general parking policy for the City Centre was to try to reduce car ownership and that having considered the census data in the City and Hunslet Ward, this showed car ownership of 40%, with the level of parking proposed being just under that figure. The site was located in a controlled parking area; was in a highly sustainable location and there were measures and funding to work with the Travel Plan Co-ordinator
- the view that the building as proposed was not acceptable; was in the wrong location and had insufficient parking

The Panel considered how to proceed

**RESOLVED** - To defer determination of the application for one cycle to enable further negotiations between Officers and the applicant in terms of design; the viability issues and the low cost market flats offer within the S106 agreement

Following consideration of this matter, Councillor C Gruen and Councillor P Gruen left the meeting

**112 Application 14/06534/OT - Outline application for mixed use redevelopment including A1, A3 and A5 uses , offices B1, residential C3, medical centre D1, college D1, student residential accommodation, multi**

Draft minutes to be approved at the meeting  
to be held on Thursday, 29th January, 2015

## **storey car park, basement parking, access and open space - Land at Quarry Hill St Peters Street LS2 - Position Statement**

Plans, photographs, including a historic image of Quarry Hill Flats, and graphics were displayed at the meeting. A Members site visit had taken place earlier in the day

The Panel considered a report of the Chief Planning Officer setting out the current position in respect of a major mixed use development at Quarry Hill which comprised 6 buildings around a centralised pedestrian route. It was noted that a previous outline application for the central part of the Quarry Hill site was approved in principle by City Plans Panel in 2005 but as the S106 agreement was not signed, the application was never approved

Details of the mix of uses were provided. Members were informed that a flexible approach was being sought in terms of two of the buildings for office use/education use/student accommodation, depending upon the market conditions prevailing at the time of construction

Matters of scale, layout and public realm were also outlined to Panel

Members discussed the proposals, with the main issues raised being:

- the importance of understanding the surrounding context including extant planning permissions and for the development to link into Victoria Gate at the bottom of Eastgate
- the courtyards and the amount of sunlight these would receive and that rooftop gardens might be more appropriate in this location
- the possibility of a fully accessible, ramped route being incorporated into the main pedestrian east-west route proposed through the site
- the need for good design in terms of the pedestrian access arrangements and for improved linkages to the rest of the City Centre
- to bear in mind the proximity of the District Heating system and that it could be linked to the proposed development
- car parking arrangements and the need to ensure sufficient car parking remains on site through the construction process, to serve the West Yorkshire Playhouse

In respect of the specific point raised in the report, the following comments were provided by Members

- that Members were happy with the approach being adopted in relation to determining the mix and size of residential flats at reserved matters stage and that the housing need would be assessed closer to the point of likely construction
- on student housing provision, concerns were raised that the site was some distance from the main higher education establishments, although it was accepted that the College of Music was close by. Some concerns were raised about the mix of student accommodation and residential on the same site, with the Deputy Area Planning Manager suggesting any concerns about this be addressed by not siting these two types of accommodation in the same building

- that the range of city centre uses proposed were acceptable on the site, including the proposed flexible uses for two of the buildings
- that the footprints of the buildings, including the readjustment to the building corners at the western end of the site were acceptable
- that the heights of the buildings proposed were acceptable to a point, although there were concerns about the impact of high buildings on the amount of shadowing this would cause in the courtyards
- that the amount of open space on the site was acceptable
- that as development commences, there was a need for a strategy for the phasing and layout of open space and routes to ensure the site could be properly accessed as the development progresses. On this matter, the Panel insisted that the car parking which would be lost to the development would be re-provided before the development commenced

**RESOLVED** - To note the report and the comments now made

During consideration of this matter, Councillor Hamilton left the meeting

### **113 Various locations across the City Centre - J C Decaux UK Ltd - Position Statement**

Prior to consideration of this matter, Councillor Latty left the meeting

Further to minute 25 of the City Plans Panel meeting held on 17<sup>th</sup> July 2014, where Panel considered a pre-application presentation on proposals for advertisement consent for 11 applications, 10 of which were large scale illuminated advertisement hoardings and 1 digital advertisement unit at sites located within or close to the City Centre boundary, mainly along the main arterial routes in and out of the city, Members considered a report of the Chief Planning Officer on the current position in respect of these proposals. A supplementary report providing updated information on the individual applications which had been circulated to Members prior to the meeting was also considered

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

The Deputy Area Planning Manager presented the proposals and informed the Panel that the Council had entered into a contract with JC Decaux to evolve the Council's existing advertising portfolio. The proposals would see 22 existing hoardings at 10 sites being removed and 11 new advertisement units being provided

The Panel considered and commented on each application

To assist Members in understanding the background to the proposals, the Chief Planning Officer stated that the income generated from the proposals would help fund other Council services and that as a planning authority, issues relating to public safety and visual amenity needed to be considered



Although a number of the proposals were considered to be acceptable in principle, concerns were raised in respect of some sites, which included siting; highways concerns, particularly in relation to servicing; possible distraction to drivers due to the size of the units and their location

It was noted that Highways Officers had concerns about some of the applications and that further information was required on several of the sites

In respect of the specific matters raised in the report, the following comments were provided:

- that Members were satisfied that the visual impact from the proposals were acceptable for several of the locations, but concerns remained about particular sites
- that in light of concerns raised by Highways Officers that further detail on road safety measures and servicing assessments were required to support the applications

In particular, Members had concerns with the following sites:

- 14/06617/ADV – adjacent to the Woodhouse Lane multi-storey car park – the display was considered too dominant in its impact and would create a traffic hazard. This was not supported
- 14/06618/ADV – Sheepscar Junction – the sign was too dominant and would add to the street clutter and there was a need to address these concerns and to resolve highway concerns
- 14/06621/ADV – Crown Point Road – there was a need to reconsider the design and exact location and that siting this to the east would be an improvement
- 14/06626/ADV – Kirkstall Road – concern this could impact on drivers exiting the West Street car park and could conflict with highway signs. It was recommended that the sign be relocated further to the right when viewed from the west

**RESOLVED** - To note the report, the supplementary information, the Officer presentation and comments and views of Panel and that the following applications be deferred and delegated to the Chief Planning Officer for determination, subject to resolving detailed highway safety matters:

14/06627/ADV – Victoria Road  
14/06625/ADV – Claypit Lane bridge  
14/06624/ADV – Meadow Lane  
14/06623/ADV – Inner Ring Road/Woodhouse Lane  
14/06622/ADV – Hunslet Road  
14/06620/ADV – near Domestic Road  
14/06619/ADV – Wellington Road

and that the following site proposals be brought back to Panel for determination:

14/06617/ADV; 14/06618/ADV; 14/06621/ADV and 14/06626/ADV

During consideration of this matter, Councillor Ingham and Councillor Leadley left the meeting

Draft minutes to be approved at the meeting  
to be held on Thursday, 29th January, 2015

**114 Date and Time of Next Meeting**

Thursday 29<sup>th</sup> January 2015 at 1.00pm



Originator: C. Briggs

Tel: 0113 2224409

**Report of the Chief Planning Officer**

**CITY PLANS PANEL**

**Date: 12 FEBRUARY 2015**

**Subject: PLANNING APPLICATION REF. 14/03735/FU STUDENT RESIDENTIAL ACCOMMODATION BUILDING COMPRISING 110 STUDIO FLATS, INCLUDING ANCILLARY COMMUNAL FACILITIES AND RETAIL UNIT, ASSOCIATED LANDSCAPING AND CAR PARKING AT 46 BURLEY STREET, LEEDS LS3 1LB**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Burley Place Limited	25.06.2014	19.02.2015 (extended)

**Electoral Wards Affected:**

**City and Hunslet  
Hyde Park and Woodhouse**

Yes Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:**  
**REFUSE** planning permission for the following reason:

**1. The proposed development due to its design, nature and limited accommodation type would provide inadequate amenities for the future residents of the site and would fail to meet sustainable long term housing needs, contrary to Policies CC1, H4, P10, and H6B of the Leeds Core Strategy, Saved Policies GP5 and BD5 of the Leeds Unitary Development Plan Review 2006, Supplementary Planning Guidance Neighbourhoods for Living, and the National Planning Policy Framework.**

**1.0 INTRODUCTION:**

1.1 This application is brought to Plans Panel because it is a major application for new housing and retail use on a longstanding derelict brownfield site in the City Centre.

**2.0 PROPOSAL:**

- 2.1 The application proposal for a part 6 storey/part 9 storey (or 17.6m-25.9m high above ground level on Burley Street) red-brick building consisting of 110 student studio flats, 2 common rooms and a ground floor convenience store of 287 square metres. From Park Lane, the building would be part 4/part 7 storeys in height or 20.1m to 12m above ground level. The building would be set some 4m from the western boundary to the substation and 8m from the old sorting office to the east, 4m from the back edge of footway to Burley Street, and approximately 2m to the back edge of footway to Park Lane.

During the course of the application the scheme has been amended as follows:

<b>Unit Size</b>	<b>Original</b>	<b>Amended</b>
> 19.9sqm	1	0
20- 20.9sqm	121	59
21- 22.9sqm	1	8
23- 24.9sqm	0	27
25sqm +	5	16
<b>Total</b>	<b>128</b>	<b>110</b>

- 2.2 There would be 3 car parking spaces and one motorcycle space accessed from Park Lane. 27 secure cycle parking spaces would be provided at ground floor. Servicing and refuse collection would take place from lay-bys off Burley Street and Park Lane. Rutland Mount would be closed to traffic, with new footway surfaces and tree planting.
- 2.3 Pedestrian access to the upper floor flats would be from Rutland Mount and Park Lane. There would be two communal lounges, one at ground floor level (Burley Street side) of 117sqm and one at second floor level (ground floor on the Park Lane side).
- 2.4 The A1 convenience retail unit at ground floor accessed from the Burley Street frontage.
- 2.5 A communal external terrace is proposed at second floor level on the south (Burley Street) side of the building. This would be approximately 10m x 6m of useable space with planters arranged around the building frontage to protect the amenities of the surrounding units.
- 2.6 A number of documents were submitted in support of the application:
- Scaled Plans
  - Design and Access Statement
  - Sustainability Statement
  - Transport Statement
  - Planning Statement
  - Retail Statement
  - Noise Impact Assessment
  - Wind study
  - Statement of Community Involvement

- Land Contamination Reports
- Coal Recovery Report

### **3.0 SITE AND SURROUNDINGS:**

3.1 The cleared application site (0.1ha) is bounded by Burley Street, Park Lane, Rutland Mount, and a red-brick electricity substation. There was previously a red-brick two storey warehouse on the site. To the east of Rutland Mount is a distinctive red-brick and concrete mid-20<sup>th</sup> Century former Post Office Sorting Office. To the south lies Sentinel Towers, a beige brick student housing scheme, a pedestrian route via steps to Cavendish Street, and the St. Andrews Court office park, including the Grade II listed St. Andrew House. The nearest traditional housing is at Kendal Walk (approx. 45m away) and Hanover Square, higher up the grassed valley side. Developments in the last 10 years have included student housing and café, gym and retail facilities at Opal Court 1 and 2, and Concept House on Burley Road to the north east of the application site. Prior to these developments, the area was mainly commercial and industrial in character; however recent developments have increased the mix of uses and facilities in the area. The site is unallocated within the designated City Centre under the Saved policies of the UPDR.

### **4.0 RELEVANT PLANNING HISTORY:**

4.1 20/419/05/FU Multi-level development up to 14 storeys comprising 55 cluster flats with 304 bedrooms and gymnasium – application withdrawn.

### **5.0 HISTORY OF NEGOTIATIONS**

5.1 A number of proposals for residential uses at this site have been discussed informally with officers between 2005 and 2014. Officers offered the opportunity to present the scheme to Members at pre-application stage, however this was not taken up by the applicant.

### **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 Planning application publicity consisted of:

6.1.1 Site Notice of Proposed Major Development posted 11.07.2014 and 31.10.2014

All objectors were reconsulted by email on the revised scheme and new site notices posted on-site following the receipt of revised plans on 17.10.2014

6.1.2 Press Notice of Proposed Major Development published 31.07.2014

6.1.3 City and Hunslet Ward Councillors and Hyde Park and Woodhouse Ward Councillors consulted by email. Councillor Christine Towler (Hyde Park and Woodhouse) objects to the scheme on the grounds that the building is too big in comparison to those surrounding it. Some of the windows have restricted outlook that would impact on the living conditions of the residents and restrict light into the apartments. Due to the layout of the building there is overlooking between rooms of the apartments. The apartments are too small to enable residents to live comfortably and at the very least the number of apartments should be reduced and the floor space increased.

6.2 Five objections have been received from local groups and individual residents including two residents from Kendal Walk, two residents from Hanover Square, Little

Woodhouse Community Association, a resident of Headingley, and the South Headingley Community Association, noting the following concerns:

- The development is an over over-intensive use of the site by virtue of the building's height and the fact it occupies all of a very tiny site going right up to the pavement's edge.
- The development does not reflect the topography of the land i.e. the height of the building does not respect the principle of "stepping down the hill"
- Pedestrian access via Park Lane would encourage taxis to use the Park Lane entrance as a pick up point, which would disturb the residents of Kendal Rise and Kendal Walk
- Taxis picking up and dropping off at the Park Lane entrance would block Park Lane to other road users.
- Vehicular access to the building on Park Lane is immediately adjacent to the blind corner which forms the junction of Park Lane with Belle Vue Road and so would be extremely dangerous.
- Because of its height, prominence, proximity to and lack of sympathy for Belle Vue Road and the two storey terrace houses on Kendal Walk and Kendal Rise, the development would be detrimental to the visual amenity and character of the area.
- The building is out of harmony with the adjacent residential area by being taller than the terrace houses, and by having a flat roof.
- Noise from music would blare from some of these windows just as it does from the windows of the nearby Concept Place student block. This would disturb the residents of Kendal Walk and Kendal Rise.
- The building would block sunlight to the terraced houses on Kendal Walk.
- The proposed development would be too close to other tall buildings. This could create wind funneling problems
- The Draft Site Allocation states that 46 Burley Street has the capacity for 48 flats.
- The original building faced onto Park Lane, whereas the proposed building would face onto Burley Street. Whilst the entire block is utilitarian in appearance, no attempt has been made to make the Park Lane elevation a pleasing one for the residents of Kendal Walk to look out onto. Neither would the proposed building enhance Belle Vue Road.
- Belle Vue Road acquired its name from the beautiful views it provides across the Aire Valley. These important views would be blocked by the proposed development. According to Neighbourhoods for Living, important views should be preserved.
- The enlarged retail unit which forms part of the revised plans would attract vehicles which would park on Park Lane, Burley Street, Rutland Street and other nearby roads. These would create a nuisance for existing residents and road users.
- Regarding the retail unit, it is not the responsibility of Leeds City Council's planning department to take into account economic considerations when deciding planning applications. If an application fails to meet planning policy, as this once so clearly does, it should be refused.
- Demographic imbalance of students to full time residents will deter families from the area – not a balanced community
- Late night noise disruption caused by students as the desire lines between university campus, clubs, bars and shops are far reaching. They will inevitably take students through quiet residential areas, giving greater potential for noise nuisance and anti-social behaviour
- Increased litter
- No managed green space
- No trees
- The scheme would reduce natural habitat, greenery and air

- It is another grotesque slab to disfigure the neighbourhood.
- Rutland Mount is currently used as a car park as its too steep for regular traffic to drive up and down safely.
- The individual units are too small
- The proposed accommodation can be physically adapted for occupation by average sized households as stated by the developers
- Another retail unit will take away trade from that close by
- Student's needs are not less than for open market flats
- Rutland Mount would become a canyon
- The proposed development is unsuitable for the site and the local community.

## **7.0 CONSULTATIONS RESPONSES:**

### **7.1 Statutory:**

#### **7.1.1 LCC Transport Development Services**

The applicant is not proposing any student parking for the proposals – this is on-balance acceptable subject to suitable wording within a Section 106 agreement that no students may bring a car to Leeds during their tenancy. A car parking management plan should be conditioned on any permission so that student drop off/pick up is managed efficiently and safely. The undercoft parking area should be left unmarked so that it can be used for disabled parking, staff parking and student drop-off-pick-up and start/end of term time. Staff would need to come in by sustainable modes of transport during these times.

Due to the applicant not providing any student parking and relying on all student residents to use sustainable modes of travel to get to the local universities, the applicant has carried out a detailed accessibility analysis of key walking/cycles routes and crossing points to the local universities from the site to see if the routes are suitable and consider if improvements should be proposed to make walking/cycling more attractive. The proposed 21% cycle parking to students bed spaces ratio is on-balance acceptable taking into account University travel plan mode share targets by cycles. Short stay cycle spaces should be provided outside the proposed retail outlet. At least one lockable motorcycle space should be provided in the under croft parking area.

The lay-by proposed on Park Lane would also need to be managed so that large vehicles do not arrive at the same time as when student drop-off/pick up is taking place. Ideally the bins should be on the same level as Park Lane for efficiency and so bin collection does not take a significant amount of time each week.

On the Kirkstall Road Renaissance Area Planning Framework Plan 8 for Area 4 there are strong aspirations for Rutland Mount to be improved to be a 'Green Access Link' for north-south non-motorised movements. Rutland Mount is currently surfaced using stone sets, has no Traffic Regulation Order along its length so will suffer from commuter parking problems during the week if the development was built, and is unattractive for pedestrians to use. It is therefore considered necessary, to convert Rutland Mount into a footway with full height kerbing and footway construction at the top end and pedestrian guardrail at the bottom end of Rutland Mount on Burley Street to prevent vehicle access (including tarmac resurfacing and refurbishment of the setts along its length) if the main pedestrian access for the student flats is taken from Rutland Mount. The applicant would need to obtain agreement from the neighbouring property owner in terms of right of access along Rutland Mount and suitable maintenance access to their building side as well as possible future access doors and CCTV coverage issues. In relation to roots for the trees, the applicant would need to investigate statutory undertaker information to see whether the tree positions are

suitable in relation to existing street infrastructure. For information, the applicant could either close that part of the highway for the tree planting under S247 under the Town and Country Planning Act 1990 (if street infrastructure is not found) or they could be planted under a Licence to Cultivate. In both instances the applicant would need to maintain the trees. The tree planting would need tree root cages/protection if achievable to plant.

Park Lane: The loading lay-by should be at least 12m long excluding tapers. This will also provide additional drop-off/pick up space for start/end of term times.

Burley Street: The lay-by should be increased by approximately 3-4m to the east so there is a shared 12m length marked loading bay (without tapers) and suitable marked short stay parking bay for the retail outlet. Ideally, the front boundary wall should be removed from the scheme to open up the footway and pedestrian access to the building (bollards could be set back from the edge of the site for any security/safety issues etc.).

A motorcycle wall anchor has been proposed to allow a motorcycle to be secured.

Recommended conditions:

- Details of cycle and motorcycle parking
- All off-site highway works showing pedestrian improvements by s278 agreement
- Means of preventing mud on the highway
- Provision for contractors
- Development shall not commence until details of a staff shower/changing room/locker facilities for staff of the student residential building
- Car park and servicing management plan
- Any proposed ramps/gradients across the site must be constructed in accordance with the British Design Standard (BS 8300:2001) and retained as such thereafter.

Section 106 obligations

- No car tenancy agreements

#### 7.1.2 Coal Authority

No objection

### **7.2 Non-statutory:**

#### 7.2.1 LCC Environmental Protection

No objection subject to conditions regarding construction practice, construction working hours (08.00 hours on weekdays and 09.00 hours on Saturdays nor after 18.30 hours on weekdays and 13.00 on Saturdays), commercial unit delivery times (8am to 18:30 hours Monday to Saturday and 9am to 13:00 hours on Sundays and Bank Holidays), details of extract ventilation

#### 7.2.2 LCC Flood Risk Management:

No objection subject to conditions regarding surface water drainage

#### 7.2.3 West Yorkshire Combined Authority:

Future residents would benefit if one of Metro's new 'live' bus information displays were to be erected at bus stop number 11452 at a cost of approximately £10,000 (including 10 years maintenance) to the developer. The display is connected to the West Yorkshire 'real time' system and gives accurate times of when the next bus is



due, even if it is delayed. Good pedestrian access to/from the site to/from bus stops should be provided taking into consideration the needs of the elderly and mobility impaired.

#### 7.2.5 LCC Waste Management

The bin storage arrangements are acceptable.

### 8.0 PLANNING POLICIES:

#### 8.1 Development Plan

##### 8.1.1 Leeds Core Strategy 2014

The adopted 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 Core Strategy was adopted by the Council on 12th November 2014. This now forms the development plan for Leeds together with the Natural Resources & Waste Plan and saved policies from the UDP. A number of former UDPR saved policies have been superseded by Core Strategy policies and have been deleted as a result of its adoption. Appendix 1 of the Core Strategy provides a full list of 'deleted' UDPR policies and policies that continue to be 'saved' (including most land use allocations).

Spatial Policy 1 sets out the broad spatial framework for the location and scale of development. This policy prioritises the redevelopment of previously developed land within Main Urban Area, in a way that respects and enhances the local character and identity of places and neighbourhoods.

Spatial Policy 3 Role of Leeds City Centre seeks to maintain and enhance the role of the City Centre as an economic driver for the District and City Region, by

- 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
- Expanding city living with a broader housing mix

Spatial Policy 8 states that training/skills and job creation initiatives would be supported by planning agreements linked to the implementation of appropriate developments given planning permission.

Paragraph 5.1.14 City Centre strategic Themes and Character – 'A Growing Residential Community' of the Core Strategy states that:

*'With significant house building between 1995 and 2010 a substantial residential population exists in the City Centre. Despite the recession and pause in construction activity, city living remains extremely popular with little vacancy. Considerable land opportunities exist in the City Centre to boost the residential population further. It is important that efforts are made to make best use of this opportunity in order to make efficient use of land and provide a wide housing offer for Leeds as a whole, as delivery of housing in the City Centre is key to the overall delivery of the Core Strategy. However, with some of the first residents putting down roots and wanting to continue to live in the City Centre it is important that a wider variety of sizes and types of housing are made available than have previously been built. In line with Policy H4 Housing Mix, major housing developments across the City Centre will be expected to contribute to a wider mix of dwelling sizes. Potential for creation of family friendly environments exist on the fringes of the City Centre where densities can be lower, and more greenspace and supporting services can be delivered, including medical and education services.'*

Para 5.2.20 states that: 'significant growth in student numbers in the past has led to high concentrations of student housing in areas of Headingley, Hyde Park and Woodhouse. This generated concerns about loss of amenity to long term residents'

Para 5.2.27 states that 'The decade 2001 – 2012 witnessed considerable development of new purpose built student accommodation particularly in and around the north west sector of the City Centre. Growth in this accommodation is to be welcomed in order to meet need and to deflect pressure away from private rented houses in areas of over-concentration. Nevertheless, care is needed to ensure that purpose built accommodation does not itself become over-concentrated and is located with good access to the universities.'

Core Strategy Policy CC1 outlines the planned growth within the City Centre for 10, 200 new dwellings. Part (b) of Policy CC1 encourages residential development, providing that it provides a reasonable level of amenity for occupiers.

Policy H2 refers to new housing development. The development will be acceptable in principle providing the development does not exceed the capacity of transport, educational and health infrastructure and the development should accord with accessibility standards.

Policy H3 states that housing development should meet or exceed 65 dwellings per hectare in the City Centre.

Policy H4 states that developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long term taking into account the nature of the development and character of the location.

Policy H5 states that the Council will seek affordable housing from all new developments either on-site, off-site or by way of a financial contribution if it is not possible on site. Student only housing schemes are exempt from affordable housing.

Policy H6B relates to student housing provision and is discussed in the appraisal section of this report

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.

Policy P12 states that landscapes will be conserved and enhanced.

Policies T1 and T2 identify transport management and accessibility requirements for new development.

Policies EN1 and EN2 set out the sustainable construction and on-going sustainability measures for new development. In this case, Code for Sustainable Homes Level 4 is required.

Policy ID2 Planning obligations and developer contributions

#### 8.1.2 **Leeds Unitary Development Plan Review 2006 (UDPR) Saved Policies**

Relevant policies include:

GP5 all relevant planning considerations

BD2 design and siting of new buildings

BD4 all mechanical plant  
BD5 Residential amenity  
T7A cycle parking  
T7B motorcycle parking  
T24 Car parking provision  
LD1 landscaping

### 8.1.3 **Leeds Natural Resources and Waste DPD 2013**

The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16<sup>th</sup> 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 drainage, air quality, trees, coal recovery and land contamination are relevant to this proposal.

### 8.2 **Relevant Supplementary Planning Guidance includes:**

SPD Street Design Guide  
SPD Travel Plans  
SPD Building for Tomorrow Today: Sustainable Design and Construction  
SPG City Centre Urban Design Strategy  
SPG3 Affordable Housing  
SPG6 Self-contained flats

#### **SPG Neighbourhoods for Living**

Neighbourhoods for Living provides advice and principles for good residential design across the themes of use, movement, space and form. It promotes local character, analysis of landmarks, views and focal points, and quality buildings. It provides guidance for distances to boundaries and it states that the private communal amenity provision for flats should be ¼ of total gross floor area.

#### **Little Woodhouse Neighbourhood Design Statement 2011 (adopted SPD)**

Burley Road is a major traffic route into and out of the City. Thin strips of land formerly occupied by industrial buildings are now giving way to purpose-built student housing flats. The old sorting office between Park Lane and Burley Street is identified as a local landmark. General design advice includes:

- building materials include red-brick as the basic walling material
- infill development should maintain existing building line
- views and vistas should be maintained
- new development should be of a similar size scale to its immediate neighbours
- new development should be sensitive and responsive to its context.
- Buildings in key locations – in corner positions or at the end of vistas and other key locations, buildings should be designed and detailed in a manner which reflects the importance of their location

#### **Kirkstall Road Renaissance Area Planning Framework 2007**

The Kirkstall Road Renaissance Area Planning Framework 2007 is informal supplementary planning guidance, not part of the adopted Development Plan Documents, and whilst it is a material consideration, it has little weight compared to the weight of policies in the Core Strategy

### 8.3 **National Planning Policy Framework (NPPF)**

The National Planning Policy Framework (NPPF) came into force in March 2012 and represents the government's commitment to sustainable development, through its intention to make the planning system more streamlined, localised and less restrictive.

It aims to do this by reducing regulatory burdens and by placing sustainability at the heart of development process. The National Planning Policy Framework (NPPF) sets out the Governments planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so.

The NPPF identifies 12 core planning principles (para 17) which include that planning should:

- Proactively drive and support sustainable economic development to deliver homes
- Seek high quality design and a good standard of amenity for existing and future occupants.
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

The NPPF states that LPA's should recognise that residential development can play an important role in ensuring the vitality of centres (para 23). Housing applications should be considered in the context of the presumption in favour of sustainable development (para 49).

The NPPF states that local authorities should deliver a wide choice of homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (para 50).

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.

## **8.4 Other material considerations**

### **8.4.1 Best Council Plan**

The Plan identifies 6 objectives in order to achieve the best council outcomes identified between 2014-2017. One of the three best Council outcomes (Best Council Plan 2013-17) is to "improve the quality of life for our residents", and the priority "Maximising housing growth to meet the needs of the city in line with the Core strategy" within the Best Council objective "Promoting sustainable and inclusive economic growth" which gives a strong foundation to improving the quality of housing and 'liveability' of places delivered under this ambitious programme for the city.

Also, the objective "Promoting sustainable and inclusive economic growth" is of relevance to this proposal. This would be achieved by improving the economic wellbeing of local people and businesses, meeting the skills needs of business to support growth, boosting the local economy, creating 'more jobs, better jobs' by working with employers and businesses, and continuing to secure local training and recruitment schemes.

### **8.4.2 Vision for Leeds 2011-2030**

One of the aims is that by 2030 Leeds' economy will be more prosperous and sustainable. This includes having a skilled workforce to meet the needs of the local economy, and creating significant job opportunities. The vision also states that Leeds will be a great place to live, where local people benefit from regeneration investment, and there is sufficient housing, including affordable housing, that meets the need of the community.

#### **8.4.3 City Priority Plan 2011-2015**

The Plan states that Leeds will be the best city to live in. The City Priority Plan includes an objective to maximise investment to increase housing choice and affordability. The sustainable growth of a prosperous Leeds' economy is also a priority. The key headline indicators relevant to this proposal would be the creation of more jobs, more skills, and the growth of the local economy, and an increase in the number of hectares of vacant brownfield land under redevelopment.

#### **8.4.4 The Leeds Standard 2014**

The Leeds Standard was adopted by the Council's Executive Board on 17 September 2014. The introduction of a Leeds Standard to ensure excellent quality in the delivery of new council homes under three themes: Design Quality, Space Standards and Energy Efficiency Standards. It sets out how the Council can use the Leeds Standard in its role as Council landlord through its delivery and procurement approaches. Through its actions the Council can also seek to influence quality in the private sector. Those aspects of the Standard concerned with design quality will be addressed through better and more consistent application of the Council's Neighbourhoods for Living guidance. The Leeds Standard sets out the importance of excellent quality housing in supporting the economic growth ambitions of the council. The Leeds Standard sets a target of 37sqm for a self-contained studio flat.

#### **8.4.5 Emerging Site Allocations Plan – Site Allocation Proposals (Housing & Safeguarded Land) 2015**

Although at an early stage, the proposed allocations presented to Development Plans Panel 13 January 2015 provide the basis for producing a draft Site Allocations Plan, which would then be placed on deposit to enable public comment to be made. This site is identified as Housing site no. 226 as a brownfield City Centre infill site for 48 dwellings.

#### **8.7.6 National Government Consultation on Housing Standards**

In March of this year the Government announced its intention to take forward the development of a nationally described space standard which will be available to local planning authorities to use in setting their housing policies. The Government has continued to work to develop this space standard, and accompanying planning policy guidance. This included calling together an industry working group to advise on how to take this work forward. Space standards are typically required in order to provide confidence that new dwellings have a high level of functionality in undertaking day to day tasks and activities, at a given level of occupancy. The nationally described space standard deals with internal space within new dwellings and is suitable for application across all tenures. The gross internal areas recommended by the consultation study are determined by a combination of the space needed to accommodate the furniture detailed in Annex B of the document, which is derived from the Housing Quality Indicators and the London Housing Design Guide 2010

## **9.0 MAIN ISSUES**

9.1 Principle of use

9.2 Urban design and impact on surrounding amenities

- 9.3 Amenity of future residents
- 9.4 Highways and transportation
- 9.5 Sustainability
- 9.6 Wind
- 9.7 Other matters raised by representations

## **10.0 APPRAISAL**

### **10.1 Principle of use**

- 10.1.1 The National Planning Policy Framework, Leeds Unitary Development Plan Review, the Leeds Core Strategy, would all support the principle of residential development with a supporting small scale town centre commercial use in this City Centre brownfield site location. With regard to the Kirkstall Road Renaissance Area Planning Framework (an informal SPG with limited weight) this advises against further residential development in the City Heights area. However, the City Heights area identified in this document is still predominantly commercial in nature. This document does not benefit from as much weight as the NPPF or the Core Strategy. The Core Strategy is more recent and was subject to more thorough public examination.
- 10.1.2 With reference to Core Strategy Policy H6: Houses in Multiple Occupation (HMOs), Student Accommodation, and Flat Conversions, Part B is relevant to this application proposal, and its criteria can be considered as follows. Part i) states that development proposals should help extend the supply of student accommodation taking pressure off the need for private housing to be used. This proposal would fulfil this objective. Part ii) states that development proposals should avoid the loss of existing housing suitable for family occupation, and this proposal would also meet this objective. Part iii) seeks to avoid excessive concentrations of student accommodation (in a single development or in combination with existing accommodation) which would undermine the balance and wellbeing of communities. Whether the concentration is excessive in the area depends on the consideration of the local context. Whilst excessive concentrations of student populations may cause harm to discrete residential areas, the combined proximity to the City Centre, local mixed land use functions and the proximity to the educational areas suggest that the proposed student accommodation, as a small percentage increase to an existing concentration, could be tolerated in this location. It is considered that there would be some difficulty in defining a wider area within which student housing proposals would not form part of a mixed community, taking into account the dominant commercial uses around the site, and the existing residential communities of Little Woodhouse. If the community is defined across a wider area that includes Little Woodhouse it is considered that the mix and type of residential accommodation is extremely varied, and therefore a balanced and mixed community is achieved. The key issues would be the location of a community boundary, identifying affected individuals/groups, what the harm was, identifying the individuals/groups causing harm, and the collection of robust, credible evidence to that effect. It is considered that this area features one of the more diverse ranges of land use in and around the edge of the City Centre.
- 10.1.3 Regarding the retail unit, the applicant presents within their Retail Statement that the proposal is in accordance with Policy P4 of the newly adopted Core Strategy. As the proposal is located within the City Centre the proposal must meet Policy CC1. Policy CC1 states that for convenience retailing proposals between 201 – 372 sqm a sequential test would be required if they are located within 300m of an identified centre. As the development is located over 300m away from the Prime Shopping Quarter, the Wellington Street Local Convenience Centres and the Burley Lodge Local Centre, there would be no requirement to complete a Sequential Test.

Therefore the retail element of the proposal would be in accordance with the Core Strategy.

## **10.2 Urban design and impact on surrounding amenities**

- 10.2.1 The taller element of the proposed building would be of a similar height to that of the former sorting office building to the east. The lower section would be comparable to the height of Sentinel Towers to the south. The form would step down to the electricity substation to the east, and this lower element would also step below the ridges of the houses on Kendal Walk. The step in roof form would also serve to aid the breaking down of height, scale and bulk in relation to adjoining buildings and in longer distance views such as from Kendal Walk. Existing views from Kendal Walk are already dominated by Sentinel Towers (built in the 1990s) and The Tannery (early 2000s) and other modern buildings including the Holiday Inn on Kirkstall Road. Therefore on balance it is considered that the scale and form of the building is acceptable in this context.
- 10.2.2 With regards to elevational treatment, the proposed red-brick would reflect the traditional materials in the area. The building is considered to provide a suitable appearance in its immediate context with a simple palette of materials, a clear base, middle and parapet top to its design and elevational interest provided by its window arrangements and reveal detailing.
- 10.2.3 Part iv) of Core Strategy Policy H6B states that proposals for student housing should avoid locations which are not easily accessible to the Universities by foot or public transport or which would generate excessive footfall through quiet residential areas which may lead to detrimental impacts on residential amenity. The site is approximately 800m from the University of Leeds, approximately 700m from the LGI and 1200m away from the main Leeds Beckett University campus. It is considered that the location of the site in relation to these educational establishments is likely to mean that most residents would travel along Park Lane and Clarendon Road and thereby avoid most established residential areas.
- 10.2.4 Whilst there may be some travel through existing residential areas, this is more likely to take place through the day and would be limited in number compared to the more direct routes available along Clarendon Road and Park Lane.
- 10.2.5 A small number of local residents in their representations on this and other proposals have expressed concern regarding general noise and disturbance as a result of students generally. However the area is characterised by a mixture of uses including significant existing student accommodation which contribute to a busy City Centre environment and it is considered that the proposal in itself would not unduly affect this existing character.
- 10.2.6 With regard to the direct impact of the development on adjacent residential properties, the site would be separated by a distance of approximately 45m from the nearest traditional residential properties to the north. The site lies in a predominantly commercial area, but close to traditional neighbourhoods. The direct impact of this proposal in terms of direct loss of amenity/noise/general disturbance on the existing residents of the Kendal's and Hanover Square, is likely to be relatively small due to the physical distance and change in topography. It is considered on balance that the relatively small increase in student numbers from this application would not result in a significant adverse impact on the nearby traditional residential areas.

## **10.3 Amenity of future residents**

- 10.3.1 Although the proposed building would regenerate a vacant site and has some design merits in terms of its overall form, materials and elevational treatment, it is considered that the internal design and intensity of the proposed student housing scheme fails to provide sufficient amenity for the future occupants.
- 10.3.2 With reference to part (v) of Policy H6 B, the proposed accommodation should provide satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms.
- 10.3.3 Most of the studio flats are around 20 square metres with all living functions catered for within one room plus a small shower/toilet room. This is not considered to offer good living conditions for future residents. They do not have adequate size to carry out the functions of day-to-day living, and have inadequate circulation space. It is considered that the proposal would result in negative effects on the wellbeing and living conditions for future residents. Under the Government's consultation on minimum housing unit sizes, the HCA level 1 standard and the Leeds Standard guidance it is advised that studio flats should be a minimum of 37sqm. In this proposal, the studio apartments would be predominantly 20sqm. The Government's proposed Housing Standard, the HCA standard, and the Leeds Standard all use a credible evidence base, prepared using real furniture sizes and taking account of people's day-to-day living needs.
- 10.3.4 The typical rectangular room proposed represents a large number of the proposed flats. These indicative room layouts show very limited space for fulfilling the normal day to day functions of sleeping, washing, ablutions, cooking, sitting down to eat and socialising with family and friends in private and for general circulation within the flat. For example, the shower enclosure measures only 1.05m wide x 0.67m deep, the sink and toilet area is only 1m x 1.2m and there would be limited circulation space within the bathroom area between the toilet, shower and sink. The bed is shown to be only 1.1m wide x 2m long with a table oversailing part of that length – allowing for pillow depth and the solid partition at the end of the bed then the length for a “free” sleeping and lying down area is effectively reduced further. There is a dish drainer which extends onto the eating table, which also doubles up as space to prepare ingredients or place pots and pans or crockery adjacent when cooking. There is also limited circulation space within the flat with only a 1.35 m wide space between the wardrobe and bathroom which also doubles up as the entrance area and the kitchen area and a further reduction in corridor width to 77cm when travelling to the sofa/seating area.
- 10.3.5 In addition to their small size, it is considered that the “L” shaped plan form for the corner flats from level 3 upwards adjacent to the roof top garden area would have poor internal daylight and outlook, given the distance to the east across the courtyard and the scale of the eastern wing of the building.
- 10.3.6 In relation to the outlook of flats along Rutland Mount, the former sorting office would only be approximately 8m from some flats. When combined with the limited size of the units, this outlook is not considered satisfactory when it is a sole outlook for an entire flat, and there may be poor levels of light to these units, especially lower down the block.
- 10.3.7 The outdoor amenity provision would be limited to the courtyard facing Burley Street. This would measure between 9 and 10m wide by between 6 and 7m deep. This would not meet the guidance in Neighbourhoods for Living which states that ¼ of the gross floor area should be provided as communal outdoor space. This development



would need to provide significantly more outdoor amenity space (over ten times) than that proposed in order to meet this policy guidance. The lack of communal outdoor space provision or balconies, combined with small unit sizes, means that the amenities of the proposed flats are considered to be poor.

- 10.3.8 The proposal is mostly made up of flats which are no larger than a standard budget hotel room, which are usually approximately 20sqm, but are not intended for long term residency. The proposed flats are intended for longer term residency not a short term visit, and would be detrimental to the amenities and general wellbeing of future residents.
- 10.3.9 Core Strategy Policy H4 requires residential development to provide a mix of unit types including one, two and three-bed accommodation to meet housing needs over the long term. Whilst it is accepted that a student-only scheme may not require multiple bedroom units, the design in this case relying on solely small studio flats would make it very difficult to convert the building to other types of residential accommodation in the future. It is considered that such small units would not be sustainable in the long term, as they would not be capable of easy conversion to larger spaces for different types of residential accommodation. It is considered that they could only be easily converted to standard hotel rooms without significant works.

#### **10.4 Highways and transportation**

- 10.4.1 In principle the proposal would not give rise to local parking issues or road safety issues subject to the conditions recommended by Highways officers. They have raised no objections to the proposed low level of parking. They have also advised that subject to the provision of cycle and motorcycle parking, and demonstration of appropriate bin storage and collection, the proposal would be unlikely to result in adverse road safety issues or adverse impact on amenities for local residents. Secure cycle storage and bin storage is identified on the plans. The Saved UDPR parking guidelines can accept minimal or no car parking where there is considered to be no adverse impact on the highway. On-street parking is controlled by a parking scheme in the local area. The site is well located in terms of access on foot or by cycle to the City Centre, the universities, the LGI, and public transport and local services are within easy walking distance. Highways officers would recommend a restriction via a Section 106 agreement that tenants who do not have an allocated space on site do not bring a car to the area.
- 10.4.2 The applicant's pedestrian study has revealed that improvements would be necessary to achieve the pattern of pedestrian movements envisaged. A plan of the junctions that are deficient in either dropped kerbs and/or tactile paving has been proposed:
- a. Park Lane/Belle Vue Road
  - b. Park Lane/Hanover Avenue
  - c. Hanover Square (West) /Hanover Avenue
  - d. Hanover Square/Dennison Road
  - e. Park Lane/Burley Street
  - f. Dennison Road/Woodhouse Square
  - g. Hanover Way/Park Lane
  - h. Woodhouse Square/Clarendon Road
  - i. Clarendon Road/Kelso Road

Works to these junctions would be required to upgrade the pedestrian environment and make the proposed development acceptable in highways and transportation terms. These works would need to be provided by an appropriate condition prior to the occupation of the development.

10.4.3 West Yorkshire Combined Authority has commented that future residents would benefit if one of Metro's new 'live' bus information displays were to be erected at bus stop number 11452 at a cost of approximately £10,000 (including 10 years maintenance) to the developer. However as the bus stop in question serves people travelling west-bound, away from the City Centre, there would be little reason for the proposed student population to use this bus stop, as the majority of their journeys are expected to be towards the City Centre and Universities. As such, it is considered that a bus stop improvement contribution is not fairly related to the development proposed or justifiable in planning terms in this case.

## **10.5 Sustainability**

10.5.1 The scheme would achieve the standards set out in the adopted sustainable design and construction SPD Building for Tomorrow Today. The proposal would meet at least a BREEAM Excellent standard. A minimum of 10% energy generation would be developed through on site low carbon energy sources, in this case a Combined Heat and Power plant (CHP). The scheme would also deliver at least a 25% reduction in carbon emissions over building regulations standards.

## **10.7 Wind**

10.7.1 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 and that 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 Local Planning Authority instructed an independent wind expert to peer review the report, and they have confirmed that the assessment is sufficiently detailed and likely to be robust in terms of the range of conditions that have been assessed.

## **10.8 Other matters raised by representations**

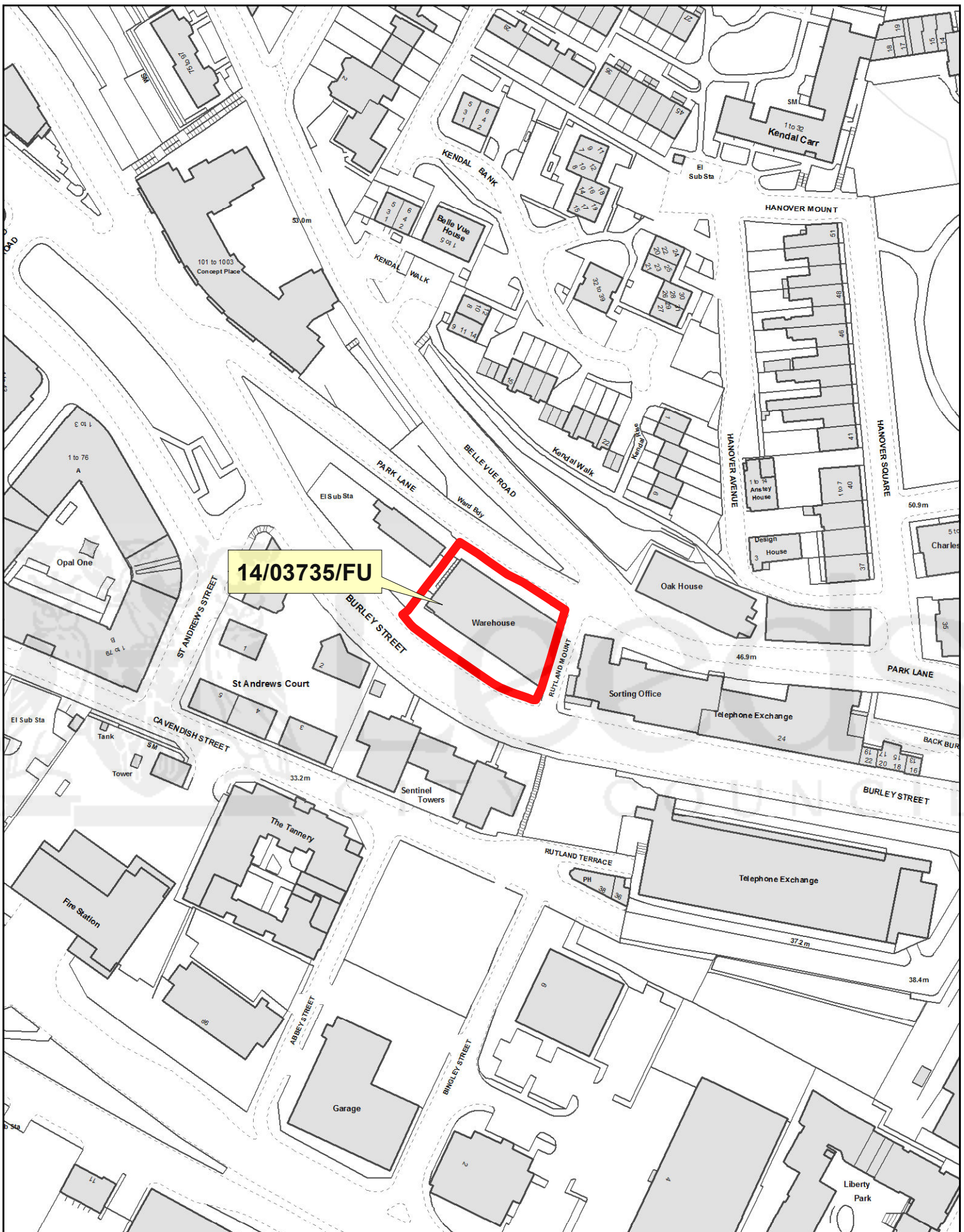
10.8.1 The site lies within the designated City Centre, where under the Core Strategy housing densities are expected to be higher than 65 dwellings per hectare. On balance there may be capacity at this site for more than 48 units at this site. The site allocations is an estimate based on a formula and is not necessarily prescriptive.

## **11.0 CONCLUSION**

11.1 The application is recommended for refusal. On balance, the proposal is considered to be an over-intensive use of the site resulting in inadequate amenity for future residents contrary to the Council's adopted policies for the reasons given in section 10.3 above.

### **Background Papers:**

Application file 14/03735/FU



14/03735/FU

Warehouse

# CITY PLANS PANEL



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Originator: C. Briggs

Tel: 0113 2224409

## Report of the Chief Planning Officer

### **CITY PLANS PANEL**

Date: 12 FEBRUARY 2015

**Subject: PLANNING APPLICATION REF. 14/05288/FU CHANGE OF USE OF PART OF GROUND FLOOR TO A5 (HOT FOOD TAKE AWAY), INSTALLATION OF DUCT AND EXTRACT TO REAR, AND ADDITION OF NEW DOOR TO SHOP FRONT AT 34 KIRK GATE, LEEDS LS2 7DR**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Papa John's (GB) Ltd.	10.09.2014	25.02.2015 (extended)

#### **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:**

**GRANT planning permission subject to the conditions specified at Appendix 1.**

#### **1.0 INTRODUCTION:**

1.1 This application is brought to City Plans Panel at the request of City and Hunslet Ward Member, Councillor Iqbal, due to concerns regarding:

- Odour from the installation of the extraction system would exacerbate existing hot-food odours from other premises in the area, meaning that residents would not be able to open their windows
- Noise from the take-away, and from deliveries to and from the shop and refuse collections
- Fire safety concerns regarding the extract duct
- Negative impact on the architectural and historic character of the area
- Traffic problems resulting from inadequate servicing/refuse facilities leading to highways safety issues

- Increased litter
- Overconcentration of take-aways, pubs and bars in the area

## **2.0 PROPOSAL:**

- 2.1 The application proposal is for the change of use of part of the ground floor (78.6sqm) to A5 hot food take away use, installation of extract flue to rear in the yard access off Harper Street, and the provision of a new door to the shop front. The proposal would involve the subdivision of the existing vacant ground floor unit into a take-away and a unit which benefits from planning permission for A1 retail and/or café/restaurant uses. The proposal would include a pizza delivery business, with food cooked on site and delivered to homes and businesses in the local area, ordered either in person, over the phone or on the internet. The applicant has provided details of an external bin store, located in the yard off Harper Street. The applicant has also confirmed that the take-away would not operate after 11pm each day.
- 2.2 A number of documents were submitted in support of the application:
- Scaled Plans
  - Planning Statement
  - Extract system and plant scheme report
  - Noise and sound insulation scheme report

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application unit consists of a vacant ground floor retail unit, which also benefits from planning permission for café/restaurant use. The unit has been vacant for a number of years, although it has been recently occupied as a pop-up art gallery. The site lies within the designated City Centre Prime Shopping Quarter. This part of Kirkgate is designated as a Secondary Shopping Frontage. The surrounding area is a very busy, vibrant part of the City Centre, along a main pedestrian route to the nearby bus station. It is characterised by a wide variety of uses including residential at upper floors, public houses/bars, a credit union, amusement arcade, hot food takeaway, office, café and shop uses. The upper floors of this building, the building opposite at 4-12 Harper Street, and those adjoining to the west along Kirkgate, have all been converted to flats in recent years.
- 3.2 The building is an attractive Victorian red-brick four storey curved building, with a well-detailed traditional timber shopfront. There is a rear yard which services the properties along the north side of Kirkgate and the south side of New York Street. The site lies within the City Centre Conservation Area, and opposite the Lower Kirkgate Townscape Heritage Initiative area.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 14/06023/ADV Four illuminated and four non-illuminated signs – pending consideration
- 4.2 12/04976/FU Change of use of shop to Class A3 (restaurants/cafe) approved for the whole of this ground floor unit - not implemented and expires 14 February 2016
- 4.3 20/342/01/FU Change of use, new shopfronts and alterations of 1st 2nd and 3rd floor to 24 dwellings - approved and implemented.

## **5.0 HISTORY OF NEGOTIATIONS**

5.1 No pre-application discussions took place.

## **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 Planning application publicity consisted of a Site Notice posted 19.09.2014

6.2 City and Hunslet Ward Member, Councillor Iqbal, objects to the proposal and has requested that it be determined by City Plans Panel.

6.3 3 objections have been received from residents of the flats above, stating the following concerns:

- Odour from the installation of the extraction system would exacerbate existing hot-food odours from other premises in the area, meaning that residents would not be able to open their windows
- The relationship of the takeaway door to the front door of the flats
- Noise from the take-away, and from deliveries to and from the shop and refuse collections
- Fire safety concerns regarding the extract duct
- Negative impact on the architectural and historic character of the area
- Traffic problems resulting from inadequate servicing/refuse facilities leading to highways safety issues
- Increased litter

## **7.0 CONSULTATIONS RESPONSES:**

### **7.1 Statutory:**

None

### **7.2 Non-statutory:**

#### **7.1.1 LCC Transport Development Services:**

No objection, the proposal would not give rise to adverse road safety issues, subject to a condition requiring an acceptable provision for pizza delivery parking, waiting and loading.

#### **7.2.1 LCC Environmental Protection:**

The application premises are in a mixed use city centre location with several cafes and takeaways in the close vicinity. There are also a number of residential flats above the application building and opposite on Harper Street. Environmental Protection often receives noise complaints from nearby residents when commercial uses have operated into the early hours of the morning. These complaints have included disturbance from revellers in the street as well as noise from the activities within commercial premises. The premises are also within the city centre cumulative impact policy (CIP) area for Licensed premises (Red Area – under review). Hot food establishments that open beyond 11pm are deemed to be in scope of the policy and so this development is not relevant to it.

No objection to the proposal subject to conditions regarding:

- Unit opening times 8am to 11pm
- Unit delivery times (8am to 18:30 hours Monday to Saturday and 9am to 13:00 hours on Sundays and Bank Holidays)
- implementation of the submitted extract ventilation scheme
- implementation of submitted sound insulation scheme
- provision of grease trap for any food businesses
- provision of a litter management plan

- details of refuse storage

### 7.1.3 LCC Conservation Team

Subject to further details the new door is acceptable, as is the flue at the rear if it is painted black. There were concerns with the proposed internal arrangement. Part of the positive character of the shopfront is the high level of visibility into the property. The original scheme proposed a number of stud walls and fridges etc immediately behind the glass. This would have created a negative barrier, which revised plans have now resolved. The unit should be reconfigured to allow a more open positive character in this space, and to avoid a negative impact on the character of the building and the wider conservation area. The building is a positive feature in the conservation area and lies directly opposite the Lower Kirkgate Townscape Heritage Initiative area, where external funding has been secured for the sensitive regeneration of the area.

## 8.0 PLANNING POLICIES:

### 8.1 Development Plan

#### 8.1.1 Leeds Core Strategy 2014

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.

Spatial Policy 1 sets out the broad spatial framework for the location and scale of development. This policy prioritises the redevelopment of previously developed land within Main Urban Area, in a way that respects and enhances the local character and identity of places and neighbourhoods.

Spatial Policy 3 Role of Leeds City Centre seeks to maintain and enhance the role of the City Centre as an economic driver for the District and City Region, by

- 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
- Expanding city living with a broader housing mix

Core Strategy Policy CC1 outlines the planned growth within the City Centre, and states that all town centre uses will be supported within the City Centre boundary provided the use does not negatively impact on the amenity of neighbouring uses and that the proposal is in accordance with all other Core Strategy policies. It also states that a concentration of shops with ground floor frontages should be maintained in the Prime Shopping Quarter for reasons of vitality. Proposals for non-retail use should not result in the proportion of retail frontage length falling below 80% in Primary Frontages or below 50% in Secondary Frontages. Proposals for uses outside of the "A" class will not be permitted within designated ground floor frontages.

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.

Policy P11 states that the historic environment including locally significant undesignated assets and their settings will be conserved and enhanced, particularly those elements which help to give Leeds its distinct identity.



Policy T2 identifies transport management and accessibility requirements for new development.

Policy P4 states that:

Proposals for the change of use of existing retail units to non retail units (including restaurants, cafes and take-away hot food shops) will be resisted where the vitality and viability of the range of shops to meet day to day local needs will be undermined and increase the need to travel or where the proposal will lead to a concentration of non retail uses in a locality which will detrimentally impact on the community.

Proposals for such uses will be considered against the following criteria:

- (i) The cumulative impact of such development, particularly upon the amenity of the area and traffic generation, especially where concentrations of such uses already exist,
- (ii) Where a proposal involves evening opening, account will be taken of the proposal in relation to the proximity of the premises (and associated parking requirements), to nearby residential accommodation, the nature and character of the neighbourhood parade and existing noise levels;
- (iii) The availability of public transport, convenient on/off street car and cycle parking provision and impact on highway safety. Where there is insufficient car parking or where traffic movements are such as to create a traffic hazard, planning consent is likely to be refused.

#### 8.1.2 **Leeds Unitary Development Plan Review 2006 (UDPR) Saved Policies**

Relevant policies include:

GP5 all relevant planning considerations, including road safety and amenity

BD4 all mechanical plant

BD6 all alterations

BD7 shopfronts

SF1A non-retail uses in shopping frontages

SF3 secondary shopping frontages

S4 Retail character

#### 8.1.3 **Informal Supplementary Planning Guidance**

Lower Kirkgate Planning Statement 2011

This site lies opposite the area covered by the Lower Kirkgate Planning Statement and the Lower Kirkgate Townscape heritage Initiative. The Lower Kirkgate Planning Statement provides conservation, land use, urban design, connectivity and movement, public realm and sustainability objectives for the sensitive and sustainable regeneration and restoration of this area.

#### 8.2 **National Planning Policy Framework (NPPF)**

The National Planning Policy Framework (NPPF) came into force in March 2012 and represents the government's commitment to sustainable development, through its intention to make the planning system more streamlined, localised and less restrictive. It aims to do this by reducing regulatory burdens and by placing sustainability at the heart of development process. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so.

The NPPF identifies 12 core planning principles (para 17) which include that planning should:

- *'Proactively drive and support sustainable economic development*

- *Seek high quality design and a good standard of amenity for existing and future occupants.*
- *Encourage the re-use of existing resources, including conversion of existing buildings.*
- *Conserve heritage assets in a manner appropriate to their significance.*
- *Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.'*

Paragraph 123 of the NPPF states that:

*'Planning policies and decisions should aim to:*

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;'*

The NPPF makes reference to the Government's Noise Policy Statement – this aims to:

- *avoid significant adverse impacts on health and quality of life*
- *mitigate and minimise adverse impacts on health and quality of life*
- *where possible, contribute to the improvement of health and quality of life*

*This policy should be followed by anyone making a decision that could affect the noise we experience, so that noise issues:*

- *are considered early on in the decision-making process*
- *are not considered in isolation*

British Standard BS4142 sets out methods for determining the level of noise affecting mixed residential and industrial areas. It is recommended that during normal daytime hours (0700 to 2300 hours), the BS4142 rating level, measured over 1 hour, should be 5dB below the background (LA90). During the night-time period (2300 to 0700 hours), the BS4142 rating level, measured over 5 minutes should be 5dB below the background (LA90).

Section 7 of the NPPF 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.*

- 9.1 Principle of use
- 9.2 Residential amenity
- 9.3 Transport
- 9.4 Visual impact of the proposed external alterations on the character and appearance of the host building and the conservation area

## **APPRAISAL**

### **9.1 Principle of use**

- 9.1.1 The proposed use would be acceptable in the context of both national and local planning policy, as a use that should be located in a designated town or city centre. The site lies within the designated Prime Shopping Quarter of the City Centre. A range of generally complementary and supportive land uses will actively be encouraged which can serve local residents, worker and visitors, and ensure life, vitality and variety throughout the day and night in the Prime Shopping Quarter. Under Core Strategy Policy CC1 and Saved UDPR Policy SF3, the application premises lie within a designated secondary shopping frontage. Under these policies, at least 50% of the frontage length should be maintained as A1 retail use. However, the balance of retail use has been lost over time, and this longstanding vacant unit is the last A1 retail unit in the frontage. Since the 2001 allocation of this frontage the retail function has reduced. The Council's adopted policies recognise that the minimum 50% requirement for A1 use in secondary frontages is a guide and that under certain circumstances such as a change in the retail character of the area, or long-standing vacancy levels then a loss of A1 retail use may be acceptable. The proposed use is considered complementary to a more diverse leisure and food economy that is now established in this part of the City Centre. The unit has also been vacant for a number of years and been marketed as A1 retail and A3 café/restaurant use without success. It is considered that in these circumstances, a take-away use in part of the unit is appropriate subject to residential amenity considerations.
- 9.1.3 In this case, it is considered that on balance the principle of the proposal is acceptable to bring the unit back into a viable use, which would provide 5 full time and 20 part-time jobs, and increase levels of activity and footfall in the area.

### **9.2 Residential Amenity**

- 9.2.1 In assessing the scheme against Core Strategy Policy P4 (i) it is considered that the cumulative impact of this development, particularly upon the amenity of the area and traffic generation, especially where concentrations of similar uses already exist, would not result in an overconcentration of such uses sufficient to cause significant additional impacts on residents. The site lies within a vibrant, 24 hour part of the City Centre, and such uses are part of its character. Residential dwellings are in close proximity - directly above, adjacent and opposite the unit. Other uses in the immediate vicinity include retail, cafés, public houses, financial services, take-aways, and a number of other vacant shop units on the south side of Kirkgate.
- 9.2.2 With reference to part (ii) of Policy P4, where a proposal involves evening opening, account will be taken of the proposal in relation to the proximity of the premises (and associated parking requirements), to nearby residential accommodation, the nature and character of the neighbourhood parade and existing noise levels. It is considered that in this busy, late night use environment, that in order to minimise the risk of additional disruption by entertainment uses to residents, that opening hours of 8am to

11pm are appropriate, with 8am-8pm restrictions on deliveries to the premises and servicing Monday to Saturday (with none on Sundays or Bank Holidays).

- 9.2.3 The applicant has confirmed that they would adhere to restrictions to opening times to 8am to 11pm on any day of the week, and restrictions to delivery and refuse collection times to 8am to 8pm Monday to Saturday and none on Sundays and Bank Holidays.. It is considered that these measures would minimise the potential for additional noise and disturbance from the application premises in the context of the existing busy mixed use nature of the area.
- 9.2.4 A sound insulation and extract plant scheme, including details of odour filtration, has been submitted and Environmental Protection have confirmed that the proposed measures would be sufficient to prevent loss of amenity to the residents nearby. This would require any noise generated by the premises or its mechanical services to be inaudible above background noise levels inside nearby residential properties.
- 9.2.5 A covered, enclosed bin store would be required for these premises in order to avoid the risk of adverse impact on the amenities to the flats above, especially to the potential for odour nuisances to the windows and balconies.
- 9.2.6 A condition is recommended that would require the applicant to provide a litter management plan, to prevent any potential litter nuisance arising directly from these premises.
- 9.2.7 It is therefore considered subject to the above measures and restrictions, that the proposed hot-food takeaway use would not give rise to significant additional concerns regarding the amenities of nearby residents, given the busy character of this part of the City Centre, which features a wide variety of uses, some of which are late-night or 24 hour.

### **9.3 Transport**

- 9.3.1 The application site is well served by bus and rail services, and nearby city centre multi-storey car parks. The local streets are heavily controlled by traffic regulation orders relating to parking and loading. A properly managed bin store would minimise the potential for vehicular safety issues within the rear yard off Harper Street. Pizza delivery vehicles would use the on-street bays on Kirkgate, or off-street car parks at Crown Street or the Markets. Subject to the control of the arrangements for pizza delivery vehicles by condition it is considered that the proposal would not raise any specific road safety issues.
- 9.3.2 Part (iii) of Policy P4 states that consideration be given to the availability of public transport, convenient on/off street car and cycle parking provision and impact on highway safety. It states that where there is insufficient car parking or where traffic movements are such as to create a traffic hazard, planning consent is likely to be refused. In this case, there is very good access to public transport, convenient off-street parking (Crown Street and the Markets car parks) and on-street parking along Kirkgate. Highways Officers are satisfied that this proposal is unlikely to result in road safety issues, subject to a condition requiring acceptable details of pizza delivery vehicle parking and waiting provision.

### **9.4 Visual impact of the proposed external alterations on the character and appearance of the host building and the conservation area**

9.4.1 It is considered that the proposed alterations to the shopfront are minimal and would be in keeping with the scale, form, architectural features and materials of the host building. The revised layout would allow views in and out of the shopfront, with only a small area needing to be obscured to two glazed panels at a lower level. The treatment of windows with applied film would be controlled by condition. The proposed flue in the rear yard would be painted black to minimise its visual appearance. In the context of the view down the yard, the flue would only be visible when passing, and would be typical of the type of plant and machinery found in such service areas. The proposed alterations would allow the ground floor premises to bring into a viable economic use. On balance, the proposal would be acceptable in visual impact terms, and would preserve the character and appearance of the Conservation Area.

## **10.0 CONCLUSION**

10.1 The application proposal would bring into use a longstanding vacant premises in a frontage which has lost a significant part of its A1 retail character. This can therefore be supported in principle by national and local planning policies, and would contribute positively to the local economy.

10.2 Given the context of the site location in a mixed use area of the City Centre, it is considered on balance that subject to the proposed planning conditions the proposal would not have a significant additional adverse impact on existing amenities. The proposal is considered to meet all other highway, road safety, environmental health, and planning requirements, and would not adversely affect the character of the conservation area. Therefore the proposal is considered to be supported by local and national planning policies, and is recommended for approval.

### **Background Papers:**

Application file 14/05288/FU

### **Appendix 1**

Draft Conditions

## 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) The approved external extract ventilation system/air conditioning plant shall be installed and maintained in accordance with the approved details. The 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.

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.

- 4) The approved details for the provision of bin stores (including siting, materials and means of enclosure) and (where applicable) storage of wastes and access for their collection shall be implemented in full before the use commences and shall be retained thereafter as such for the lifetime of the development.

In the interests of amenity and to ensure adequate measures for the storage and collection of wastes are put in place in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.

- 5) The premises shall only be open to the public between 08.00 to 23.00 hours and not outside these hours.

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

- 6) Collections from the premises and deliveries of goods to the premises shall be restricted to 08:00-20:00 hours Monday to Saturday and none on Sundays and Bank Holidays.

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

- 7) Any music or amplified sound including tannoy systems used shall not be audible outside the application unit.

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

- 8) The approved sound insulation scheme shall be carried out prior to the use being commenced and shall thereafter be retained for the lifetime of development.

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

- 9) The use approved shall not commence until the details submitted of measures to treat odour and fumes from processes carried on within the site have been installed and they shall be 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.

- 10) Prior to commencement of the use, a Litter Management Plan, to include details of regular litter picking around the site and the provision of additional litter bins outside the site, if appropriate, shall be submitted to and approved in writing by the Local Planning Authority. The approved Litter Management Plan shall be implemented in accordance with the approved details and the premises shall thereafter not be operated except in accordance with the approved Plan.

To control the deposit of litter and in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.

- 11) The application of obscure film or window vinyls to any glazed part of the shopfront shall be in accordance with the submitted approved details.

In the interests of the visual amenities of the host building and in order to preserve the character and appearance of the Conservation Area, in accordance with Leeds Core Strategy Policies P10 and P11, Saved Leeds UDPR Policies GP5, SF1A, BD6 and BD7 and the NPPF.

- 12) The extract ventilation flue hereby approved shall be painted black.

In the interests of the visual amenities of the host building and in order to preserve the character and appearance of the Conservation Area, in accordance with Leeds Core Strategy Policies P10 and P11, Saved Leeds UDPR Policies GP5, BD6 and BD7 and the NPPF.

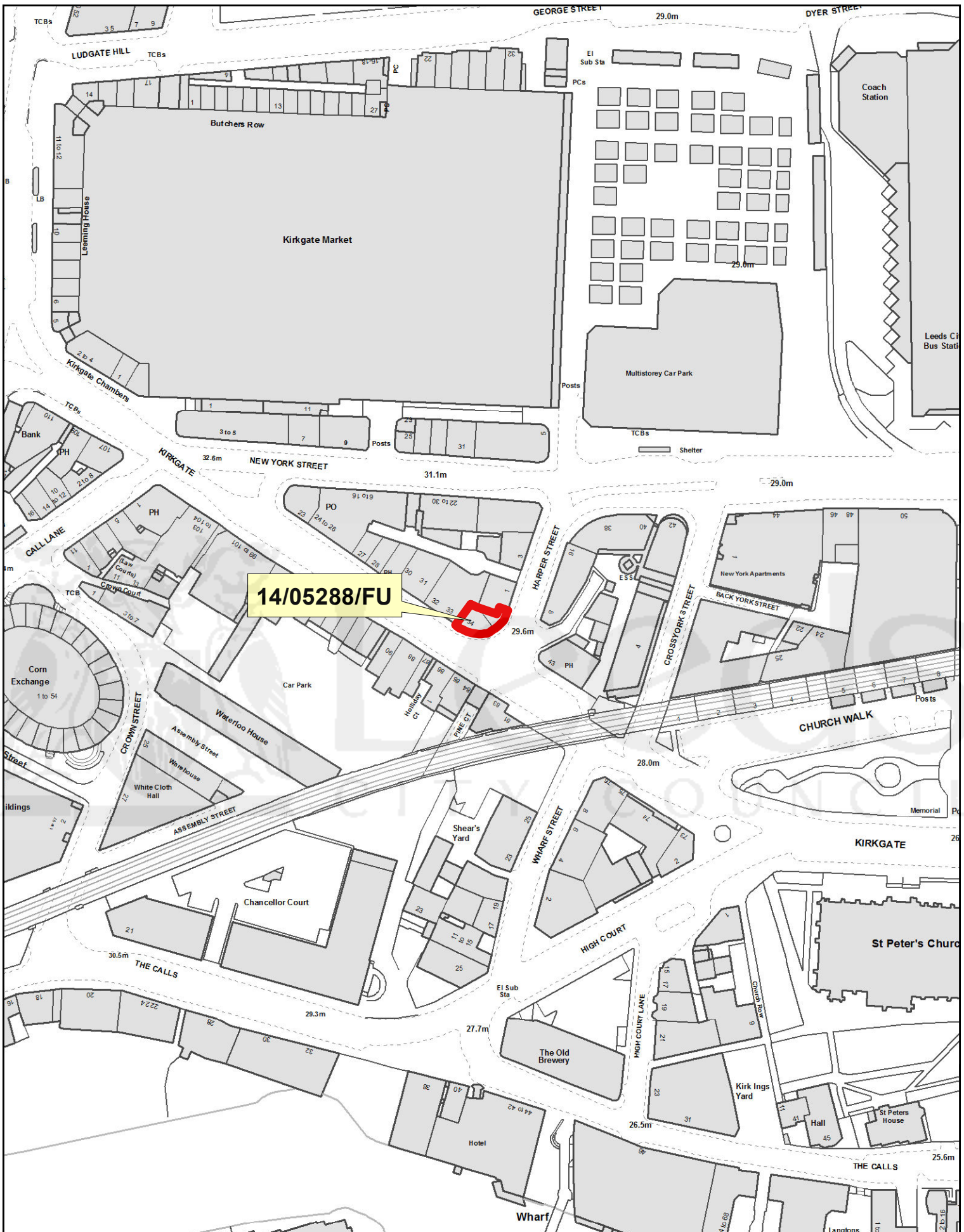
- 13) Prior to the commencement of development, full details of all replacement windows and doors, cornice work, stall riser including treatment and colour details shall be submitted to and approved in writing by the Local Planning Authority. Full details of the windows including method of opening and drawings showing sections through mullions, transoms, glazing bars, sills and lintels, shall be provided at 1:5 scale. Development shall then be undertaken in accordance with the approved details.

In the interests of visual amenity and in order to preserve the character and appearance of the conservation area, in accordance with Leeds Core Strategy Policies P10 and P11, Saved Leeds UDPR Policies BD6 and BD7, and the National Planning Policy Framework

- 14) Prior to the first occupation of the use hereby approved, a customer delivery management plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of where delivery vehicle parking, waiting and loading would take place for food deliveries from the premises to customers. Food deliveries to customers shall be carried out in accordance with the approved details thereafter.

In the interests of vehicular and pedestrian safety in accordance with Leeds Core Strategy Policy T2, Leeds UDPR Policy GP5 and the NPPF.





14/05288/FU

# CITY PLANS PANEL



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Originator: Paul Kendall

Tel: 2478000

## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 12th February 2015

**Subject: PLANNING APPLICATION 14/05976/OT - MIXED USE SCHEME COMPRISING (B1) OFFICES, RESIDENTIAL AND/OR HOTEL (C3/C1) AND A FLEXIBLE RANGE OF SUPPORTING USES AT GROUND FLOOR (A1-A5, D1 AND D2) WITH BASEMENT CAR PARKING; PUBLIC OPEN SPACE AND MODIFICATIONS TO THE SITE ACCESS JUNCTIONS AT SITE BOUNDED BY WELLINGTON ST AND WELLINGTON BRIDGE ST (FORMER YORKSHIRE POST SITE).**

#### Electoral Wards Affected:

City and Hunslet

Yes

Ward Members consulted

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: DEFER and DELEGATE to the Chief Planning Officer for approval subject to resolving the impact of development traffic on the West Street gyratory junction of Kirkstall Road and Wellington Road, 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:**

- Provision of 5% affordable housing units
- Improvement works to the local highway network
- Public transport infrastructure contribution (£ per sqm of floor space):
  - £12 per sqm A2/B1 use - £464,670
  - £9 per sqm C1 hotel - £143,552
  - £14 per sqm A3/4 use - £55,479
  - £232 per residential unit - £46,467
- Travel Plan Review Fee (£20,000) and provision of agreed travel plan measures
  - Provision of free trial membership of the city car club (£33,000)
  - Ensure public access to the open space area
  - Maintenance of public areas
  - Ensuring ability to connect to the neighbouring site to the west.
  - Local Employment Initiatives
  - Education contribution for any 3-bedroom flats to be provided in the

**development based on the Council's standard multipliers for primary and secondary school contributions**

**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.**

**In the circumstances that the application has not been determined by 6<sup>th</sup> April 2015 then the above pro-rata contributions relating to public transport infrastructure and education facilities will be replaced by the adopted Community Infrastructure Levy.**

Conditions

These will be circulated as a late item prior to the Panel meeting.

## **1.0 INTRODUCTION:**

1.1 Members will recall considering a pre-application presentation in September 2014 and a position statement at Panel in December 2014 for this major mixed use scheme proposed on the vacant former Yorkshire Post site, located at the corner of Wellington St and the on-slip of the Inner Ring Road (Wellington Bridge St). Following the position statement Members were generally positive towards the scheme (the minutes are referred to in section 4.0 below). Members will be aware that the site was vacated by Yorkshire Post over a year ago and, since then, demolition of the building has been completed. The land has been sold and the new owner wishes to pursue a redevelopment of the site. This scheme is now being brought to Members for final determination.

## **2.0 PROPOSAL**

2.1 The proposal is in outline with means of access being the matter under consideration. As the application is in outline there are no elevational details to be included for approval with the building footprints and heights being dealt with by parameter plans. However, in order to provide an impression of the way the scheme could look Computer Generated Images (CGI's) as well as precedent images have been provided as part of the application.

### 2.2 Access Points

The existing 2 no. access points on to the public highway are to remain in the same locations. With these points fixed, pedestrian routes through the site have been considered. Along the eastern boundary, the existing buildings, as well as the approved layout for Wellington Place, have been used to establish the logical positions for the linkage points between the 2 sites. There are 2 points along this boundary, in addition to the river frontage, which have the potential for connections to be created. The buildings have been located in positions which take account of these routes in a way which is described below.

### 2.3 Building Height, Layout and Uses

It is proposed to develop the site with 4 main buildings. Three of these run parallel to Wellington Street but are off-set to create a built frontage to Wellington Bridge St. These buildings set up well defined east-west routes across the site which would enable both pedestrian and vehicular access to be achieved, with the pedestrian route aligned with the large bus layby on Wellington Bridge St and the southern route, set by the location of the existing vehicular access point.

- 2.4 The two northern buildings will decline in height towards the east and all three will step down in height towards the river, with the highest point being approximately 15 no. storeys and the lowest approximately 8 no. storeys. The chamfered ends of the corners closest to the Wellington St corner respond to the angle of the road alignment. When extended upwards, this creates an unusual form and Members commented on the opportunity which this could provide for a distinctive design at Panel in December. Further work has been carried out on this corner to address Member's comments and the corner has therefore been increased by a single storey to 15 storeys and the part of the building immediately adjacent reduced by a single storey to 12, in order to add emphasise and create a gateway feature.
- 2.5 These three buildings are proposed to be mainly office use (up to 40,000 sqm) with a mix of A1-A5, D1 and D2 uses at ground level (up to 4,050 sqm) and 290 car parking spaces in the basement.
- 2.6 The fourth building is perpendicular to the other 3 and aligns itself more closely with the eastern boundary to Wellington Place. This is proposed to have a flexible use for either entirely residential (approx. 200 units) or for all or part of this building to be a hotel (16,500 sqm). This building steps down towards the river from a height of approximately 17 residential storeys. Locating the residential/hotel use here means that it is kept away from the primary road frontages where issues of amenity from road traffic noise and air quality are less likely to occur. The roof tops can also be used as private or communal amenity space for the residents/hotel guests.
- 2.7 Across the entire scheme the changes in building heights produces a scheme which steps down from the road frontage and also down towards the river with the highest part of the development being located on the Wellington St/Wellington Bridge St corner. This approach, coupled with the orientation of the site and the river frontage towards the south-west, would also allow greater amounts of sunlight to penetrate the scheme and in to the areas where the open space is to be provided.
- 2.8 Open Space Provision and Active Frontages  
The proposed layout creates a series of interlinked spaces with a hard landscaped more formal square at the north-eastern corner of the site (approx. 30m x 50m), a soft landscaped triangular space fronting the full length of the river (approx. 100m long by 40m deep) and a linking space between the two (approx. 25m wide x 50m long). This provides the opportunity to create a continuous pedestrian space from Wellington St all the way through to the river corridor and then along the river corridor, as the space would be linked to Wellington Place to the east and then up to the footway of the Inner Ring Road to the west. Members should note that it is not possible to pass beneath the road bridge at this point.
- 2.9 These spaces are served by the main access nodes around the site, as described above. In addition to these, two further low level pedestrian links to the surrounding footway network are proposed through the ground floors of the buildings fronting Wellington St and the residential/hotel building. The ground floor frontages to the spaces would be animated by the main entrances to the buildings as well as a series of commercial units which would provide life and vitality throughout the day and in to the evening. In addition there are 2 no. free-standing buildings, in the square and the river front spaces, which would also provide focal points for activity and help to animate and, in the case of the square, visually contain the space.
- 2.10 Landscaping – Tree Planting

There are a number of existing trees which are located on the western side of the site. While the removal of the trees would have some short term negative visual impact, the new development contains significant new landscaping areas which offer good opportunities for extensive new tree planting as part of a longer term landscaping scheme and so has the potential to improve the site's long term tree cover. There are areas within the open space and along routes which are not above basement car parks, which would enable trees to be planted in the ground, thereby enabling larger species to be considered and improving their chance of survival.

#### 2.11 Servicing and Vehicle Access

This is to be taken from the existing vehicle access points on Wellington St and Wellington Bridge St. The principle which has been adopted is to locate the parking in basements beneath each building to ensure that parked cars are not visible on the surface in order to create a better environment. This would require a surface link between the two sides of the scheme to allow refuse, emergency and larger service vehicles, which are too large to access the basement, to pass through the site and service it when required. This is the same approach which has been approved as part of the neighbouring Wellington Place site. This link would also enable vehicles leaving the site to exit the site from the chosen egress point, thereby reducing traffic movement on the highway network during peak periods and residents to access the site more easily when approaching from the inner ring road and the west at any time.

2.12 The vehicular route along the eastern boundary sits above a culvert which cannot be built over. This route would give access to a servicing lay-by, the access ramp to the car parking beneath the residential building and a turning head. It will also provide a direct route for cyclists to get from Wellington St to the riverside. The space which it creates along this side of the site also provides physical separation between the residential/hotel building and the neighbouring multi-storey car park (minimum distance 24m). The original brick wall of the former Been Ing Mills, which used to occupy this site, is to be retained along this boundary, but will be removed at the points where pedestrian through-routes are required.

2.13 The applicant has submitted the following suite of supporting information:

- Transport Assessment
- Travel Plan
- Flood Risk Assessment
- Surface Water Drainage Strategy
- Sequential and Exceptions Test
- Wind Assessment
- Preliminary Land Quality Risk Assessment
- Mining Risk Assessment
- Ecological assessment (incl. bats)
- Heritage Assessment
- Air Quality Assessment
- Noise Assessment
- Sustainability and Energy Assessment
- Arboricultural Report
- Statement of Community Involvement

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is approximately 1.97 hectares and is located to the south of Wellington Street, Leeds. The majority of the site area is now cleared following the demolition of the Yorkshire Post Building. The site is generally flat and is bound by Wellington Street to the north, the low-rise car park of the Crowne Plaza hotel and the Wellington Place multi-storey car park to the east, the River Aire to the south, and the Inner Ring Road slip road (Wellington Bridge St) to the west. The surrounding area has a mix of uses comprising offices, hotels, small scale retail and residential. A number of large scale developments have been built in close proximity to the site:
- City Island Development (Residential), immediately south of the site on the opposite side of the River Aire. The development consists of two 15 storey curved stepped blocks and a 20 storey tower.
  - Immediately adjacent the application site to the east is the Crowne Plaza hotel which rises from 6 to 10 stories at its most prominent part which is the stair tower closest to Wellington St.
  - Hotel and student housing scheme on the north-western side of the West St gyratory up to 17 stories in height.
- 3.2 To the east of the site is the Wellington Place mixed use scheme. The proposal consists of 2 million sq ft of commercial, retail, leisure and residential space in buildings of up to 19 storeys. Construction has started on site with the second building having just commenced - although this is at the eastern end of the site well away from the current proposal. The building immediately adjacent the application site, fronting the river, was originally identified as Plot 1a and the outline approval parameter plans indicate a building of between 10 and 13 stories in height.
- 3.3 To the north of Wellington St is a row of now disused office buildings fronting Westgate (Ring Road off-slip). This site benefits from planning permission for a 28 storey tower comprising 272 flats, offices, A3 use and basement parking and this permission is valid until July 2016 (app. ref. 10/03459/EXT).

#### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 This application was submitted on 13<sup>th</sup> October 2014 and Members received an officer presentation and considered a position statement in December 2014. In response to the specific points raised in the report, the Panel provided the following responses:
- that Members considered that the information now presented gave greater clarity over the pedestrian network within the site and the way it linked in to the surrounding network of proposed and existing routes and streets
  - that Members were happy with the proposed series of pedestrian routes within the site
  - that Members consider that the material now presented has provided enough clarity over the heights and massing of the buildings for these to be considered acceptable
- 4.2 Applications for full and advertisement consent for the temporary reuse of the original Yorkshire Post concrete clock tower, for the mounting of a digital advertising screen, were approved in October 2014. (14/02494/FU and 14/02512/ADV)

#### **5.0 HISTORY OF NEGOTIATIONS**

5.1 Since the position statement was considered at panel, officers have been in discussion with the applicant's team regarding the height of the building on the north-western corner in order to create a more notable landmark feature. Detailed highways matters have also been considered and are referred to below.

## 6.0 PUBLIC / LOCAL RESPONSE

6.1 This application was advertised as a major application on site on 24th October 2014 and in the press by notice in the Yorkshire Evening Post on 13th November 2014. Ward Members were consulted formally on 16th October 2014.

6.2 No responses have been received from Members of the public.

6.3 A letter of support has been received from the Leeds Civic Trust. This makes the following points:

- Welcomes the approach to:
  - permeability,
  - providing active frontages
  - 40% public realm provision
  - No surface parking
  - Peripheral servicing access
- Opening up of the river is positive although the flood wall does create a visual barrier. Ask whether the impact of this can be mitigated against.
- Important to retain the original Bean Ing Mills boundary wall but that openings are allowed to aid permeability.
- The proposal to include active frontages including retail is supported especially as there are few shops in this area.
- Ask whether the time and temperature indicators on the remaining Yorkshire Post tower could be incorporated in to the scheme as they represent a local landmark.

6.4 A Public Exhibition was held on 23rd September at the Crowne Plaza hotel next to the application site. This event was advertised in the Yorkshire Post on 18th September and posters and e-mails were sent to City Island residents. The event was also advertised to local businesses by letter sent on 15th September. The exhibition was attended by approximately 30 people and staffed by both the agent and architect practices. The applicant has informed the Local Planning Authority that 'the majority of those in attendance were residents of City Island.'

The applicant's statement of Community Involvement sets out the following in respect of the findings and submissions received as a result of this event:

*'There is a general level of support for redevelopment of the site following demolition of the Yorkshire Post building and recognition of the regenerative and accessibility benefits that the scheme presents. Comments from the event included:*

- *A requirement for convenience retail on the site to serve the needs of City Island as the area is currently deficient*



- *Introduction of leisure uses (e.g. gym, cinema, bars and cafes)*
- *Support for the interim proposals for recladding the tower and digital media, and that reference to the tower/clock should be included in the redevelopment scheme*
- *Potential to link the development over the river directly to City Island*
- *Introduction of green space with art would be strongly supported*
- *Support for the utilisation of green energy sources*
- *Support for landmark buildings*
- *Would like the site to attract high tech businesses*
- *Strong support for the 40% public realm*
- *Support for the stepping of the buildings which would mirror City Island*

*Some residents queried whether additional residential development was required though generally considered that the development would result in benefits for City Island by drawing the city centre to the west and creation of new links and facilities to the benefit of residents, as well as creating a better neighbouring environment’.*

## **7.0 CONSULTATION RESPONSES**

### **7.1 Statutory:**

Environment Agency: No objection subject to conditions

Highways Agency: No objection

The Coal Authority: No objection

Yorkshire Water: No objection subject to conditions

The Canal and River Trust: Offer 'no comment' (assumed no objection)

### **7.2 Non-statutory:**

Highways Services: traffic movements associated with the proposal have been considered further. The use of the access through the site should be controlled by condition. Requirements to accommodate the proposed cycle super-highway along the site frontage are still being considered at the time of writing this report.

Travelwise (Travel Planning): No objections subject to provision of monitoring fee, provision of car club on-site (single space); indication of links to cycle routes; Free trial membership of car club; provision of cycle facilities; travel plan coordinator

NGT – Public Transport Infrastructure Contribution: As this is an outline scheme, the actual amount of floor-space for each use class will not be confirmed until reserve matters stage. Therefore, a set of multipliers per sqm of each use class will be applied. The agreed multipliers, and the contribution this would produce if the maximum floor space for each use class were to be constructed, is set out below:

£12 per sqm A2/B1 use - £464,670  
Page 57

£9 per sqm C1 hotel - £143,552  
£14 per sqm A3/4 use - £55,479  
£232 per residential unit - £46,467

West Yorkshire Combined Authority: the public transport accessibility of the site is acceptable given the proximity of the A65 Easyway bus corridor along the Kirkstall Rd and the public transport nodes in the city centre. Cycle and pedestrian access can be gained from the National Cycle Route 66 which runs along the canal. All stops are of an acceptable level and no additional bus infrastructure is required. Concern at the level of car parking provided on the site as the provision of parking does not reduce the dependency on this form of transportation. There should be priority given to car sharers, EV charging points and a car club contribution.

Environmental Protection: Mixed use nature of the proposal could lead to disturbance to potential residents. Also construction activity could disturb existing nearby residents. Noted that enhanced glazing system and alternative methods of ventilation to any residential units is proposed.

Sustainability - Contaminated Land: No objection subject to standard conditions

Sustainability – Ecology: No objection - The Ecological Assessment has recorded the presence of bats foraging and commuting along parts of the site adjacent to the River Aire, and some invasive non-native plant species are present within the site. It also suggests a number of ecological enhancements to ensure an overall net gain in biodiversity. These can be controlled by condition.

Flood Risk Management: No objection subject to condition

Regeneration and Asset Management Services: There is a requirement for 5% affordable housing to be provided on site.

Licensing: Food and drink outlets will require licenses. The site is not within the cumulative impact area.

L.C.C. Wind Consultant - Rowan Williams Davies & Irwin Inc. (RWDI) Consulting Engineers & Scientists: Have carried out a peer review of the submitted wind study. The review indicates that the wind environment would be suitable for the desired uses on the site and that there will be no places where the wind would cause distress. As the design moves forward, detailing such as entrance locations and the siting of any outside seating will be important as these need to be in zones which are relatively calm and sheltered.

Education Services: A contribution would be required towards primary and secondary education facilities for any 3 bedroom flats to be provided on site.

## **8.0 RELEVANT PLANNING POLICIES**

### **8.1 The Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. Now that the Core Strategy has been

adopted, this can now be given full weight as part of the statutory Development Plan for Leeds. For the purposes of decision making, the Development Plan for Leeds currently comprises the following documents:

1. The Leeds Core Strategy (Adopted November 2014)
2. Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013) – with the exception of remitted Policy Minerals Policies 13 and 14, which are subject to further consultation, prior to submission and examination
4. Any Neighbourhood Plan, once Adopted

These development plan policies are supplemented by supplementary planning guidance and documents.

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 they may be given.

## **8.2 National Planning Policy Framework (NPPF)**

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, close to the railway station meets this requirement to locate such uses in sustainable locations. The NPPF also promotes economic growth in order to create jobs and prosperity. These new office buildings 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 Core Strategy.

## **8.3 Leeds Core Strategy**

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 most relevant policies are set out in the paragraphs below:

- 8.4 Spatial Policy 1 sets out the broad spatial framework for the location and scale of development. This policy prioritizes the redevelopment of previously developed land within Main Urban Areas, in a way that respects and enhances the local character and identity of places and neighbourhoods.

Spatial Policy 3 Role of Leeds City Centre. This 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 including the West End within which this site is located.
- 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 for 10,200 new dwellings, including office growth.

G5 sets out the requirement for open space provision in commercial and mixed use developments.

Policy H2 refers to new housing development. The development will be acceptable in principle providing the development does not exceed the capacity of transport, educational and health infrastructure and the development should accord with accessibility standards.

Policy H4 says that developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long-term taking into account the nature of the development and character of the location.

Policy H5 states that the Council will seek affordable housing from all new developments either on-site, off-site or by way of a financial contribution if it is not possible on site.

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.

Policies T1 and T2 identify transport management and accessibility requirements for new development.

Policies EN1 and EN2 set out the sustainable construction and on-going sustainability measures for new development. In this case, Code for Sustainable Homes Level 4 is required.

Other relevant Core Strategy policies include:

- Policy EN4 district heating
- Policy EN5 Managing flood risk
- Policy ID2 Planning obligations and developer contributions
- Policy G1 Enhancing and extending green infrastructure
- Policy G2 Creation of new tree cover
- Policy G3 Standards for open space, sport and recreation
- Policy G5 Open space provision in the City Centre
- Policy G9 Biodiversity improvements

## **8.5 Leeds Unitary Development Plan Review 2006 (UDPR) Saved Policies**

The site lies within the designated City Centre. Saved policies that are relevant to this scheme are:

- GP5 all relevant planning considerations
- BD2 new buildings
- N25 boundary treatments
- N29 archaeology
- BD4 all mechanical plant
- T7A cycle parking
- T7B motorcycle parking
- T24 car parking provision

## **8.6 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, e.g. 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. The most relevant policies are: Water 4 (Flood Zones); Water 6 (Submission of Flood Risk Assessments); Land 1 (Contamination); Land 2 (Trees); Air 1 (Air Quality)

## **8.7 Relevant Supplementary Planning Guidance includes:**

SPD5 Public Transport Improvements and Developer Contributions

SPD Tall Buildings Design Guide – States that the western end of Wellington Street is a location for tall buildings as it is a gateway location, on one of the main approaches to the city as well as adjacent the Inner Ring Road where a ‘string’ of tall buildings is considered to be appropriate (evidenced by the City Island and Hotel/Student development already constructed).

SPD Travel Plans

SPD Building for Tomorrow Today: Sustainable Design and Construction

SPD Street Design Guide

City Centre Urban Design Strategy

Leeds Waterfront Strategy

SPD Affordable Housing

Education Contributions SPG

## **9.0 MAIN ISSUES**

1. The principle of the proposed uses
2. Building footprints
3. Building heights
4. Open space provision
5. Highways and Transportation
6. Sustainability
7. Flood Risk
8. Wind
9. Section 106 Obligations

## **10.0 APPRAISAL**

- 10.1 It must be remembered that this is an outline application where the only matter submitted for consideration is the means of access. There is clearly a considerable amount of other information which has been submitted and this assists in creating a clearer impression of the scale and detail of what is proposed as well as the potential urban grain and character of the development. This assists officers and Members in the understanding and appreciation of the potential impact of the proposal on the City. Each key issue will be addressed in turn for clarity

## **10.2 Principles of Proposed Uses**

### **10.3 Offices**

The primarily office use of the site is in accordance with Core Strategy and UDP saved policies and the scheme would provide block sizes which would be able to accommodate Head-Quarter operations as well as being able to be subdivided for use by occupiers with a smaller footplate requirement. This reinforces Leeds’

position as a regional commercial centre and accords with national government advice on concentrating work places in major centres.

10.4 Residential

The residential use has been located in the area considered to have the best environment for amenity purposes where it is away from the surrounding road network and fronting the riverside open space areas. These are also regarded as suitable locations for bar/restaurant uses and hence a series of conditions would be used to ensure that residential amenity is protected through restrictions on hours of opening, external noise sources, and acoustic attenuation schemes.

10.5 The applicants have stated their intention to conform with affordable housing provision on site, as set out in the Core Strategy and the relevant Supplementary Planning Guidance. This is independent of whether the proposal is developed as open market housing or under the Private Rented Sector (PRS) model.

10.6 In addition the applicants have indicated that there would be a provision of 3 bed units within the building, along with a mix of 1 and 2 bed units, which might appeal to couples and young families who would then have a longer term stake in the evolution of this part of Leeds.

10.7 The size of the units would be fully considered as part of any subsequent Reserved Matters application, however, the applicant has made it clear that they are proposing high quality development and intend to deliver units with the space provision to match.

10.8 Hotel

The residential/eastern building is being proposed with the flexibility to be used as a hotel. Policy supports the inclusion of all categories of hotels in the city centre. The proposed location is considered acceptable, for the same reasons that this is the best location for the residential building. With the range of uses normally associated with hotels at ground floor, it would provide a focus for activity in a prominent location as well as a source of commercial and tourist visitors to the city who would be likely to utilise the services on offer.

10.9 Retail

Small scale convenience retail use is acceptable in principle as it supports and services the primary use in the area without undermining the city centre retail strategy and other designated centres in accordance with Core Strategy policy CC1. The total amount of retail floor space proposed is 500 sqm and the applicant has justified this by the submission of a sequential test which makes it clear that they wish the scheme to accommodate a small convenience store such as those which have become popular in the city centre in the last couple of years (e.g. Tesco Metro) along with a small number of other convenience stores. Officers are satisfied that, in this situation, where over 50,000 sqm of total floor space is to be provided, the provision of no more than 500 sqm of convenience retailing to service workers, residents and guests is a reasonable amount of provision and would not impact on the retail viability of the nearest local centre at Wellington St and the Prime Shopping Quarter.

10.10 Restaurant, Bars, Leisure and Entertainment

The ground floor units would open out on to pedestrian dominated routes and benefit from the localised worker and residential customer base. The provision of bars, restaurants and leisure units would ensure that this part of the city does not become a sterile place, ensuring life and vitality outside normal office hours and are

acceptable subject to conditions to ensure that they would not impact on the amenity of potential future residential occupiers.

## **10.11 Building Footprints**

10.12 The building layout has been driven by a series of logical steps, taken as a response to:

- Surrounding buildings,
- Street frontages,
- The River Aire
- Existing site access points which have to be retained and
- Other site constraints e.g. the culvert which runs up the eastern side of the site.

As a result, a pattern of development proposed has emerged which offers a logical distribution of building alignments as well as a high degree of legibility within the scheme.

10.13 The building footprints are elongated rectangular forms although there are features incorporated which would lead to distinctive elevational treatments. The chamfered corners to the north-west provide distinctive elevational forms and the incorporation of double-height overhangs increases the amount of publicly accessible open space available for public circulation and creates areas which are protected from rain. This device has been used on other development in the city, notably Leeds Dock and Princess Exchange and would provide positive feature ends which could be supported on giant order columns or cantilevered. These are considered to be acceptable inclusions to the scheme which will add distinctiveness and character.

10.14 The proposed layout is designed to provide clarity and legibility to pedestrians. The building footprint size proposed conforms with the requirements of modern occupiers whilst at the same time attaining the desired degree of permeability and linkages to the network of streets and routes which exist or are proposed around the site. The minutes of December Panel state that 'Members considered that the information now presented gave greater clarity over the pedestrian network within the site and the way it linked in to the surrounding network of proposed and existing routes and streets' and that 'Members were happy with the proposed series of pedestrian routes within the site'. These routes are unaltered and officers consider them to be acceptable.

## **10.15 Building Heights**

10.16 The proposed building lengths make it easier for variation to be provided in their heights. It is proposed that the buildings will step down away from the prominent Wellington St/Inner Ring Rd corner into the scheme and down to the river to provide a considered and sculpted 3-dimensional form. The heights will be controlled by a set of indicative parameter plans and height limits. This format of building has the benefit of allowing natural light to enter the centre of the site whilst, around the perimeter, the height can respond to the street frontages and create a scale of development which is appropriate to its prominent setting. The chamfered ends closest to the Wellington St corner have been re-modelled and the height differential increased as described above. This has produced a more distinctive form which officers consider now adds greater emphasis to this prominent north western corner so that it acts as a landmark feature.

- 10.17 As this is an outline scheme, the elevational treatment of these buildings is for determination under subsequent reserved matters applications. However, a series of Computer Generated Images (CGI's) have been provided which give an indication of what the scheme could look like, although it is stressed that these are for information only and that the design of the buildings would be the subject of detailed subsequent negotiations with officers. These would be the subject of a reserved matters application to be determined at Plans Panel in the future.
- 10.18 At its closest point the nearest building to the City Island development is 50m away and it is considered that this would result in no loss of amenity to the occupiers of this neighbouring development. What is more, the City Island residents would have a new development to look out over which should be a more pleasant than the rear of the former Yorkshire Post building and its associated service yard.

### **10.19 Open Space Provision**

- 10.20 The block patterns also allow a hierarchy of spaces to be created of appropriate sizes and in locations which result in an inter-linking network of squares and routes which are well distributed throughout the site. The open space area accounts for approximately 40% of the total site area, which is a substantial proportion of the site. It is in excess of that required under policy G5 and is therefore considered to be acceptable.
- 10.21 This proposal opens up the entirety of the river frontage, approximately 175m in length. This will link to the neighbouring Wellington Place scheme to create a river front connection all the way through to Whitehall Rd. This is a significant change to the current situation where the route between the inner ring road and Whitehall Rd is currently circuitous and better made on foot using the canal towpath. The riverside walk will provide a focus of activity for the river frontage which fully accords with the objectives of the Waterfront Strategy.
- 10.22 The existing trees on the outside of the river wall will be retained as they contribute to the ecology and biodiversity of the site. There is considerable scope for new planting within the site and this will more than off-set the loss of existing trees which will be removed.

### **10.23 Highways and Transportation**

- 10.24 At the time of writing this report Highways Services are currently in discussion with the applicant. The impact of the development's traffic on the West Street gyratory junction of Kirkstall Road and Wellington Road is currently being assessed, this has proved more complicated than expected. The Council's highway officers are working with the applicant's highway consultant to reach agreement on this issue and the Panel will be updated verbally on progress. There is commitment from the applicant to resolve the issue as such it is requested that should the matter be resolvable then the final resolution of the matter is deferred to the Chief Planning Officer.
- 10.25 The proposal to use basement parking is fully supported as it removes vehicles from the pedestrian oriented spaces on the surface and prevents unsightly vehicle parking areas. There are set down areas on the access roads and the proposed servicing arrangements are to be taken from the surface and are to be managed by the site operators, as would be the use of the route across the site. The position of a Travel Plan Coordinator, to be funded by the applicant, will help to ensure that the



provisions of the Travel Plan are monitored and continued throughout the lifetime of the development.

- 10.26 The existing Inner Ring Road bridge presents an obstacle to movement along the river corridor. The proposed layout would allow those wishing to avoid the bridge to pass through the site, cross the Inner Ring Road slip-roads using the existing crossing points via the route under the ring road, and then pass through the City Gate site to the west and eventually down to the river. From there the, as yet undeveloped, riverside route would be easily accessible and ultimately this would provide access to the bridge across the river to the, now under construction, Otter Island site and then on to the Leeds/Liverpool Canal and the Trans-Pennine cycle route.
- 10.27 The City Connect cycle scheme passes the site along Wellington Street, crossing beneath the Inner Ring Road before heading south-west on the northern side of Wellington Road, turning along Armley Road. A connecting route is required on the southern side of Wellington Road to provide a link to the Gotts Road community and further west to the Tong Road area. In order to deliver the scheme, there is a need to widen the footway along the Wellington Street and Wellington Bridge Street frontage into the site to provide a cycle track. The applicant has shown the required works indicatively on plan which would be controlled through a suitable planning condition to be delivered by the applicant.

The proposed widening also preserves the ability to widen the Wellington Bridge Street slip road to three lanes to accommodate the committed improvement scheme for the Yorkshire Chemicals site.

#### **10.28 Sustainability**

The Sustainability and Energy Statement addresses the sustainability and energy targets set out in the Building for Tomorrow Today SPD and demonstrates how these targets can be achieved, which include:

- BREEAM Excellent for the office and mixed use commercial (and hotel if introduced) components.
- Code for Sustainable Homes Level 4 for the residential use.
- 20% improvement on Building Regulations Part L 2013.
- 10% of predicted energy needs to be met by decentralised or low carbon energy.

At this outline stage, when the buildings have not yet been designed, the agreement of these principles will provide a robust assurance that sustainability targets will be met.

#### **10.29 Flood Risk**

A suite of flood mitigation and management measures have been integrated into the proposals and layout to reduce the probability and consequence of flooding at the site. The drainage strategy will take advantage of a decrease in impermeable surface coverage and run-off will be further managed by the incorporation of sustainable drainage into the layout.

#### **10.30 Wind**

The review sets out that the wind environment would be suitable for the desired uses on the site and that there will be no areas where the wind would cause distress. RWDI have carried out a peer review and consider this element of the proposal to have been adequately addressed.

### 10.31 Ecology and Trees

The Ecological Assessment finds that the site has a very low intrinsic ecological value. There are no notable habitats within the site boundary and no protected or notable species were recorded either during the desk study or field survey work. The proposal would provide a significant green-space on the river frontage and opportunities for high quality landscaping will more than compensate for any loss, with a beneficial impact on the ecological value of the site. Bat surveys demonstrate some activity along the River Aire corridor but not within the site. A sensitive lighting scheme will be introduced as part of the detailed design to avoid excessive light spill and a range of measures to enhance habits for bats and birds will be considered. The planting on the outside of the river defence wall will be retained thereby avoiding impact on this existing habitat.

### 10.32 S106 Obligations

10.33 Adopted policies require the following S106 obligations to be provided:

- Provision of 5% affordable housing units on site
- Improvement works to the local highway network
- Public transport infrastructure contribution (£ per sqm of floor space):
  - £12 per sqm A2/B1 use - £464,670
  - £9 per sqm C1 hotel - £143,552
  - £14 per sqm A3/4 use - £55,479
  - £232 per residential unit - £46,467
- Travel Plan Review Fee (£20,000) and provision of agreed travel plan measures
- Provision of free trial membership of the city car club (£33,000)
- Ensure public access to the open space area
- Maintenance of public areas
- Ensuring ability to connect to the neighbouring site to the west.
- Local Employment Initiatives
- Education contribution for any 3-bedroom flats to be provided in the development based on the Council's standard multipliers for primary and secondary school contributions

10.34 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-

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.'

10.34 As listed above there are matters to be covered by a Section 106 agreement. These have been assessed 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.

10.35 In the circumstances that the application has not been determined by 6<sup>th</sup> April 2015 then the above pro-rata contributions relating to public transport infrastructure and education facilities will be replaced by the adopted Community Infrastructure Levy.

## **11.0 CONCLUSION**

11.1 The scheme is in a prominent location and will act as a gateway to the city centre. The buildings would present a built frontage to Wellington St and Wellington Bridge St and provide a dynamic and positive urban grain with the opportunity to provide large areas of open space and a range of acceptable locations for a wide range of uses in an environment which is largely free of motor vehicles. It would provide links to the surrounding network of streets and allow 24 hour access through all of the public areas.

11.2 The site is clearly in a sustainable location and will bring a large range of uses to a site which is well connected to all modes of public transport. The submitted documents offer assurances that the buildings will be built in line with best ecological and sustainable practices and the introduction of a new riverside space to provide both a leisure and natural habitat feature, would increase the range of the city's offer to residents, workers and visitors alike.

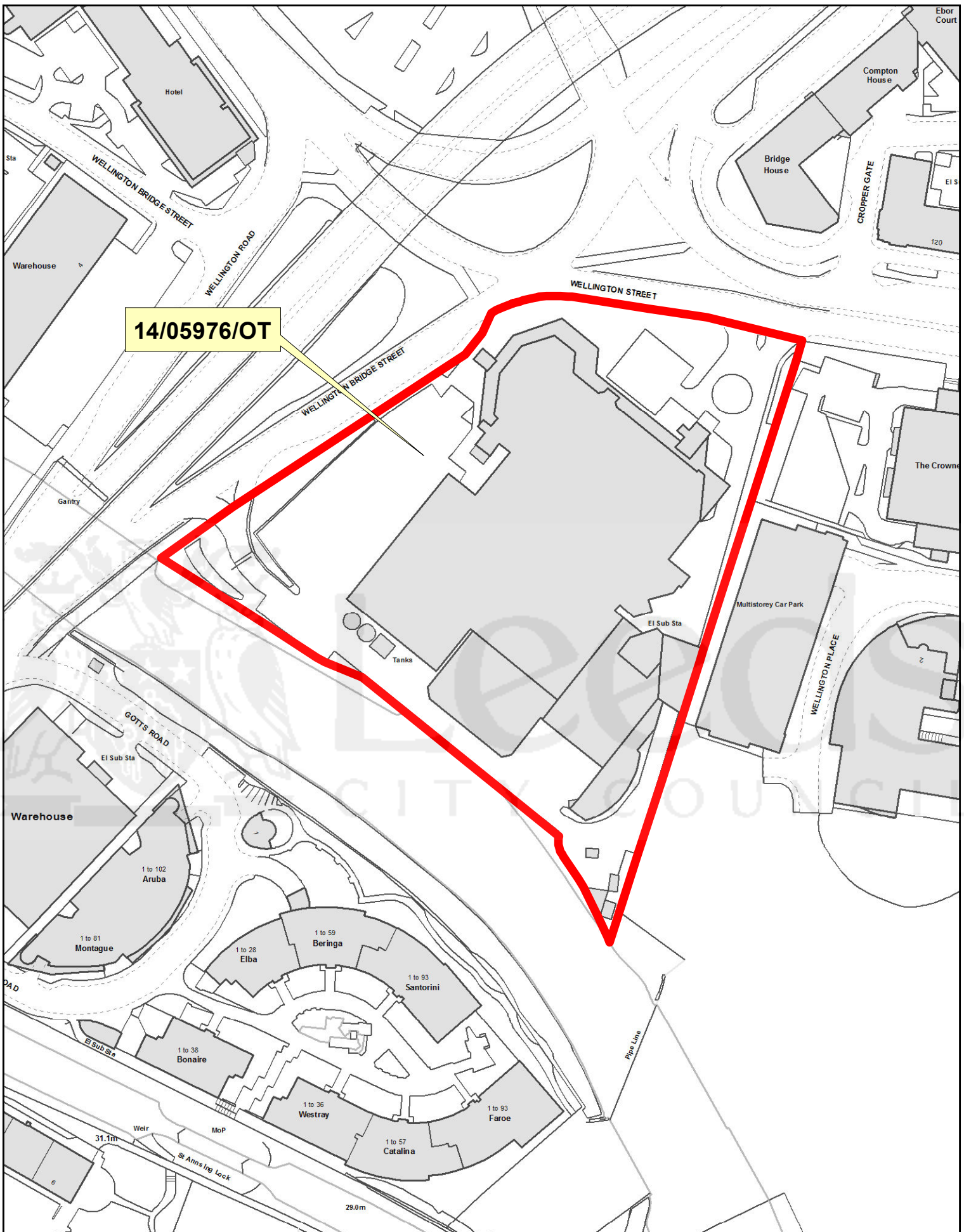
11.3 There is a high likelihood that this proposal will result in a greater focus of activity and investment in the area to the benefit of surrounding buildings and sites. The proposal accords with a range of policies at National, Regional and local level and is, therefore, considered to be acceptable.

## **BACKGROUND PAPERS:**

Pre-application file: PREAPP/14/00564

Application file: Wellington Place 06/06824/OT

Application file: Cropper Gate/Westgate 10/03459/EXT



14/05976/OT

# CITY PLANS PANEL





Originator:	Matthew Walker
Tel:	3952082

**Report of the Chief Planning Officer**

**CITY PLANS PANEL**

**Date: 12<sup>th</sup> February 2015**

**Subject: PLANNING APPLICATION 14/06694/FU - ADDITIONAL PARKING LEVEL (111 ADDITIONAL SPACES) TO AN EXISTING MULTI-STOREY CAR PARK (MSCP) - ALBION STREET MSCP, PINNACLE, 67 ALBION STREET, LEEDS, LS1 5AA**

<b>Electoral Wards Affected:</b>	
<b>City and Hunslet</b>	
<input type="checkbox"/>	Ward Members consulted (referred to in report)

<b>Specific Implications For:</b>	
Equality and Diversity	<input type="checkbox"/>
Community Cohesion	<input type="checkbox"/>
Narrowing the Gap	<input type="checkbox"/>

**RECOMMENDATION: REFUSE FOR THE REASONS SET OUT BELOW**

1. The Local Planning Authority considers the proposal would adversely affect road safety by resulting in a significant increase in vehicular traffic movements across the Public Transport Box and at the junction of Albion Street and The Headrow which is listed in the Councils Sites for Concern document due to the severity of collisions at the junction. The proposal is therefore considered contrary to Core Strategy policies T1 and T2 in addition to saved UDPR policies GP5 and T24A and advice contained within the Draft Parking SPD and the National Planning Policy Framework
  
2. The Local Planning Authority considers the proposal would lead to an increase in long stay commuter parking contrary to Core Strategy policy T1, Saved UDPR policies T24A and T28 and advice contained within the Draft Parking SPD and the National Planning Policy Framework

## **1.0 INTRODUCTION**

The application is brought to plans panel as the proposal represents a major development concerning a significant level of additional parking provision within the Public Transport Box prior to adoption of the Local Development Framework Parking SPD.

## **2.0 SITE AND SURROUNDINGS**

2.1 The existing 390 space multi-storey car park at Pinnacle is located within the Prime Shopping Quarter and forms part of a mixed use environment containing ground floor retail outlets with a 3 floor multi storey car park above and a 19 storey office block.

The ground floor of the complex opens onto Bond Street and Albion Street to the South and East respectively, both of which are pedestrian areas. The car park occupies three upper levels, with vehicular access from Butts Court via a one way system.

The application site is not within a Conservation Area, although it can be viewed from the adjacent City Centre Conservation Area as part of lengthy views along Albion Place from Briggate and King Edward Street.

## **3.0 PROPOSALS**

The proposal relates to the addition of a new 2820sqm area of car parking via the introduction of a new parking deck to the roof of the existing MSCP at the Pinnacle Building. It is proposed that the new parking deck will provide 111 new spaces.

The additional deck would be located to the western side of the office tower at Pinnacle. It would also project forward of the southern edge of the Pinnacle tower towards Bond Street and beyond the northern face of the tower towards Butts Court, following the existing perimeter of the MSCP roof but recessed back from the existing parapet by 300mm. The outer edge of the deck would be faced in Powder Coated Aluminium Cladding. The development would be served via the existing access points to the car park.

## **4.0 RELEVANT PLANNING HISTORY**

4.1 20/85/00/FU - Change of use of part of basement car park to enlarged shop and new shop-front, Approved 23.06.2000

4.2 PREAPP/13/00831 – New Car Park Deck

An enquiry was made to officers on 29.07.2013 regarding the possibility of a new car park deck. Detailed design advice was provided to the applicant between July 2013 and October 2014. The applicant was advised that additional long stay parking would be contrary to adopted planning policy but that short stay parking could be considered subject to agreeing adequate control measures. However this matter remained unresolved at the point the application was submitted in November 2014.

## **5.0 PUBLIC/LOCAL RESPONSE:**

- 5.1 Site notices were erected on 28.11.2014
- 5.2 The development was advertised as a major development in the Yorkshire Evening Post on 04.12.2014.
- 5.3 A letter of objection from Leeds Civic Trust was received on 22.12.2014
- 5.3.1 This objection centres on the fact that the application is sited within the Public Transport Box. The Leeds Civic Trust consider that the City Council should seek to reduce any type of private vehicular activity within the Public Transport Box and that expanding parking provision on this site including short stay parking will increase traffic flows in this area. The Leeds Civic Trust further consider the development would increase the conflict between pedestrians and vehicles on Albion Street and Upper Basinghall Street where the pedestrianised zone abuts the car park access. Leeds Civic Trust consider this proposal would increase the number of private vehicles in the area which would hinder the movement of buses on The Headrow and Albion Street on the edge of the public transport box.
- 5.3.2 Leeds Civic Trust state that, having reviewed the officer recommendations to the applicant concerning the management measures to prevent additional levels of commuter parking, Leeds Civic Trust consider these measures would not prevent an increase in vehicular activity since there would still remain a likelihood that levels of traffic around the site relating to short stay parking would increase. Leeds Civic Trust also draw attention to the extant permission for the MSCP at Victoria Gate and advise that there are adequate alternative locations outside the Public Transport Box for additional short stay parking.
- 5.3.3 Leeds Civic Trust also highlight the draft Parking SPD for consultation detailed in paragraph 7.5 of this report which states that there should be a 'presumption against' the replacement of existing parking in the public transport box in order to enhance the city centre environment through the 'expansion of the pedestrian zone' (para 6.5.2 of the SPD).
- 5.3.4 Furthermore, Leeds Civic Trust suggests that, in the longer term, the Local Planning Authority should seek to phase out car parking within the Public Transport Box so that the space can be put to alternative uses such as pedestrianized zones or cycle/bus routes.
- 5.4 A letter of objection was received from Steer Davies Gleeve on 19<sup>th</sup> December 2014.
- 5.4.1 Steer Davies Gleeve are located within floor 5 of Pinnacle. The objection letter details concerns with regard to privacy and security of their offices following the addition of the proposed additional deck. Steer Davies Gleeve also express an objection to the proposal in visual amenity terms and suggest the development would have a negative impact on the appearance of the Pinnacle building. The objection letter also expresses concerns regarding noise disturbance and reduced air quality to their offices within Pinnacle. The objection also points out the following perceived discrepancies in the applicant's submitted Transport Assessment and submitted supporting documentation.

- 5.4.2 The submitted Transport assessment does not consider conditions in the morning peak hours.
- 5.4.3 The submitted Car Park Management Plan does not consider that the car park is not full before 9.30 am and that the proposed barrier would not preclude long stay parking.
- 5.4.4 No mention within the Transport Assessment of the amount of permit holders utilising the car park on a contractual basis daily nor any indication or consideration of how the use of permits may increase when empty floors in the building become occupied in future years.
- 5.4.5 Impact calculations have not been undertaken based on the car park itself but instead based on historic data covering the central business district of Leeds as a whole.
- 5.4.6 The Transport Assessment impact analysis has been undertaken based on a lower number of additional spaces (61 would be the additional amount of spaces in addition to what could be achieved if the car park were returned to its original layout, a matter which cannot be controlled) rather than the actual proposed increase - however it is the traffic associated within the current and operating capacity of the car parking that has been surveyed as part of the assessment.
- 5.4.7 The data within Appendix E of the Transport Assessment is considered by the objector to be flawed. The proposed calculation assumes that pro-rata the number of vehicles parked for more than 7 or 8 hours are equally likely to have arrived before or after 12 noon whereas it is possible that all long stay users arrive before noon. If this is the case, there would in fact be a greater number of commuter trips using the car park once capacity is increased based on the calculations in the Transport Assessment.
- 5.4.8 Lack of information supplied with regard to the impact of construction activities on the adjacent highway network.
- 5.4.9 Lack of information supplied on when the car park would be delivered and the implications on the 'need' for additional parking spaces within the City Centre given the additional spaces being created at Victoria Gate (860 spaces)

## **6.0 CONSULTATIONS RESPONSES:**

### **6.1 Statutory**

There are no statutory consultations in relation to this application.

### **6.3 Non-statutory:**

#### **6.4 Highways**

Highways have stated that they are unable to support the proposal. Whilst current policy allows for short stay parking within the City Centre, the developer is unable / unwilling to offer more than restricting opening of the new spaces to 9:30am, this will only allow later long stay arrivals to park, still impacting on the morning peak. Therefore it is considered that the development has not demonstrated compliance with the short stay parking policy. Additionally, highways officers consider the increase in car parking will increase vehicular activity on Albion Street in particular.



Highways officers further note that there are often difficulties for vehicle movement on Albion Street caused by 'The Core' car park queuing on to the highway, the street has large pedestrian flows throughout the day, pedestrians often step into the carriageway due to the narrow footway on the western side. There have been accidents on Albion Street itself and more so at the junction of the Headrow. As such it is considered that increasing vehicular movement to and from the car park would be detrimental to highway safety. Similarly the 'sense of place' of Albion Street as a pedestrian friendly shopping street will be diminished.

#### SDU Design Team

The proposal reflects the advice given in terms of design at pre-application stage and therefore, there are no objections to the proposal.

#### Courts Service

No comments received

## **7.0 POLICY**

### **7.1 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 32 of the NPPF requires that new developments should consider whether safe and suitable access is provided. Paragraph 35 requires that developments are located to give priority to pedestrian, cycle and public transport movement.

### **7.3 Local Development Framework - Core Strategy**

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.

Policy T1: To complement the provision of new infrastructure the Council will support the following management priorities:

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.
- b) Delivering strategic park and ride for the city which supports the City Centre vision and provides greater traveller choice.
- c) To support wider transport strategy objectives for sustainable travel and to minimise congestion during peak periods.

- d) Limiting the supply of commuter parking in areas of high public transport accessibility, such as the City Centre.

Policy P10: New development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function.

New development will be expected to deliver high quality inclusive design that has evolved, where appropriate, through community consultation and thorough analysis and understanding of an area. Developments should respect and enhance existing landscapes, waterscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place with the intention of contributing positively to place making, quality of life and wellbeing.

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

- (i) The size, scale, design and layout of the development is appropriate to its context and respects the character and quality of surrounding buildings; the streets and spaces that make up the public realm and the wider locality,. The development protects the visual, residential and general amenity of the area including useable space, privacy, noise, air quality and satisfactory penetration of daylight and sunlight,
- (ii) The development protects and enhances the district's existing, historic and natural assets, in particular, historic and natural site features and locally important buildings, spaces, skylines and views,
- (iii) The development protects the visual, residential and general amenity of the area through positive high quality design that protects and enhances surrounding routes, useable space, privacy, air quality and satisfactory penetration of sunlight and daylight,
- (iv) Car parking, cycle, waste and recycling storage should be designed in a positive manner and be integral to the development,
- (v) The development creates a safe and secure environment that reduces the opportunities for crime without compromising community cohesion,
- (vi) The development is accessible to all users.

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.

#### 7.4 Saved UDPR Policies within the Core Strategy:

Policies T24, T26 & T28 are denoted as saved policies within the Core Strategy until adoption of the Local Development Framework Parking SPD.

T24a: Planning permission will not be granted for new long-stay car parking outside the curtilage of existing or proposed employment premises except:

- a. within the City Centre and fringe City Centre commuter parking control area, in accordance with policy CCP2; (*related to cleared or vacant sites*)
- b. for park and ride schemes in accordance with policies T16 and T17;
- c. where lack of parking within employment premises would cause serious traffic,

safety or environmental problems in the surrounding area.

T26: In the City Centre there will be a presumption in favour of the use of car parks in the core car parking policy area for short stay users unless insufficient demand for such facilities exists in a particular location.

T28: The growth of long-stay commuter car parking related to City Centre employment will be managed as follows:

Parking provision in new development should reflect the city council's long stay commuter parking guidelines which distinguish between:

- within and immediately adjoining the public transport box, where additional commuter parking will be discouraged;
- the core car parking policy area, where the provision of additional commuter parking will be restrained;
- fringe City Centre commuter parking control area, where the objective is to control the growth of commuter parking;
- prestige development areas

BD6: Refers to extensions and alterations

GP5: Applications to account for all other material considerations.

## 7.5 Supplementary Planning Guidance

### Draft Local Development Framework Parking SPD

The purpose of this document is to formalize current parking policies and update the parking guidelines for new developments. An 8 week public consultation on the draft Leeds Parking Supplementary Planning Document (SPD) ended on Friday 17 October 2014.

Feedback from the public consultation will be taken into account when finalising the SPD. A final version is expected to be presented to Executive board for adoption in 2015.

Relevant extracts from the Parking SPD:

6.5.1 Within the City Centre Public Transport Box, there are significant levels of public and Private Non Residential parking. The need for access to these car parks creates a conflict with the generally pedestrianised City Centre and requires cars to cross the Public Transport Box, conflicting with bus traffic.

6.5.2 If at anytime, current off street parking within the Public Transport Box is proposed to be redeveloped, there will be a presumption against its replacement. If necessary, replacement parking should be located outside the public transport box, this would allow the enhancement of the City.

The above extracts indicate an aspiration to further reduce car traffic within the Public Transport Box. However, the draft SPD is at a very early stage of adoption

with the feedback on this yet to be reported to Executive Board. The document therefore only has limited weight as a planning consideration.

## **8.0 MAIN ISSUES**

Highways matters  
Visual Amenity  
Representations

## **9.0 APPRAISAL**

### **9.1 Highways matters**

9.2 The relevant highway matters pursuant to the proposal fall into two categories. The first is the impact of the proposal on the council's adopted policies to restrict the growth of long stay commuter parking within the City Centre's core car parking policy area and the effectiveness of the controls put forward by the applicant to prevent additional commuter car parking on the site. The second issue is in regard to the resultant increase in highway movements on the network serving the car park and the impact this would have on highway safety and the City Centre, particularly in and around the Public Transport Box.

### **9.3 Controls to prevent further long stay parking.**

9.3.1 In terms of background, The Local Planning Authority has won numerous long stay commuter car parking appeals in 2010, 2013 and 2014 where short stay parking was considered as an alternative acceptable use. The inspector's decisions included a condition that stays over 5 hours would be charged at a minimum of £25. This was to deter almost all long stay commuter parkers as this cost is significantly above other long stay car parking tariffs in the city centre and a perceived unaffordable cost to park. The inspectors also placed conditions on the short stay car parks that prevented use between 0630am and 0930am Monday to Friday and required clear signage informing customers of the short stay only use of the car park, so that they would be easy to monitor and enforce.

9.3.2 The supporting information submitted by the applicant details a significant number of parkers within the existing car park staying in excess of 5 hours. A pro-rata analysis of these figures applied to the proposed top deck would result in a significant amount of long stay parkers and would therefore not be in accordance with adopted planning policy. The applicant has proposed that the additional parking would not be available before 9.30am to prevent commuter car parking.

9.3.3 However, it is considered that, due to changing work patterns of company staff in city centre locations, employees can work after 9.30 and still do a full days work (i.e. over 5 hrs), this therefore causes the effect of adding to peak time congestion in the evening with additional effects of increasing pollution in the City Centre. As established through the policy background and recent appeal decisions, the Local Planning Authority will not support long stay commuter car parking in the City Centre so during pre-application discussions, the applicant was advised to consider a method of discouraging long stay parking within the new car park deck which also included controlling the length of stay to a maximum 5 hours.

9.3.4 The Council surveyed most car parks in the city centre in September 2014, the survey showed that overall car parking occupancy peaked at approximately 85% of capacity on a Weekday. The Pinnacle car park was 87% full at 9:30am, peaking at 98% of capacity, a significant number of vehicles were in the car park before 7:00am, (16% of capacity). The car park sells various contract parking arrangements, including over night and daytime office parking. This pattern of arrivals is characteristic of other car parks that are considered to be used predominantly by commuters.

The tariff is punitive for people buying tickets on the day, however contract office parking is offered at £410.00 + VAT. i.e. £8.20 per day, so not out of reach of some drivers.

9.3.5 The information submitted by the applicant shows that a proportion of the parkers recorded through the day stayed for less than 5hours, on average for weekdays this represented 234 vehicles. This represents 40% of the vehicles recorded by the council entering the car park after 7:00am.

It is therefore considered that the existing car park operates predominantly as a commuter car park.

9.3.6 The applicant is only offering as a means of control a limit of opening of the new car parking area until after 9:30, this coincides with the car park becoming sufficiently full to need to begin filling these floors anyway. Clearly the extension could result in more permits being sold and certainly does not promote short stay car parking.

Highways officers have advised that the Local Planning Authority would only be able to consider the introduction of an additional car park deck if one of the following range of controls were proposed to prevent long stay commuter car parking and providing this has no adverse public/road safety implication.

- 6.30am-9.30am weekday closure of the top deck with a punitive charge of £25.00 on exit of the top deck if parking longer than 5 hours. (this would require a dual-tariff for the car park which the applicant has stated is unmanageable from an operational perspective)
- 6.30am - 10.30am weekday closure of the top deck
- 6.30am – 9.30am weekday closure of the top deck and a punitive charge for in excess of 5 hours stay for the entire car-park (thereby removing the applicant's flexibility to allow long stay parking within the existing floors).

As noted in the response from Highways Officers, whilst current policy allows for short stay parking within the City Centre, the developer is unable / unwilling to offer more than restricting opening of the new spaces to 9:30am, this will allow later long stay arrivals to park and without an additional punitive charging regime would not guarantee the additional spaces to be solely utilised by short stay customers only. Therefore the controls proposed by the applicant are not considered sufficient means to prevent the new car park deck being utilised for commuter/long stay parking.

#### 9.4 Impact of the proposal on highway safety / movements within the Public Transport Box.

- 9.4.1 The submitted Transport Assessment makes reference to the number of spaces within the car park being reduced from the approved maximum to a lower number (387spaces), this does not alter the fact that an additional 111 spaces will be provided with the consequential increase in traffic movements.
- 9.4.2 Whilst the Transport Assessment suggests an equal split of exiting traffic between Albion Street and Upper Basinghall Street, this is unlikely to be the case; unfamiliar users of the car park will tend to exit the same way they entered, i.e. via Albion Street. Additionally the route via Upper Basinghall Street has a constrained egress onto the Headrow, which often results in queuing and provides a more tortuous route back to the Loop than Albion Street, the only benefit to this route is for certain routes to the north or west for drivers who know the city and consider the benefit of a shorter route over delay exiting onto the Headrow to be worthwhile. This route will become even less attractive should the NGT scheme be built, therefore the split of exiting traffic will be more biased to Albion Street. The council's survey recorded 1085 two way trips over a 12 hour weekday period (90/hour) and 1362 on a Saturday (113.5/hour). If trips rise in proportion to the increase in parking spaces, it would result in 26 hourly weekday and 32 hourly Saturday movements.
- 9.4.3 Albion Street has a large pedestrian flow and narrow footways, often resulting in pedestrians stepping into the carriageway. The accident record shows that five accidents have occurred since 2007 on Albion Street, four involving pedestrians. The underlying cause is a mixture of high pedestrian flows on the narrow footways, the junction of Albion Street and Short Street being tightly constrained with conflicting movements, exacerbated by the start of the pedestrianized section of Albion Street and the width of the carriageway meaning vehicles drive close to the kerb edge.
- 9.4.4 The junction of Albion Street and the Headrow is a 37th on the list of sites for concern 2013. Accidents involve a variety of causes, with pedestrian and bus movements figuring significantly.

It is considered that the extension of the car park will inevitably increase traffic movements on Albion Street and through its junction with the Headrow and add to these serious public/highway safety concerns.

#### 9.5 Layout

- 9.5.1 Highways officers have assessed the submitted plans and advise that the proposed u-turn exit from the bottom of the ramp to the fourth floor does not allow safe two-way movement for vehicles using the westernmost aisle. A revised layout and marking change would be required to accommodate a one-way system so vehicles all travel southwards down the westernmost aisle to the fourth floor and vehicles do not conflict with the exit u-turn at the bottom of the ramp. Additionally, the last parking space adjacent to the exit barrier would allow vehicles to escape the exit control as there is no physical restraint to the side of the exit and therefore this should be reconfigured to contain vehicles before exiting. These internal layout issues are however not considered insurmountable and do not form the basis for the reasons for refusal set out at the head of this report.

## 9.6 Visual Amenity

- 9.6.1 The application site is not within a Conservation Area, although it can be viewed from the adjacent City Centre Conservation Area to the east of the application site. The additional deck would be located to the southern and western edges of the existing flat roof/top deck of the car park and would comprise an additional deck with perimeter walling/ enclosure. The deck would not therefore be viewable within the Conservation Area setting to the east or appear in key east-west views within the Conservation Area, particularly from Commercial Street and Albion Place.
- 9.6.2 Visually, the perimeter treatment would match the existing form, appearance and materiality of the existing building. The design includes a setback from the current perimeter of 300mm to ensure the deck would appear recessive when considered alongside the existing building but remaining consistent with the existing building in its visual finish.
- 9.6.3 From the west of the application site, the additional deck would be viewable from Park Row. Lengthier views of the western edge of the Pinnacle building are achieved from the recently improved Bond Court to the western side of Park Row. Within the setting of the western face of the car park deck are the Grade II listed buildings at 11-14 Bond Court and 33-35 Park Row.
- 9.6.4 It is considered that the car park deck would integrate well with the existing building and from the west of the application site would form part of a modern composition of buildings, appearing almost indistinguishable from the existing building through the use of the proposed materials to the perimeter which would match the existing building. From street level along Bond Street, Upper Basinghall Street and Albion Street, the setback proposed would ensure that the additional deck would not appear to be unduly dominate from within the pedestrian environment.
- 9.6.5 An additional benefit of the siting of the proposed car park deck would be its function in screening an existing high sided brick faced lift enclosure as part of street level viewpoints of the building which currently appears incongruous when read against the massing of the modern office block which sits above the existing car park as part of longer views from Bond Court across Park Row.

## 10.0 Representations

A letter of objection from Leeds Civic Trust was received on 22.12.2014. It is considered that all of the matters within the objection are addressed within the appraisal above and reflected in the officer recommendation.

In addition to the points raised by Leeds Civic Trust, a letter of objection was received from Steer Davies Gleeve on 19<sup>th</sup> December 2014. With regard to the remaining matters raised by Steer Davies Gleeve at paragraph 5.4 above:

It will be inevitable that there is likely to be some disturbance and noise during the construction works to adjacent occupiers. However this will be for a temporary period only and can be managed through hours of working, ongoing dialogue with neighbours and is a matter that can be controlled by planning condition.

Furthermore the adequacy of the submitted Transport Assessment is noted and reflected within the appraisal above.

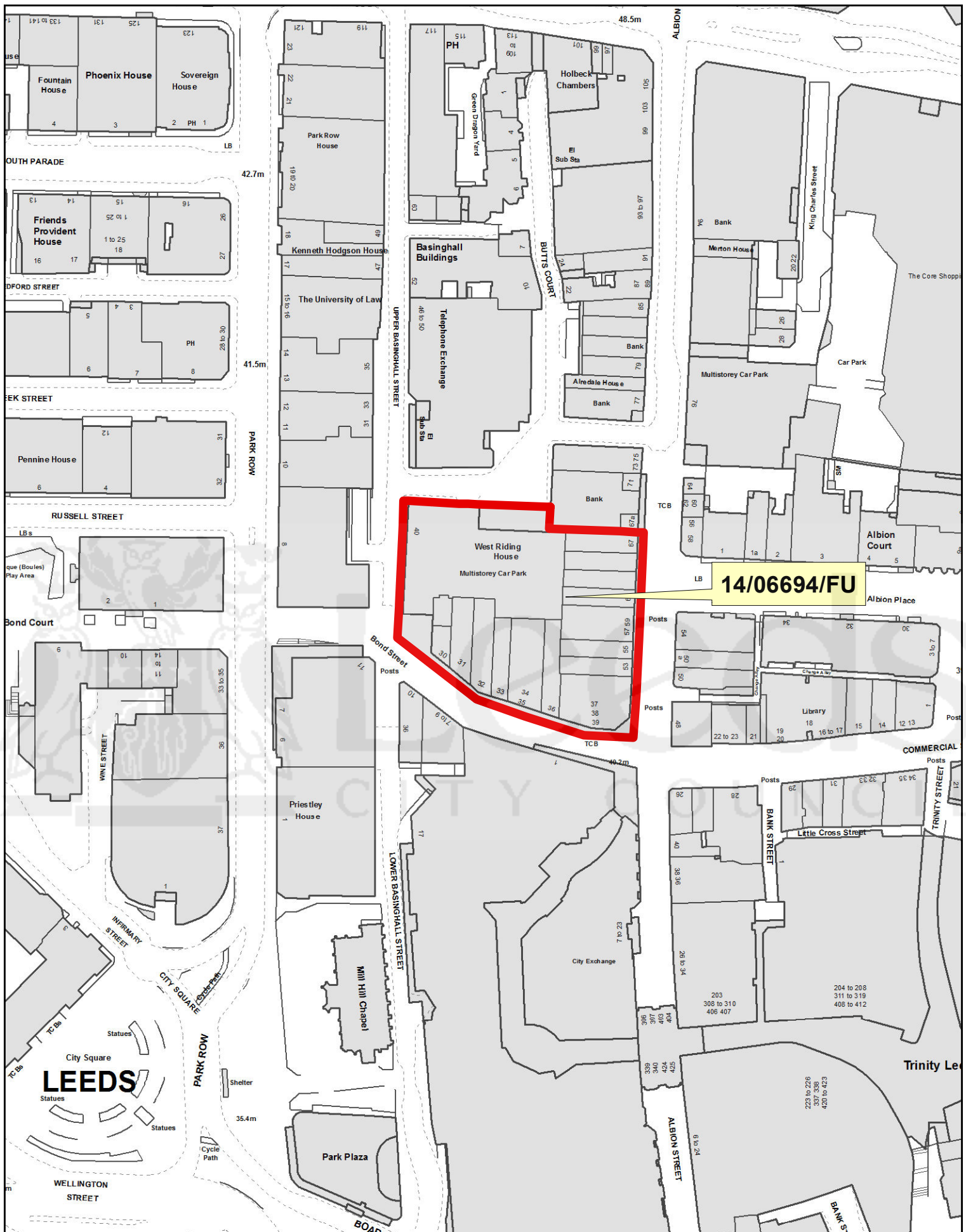
Notwithstanding the availability of existing and planned short stay parking in the City Centre, the Council's policies recognise that visitor and short stay parking is important to the viability of the City Centre and therefore, in principle this type of parking is supported.

**Background Papers: Application file 14/06694/FU**

**Letter of objection from Steer Davies Gleeve**

**Letter of objection from Leeds Civic Trust**





# CITY PLANS PANEL



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Originator: Sarah McMahon

Tel: 2478171

## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 12 February 2015

**Subject: PREAPP/12/002471, PRE-APPLICATION PRESENTATION OF PROPOSALS FOR A TOTAL OF 33 BT TELEPHONE KIOSKS WITH ADVERTISEMENT PANELS IN LOCATIONS WITHIN LEEDS CITY CENTRE**

<p><b>Electoral Wards Affected:</b></p> <p>City and Hunslet</p> <p><input type="checkbox"/> Yes      Ward Members consulted (referred to in report)</p>	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity      <input type="checkbox"/></p> <p>Community Cohesion      <input type="checkbox"/></p> <p>Narrowing the Gap      <input type="checkbox"/></p>
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**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 proposal by BT in partnership with JC Decaux to add to and upgrade the 4 existing new style ST6 BT kiosks in Leeds City Centre. The existing new style kiosks already in situ would be upgraded and 29 further kiosks are proposed in addition to these.
- 1.2 The Applicant has stated that they have a duty to provide a certain level of telecommunications coverage across the City Centre. To this end they state that the numbers of kiosks proposed are therefore required. Therefore they propose a programme of upgrading of their services by providing 29 new additional kiosks. These kiosks feature a telephone on one face and a digital advertisement screen on the other.
- 1.3 Many of the proposal sites are in heritage rich locations, where the context is shaped by the City Centre Conservation Area and Listed Buildings. As such the proposals would influence the visual amenity of these historic elements of the designated City Centre.

1.4 A number of the sites are also in locations close to the public highway where there is the potential to screen views for pedestrians and drivers, as well as narrowing public footways

1.5 It is also the case that a number of proposed kiosks would be clustered on key streets in the City Centre. There is a mixture of existing street furniture in these locations and the addition of further structures could result in clutter.

## **2.0 SITE AND SURROUNDINGS**

The proposal relates to 33 individual sites located within the City Centre boundary. The individual sites and their respective contexts are outlined in paragraph 6.0 of this report.

## **3.0 RELEVANT PLANNING HISTORY**

Members should note that applications for a total of 24 six sheet advertisement units have been submitted by Clear Channel in partnership with Leeds City Council, and are yet to be determined. In addition, JC Decaux in partnership with Leeds City Council have submitted 10 large scale illuminated advertisement hoardings and 1 digital advertisement unit at sites around the outer edges of the designated City Centre.

Both these proposals have been presented to Plans Panel at pre-application stage. Clear Channels 6 sheet proposals are probably most relevant since in some cases they are in close proximity to the BT proposals.

The 6 sheet advertisement units, 24 in total, are proposed at the following locations:

One illuminated single sided free standing sign to a site at the corner of Whitehall Road and Northern Street, Leeds, planning reference 15/00096/ADV.

One illuminated single sided free standing sign to a site outside 58 - 60 Albion Street, Leeds, planning reference 15/00101/ADV.

One illuminated single sided free standing sign to a site at the corner of Woodhouse Lane and Queen Square Court, Leeds, planning reference 15/00102/ADV.

One illuminated single sided free standing sign to a site at the corner of Swinegate and Sovereign Street, Leeds, planning reference 15/00103/ADV.

Three illuminated single sided free standing signs to sites at the corner of East Parade and Infirmary Street, the corner of Infirmary Street and Bond Court, the corner of Infirmary Street and Wine Street, Leeds, planning reference 15/00104/ADV.

Four illuminated single sided free standing signs to sites at the Clay Pit Lane outside and opposite First Direct Arena, Clay Pit Lane outside Hepworth House and the Clay Pit Lane side of Providence Place, Leeds, planning reference 15/00117/ADV.

Two illuminated single sided free standing signs to sites at outside 54 and 101 The Headrow, Leeds, planning reference 15/00118/ADV.

Five illuminated single sided free standing signs to sites opposite Fish Street and outside 58-60, 127, 149-150 and 88-89 Briggate, Leeds, planning reference 15/00119/ADV.

One illuminated single sided free standing sign to a site outside 40 Lands Lane, Leeds, planning reference 15/00120/ADV.

Two illuminated single sided free standing signs to sites at Park Row opposite City Square and the corner of Park Row and Boar Lane, Leeds, planning reference 15/00122/ADV.

Two illuminated single sided free standing signs to sites opposite 35 Bond Street and the corner of Bond Street and Lower Basinghall Street, Leeds, planning reference 15/00124/ADV.

One illuminated single sided free standing sign to a site at the corner of Eastgate and St Peters Street, Leeds, planning reference 15/00137/ADV.

#### **4.0 HISTORY OF NEGOTIATIONS**

- 4.1 In August 2014 detailed pre-application proposals were submitted by BT to the Planning Department in relation to the 33 sites for consideration. Subsequent meetings and on site appraisals were undertaken by Planning, Conservation, City Centre Management and Highways Officers to consider the siting and appearance of the proposed units. Officers advised the Developers that only 9 of these 33 sites could be supported. However, the Developer felt that they needed to present all the proposed sites to Members to allow them to provide a full picture of their existing and proposed coverage, notwithstanding the limited officer support.
- 4.3 Ward Members were consulted on 10 December 2014. No comments have been 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. 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.
- 5.3 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.
- 5.4 Paragraph 67 of the NPPF states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning

authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

5.5 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

## 5.6 **Core Strategy**

5.7 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.

5.8 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.

5.9 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:

## 5.10 **Leeds Unitary Development Plan Review Retained Policies**

5.11 BD8: All signs must be well designed and sensitively located within the street scene. They should be carefully related to the character, scale, and architectural features of the building on which they are placed.

BD9: All signs within or adjoining Conservation Areas should preserve/enhance the character and appearance of the Conservation Area.

GP5: Proposals should resolve detailed planning considerations including design and safety.

5.12 The Leeds City Council Advertisement design guide advises where advertising would and would not generally be acceptable, encourage design excellence, innovative ways of advertising and high standards of maintenance.

## 6.0 **PROPOSALS**

6.1 The proposals are for 33 of BT's new style telephone kiosk which provide the telephone on one side, with an advertisement panel to the rear face of each kiosk. These would be positioned on different sites within Leeds City Centre. The appearance of the units has been upgraded from that of the existing BT kiosks that are already in situ in the City Centre. Four of the proposals would be for the replacement of existing new style kiosks with the upgraded kiosk. These are already located in Dortmund Square, outside MacDonald's on Albion Street and on The Headrow, to this latest design.

6.2 The latest design of the units would mean they would be slimmer with a rounded top with their dimensions being approximately 2.712 metres in height, 1.360 metres in width and 0.208 metres in depth (compared with the existing kiosks which are 2.712 metres in height, 1.338 metres in width and 0.26 metres in depth).

6.3 Following pre-application discussions between officers and representatives of BT and JC Decaux it is considered that only 9 of the proposed 33 sites can be supported including replacement of the 4 existing advertisement displays at The Headrow, Dortmund Square and on upper Albion Street. The additional sites proposed are as follows;

6.4 Kirkgate outside Zara

The proposal would be sited on an area of enhanced public realm and would replace a pair of older style BT kiosks, a mixture of other street furniture is present on the street. The site is close to but outside the boundary of the City Centre Conservation Area.

This site is supported by Officers because this stretch of footway is relatively clutter free and the proposal would replace existing street furniture in the same location.

6.5 Albion Street outside the O'Neil unit in The Light

The proposal would be positioned on a stretch of public footway beyond the entrance to The Light. The site is close to but outside the boundary of the City Centre Conservation Area and is within the setting of the Grade II Listed Headrow Buildings at 44-72 The Headrow.

This site is supported by Officers because this stretch of footway is relatively clutter free and the proposal would be set far enough away from the Listed Headrow Buildings to ensure their visual integrity.

6.6 Outside 22-26 The Headrow adjacent to the Sainsbury's unit

The proposal would be positioned on a stretch of public footway close to Dortmund Square. The site is close to but outside the boundary of the City Centre Conservation Area and is within the setting of the Grade II Listed Thornton's Building at 44 Lands Lane, and the Horse and Trumpet Hotel at 51 & 53 The Headrow.

This site is supported by Officers because this stretch of footway is relatively clutter free and the proposal would be set far enough away from the Listed Buildings to ensure their visual integrity.

6.7 Outside 22-26 The Headrow adjacent to the Argos unit

The proposal would be positioned on a stretch of public footway close to the entrance to the Broadgate building. The site is close to but outside the boundary of the City Centre Conservation Area and is within the setting of the Grade II Listed Thornton's Building at 44 Lands Lane, and the Horse and Trumpet Hotel at 51 & 53 The Headrow.

This site is supported by Officers because this stretch of footway is relatively clutter free and the proposal would be set far enough away from the Listed Buildings to ensure their visual integrity.

6.8 Outside Boots 12 -13 Vicar Lane

The proposal would be positioned on a stretch of public footway to the west side of

Leeds Kirkgate Market which is a Grade I Listed Building and within the boundary Of the City Centre Conservation Area. The proposal would be in line with other existing street furniture in this location.

This site is supported by Officers because this stretch of footway is relatively clutter free and the proposal would be set far enough away from the Listed Kirkgate Market to ensure its visual integrity.

#### 6.9 Outside Victoria Arcade, Vicar Lane

The proposal would be positioned on a stretch of public footway which is set within the City Centre Conservation Area and within close proximity to the Grade II \* Listed Buildings at 2-42 Queen Victoria Street (known as the Victoria Quarter), and the Grade II Listed 53 to 63 Vicar Lane, 68 to 74 Vicar Lane and 1 to 3 Harewood Street.

The site is not supported by Officers due to the fact that this is an area which will shortly be subject to significant public realm enhancement works and de-cluttering as part of the Victoria Gate development. In addition, the proposals would have a negative impact on the character and setting of the nearby Listed Buildings and this part of the City Centre Conservation Area by interrupting views of these heritage assets. The proposal is considered to detract from the visual amenities of the area and would result in an unacceptable level of visual clutter in the street.

#### 6.10 Outside County Arcade, Vicar Lane

The proposal would be positioned on a stretch of public footway which is set within the City Centre Conservation Area and within close proximity to the Grade II \* Listed Buildings at 2-42 Queen Victoria Street (known as the Victoria Quarter), and the Grade II Listed 53 to 63 Vicar Lane, 68 to 74 Vicar Lane and 1 to 3 Harewood Street.

The site is not supported by Officers due to the fact that this is an area which will shortly be subject to significant public realm enhancement works and de-cluttering as part of the Victoria Gate development. In addition, the proposals would have a negative impact on the character and setting of the nearby Listed Buildings and this part of the City Centre Conservation Area by interrupting views of these heritage assets. The proposal is considered to detract from the visual amenities of the area and would result in an unacceptable level of visual clutter in the street.

#### 6.11 Between BHS and Superdry and the entrances to Trinity on Albion Street

The proposal would be positioned on a stretch of public footway which has recently been upgraded and decluttered and has been re-established with new high quality paving and appropriately designed and located street furniture. The site is close to but outside the boundary of the City Centre Conservation Area.

The site is not supported by Officers due to the recent high quality upgrading of the public realm on this street. The level of street furniture already installed as part of the upgrade is the maximum that is appropriate for this enhanced public footway. The proposal is considered to detract from the visual amenities of the area and would result in an unacceptable level of visual clutter in the street.

#### 6.12 Outside Superdrug, Kirkgate



The proposal would be positioned on a stretch of public footway which has recently been upgraded and decluttered and has been re-established with new high quality paving and appropriately designed and located street furniture. The site is within the boundary of the City Centre Conservation Area.

The site is not supported by Officers due to the recent high quality upgrading of the public realm on this street. The level of street furniture already installed as part of the upgrade is the maximum that is appropriate for this enhanced public footway. The proposal is considered to detract from the visual amenities of the area and would result in an unacceptable level of visual clutter in the street.

#### 6.13 City Square Outside Mill Hill Chapel

The proposal would be positioned on a stretch of public footway close to the Grade II\* Listed Building Mill Hill Chapel to the eastern side of City Square. The site is within the setting of the City Centre Conservation Area and is on the proposed route for the New Generation Transport (NGT) trolley bus. There is also a current submission (planning reference 15/00122/ADV) for a 6 sheet advertisement board under consideration by the Local Planning Authority in this location

The site is not supported by Officers due to the potential for visual clutter were this and the 6 sheet advert unit to be approved in combination with other existing street furniture, as well as being in the route of the proposed NGT trolley bus. It is considered there is only space to accommodate one new unit here and that two units with advertisement displays would have a negative impact on the character and setting of the nearby Listed Buildings and this part of the City Centre Conservation Area by interrupting views of these heritage assets.

#### 6.14 Outside Ark in The Light, The Headrow

The proposal would be positioned on a relatively narrow stretch of public footway which has an existing high level of street furniture. The site is close to the Grade II Listed Building 44 to 72 The Headrow (The Light) and is partially within the boundary of the City Centre Conservation Area. There is also a current submission (planning reference 15/00118/ADV) for a 6 sheet advertisement board under consideration by the Local Planning Authority in the vicinity.

The site is not supported by Officers due to the potential for visual clutter were this and the 6 sheet advert unit to be approved in combination with other existing street furniture. It is the case there is only space to accommodate one new unit here and that two advertisement displays would have a negative impact on the character and setting of the nearby Listed Buildings and this part of the City Centre Conservation Area by interrupting views of these heritage assets.

#### 6.15 Outside Berry's at 62 Albion Street

The proposal would be positioned on a stretch of public footway which has recently been upgraded and decluttered and has been re-established with new high quality paving and appropriately designed and located street furniture. The site is within the boundary of the City Centre Conservation Area.

The site is not supported by Officers due to the recent high quality upgrading of the public realm on this street. The level of street furniture already installed as part of the upgrade is the maximum that is appropriate for this enhanced public footway.

The proposal is considered to detract from the visual amenities of the area and would result in an unacceptable level of visual clutter in the street.

6.16 Outside Café Nero on Boar Lane

The proposal would be positioned on a relatively constructed stretch of public footway which has a very high level of pedestrian movements. There is other existing street furniture on this area and the site is in front of a bus stop. The site is within the boundary of the City Centre Conservation Area and close to the Grade II Listed Building 58 & 63 Boar Lane.

The site is not supported by Officers as it would be positioned on a narrow street with very heavy pedestrian footfall and would block views of and to a nearby bus stop. As such the proposal would be of detriment to the safe and free flow of the highway network. The proposal would also have a negative impact on the character and setting of the nearby Listed Buildings and this part of the City Centre Conservation Area by interrupting views of these heritage assets. The proposal is considered to detract from the visual amenities of the area and would result in an unacceptable level of visual clutter in the street.

6.17 At junction of Great George Street with Woodhouse Lane

The proposal would be positioned on a stretch of public footway at a busy crossroads within the City Centre. The site is also close to the Grade II Listed Thoresby Building and is within the boundary of the City Centre Conservation Area.

The site is not supported by Officers as the position of the proposal would block views of traffic lights and a pedestrian crossing, where it could be a distraction to drivers as well as hindering views of pedestrians as they approach the crossing. As such the proposal would be of detriment to the safe and free flow of the highway network. The proposal would also have a negative impact on the character and setting of the nearby Listed Buildings and this part of the City Centre Conservation Area by interrupting views of these heritage assets. The proposal is considered to detract from the visual amenities of the area and would result in an unacceptable level of visual clutter in the street.

6.18 Outside Toni & Guy, Boar Lane

The proposal would be positioned on a stretch of busy public footway with a high level of pedestrian movements close to a bus stop. The site is also close to the Grade II Listed Building 1 to 13 Boar Lane and is within the boundary of the City Centre Conservation Area.

The site is not supported by Officers as the position of the proposal would be positioned on a narrow street with very heavy pedestrian footfall and would block views of a bus stop. As such the proposal would be of detriment to the safe and free flow of the highway network. The proposal would also have a negative impact on the character and setting of the nearby Listed Buildings and this part of the City Centre Conservation Area by interrupting views of these heritage assets. The proposal is considered to detract from the visual amenities of the area and would result in an unacceptable level of visual clutter in the street.

6.19 Outside Betfred on Bond Street

The proposal would be positioned on a stretch of public footway which has recently been upgraded and decluttered and has been re-established with new high quality paving and appropriately designed and located street furniture. The site is within the boundary of the City Centre Conservation Area. There is also a current submission (planning reference 15/00124/ADV) for a 6 sheet advertisement board under consideration by the Local Planning Authority in the vicinity.

The site is not supported by Officers due to the recent high quality upgrading of the public realm and the potential for visual clutter were this and the 6 sheet advert unit to be approved in combination with other existing street furniture. It is considered that there is only space to accommodate one new unit here and that two advertisement displays would detract from the visual amenities of the area and would result in an unacceptable level of visual clutter in the street.

#### 6.20 Adjacent to Boots on Bond Street

The proposal would be positioned on a stretch of public footway which has recently been upgraded and decluttered and has been re-established with new high quality paving and appropriately designed and located street furniture. The site is within the boundary of the City Centre Conservation Area. There is also a current submission (planning reference 15/00124/ADV) for a 6 sheet advertisement board under consideration by the Local Planning Authority in the vicinity.

The site is not supported by Officers due to the recent high quality upgrading of the public realm and the potential for visual clutter were this and the 6 sheet advert unit to be approved in combination with other existing street furniture. It is considered that there is only space to accommodate one new unit here and that two advertisement displays would detract from the visual amenities of the area and would result in an unacceptable level of visual clutter in the street.

#### 6.21 Outside Moss on Albion Street (this is site is Option A for this part of Albion Street)

The proposal would be positioned on a stretch of public footway which has recently been upgraded and decluttered and has been re-established with new high quality paving and appropriately designed and located street furniture. The site is close to but outside the boundary of the City Centre Conservation Area. The proposal would be positioned within the setting of the Grade II Listed Buildings 35 and 35a Albion Place and 48 Albion Street.

The site is not supported by Officers due to the recent high quality upgrading of the public realm and the potential for clutter in combination with other existing street furniture. The proposal would also have a negative impact on the character and setting of the Listed Buildings and the nearby City Centre Conservation Area by interrupting views of these heritage assets. The proposal is considered to detract from the visual amenities of the area and would result in an unacceptable level of visual clutter in the street.

#### 6.22 Outside Starbucks on Albion Street (this is site is Option B for this part of Albion Street)

The proposal would be positioned on a stretch of public footway which has recently been upgraded and decluttered and has been re-established with new high quality paving and appropriately designed and located street furniture. The site is close to but outside the boundary of the City Centre Conservation Area. The proposal would

be positioned within the setting of the Grade II Listed Buildings 35 and 35a Albion Place and 48 Albion Street.

The site is not supported by Officers due to the recent high quality upgrading of the public realm and the potential for clutter in combination with other existing street furniture. The proposal would also have a negative impact on the character and setting of the Listed Buildings and the nearby City Centre Conservation Area by interrupting views of these heritage assets. The proposal is considered to detract from the visual amenities of the area and would result in an unacceptable level of visual clutter in the street.

#### 6.23 Outside Monsoon on Commercial Street

The proposal would be positioned on a stretch of public footway which has recently been upgraded and decluttered and has been re-established with new high quality paving and appropriately designed and located street furniture. The site is close to but outside the boundary of the City Centre Conservation Area. The proposal would be positioned within the setting of the Grade II Listed Buildings 48 Albion Street and 21 to 22 Commercial Street.

The site is not supported by Officers due to the recent high quality upgrading of the public realm and the potential for clutter in combination with other existing street furniture. The proposal would also have a negative impact on the character and setting of the Listed Buildings and the nearby City Centre Conservation Area by interrupting views of these heritage assets. The proposal is considered to detract from the visual amenities of the area and would result in an unacceptable level of visual clutter in the street.

#### 6.24 Outside Ernest Jones, Central Square, Lands Lane

The proposal would be positioned on City Centre public square which has recently been upgraded and decluttered and has been re-established with new high quality paving and appropriately designed and located street furniture. The site is within the boundary of the City Centre Conservation Area. The proposal would be positioned within the setting of the Grade II Listed Buildings 1 & 3 Lands Lane, 8 to 9 and 36 to 38 Commercial Street.

The site is not supported by Officers due to the recent high quality upgrading of the public realm and the potential for clutter in combination with other existing street furniture. The proposal would also have a negative impact on the character and setting of the Listed Buildings and the City Centre Conservation Area by interrupting views of these heritage assets. The proposal is considered to detract from the visual amenities of the area and would result in an unacceptable level of visual clutter in the street.

#### 6.25 Outside River Island on Briggate

The proposal would be positioned on a stretch of public footway which has recently been upgraded and decluttered and has been re-established with new high quality paving and appropriately designed and located street furniture. The site is within the boundary of the City Centre Conservation Area. There is also a current submission (planning reference 15/00119/ADV) for a 6 sheet advertisement board under consideration by the Local Planning Authority in the vicinity.

The site is not supported by Officers due to the recent high quality upgrading of the public realm and the potential for visual clutter were this and the 6 sheet advert unit to be approved in combination with other existing street furniture. The proposal is considered to detract from the visual amenities of the area and would result in an unacceptable level of visual clutter in the street were two advertisement displays to be installed.

#### 6.26 Outside 140 to 142 House of Fraser on Briggate

The proposal would be positioned on a stretch of public footway which has recently been upgraded and decluttered and has been re-established with new high quality paving and appropriately designed and located street furniture. The site is close to but outside the boundary of the City Centre Conservation Area. The site is positioned within the setting of the Grade II Listed Building 133 to 137 Briggate. There is also a current submission (planning reference 15/00119/ADV) for a 6 sheet advertisement board under consideration by the Local Planning Authority in the vicinity.

The site is not supported by Officers due to the recent high quality upgrading of the public realm and the potential for clutter were this and the 6 sheet advert unit to be approved in combination with other existing street furniture. The proposal would also have a negative impact on the character and setting of the Listed Buildings and the nearby City Centre Conservation Area by interrupting views of these heritage assets. The proposal is considered to detract from the visual amenities of the area and would result in an unacceptable level of visual clutter in the street were two advertisement displays to be installed.

#### 6.27 Outside Carphone Warehouse on Briggate

The proposal would be positioned on a stretch of public footway which has recently been upgraded and decluttered and has been re-established with new high quality paving and appropriately designed and located street furniture. The site is close to but outside the boundary of the City Centre Conservation Area. The site is positioned within the setting of the Grade II Listed Building 50 & 51 Briggate. There is also a current submission (planning reference 15/00119/ADV) for a 6 sheet advertisement board under consideration by the Local Planning Authority in the vicinity.

The site is not supported by Officers due to the recent high quality upgrading of the public realm and the potential for clutter were this and the 6 sheet advert unit to be approved in combination with other existing street furniture. The proposal would also have a negative impact on the character and setting of the Listed Buildings and the nearby City Centre Conservation Area by interrupting views of these heritage assets. The proposal is considered to detract from the visual amenities of the area and would result in an unacceptable level of visual clutter in the street were two advertisement displays to be installed.

#### 6.28 Outside H Samuels at 54 Briggate

The proposal would be positioned on a stretch of public footway which has recently been upgraded and decluttered and has been re-established with new high quality paving and appropriately designed and located street furniture. The site is close to but outside the boundary of the City Centre Conservation Area. There is also a current submission (planning reference 15/00119/ADV) for a 6 sheet advertisement board under consideration by the Local Planning Authority in the vicinity.

The site is not supported by Officers due to the recent high quality upgrading of the public realm and the potential for clutter were this and the 6 sheet advert unit to be approved in combination with other existing street furniture. The proposal is considered to detract from the visual amenities of the area and would result in an unacceptable level of visual clutter in the street were two advertisement displays to be installed.

#### 6.29 Outside the Flight Centre on Briggate

The proposal would be positioned on a stretch of public footway which has recently been upgraded and decluttered and has been re-established with new high quality paving and appropriately designed and located street furniture. The site is close to but outside the boundary of the City Centre Conservation Area. The site is positioned within the setting of the Grade II Listed Buildings 34 & 36 and 92 & 93 Briggate. There is also a current submission (planning reference 15/00119/ADV) for a 6 sheet advertisement board under consideration by the Local Planning Authority in the vicinity.

The site is not supported by Officers due to the recent high quality upgrading of the public realm and the potential for clutter were this and the 6 sheet advert unit to be approved in combination with other existing street furniture. The proposal would also have a negative impact on the character and setting of the Listed Buildings and the nearby City Centre Conservation Area by interrupting views of these heritage assets. The proposal is considered to detract from the visual amenities of the area and would result in an unacceptable level of visual clutter in the street were two advertisement displays to be installed.

#### 6.30 Outside Louis Vuitton, the Victoria Quarter on Briggate

The proposal would be positioned on a stretch of public footway which has recently been upgraded and decluttered and has been re-established with new high quality paving and appropriately designed and located street furniture. The site is close to but outside the boundary of the City Centre Conservation Area. The site is positioned within the setting of the Grade II Listed Buildings Grade II \* Listed Buildings at 2-42 Queen Victoria Street (known as the Victoria Quarter) and Grade II 53 to 63 Vicar Lane. There is also a current submission (planning reference 15/00119/ADV) for a 6 sheet advertisement board under consideration by the Local Planning Authority in the vicinity.

The site is not supported by Officers due to the recent high quality upgrading of the public realm and the potential for clutter were this and the 6 sheet advert unit to be approved in combination with other existing street furniture. The proposal would also have a negative impact on the character and setting of the Listed Buildings and the nearby City Centre Conservation Area by interrupting views of these heritage assets. The proposal is considered to detract from the visual amenities of the area and would result in an unacceptable level of visual clutter in the street were two advertisement displays to be installed.

#### 6.31 Outside Harvey Nichols, the Victoria Quarter on Briggate

The proposal would be positioned on a stretch of public footway which has recently been upgraded and decluttered and has been re-established with new high quality paving and appropriately designed and located street furniture. The site is close to but outside the boundary of the City Centre Conservation Area. The site is

positioned within the setting of the Grade II Listed Buildings Grade II \* Listed Buildings at 2-42 Queen Victoria Street (known as the Victoria Quarter) and Grade II 53 to 63 Vicar Lane. There is also a current submission (planning reference 15/00119/ADV) for a 6 sheet advertisement board under consideration by the Local Planning Authority in the vicinity.

The site is not supported by Officers due to the recent high quality upgrading of the public realm and the potential for clutter were this and the 6 sheet advert unit to be approved in combination with other existing street furniture. The proposal would also have a negative impact on the character and setting of the Listed Buildings and the nearby City Centre Conservation Area by interrupting views of these heritage assets. The proposal is considered to detract from the visual amenities of the area and would result in an unacceptable level of visual clutter in the street were two advertisement displays to be installed.

### 6.32 Outside USC on Briggate

The proposal would be positioned on a stretch of public footway which has recently been upgraded and decluttered and has been re-established with new high quality paving and appropriately designed and located street furniture. The site is close to but outside the boundary of the City Centre Conservation Area. The site is positioned within the setting of the Grade II Listed Buildings Grade II \* Listed Buildings at 2-42 Queen Victoria Street (known as the Victoria Quarter), and Grade II 64 Briggate and 53 to 63 Vicar Lane. There is also a current submission (planning reference 15/00119/ADV) for a 6 sheet advertisement board under consideration by the Local Planning Authority in the vicinity.

The site is not supported by Officers due to the recent high quality upgrading of the public realm and the potential for clutter were this and the 6 sheet advert unit to be approved in combination with other existing street furniture. The proposal would also have a negative impact on the character and setting of the Listed Buildings and the nearby City Centre Conservation Area by interrupting views of these heritage assets. The proposal is considered to detract from the visual amenities of the area and would result in an unacceptable level of visual clutter in the street were two advertisement displays to be installed.

### 6.33 Outside Santander at 73 to 75 Albion Place

The proposal would be positioned on a stretch of public footway which has recently been upgraded and decluttered and has been re-established with new high quality paving and appropriately designed and located street furniture. The site is close to but outside the boundary of the City Centre Conservation Area. The site is positioned within the setting of the Grade II Listed Buildings Grade II Listed Buildings at 17 & 18 and 19 & 23 Albion Place and 64 Briggate. There is also a current submission (planning reference 15/00119/ADV) for a 6 sheet advertisement board under consideration by the Local Planning Authority in the vicinity.

The site is not supported by Officers due to the recent high quality upgrading of the public realm and the potential for clutter were this and the 6 sheet advert unit to be approved in combination with other existing street furniture. The proposal would also have a negative impact on the character and setting of the Listed Buildings and the nearby City Centre Conservation Area by interrupting views of these heritage assets. The proposal is considered to detract from the visual amenities of the area and would result in an unacceptable level of visual clutter in the street were two advertisement displays to be installed.

## **7.0 MATTERS FOR CONSIDERATION**

7.1 Members are asked to comment on the proposed scheme and to consider the following matters:

### 7.2 Visual Amenity

**Applications for Advertisement Consent can only be determined with regard to their impact on visual amenity and public safety. Officers are only supportive of 5 of the additional sites (i.e. Kirkgate outside Zara, Albion Street outside the O'Neil unit in The Light, Outside 22-26 The Headrow adjacent to the Sainsbury's unit, Outside 22-26 The Headrow adjacent to the Argos unit and Outside Boots 12 -13 Vicar Lane), as well as being supportive of the 4 existing sites. The others are considered to be unacceptable for reasons of their adverse impact on visual amenity and/or public safety as discussed above.**

**12 of the sites also cannot be supported in conjunction with the concurrent proposals by Clear Channel in the same locations. It is considered in these locations that in respect of preserving visual amenity only one 6 sheet advertisement unit would be acceptable per location.**

**Officers have only been able to recommend support for a total of 9 sites (including the 4 existing sites) out of the 33 proposed because it is considered important not to create additional street clutter to main pedestrian thoroughfares, such as Briggate, to avoid the most sensitive locations in the City Centre Conservation Area and to preserve the setting of Listed Buildings in the interest of protecting existing visual amenity. In some cases the proposed sites are also considered detrimental to highway safety.**

**Do Members agree with the Officer's comments on the proposed sites?**

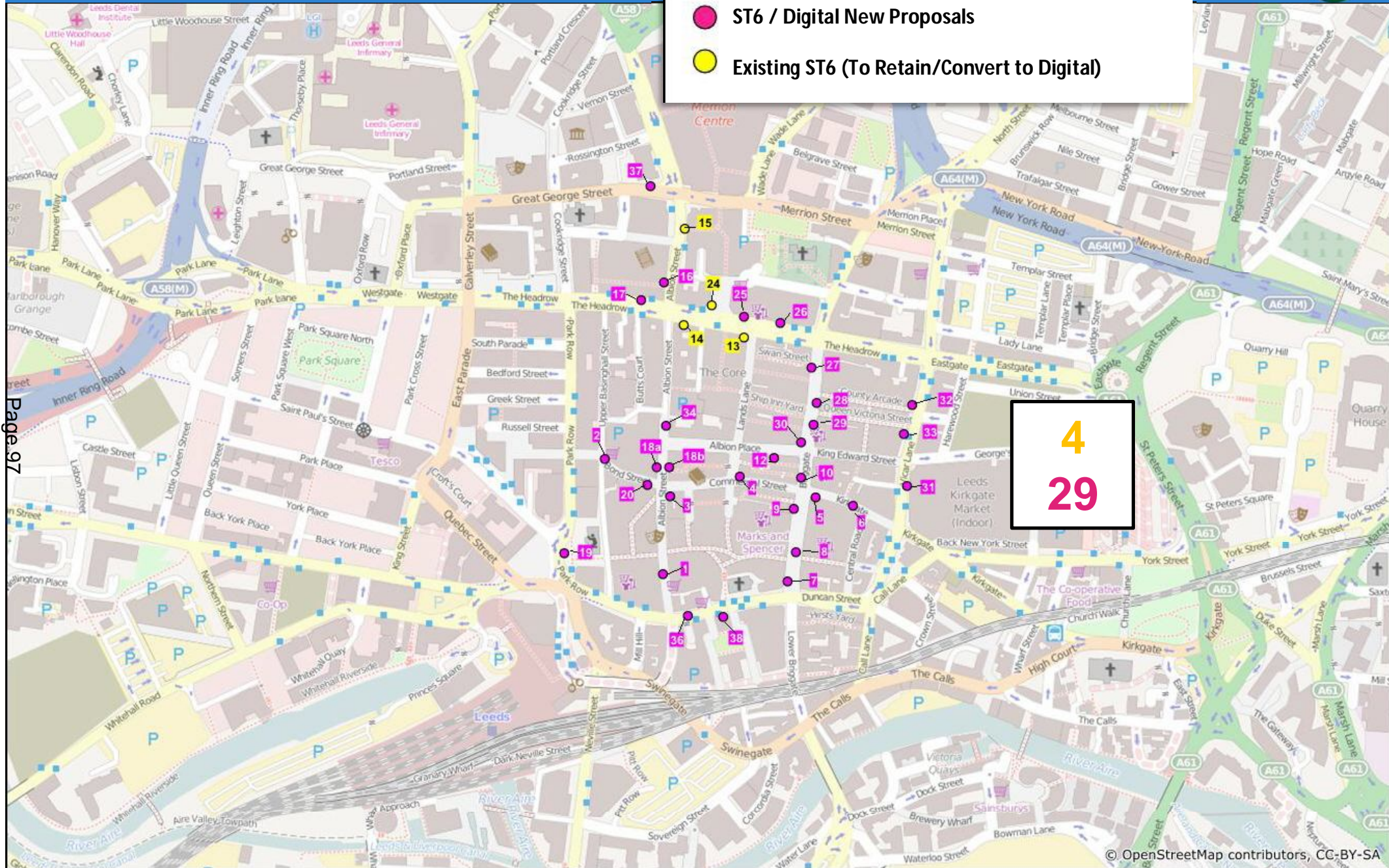
### 7.3 Determination of Future Applications

**Do Members consider that the proposals can be deferred and delegated to Officers for determination of any subsequent planning applications on the basis of the above considerations for the advertisement units?**

**Background Papers: PREAPP/12/00247**



- ST6 / Digital New Proposals
- Existing ST6 (To Retain/Convert to Digital)



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