



## CITY PLANS PANEL

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Meeting to be held in Civic Hall, Leeds on  
Thursday, 15th October, 2015  
at 1.30 pm

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### MEMBERSHIP

#### Councillors

P Gruen  
S Hamilton  
N Walshaw  
M Ingham  
J McKenna  
(Chair)  
A Khan  
K Ritchie  
E Taylor

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><b>CONFIDENTIAL AND EXEMPT ITEMS</b></p> <p><b>SITE VISIT LETTER</b></p> <p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

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 3 <sup>rd</sup> September 2015  (minutes attached)	5 - 12
7	City and Hunslet; Hyde Park and Woodhouse		<b>APPLICATION 14/03735/FU - 46 BURLEY STREET LS3 - APPEAL DECISION SUMMARY</b>  With reference to minute 128 of the City Plans Panel meeting held on 12 <sup>th</sup> February 2015, where Panel resolved to defer refusal of a student residential accommodation building to the Chief Planning Officer, to consider a further report setting out the Inspector's decision on the appeal lodged against that refusal  (report attached)	13 - 18
8	City and Hunslet		<b>APPLICATION 15/03519/FU - MERRION HOTEL WADE LANE LS2</b>  To consider a report of the Chief Planning Officer on an application for alterations and 2 storey extension, change of use to units 51-29, new restaurant, change of use of units 41-49, associated public realm works, highway works, infrastructure for hotel and retail units  (report attached)	19 - 34

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9	City and Hunslet	10.4(3)	<p><b>APPLICATION 15/03167/FU - LAND AT DAVID STREET HOLBECK LS11</b></p> <p>Further to minute 175 of the City Plans Panel meeting held on 16<sup>th</sup> April 2015, where Panel received a pre-application presentation on the proposals, to consider a further report of the Chief Planning Officer setting out the formal application in respect of a proposed residential and commercial development comprising 72 dwellings, A1/A2/B1 flexible space at ground floor, associated covered parking area and landscaping. The report is accompanied by an appendix classed as exempt as it contains financial information</p> <p>(report attached)</p>	35 - 106
10	Horsforth; Kirkstall; Weetwood	10.4(3)	<p><b>APPLICATION 14/06918/OT - WOODSIDE QUARRY CLAYTON WOOD ROAD WEST PARK LS16</b></p> <p>To consider a report of the Chief Planning Officer on an outline application (all matters reserved except for partial means of access to, but not within, the site) for circa 335 residential units and 149 sqm of ancillary retail (Class 1). The report is accompanied by an appendix classed as exempt as it contains financial information</p> <p>(report attached)</p>	107 - 130

Item No	Ward	Item Not Open		Page No
11	City and Hunslet		<p><b>PREAPP/15/00587 - CITY REACH - SITE SOUTH OF KIRKSTALL ROAD BURLEY FRONTING THE RIVER AIRE (FORMER YORKSHIRE CHEMICALS SITE)</b></p> <p>To consider a report of the Chief Planning Officer on pre-application, outline proposals for a mixed use scheme comprising private sector residential, private rented sector (PRS) residential and student housing with ancillary ground floor active uses, small scale retailing, café/restaurants and bars and to receive a presentation on the proposals 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>	131 - 140
12	City and Hunslet		<p><b>PREAPP/15/00600 - CENTENARY HOUSE NORTH STREET SHEEPSCAR LS2</b></p> <p>To consider a report of the Chief Planning Officer on pre-application proposals for alterations and extension to Listed Building to form residential accommodation and an A4 drinking establishment and to receive a presentation on the proposals 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>	141 - 152

Item No	Ward	Item Not Open		Page No
13			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>Thursday 5<sup>th</sup> November 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.
- 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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## CONFIDENTIAL AND EXEMPT ITEMS

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

### **9.0 Confidential information – requirement to exclude public access**

9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

### **9.2 Confidential information means**

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

### **10.0 Exempt information – discretion to exclude public access**

10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Exempt information means information falling within the following categories (subject to any condition):

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes –
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

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**Chief Executive's Department**  
Governance Services  
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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 6<sup>th</sup> October 2015

Dear Councillor

**SITE VISITS – CITY PLANS PANEL – THURSDAY 15<sup>TH</sup> OCTOBER 2015**

Prior to the meeting of City Plans Panel on Thursday 15<sup>th</sup> October 2015, the following site visits will take place:

9.20am		Depart Civic Hall
9.30am	City and Hunslet	City Reach, Kirkstall Road – Pre-application proposals for mixed use scheme. Preapp-15/00587. A visit to an approved scheme by Panel at Otter Island is also included as the show houses are open and the main public square is laid out and located across the river from City Reach – depart at 10.15am
10.30am	Weetwood Horsforth Kirkstall	Woodside Quarry Clayton Wood Road West Park LS16 – outline application for circa 335 residential units and 149 sqm of ancillary retail (Class 1) – 14/06918/OT - depart site 11.00am
11.15am	City and Hunslet	Centenary House North Street Sheepscar – Pre-application proposals for alterations and extension of listed building to form residential accommodation – Preapp/15/00600 – depart site at 11.45am
11.55am	City and Hunslet	Merrion Hotel Wade Lane LS2 – Alterations and 2 storey extension, change of use of units, new restaurant, associated public realm works, highway works and infrastructure for hotel and retail units – 15/03519/FU – depart site at 12.15pm

12.20pm approximately		Return to Civic Hall
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For those Members requiring transport, a minibus will leave the Civic Hall at **9.20am**. Please notify Daljit Singh (Tel: 247 8010) if you wish to take advantage of this and meet in the Ante Chamber at **9.15am**.

Yours sincerely

Angela M Bloor  
Governance Officer

## CITY PLANS PANEL

THURSDAY, 3RD SEPTEMBER, 2015

**PRESENT:** Councillor J McKenna in the Chair

Councillors P Gruen, R Procter,  
D Blackburn, S Hamilton, G Latty,  
T Leadley, N Walshaw, M Ingham, A Khan,  
K Ritchie and E Taylor

### 32 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves. The Chair extended a warm welcome to Councillor Procter's daughter, who was sitting in on this meeting

### 33 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests

### 34 Apologies for Absence

Apologies for absence were received from Councillor Campbell

### 35 Minutes

**RESOLVED** - That the minutes of the City Plans Panel meeting held on 13<sup>th</sup> August 2015 be approved subject to the amendment of minute 26, which related to an amendment to minute 18 of the City Plans Panel meeting held on 23<sup>rd</sup> July 2015, as follows:

- 'how the 5 year land supply had been arrived at with reference to the Housing Market Characteristic Areas' to be amended to read ' how the 5 year land supply had been arrived at with/without reference to the Housing Market Characteristic Areas'

### 36 Application 14/02521/FU - The Site remediation works including demolition of existing buildings, removal of hard standing, extraction of coal, removal of mine shafts and other below ground structures and reinstatement of ground at Former Vickers Factory - Manston Lane LS15

Further to minute 11 of the City Plans Panel meeting held on 26<sup>th</sup> June 2014, where Panel considered a position statement on site remediation works, including the extraction of coal, demolition of existing buildings, removal of hard standing, mine shafts and other below ground structures and

reinstatement of ground at the Former Vickers Factory, Members considered a further report of the Chief Planning Officer setting out the formal application Plans, photographs and graphics were displayed at the meeting. A Members site visit had taken place earlier in the day

The East Deputy Area Planning Manager provided an overview of the site and its relationship to several other strategic developments including Thorpe Park, Green Park, the Northern Quadrant of the East Leeds Extension and The Limes and former Optare site, housing sites close to the site which were under construction but where some parts of the approved development could not take place until the Manston Lane Link Road (MLLR) had been constructed. In terms of the proposals for a residential development on the former Vickers Factory, two current applications remained to be determined (the older of which was likely to be withdrawn). A further position statement on the later application was expected to be presented to Panel shortly

Details of the works required to deal with the Great Crested Newts on the site were outlined to Members and the latest timescale for when the MLLR would be open was provided, this being that work would start in the second quarter of 2016 with a 12 month contract for construction, meaning that the road should be complete in the second quarter of 2017

The Minerals, Waste and Contaminated Land Manager presented the application and for context and information for Members showed a series of photographs which illustrated examples of various stages of coal extraction works which had occurred on development sites in the City and the wider region

Members were informed of the extent of site remediation works which would be necessary and which would include the demolition of the former Vickers Factory, breaking up the concrete from the factory floor and substantial areas around the building and site, reuse and removal of concrete together with the removal of numerous buried structures and mineshafts on the site

The methodology for the site remediation works - which would commence at the west of the site and move towards the east - and the coal extraction process were outlined to Panel

The level of representations - 2700 - which had been received when the application was advertised in May 2014 was noted with the main concern being the proposed access route. Panel in considering the position statement on the proposals had been clear that the proposed route was unacceptable and that the MLLR once open, should be used. The applicant had taken on board these comments and had now decided to delay the necessary site remediation works until the MLLR had been provided

In terms of representations, further objections had been received, including one from the local MP, the details of this being summarised for Members

Details of the likely noise nuisance, particularly for those residents of The Limes, were outlined to Members together with details of the proposed method statement; the mitigation measures to be provided and the guidance on noise from mineral working which allowed for a period of 8 weeks for higher sound levels. Whilst it was clear that noise nuisance would impact particularly on those residents of The Limes who lived closest to the site, Members were informed that the applicant had advised the works which

would create the highest noise levels would be done quickly, possibly within three weeks

The Minerals, Waste and Contaminated Land Manager stressed that as this was a minerals application, planning conditions could be attached to all activities on site, however if the coal was not being removed the concrete removal would form part of the residential application, as such, the minerals application afforded the LPA more control

A slide showing the list of reports and information which had been submitted with the application was outlined for Members' information

Details of the Community Benefit Fund were provided, with a sum of 25p per tonne being proposed by the applicant, which could yield around £35,000 to fund local community projects. As the applicant had yet to sign a Unilateral Undertaking for this, Members were asked that the recommendation be amended to defer and delegate the application to the Chief Planning Officer

Minor amendments were proposed to conditions relating to condition 12 – relating to a condition survey of the highway prior to commencement to be clear that it relates to roads outside the site and condition 19 relating to dust to include all potential dust generation on site including mounds and moving equipment as well as from roads and circulation

Prior to the public speaking on the application, the Chair invited the local MP, Mr Burgon, who was in attendance, to confirm that the summary of his representation was correct. Mr Burgon stated that he and local residents were insistent that no work should occur until the MLLR was in place

In view of the level of representations which had been received, on this occasion the Chair allowed a period of 5 minutes for the objector to address the Panel with the same amount of time being allowed for the applicant's representations

The Panel heard from the Chair of the Cross Gates Watch Residents Association who outlined concerns about the application which included:

- local objections had been ignored
- the application breached regulations
- the timescales for completion of the works were unrealistic and that conditions 1 and 14 were not compatible
- the 5m buffer zone to The Limes was too small
- that concerns raised by the Environmental Protection Team had been ignored
- critical conditions had been omitted, particularly relating to child safety
- the lack of a flood risk assessment or conditions to address possible flooding
- lack of regard to possible buried munitions within the site and accompanying conditions to address this in the event the area had to be evacuated if munitions were discovered
- that remediation options had not been fully considered and that the removal of the coal was unnecessary and undesirable
- the absence of an Environmental Impact Assessment

Reference was also made to expert professional advice which had

been obtained to support some of these concerns, however the Chair of the organisation declined to provide the names of those who had given professional advice without having their prior agreement to this information being provided

Through questions from the Panel further information was provided on details from the Lithos report and the issue of possible munitions buried on the site. The Panel established that the munitions factory at the time of an explosion in 1916, was not on the same site as the former Vickers factory which was proposed for demolition, however the Chair of the Cross Gates Watch Residents Association was of the view that munitions could have been dispersed around the site, particularly where emergencies had occurred

The Panel then heard representations from the applicant's agent who addressed Members and provided information which included:

- the amount of information which had been provided in support of the application
- that the proposed method of working had been prepared by an experienced company
- that work on the site would not be progressed until the MLLR was operational
- the impact of the works on residents of The Limes and 10 Ethel Jackson Avenue; the mitigation measures proposed and the timescales for the most noisy works, with these being within the timescales set out in guidance
- the buffer zone which was considered to be appropriate to the scheme which was not a stand-alone minerals site
- protection of trees and replacement planting
- the need to ensure a stable development platform for the proposed housing application

Through questions from the Panel to the applicant's agent and their development team who were in attendance, further information was provided relating to:

- the prevention of dust dispersal; how this would be managed and the tried and tested mitigation measures which were proposed Reference was made to recent incident which had occurred during the demolition of a building close to the City Centre with Panel being informed that this had been caused by inadequate plant, with prosecution action now being taken by the Council as a result
- that some steel enforced concrete was present on the site but that further investigations would be needed to assess the extent of this
- that the possibility of migration of grouting from The Limes into the site would not be known until excavation works had reached the necessary levels to ascertain this
- the hours of operation which would be 07.30 – 18.30 Monday to Friday and to 12.30 on Saturdays but the hours for the coal extraction this would be 08.00 – 16.00 Monday to Friday and none on Saturday



- regarding protection for residents on The Limes, the first 15m of concrete would be removed which would take three days, with an acoustic fence then being erected temporarily before it was then sited on the bund. In terms of the provision of a buffer zone, beyond that being proposed, this would not protect local residents from the noisiest elements of the breaking up of the concrete
- that residents of the The Limes were aware that housing development would be continued on the site adjacent to the current estate; that the application being considered had been submitted in 2014 and that it was likely to have shown up in a title search
- the possibility of compensation for residents of the The Limes. Members were informed on behalf of the applicant that compensation could be considered for those immediate neighbours for those days where higher noise levels occurred during remediation and coal removal, however it was not reasonable to compensate people for living next to a housing development site
- details of how other contaminants would be dealt with
- land stability issues. The applicant's representative stated that Officers were satisfied with conditions on this matter and that monitoring would be included to enable any remedial action to be taken. Furthermore the box cuts would be open for a period of 2-3 weeks which would also enable any issues relating to land stability to be resolved as quickly as possible. On the issue of compensation this would be a matter for the land owner to address and could be part of the household insurance

Members then questioned Officers on elements of the application, which included:

- the mitigation measures to The Limes with Members being informed that a 2m high bund and 2m high acoustic fence was being proposed; that to increase the height of the bund would require more material and that the effort of creating a higher bund and removing it once the works were completed became a significant factor in itself. The proposals would blank out the ground storey of the affected dwellings, with the direct line of noise remaining only to the bedrooms of the properties, with work ceasing in the evenings
- predicted noise levels. The Minerals, Waste and Contaminated Land Manager advised that all reports which had been submitted with the application were from quality companies and consultants; that predicted noise levels were assessed with reference to methodologies; British Standards and computer modelling; that condition no.20 required the submission of noise reports and that if noise levels were considered not to be in accordance with the agreed levels, the LPA would be able to require the cessation of works and further mitigation measures to be taken

- the level of objections received to the application, that 24 additional representations had been made directly to a Ward Member and whether sufficient value had been given to the weight and volume of these objections by Officers and that a clearer breakdown of the issues contained in the objections and how these had been addressed should have been set out in the submitted report. The Head of Planning Services accepted that there had been few applications which had attracted more representations; that the Panel consideration had gone into considerable detail on a range of issues and that whilst there were some conditions to be reworded, the impression should not be given to the local community that their concerns and comments had not been considered
- the Community Benefit Fund and the need for Ward Members to be involved in this

Members then discussed the application with the following key issues being raised:

- the controversial nature of the application and that the applicant's willingness to accept the Panel's previous views about the access route was welcomed, however there was a need to consider the conditions relating to this and the timescale for commencement of works to ensure that no work commence prior to the MLLR being operational
- the hours of operation with one Member expressing concern at proposed week-end working and that works should not commence before 09.00 during the week
- the need for further discussions to take place with Ward Members on the proposed working hours at the site; the compensation arrangements for residents; information on jobs and skills arising from the development and further information on the Community Benefit Fund, with a mechanism in place relating to the amount which would be provided to ensure the best possible outcome was achieved to maximise the benefits to the community of enduring the work associated with the extraction of coal on the site
- the importance of the Council's Building Inspectors carrying out the building inspections and associated monitoring
- concerns that the applicant's agent was not aware of the extent of the steel mesh reinforced concrete on the site which would be more difficult to deal with
- the boundary to The Limes which was critical and concerns that covering this by household insurance was not sufficient and that this issue should be clarified prior to works commencing to safeguard residents who could be affected in the future

The Head of Planning Services suggested that condition no.1 be reworded to state 'No development shall take place until the Manston Lane Link Road has been constructed. The development hereby permitted shall be begun within 2 (or 3) years after the completion of the Manston Lane Link Road'. In terms of the hours, vehicle movements; compensatory arrangements; rewording of condition no.19 relating to dust to include all the

dust generated on the site, these could be looked at, together with further safeguards around the monitoring and discussions relating to jobs and skills, the establishment of a Community Benefit Fund in consultation with Ward Members, and survey work of adjoining houses on The Limes prior to work starting, if Panel was in agreement

An amendment to the recommendation in the submitted report to defer and delegate the application to the Chief Planning Officer subject to the conditions set out in the submitted report and the amendments to the conditions now made and subject to discussions with Ward Members on the range of issues outlined above by the Head of Planning Services was moved and seconded

**RESOLVED** - To defer and delegate the application to the Chief Planning Officer subject to conditions, including amended conditions as proposed and subject to further discussions with Ward Members on the range of issues as outlined by the Head of Planning Services

### **37 Chair's closing remarks**

The Chair announced that this had been Max Rathmell's - the Minerals, Waste and Contaminated Land Manager - last meeting as he was to retire from the Council after 40 years of service

He paid tribute to Max for all his hard work and referred to Max's deep understanding of his specialist area and his keenness for enforcement matters. The work he undertook at St Aidan's was just one example of his detailed approach with a dragline being purchased which was now a visitor attraction. Max's helpfulness to Members was also referred to

The Head of Planning Services also put on record his thanks for all the work Max had undertaken in Leeds and beyond, especially the restoration works at a variety of locations around the City and for his work which had led to the adoption of the Natural Resources and Waste Local Plan

In responding, Max Rathmell stated that he had enjoyed his time in Leeds and had been able to require people to improve the natural environment through minerals work

All Members wished him a long and happy retirement

### **38 Date and Time of Next Meeting**

Thursday 24<sup>th</sup> September 2015 at 1.30pm in the Civic Hall, Leeds

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Originator: C. Briggs

Tel: 0113 2224409

## Report of the Chief Planning Officer

### **CITY PLANS PANEL**

**Date: 15 OCTOBER 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 were consulted at application stage

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**For information only - Summary of recent planning appeal decision**

## 1.0 INTRODUCTION

1.1 The application was refused planning permission on 16<sup>th</sup> February 2015, following a resolution at City Plans Panel on 12<sup>th</sup> February 2015, on the following grounds:

*“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.”*

*2. The application proposal would result in an overintensive development, out of character with the urban grain of the immediate surrounding area by reason of the dominating effects of its excessive height and bulk. The application is therefore contrary to Leeds Core Strategy Policy SP1(iii) and P10, Leeds UDPR Saved*

- 1.2 The appeal was considered by the Planning Inspectorate on 22<sup>nd</sup> July 2015, through the Informal Hearing procedure, and the decision was issued on 10<sup>th</sup> September 2015. The hearing was attended by officers, the applicant’s Planning Consultant, and two residents of Kendal Walk.

## **2.0 KEY ISSUES**

- 2.1 The Inspector identified the following key issues in the determination of the case:

- 1.The effect of the proposed development on the character and appearance of the locality;
- 2.The living conditions of the future occupiers of the proposed studio flats, with particular regard to internal living space, outlook, and external amenity space.

## **3.0 SUMMARY OF COMMENTS**

### **The effect of the proposed development on the character and appearance of the locality**

- 3.1.1 With regard to the first issue, the Planning Inspector considers that the taller element of the proposed development, referred to as ‘the blade’, would be taller and wider than the adjacent Sorting Office. She considers that the characteristics of the blade would create a building that would appear taller, wider, and with a greater mass than the Sorting Office building. The Inspector states that when viewed from the east along Park Lane in the context of Oak House, a five storey office building on the northern side of Park Lane, or along Belle Vue Road in the context of significantly smaller scale two storey residential properties, the blade would largely obscure the Sorting Office, and appear overdominant, out of character, and create the impression that development would be stepping up rather than down the hillside. In views to the west along Park Lane, the Inspector concludes that the proposal would restrict the views of hillside and sky in the distance beyond, due the topography, distance and perspective leading to a diminished apparent scale of the larger student housing blocks and hotels beyond at Park Lane Triangle, the Holiday Inn and Opal One and Two. The Inspector is also of the view that at the corner of Rutland Mount and Burley Street, the scale and height of the blade close to the back edge of the pavement, would be both dominating and dramatic in close views, much more so than the nearby Sorting Office or the Sentinel Towers flats opposite.
- 3.1.2 On this issue the Inspector concludes that the height, width and mass of the blade element would appear unrelated to the scale, character and appearance of the buildings with which it would mainly be seen. The blade would not appear to respect the general perception of development stepping down the hillside, and would therefore be harmful to the townscape in the immediate locality of the site. The Inspector therefore dismissed the appeal on this issue.

### **The living conditions of the future occupiers of the proposed studio flats, with particular regard to internal living space, outlook, and external amenity space.**

- 3.2.1 The Inspector states that the overlapping of furniture and functions within the smallest studios (20sqm) would feel cramped and oppressive. She cites a bed-

head directly abutting a breakfast bar or kitchen area, or a sink drainer extending into a table for eating, or the design of an 'L' shaped studio just wider than the length of the bed, as particular examples. The Inspector comments that the spaces shown would not be sufficient to allow the occupiers to comfortably carry out all the functions of living, no matter how the illustrative internal layout of furniture were reconfigured.

- 3.2.2 The Inspector notes that the needs of students may be different to others, but acknowledges that many students such as postgraduates or overseas student would occupy their accommodation all year round and could spend a significant amount of time in their studio flats.
- 3.2.3 The Inspector states that most studios on the east elevation would have a single aspect with a poor outlook onto the Sorting Office building approximately 8m away. Despite being a little larger than some of the other studios, and having large windows, she notes that many would not receive direct sunlight and some would have restricted and limited views of sky. She also notes that the noise attenuation measures and need to keep windows closed to achieve quiet conditions in a night-time environment could add to feelings of oppression within these small studios.
- 3.2.4 The Inspector is of the view that in this case, where the internal layout of the studios would be so cramped, the small size of the proposed external courtyard would add to the harm to the living conditions of the occupiers.
- 3.2.5 The Inspector notes that the provision of two communal lounges, concierge services, a laundry and a cycle store would afford additional amenities for occupants, however these benefits would not mitigate the adverse impacts of the small size and poor internal environments of the studios.
- 3.2.6 The Inspector concludes on this issue that for the purpose and function of fully self-contained independent occupation, where a student could sleep, cook, eat, study and relax, approximately 50% of the studios would fail to provide a satisfactory sense of spaciousness and would feel uncomfortably small, cramped, and oppressive – and that overall the development would fail to provide a satisfactory standard of comfortable living conditions for the future occupiers. The Inspector agrees with the Council that the proposal would fail to meet the specific requirement of Core Strategy Policy H6B(v), that student accommodation provides satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms. The Inspector states that the scheme would also fail to meet the requirements of Core Strategy Policies P10, CC1(b) and Saved UDPR Policies BD5 and GP5 to resolve detailed planning considerations, contribute positively towards quality of life and provide a reasonable level of amenity and usable space. The Inspector also states that the proposal would be contrary to advice at paragraph 17 of the NPPF, that planning should also seek a high quality of design and a good standard of amenity for existing and future occupants of land. The Inspector therefore dismissed the appeal on this issue as well.

### **Application for Costs by the Appellant**

- 3.3.1 The appellant applied for costs against the Local Planning Authority on the grounds of unreasonable behaviour resulting in unnecessary or wasted expense.
- 3.3.2 On the first issue, the Inspector notes that the Panel members had visited the site prior to determining the application, and that this gave no cause to suggest that the

Council was unreasonable in concluding that a further reason for refusal should be added in respect of the impact of the design of the proposal upon the character of the area.

- 3.3.3 On the second issue, The Inspector notes that Core Strategy Policy H6B(v) clearly states that student housing should provide satisfactory internal living accommodation in terms of daylight, outlook, and juxtaposition of living rooms and bedrooms, and that Core Strategy Policies CC1(b) and P10, and Saved UDPR Policies BD5 and GP5 also provide more general requirements that development should contribute positively towards quality of life and provide a reasonable level of amenity and useable space. These matters are subjective and it is a normal part of the assessment of a planning proposal to make subjective judgments of such matters. The Inspector confirms that where a Council does not have a space standard in a Local Plan it can still make a qualitative assessment of the size, space, layout, and other amenities of proposed dwellings, or against other policies.
- 3.3.4 The Inspector also refused the application for costs by the appellant.

### **3.0 IMPLICATIONS**

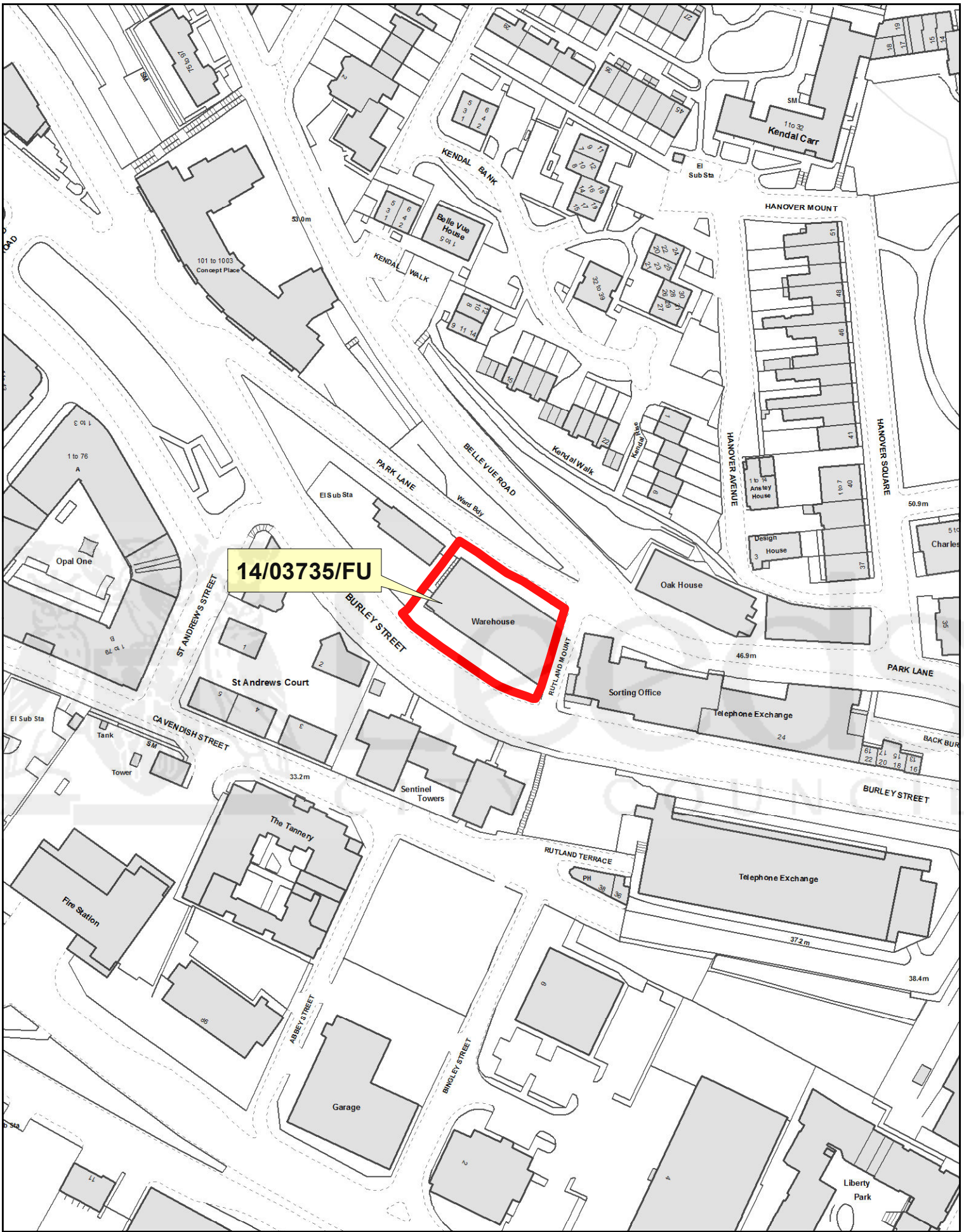
- 3.1 With regard to the assessment of the development on the character and appearance of the locality, the Inspector gave weight to Leeds Core Strategy Policies SP1(iii) and P10, Saved UDPR Policies GP5 and BD2, the Little Woodhouse Neighbourhood Design Statement 2011 (LWNDS), in particular that the LWNDS states that new development should be of a similar size and scale to its immediate neighbours. The Inspector acknowledges the varied topography of Park Lane and Belle Vue Road on the hillside, and the varied townscape of the immediate surroundings. The Inspector notes that the proposal did feature positive elements, including the provision of housing on a brownfield site with associated jobs and positive economic regeneration, and the general design of the podium element and fenestration details, but that these do not outweigh the harm that would be caused to the character of the area by the scale of the blade element of the proposal.
- 3.2 In arriving at her decision on this particular case, the Inspector gave no planning weight to the Leeds Standard, the HCA standard, or the Nationally Described Housing Standard in the consideration of this appeal. She also stated that there is no specific reference to student housing in these standards, however it is Officers' view that there is nothing to suggest that they would not apply to any self-contained dwelling scheme. The Inspector notes that in order to require a minimum internal housing standard, Local Planning Authorities should only do so by reference in their Local Plan to the Nationally Described Space Standard. Officers are currently preparing the necessary evidence for need, viability and timing, as set out by national guidance, in order to progress work on the Nationally Described Housing Standard in Leeds.
- 3.3 However, with regard to the living conditions of the future residents of the proposed studio flats, the Inspector reaffirms that the subjective and qualitative consideration of internal living spaces, arrangement and separation of living functions, usable shape, outlook, and external amenity space, are all reasonable material planning considerations for LPAs to assess, with reference to the National Planning Policy Framework (NPPF), the Leeds Core Strategy and the Saved Policies of the UDPR.

#### **Background Papers:**

Application file 14/03735/FU

Planning Inspectorate ref. APP/N4720/W/15/3005747





# CITY PLANS PANEL



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Originator: Sarah McMahon

Tel: 2478171

## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 15 October 2015

**Subject: 15/03519/FU - Proposed alterations and 2 storey extension, change of use to units 51 - 59, new restaurant, change of use of units 41 - 49, associated public realm works, highway works, infrastructure for hotel and retail units at Merion Hotel, Wade Lane, Leeds, LS2 8NH.**

**APPLICANT**  
TCS Holdings Ltd

**DATE VALID**  
17 June 2015

**TARGET DATE**  
19 October 2015 (extended)

#### Electoral Wards Affected:

City & Hunslet

YES

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

**Defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions (and any others which he might consider appropriate). ), and following completion of a Section 106 Agreement to cover the following additional matters:**

- 1. A Travel Plan monitoring and evaluation fee of £2500.00.**
- 2. Employment and training opportunities for local people.**
- 3. £6000 contribution for a Traffic Regulation Order for a new drop off area to Wade Lane.**

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

#### Conditions

A full list of all planning conditions can be found in the Appendix to this report.

#### 1.0 INTRODUCTION:

- 1.1 The application is brought to Plans Panel to allow Members to consider a major mixed use, hotel led development to upgrade and extend an existing building within the Merrion Shopping Centre complex.

## **2.0 PROPOSAL:**

- 2.1 The proposed development involves the internal and external upgrading and alteration to the existing Merrion Hotel on the Wade Lane side of the Merrion Shopping Centre to create a contemporary 134 bedroom upgraded hotel. In addition, a new 491 sq metre A3 Use Class restaurant (to be operated, as a franchise to Marco Pierre White's Marco's Italian restaurant company), is proposed with the upgraded hotel. This would be sited in a new double height extension to be positioned on the footprint of a current octagonal building and parts of the public footway. This therefore requires the demolition of the octagonal structure. In addition, the proposal is to give the existing ground floor retail units (totalling 382 sq metres of floor space) new shopfronts and a flexible A1, A2, A3 and A4 potential mix of uses is also sought in these existing units.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site is part of the Merrion Shopping Centre, which is a 1960s group of structures housing a series of high and medium rise blocks set above a two storey plinth housing retail units. The Centre is close to but outside of the boundary of the City Centre Conservation Area, which runs along the middle of Woodhouse Lane.
- 3.2 The areas of the Centre affected by the proposal are the existing Merrion Hotel and adjacent retail units, as well as the area of footway and the 2 storey octagon building sitting out on the public footway fronting onto Wade Lane. The area of footway currently houses some public seating around a raised planted bed, and a bus stop.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 The shopping centre has been subjected to a high number of alterations over its history, however the most substantial and relevant regenerative changes have been granted planning permission on the following applications;
- 4.2 14/01825/FU - Alterations and refurbishment of Merrion House to provide office accommodation with new office annex and a one stop shop facility for Leeds City Council, together with reconfiguration of the Georgian Mall and retail space to provide three new retail units onto Merrion Way (A1, A2, A3 and A4 uses) and improvements to the public realm on 25 November 2015.
- 4.3 11/03424/FU - Alterations and extensions involving change of use to provide retail stores, restaurants, bars, hot food takeaways, financial & professional services (A1, A2, A3, A4, A5 use classes), leisure use (D2 use class), including refurbishment & recladding of car park, new substation, tenant plant area, public realm works and associated facilities and infrastructure to shopping centre on 15 June 2012.
- 4.4 11/01374/FU - Alterations to the frontages, a change of use of the existing restaurant (Class A3) to restaurant and/or take away (Class A3/A5) and betting office (Class A2), including a new entrance to the Wade Lane Mall on 27 May 2011.

4.5 06/07519/FU - Refurbishment involving recladding and 6th floor extension to offices; new frontages to front and side elevations of night club and new shop frontage to shopping centre. Amendments to previous application 06/05886/FU granted planning approval on 02 February 2007.

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 The proposals have been the subject of pre-application discussions between the Developers, their Architects, and Local Authority Officers since December 2014. These discussions have focused on scale massing and design, the demolition of the octagonal building, access and connectivity and a landscape scheme,

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

6.1 One letter received from Leeds Civic Trust on 28 July 2015 stating that they object to the proposal on the grounds that they consider the proposed extension that is to replace the octagonal building is undistinguished and 'blocky' and that a more interesting building could have been designed.

Response: the demolition of the octagonal building and the design of the extension to replace it is discussed in the appraisal below.

## **7.0 CONSULTATIONS RESPONSES:**

7.1 Flood Risk Management state that they have no objection to the proposal.

7.2 Highways state that the support the scheme provided a Traffic Regulation Order contribution of £6,000.00 is provided in relation to a new drop off area on Wade Lane.

Response: this obligation will come forward as an element of the S106 legal agreement.

7.3 Licensing state that the area is defined as Amber by them, and as such is an area of concern where the developer will be expected to supply Licensing with details of additional measures tailored to the problems of the area when they submit for an entertainments licence. However they conclude that they have no objections to the planning application as submitted.

7.4 Local Plans state that there is no policy objections to this proposal, and would like to welcome the fact that the scheme aims to retain some of the existing retail.

## **8.0 RELEVANT PLANNING POLICIES:**

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

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

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

8.4 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.

8.5 The 6th principle listed states that planning should support the transition to a low carbon future and encourage the use of renewable resources, including the development of renewable energy.

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

8.7 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.

8.8 The Development Plan for Leeds currently comprises the following documents:

1. The Leeds Core Strategy (Adopted November 2014)
2. Saved Leeds Unitary Development Plan Policies (Reviewed 2006), included as Appendix 1 of the Core Strategy
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013)
4. Any Neighbourhood Plan, once Adopted

8.9 **Core Strategy**

8.10 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.

8.11 Spatial Policy 3: Role of Leeds City Centre The importance of the City Centre as an economic driver for the District and City Region will be maintained and enhanced by:  
(i) Promoting the City Centre's role as the regional capital for major new retail, leisure, hotel, culture and office development,

8.12 Spatial Policy 8: Economic Development Priorities A competitive local economy will be supported through:  
(ii) Promoting the development of a strong local economy through enterprise and innovation, in facilitating existing strengths in financial and business services and manufacturing and to continue to grow opportunities in health and medical, low carbon manufacturing, digital and creative, retail, housing and construction, social enterprise, leisure and tourism and the voluntary sector,  
(iii) Job retention and creation, promoting the need for a skilled workforce, educational attainment and reducing barriers to employment opportunities.

8.13 Policy CC1: City Centre Development  
d) Comparison retail proposals will be subject to a sequential order of preference of Primary Shopping Quarter, then edge of the Primary Shopping Quarter, then the rest of the City Centre.

8.14 Policy EN1: Climate Change – Carbon Dioxide Reduction states that all developments of over 1,000 square metres of floorspace,(including conversion where feasible) whether new-build or conversion, will be required to:  
(i) Reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate until 2016 when all development should be zero carbon; and,

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

8.15 Policy EN2: Sustainable Design and Construction states that to require developments of 1,000 or more square metres or 10 or more dwellings (including conversion) where feasible) to meet at least the standard set by BREEAM or Code for Sustainable Homes as shown in the table below. A post construction review certificate will be required prior to occupation.

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

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

8.17 Policy P12: Landscape

The character, quality, and biodiversity of Leeds' townscapes and landscapes, including their historical and cultural significance, will be conserved and enhanced to protect their distinctiveness through stewardship and the planning process.

8.18 Policy T2: Accessibility Requirements and New Development 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.

(i) In locations where development is otherwise considered acceptable new infrastructure may be required on/off site to ensure that there is adequate provision for access from the highway network, by public transport and for cyclists, pedestrians and people with impaired mobility, which will not create or materially add to problems of safety, environment or efficiency on the highway network,

(iii) Significant trip generating uses will need to provide Transport Assessments/ Transport Statements in accordance with national guidance,

(iv) Travel plans will be required to accompany planning applications in accordance with national thresholds and the Travel Plans SPD,

(v) Parking provision will be required for cars, motorcycles and cycles in accordance with current guidelines.

8.19 **Leeds Unitary Development Plan Review Retained Policies**

8.20 Policy BD2 (Design and siting of new buildings)

Policy BD5 (All new buildings and amenity)

BD6 (All alterations and extensions)

Policy CC22 (Shopping frontages)

Policy GP5 (All planning considerations)

Policy SF1A (Changes of use from retail to non-retail within shopping frontages)

Policy SF1B (Development which involves the use of floorspace above or below ground level)

Policy SF3 (Secondary frontages)

8.21 **Leeds Natural Resources and Waste DPD 2013**

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

### 8.23 **Emerging Site Allocations Plan**

The Site Allocations Plan (SAP) is a key document in the Local Development Framework and plans for housing, employment, retailing and greenspace. The document is draft at this stage and is currently progressing through stages of consultation towards examination by an Independent Inspector. With regard to the site in question the SAP states that the Secondary Shopping Frontage status along this section of Wade Lane is to be retained.

## 9.0 **MAIN ISSUES**

- 1 Demolition of the octagonal building
2. Principle of the Uses
3. The impact on the character and visual amenity of the host building, street scene, and wider Merrion Shopping Centre
4. Landscape scheme, access, and connectivity
5. Transport
6. Sustainability Measures
7. S106 Legal Agreement

## 10.0 **APPRAISAL**

### 10.1 Demolition of the octagonal building

10.2 The scheme requires the demolition of the octagonal building that sits to the front of the hotel on to Wade Lane. This building, whilst linked to the hotel at first floor level, was in separate use and has been vacant for a number of years. A feasibility study was undertaken by the Developer to ascertain whether or not the building could be reused. It was concluded that due to the concrete panel structure, which would require substantial alteration to create more window openings, and due to the size of the building, the octagon would not meet the current requirements of restaurant operators. The building in question, whilst being individual and having a defined character, is not a Listed Building and does not sit within a Conservation Area. The structure adds little to the street scene in its current state. Therefore, due to the fact that its redevelopment appears to be unfeasible, coupled with its poor state of disrepair, its demolition is considered to be acceptable.

### 10.3 Principle of the Uses

10.4 The use of the host building as a hotel, with an ancillary restaurant is established. The proposal as submitted retains the hotel use with the reconfiguration achieving 134 hotel bedrooms. In addition, to this a new Restaurant use is proposed on the site of the octagon building that sits to the east of the existing hotel. This octagon structure has, like the hotel, been vacant for some years but was last in use as a bar/nightclub. Therefore the change from this last use to a restaurant would not result in the loss of any existing A1 uses in the Merrion Centre as a whole, or along



Wade Lane. The proposed restaurant would be a positive addition to the mix of uses in this location, adding to the variety and vibrancy of this part of the City Centre.

- 10.5 The proposal involves loss of a few existing 'retail' units that are located within the Secondary Frontage as defined in the saved Leeds Unitary Development Plan Review 2006 (UDPR) Proposals Map and saved UDPR Policy SF 3 seeks to retain 50% A1 retail presence on Secondary Shopping Frontages. It is still the case that the secondary frontage in question measures about 47m including the entrance to the Merrion Hotel (No 57). Of the ground floor units along the frontage only two units measuring approximately 23m or some 12% of the frontage length have A1 retail as their most recent use. As such the level of A1 retail is already below that aimed for via saved UDPR Policy SF3.
- 10.6 However it is also noted that the Site Allocation Plan Publication Draft (June 2015) proposes to de-allocate this row of shops from shopping frontages. The Applicant's intended uses for these units are for one of the units to become part of the hotel, with the others having a flexible A1, A2, A3 and A4 use. The UDPR (2006 Policy CC22 (City Centre and Shopping Frontage Policy) and the detailed shopping frontage policies in Appendix 12 have been saved until the Site Allocation Plan is adopted, and they are the statutory development plan policies to consider proposals that affects the defined shopping frontage. The Site Allocation Plan Publication Draft is going through public consultations and been endorsed by the Members, and is a material consideration. For the above reasons the proposed flexible A1, A2, A3, A4 Uses to change the use of the existing units and the taking in of one of the units into the upgraded hotel, would be appropriate for this location. The change of uses would comply with the emerging plan and would retain vibrancy within the frontage and on balance is considered to be acceptable.
- 10.7 The proposal involves the taking in of some of the existing public realm into the footprint of the new extension. The small areas in question do not have any specific designation in the development plan and are not protected open spaces. As discussed in Section 10.14. The wider area remain will be re-landscaped with an upgraded scheme. As such the level of loss of public realm is considered tolerable.
- 10.8 As such the proposed mix of uses across the development is considered to be appropriate and would bring vitality and vibrancy to Wade Lane throughout the day and into the evening.
- 10.9 The impact on the character and visual amenity of the host building, street scene and wider Merrion Shopping Centre
- 10.10 The proposal aims to upgrade the external appearance of the hotel, whilst reordering its internal layout to meet current hotelier's requirements. The internal alterations do not require planning permission. Externally the red brickwork to the elevations of the host building would be cleaned and repaired. Where the facade steps out at lower levels, but above the shopfronts, a pale render finish would be applied to conceal the existing brown brickwork. Within the retained brick and new render new windows are to be inserted to replace those existing. These would be clear glass set into composite timber and aluminium frames. Where internal structure needs to be concealed look-a-like glassed panels would be installed.
- 10.11 At roof level existing metal clad plant boxes would be retained but they and the roof would be capped with new powder coated aluminium. The submitted drawings indicate signage located on these roof mounted plant boxes, however these would

require separate consent under an Advertisement Application and the Applicant will be advised as such.

- 10.12 At ground floor level double height shopfronts would be installed. The design of these shopfronts would accord with the holistic approach taken to shopfronts around the other principle elevations of the wider Merrion Shopping Centre. As a result the shopfronts would be double glazed curtain walling and entrance doors, set within aluminium frames. A defined aluminium signage zone would be created at fascia level across all of the ground floor units. To the southern end of the block of units the shopfronts would be returned around the corner and finished with a granite pilaster.
- 10.13 The proposed extension would be located to the north -eastern end of the building where it will connect with and into the lobby of the existing hotel. The existing hotel entrance is raised up with the foot ways ramping up to it. As a result there is a need to set the extension on to a plinth to create a level floor plate for the restaurant and linked hotel lobby. The Merrion Centre has been subject to significant piecemeal change over the decades which has resulted in a mixture of façade treatments on its various buildings, More recent development schemes on the centre have sought to rationalise the elevations and produce a more cohesive family of façade materials and designs. Therefore, the extension is proposed as a clean, contemporary designed building, which would complement rather than compete with the other blocks and facades to this side of the Merrion Centre. The buildings in the Merrion Centre and the surrounding area are varied in respect of design, scale and massing and no one style of architecture is dominant. Therefore, whilst the proposal is in the form of a rectilinear box, this would not be out of keeping with eclectic character of the area.
- 10.14 The elevations would be clad in pale coloured render to match that being used on the main faces of the hotel, with a polished granite cladding to the plinth. Two storey double glazed curtain walling would be set into the render facades, with a feature powder coated aluminium louvred screen to the south facing elevation, incorporating a signage zone. To the roof of the extension powder coated aluminium capping would be applied to match that proposed to the main hotel roof. To the south of the extension, raised on the plinth an external terrace is proposed edged by a frameless glass balustrade with stainless steel handrails.
- 10.15 The proposed external alterations and additions are considered to be aesthetic improvements on the existing arrangement, which would upgrade the host building creating crisp, modern facades. As such the design of the proposals is considered to be acceptable.
- 10.16 Landscape scheme, access and connectivity
- 10.17 The size and topography of the site and the need for the restaurant to connect in at grade to the hotel has meant the challenges of achieving an acceptable gradient have led to the use of planters, steps and balustrades to ensure an acceptable access arrangement.
- 10.18 As a result the area to the front of the restaurant and units is to be laid out as a hard block paving. To address the fall in the land, a stepped area is to be introduced in front of the restaurant as well as a ramped approach. This has the added effect of allowing a defined external seating area to be created for the restaurant. Adjacent to the new paving, along the back edge of the public footway a series of planters and steps is to be created. This again allows the scheme to address the levels changes

in this confined site, but allows the addition of green landscaping, including a feature tree (of a species to be agreed). The proposed landscape scheme will upgrade and enliven this part of Wade Lane.

10.19 Wade Lane is a key route for pedestrian and vehicle traffic to and from the Leeds Arena. At peak times there can be large numbers of pedestrians all exiting the Arena at the same time. As a result the development provides an opportunity to widen the footway from its current width of 2 metres to 3 metres. This enhancement will allow pedestrians to safely use this side of Wade Lane as a route without the need to step into the carriageway.

#### 10.20 Transport

10.21 The site is well located within the City Centre close to a number of bus routes. In addition, the Merrion Centre's refurbished multi storey car park is situated to the north of the development. As a result no new parking is proposed as part of the scheme. Four existing disabled car parking bays to the front of the hotel onto Wade Lane and nine existing staff parking bays to the rear of the hotel, are to be retained.

10.22 24 new cycle parking spaces are proposed in the basement of the hotel, with associated showers and facilities. In addition, 4 Sheffield stands to accommodate 8 bicycles are to be sited in the public realm to the front of the development. 7 motorcycle spaces are proposed for staff to be positioned to the rear of the hotel in a defined area of the service yard.

10.23 A new drop off area is proposed to the front of the footway on Wade Lane. To control parking in this new drop off zone a Traffic Regulation Order will be required. As such there will be a requirement for off site highways works to facilitate these changes, as well as a contribution of £6000.00 for the Traffic Regulation Order.

10.24 All servicing will be actioned off the street in the aforementioned service yard, which is sited to the rear of the hotel, with the Merrion Centre complex of buildings.

#### 10.25 Sustainability Measures

10.26 The scheme aims to incorporate a number of sustainability measures and is aiming for BREEAM Very Good for both the refurbishment elements and the new build extension as well as compliance with Part L of the Building Regulations in respect of Carbon reduction. The proposals include;

- The installation of energy meters.
- The upgrading of the existing heating and cooling system involving the installation of more energy efficient condenser boilers.
- The upgrading of existing air condenser units and the introduction of new efficient plant for the proposed restaurant use.
- The upgrading of the lighting system to modern energy efficient lighting.
- The replacement of existing windows with new units of higher thermal and solar performance.
- The installation of dual flush WCs.
- The installation of low flow taps and showers.

These proposed works would accord with the aims and objectives of the Core Strategy Policies EN1 and EN2.

#### 10.27 S106 Legal Agreement

- 10.28 A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -
- (a) necessary to make the development acceptable in planning terms,
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development
- 10.29 There is a requirement for a number of obligations that sit outside the Community Infrastructure Levy regime. As such a Section 106 legal agreement is required for the following obligations;
1. A Travel Plan monitoring and evaluation fee of £2500.00.
  2. Employment and training opportunities for local people (Wards currently identified as City & Hunslet, Hyde Park & Woodhouse or Burmantofts and Richmond Hill).
  3. £6000 compensation payment for the loss of one pay and display zone on Wade Lane to create a drop off area,
- 10.30 The proposed obligations have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly this can be taken into account in any decision to grant planning permission for the proposals.
- 10.31 The development is Community Infrastructure Levy (CIL) liable and is likely to generate a CIL charge of £1,055.00. CIL is generally payable on the commencement of development. The payment of CIL is non-negotiable, except in exceptional circumstances, and consequently is not material to the determination of the planning application. Accordingly, this information is presented simply for Members information.
- 11.0 CONCLUSION**
- 11.1 On balance it is considered that the proposed development would result in the regeneration of a significant building within the Merrion Shopping Centre resulting in a high quality, appropriate development. The scheme would add vibrancy and vitality to the area. Consequently, the development would make a significant contribution to the amenity of Wade Lane and the Merrion Shopping Centre. Therefore the proposal is considered to be acceptable and is recommended for approval.

**Background Papers:**

PREAPP/14/01053

15/03519/FU

## **APPENDIX I**

### **Planning Application 15/03519/FU Conditions**

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

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

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

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

3) No building works shall take place until details and samples of all external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. This shall include a large sample panel of all external facing materials and glazing types. The building works shall be constructed from the materials thereby approved.

In the interests of visual amenity in order to accord with Leeds Unitary Development Plan Review Policies GP5 and BD2, Leeds Core Strategy Policy P10 and the National Planning Policy Framework.

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

In the interests of visual amenity in order to accord with Leeds Unitary Development Plan Review Policies GP5, Leeds Core Strategy Policy P10 and the National Planning Policy Framework.

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

a) all windows and doors,

b) junctions of materials between the main building and the extension

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

In the interests of visual amenity in order to accord with Leeds Unitary Development Plan Review Policies GP5 and BD2, Leeds Core Strategy Policy P10 and the National Planning Policy Framework.

6) During all construction phases of the development no operations shall take place before 07.30 hours on weekdays and 08.30 hours on Saturdays nor after 18.30 hours on weekdays and 13.00 on Saturdays, or at anytime on Sundays or Bank Holidays (unless agreed in writing with the Planning Local Authority).

The contractor must ensure compliance with current legislation on noise and dust control including the Environmental Protection Act 1990 and the control of Pollution Act 1974. Relevant Codes of Practice, setting out procedures for dealing with the control of noise on construction and demolition sites, are contained in BS5228-2: 2009 - Noise and Vibration Control on Construction and Open Sites.

In the interests of residential amenity of occupants of nearby property and in accordance with Leeds Unitary Development Plan Review Policies GP5 and the National Planning Policy Framework.

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

- a) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
- b) measures to control the emissions of dust and dirt during construction;
- c) location of site compound and plant equipment/storage;
- d) details and location of contractor and sub-contractor parking
- e) a local resident and business communications strategy for the duration of the works

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

In the interests of highways safety and residential amenity in accordance with Saved Leeds Unitary Development Plan Review (2006) policy GP5 and the National Planning Policy Framework.

8) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include

- (a) proposed finished levels and/or contours,
  - (b) means of enclosure,
  - (c) car parking layouts,
  - (d) other vehicle and pedestrian access and circulation areas,
  - (e) hard surfacing areas,
  - (f) minor artefacts and structures (e.g., furniture, play equipment, refuse or other storage units, signs, lighting etc.),
  - (g) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).
- Soft landscape works shall include
- (h) planting plans,
  - (i) written specifications (including cultivation and other operations associated with plant and grass establishment),
  - (j) schedules of plants noting species, planting sizes and proposed numbers/densities,
  - (k) soil volumes for tree pits and planted beds
  - (l) implementation programme.

Hard and soft landscaping works shall be carried out in accordance with the approved details prior to the occupation of any part of the development in accordance with the programme agreed with the Local Planning Authority and to a reasonable standard in accordance with the relevant provisions of British Standard BS 4428:1989 Code of Practice for General

Landscape Operations or other recognised codes of good practice.

9) No development shall take place until a plan, schedule and specification for long term landscape management has been submitted to, and approved in writing by, the Local Planning Authority. This shall include reference to planting and hard landscaped areas, including paving, fencing and other features. The schedule shall identify the frequency of operations for each type of landscape asset and reflect the enhanced maintenance requirement of planted areas during the establishment period. It shall provide for an annual inspection during late summer for any areas of failed tree or shrub planting, and the identification of the replacements required in the autumn planting season. If development is phased, maintenance shall commence when each phase of development is completed. Prior to planting, all landscaped areas shall be cultivated and maintained in a weed free condition by mechanical cultivation or chemical control. Maintenance shall be carried out thereafter in accordance with the approved management plan.

To ensure the provision and establishment of acceptable landscape in accordance with adopted Leeds Core Strategy Policy P12, Saved Leeds Unitary Development Plan Review (2006) policies GP5 and LD1, Leeds Natural Resources and Waste DPD, and the National Planning Policy Framework.

10) If within a period of five years from the date of the planting of any tree that tree or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

To ensure maintenance of a healthy landscape scheme, in accordance with adopted Leeds Core Strategy Policy P12, retained Leeds Unitary Development Plan Review (2006) policies GP5 and LD1, the Leeds Natural Resources and Waste DPD, and the National Planning Policy Framework.

11) Prior to the commencement of development, plans of the site showing details of the existing and proposed ground levels, proposed floor levels, levels of any paths, parking areas and the height of any retaining walls within the development site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the details so approved and shall be retained thereafter as such.

To ensure that the works are carried out at suitable levels in relation to adjoining properties and highways in the interests of visual amenity and in accordance with retained Leeds Unitary Development Plan Review (2006) Policy GP5 and the National Planning Policy Framework.

12) Development shall not commence until a plan showing details of the proposed vehicular access to the site has been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed as approved, prior to occupation and retained for the lifetime of the development.

In the interests of the free and safe use of the highway and in accordance with retained Leeds Unitary Development Plan Review (2006) Policy GP5 and the National Planning Policy Framework.

13) Notwithstanding the approved details, before development is commenced full details of cycle/motorcycle parking and facilities shall be submitted to and approved in writing by the

Local Planning Authority. The development shall not be occupied until the approved cycle/motorcycle parking and facilities have been provided. The facilities shall thereafter be retained for the lifetime of the development.

In order to meet the aims of adopted Leeds Core Strategy policy T2.

14) Development shall not commence until a plan showing details of all vehicle parking and turning areas has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented and parking made available for use prior to occupation of the development. The parking shall be retained for the lifetime of the development.

To ensure the free and safe use of the highway in accordance with Leeds Core Strategy policy T2.

15) Development shall not commence until details of works comprising a vehicle entrance and exit including tactile paving, crossing points and dropped kerbs and changes to the footway drop-off provision and parking regulations on Wade Lane, and relating to drawings reference Site and location plan 1109-(P)-P01 revision H and Landscaping plan 1109-(P)-P18 Revision E, have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be fully implemented prior to occupation.

In the interests of pedestrian and vehicular safety, in order to accord with the National Planning Policy Framework. and Core Strategy Policy T2.

16) Prior to the commencement of development an updated Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority, which will include a detailed scheme comprising (i) a recycle material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit) and (ii) a Site Waste Management Plan (SWMP). The development shall be carried out in accordance with the detailed scheme for that phase, and

(a) Within 6 months of the first occupation of each phase a post-construction review statement for that phase shall be submitted to and agreed in writing by the Local Planning Authority

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

To ensure the adoption of appropriate sustainable design principles in accordance with Leeds Core Strategy Policies EN1 and EN2, Leeds SPD Sustainable Design and Construction, and the National Planning Policy Framework.

17) The approved Phase I Desk Study report indicates that a Phase II Site Investigation is necessary, and therefore development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority.

Where remediation measures are shown to be necessary in the Phase II Report and/or where soil or soil forming material is being imported to site, development shall not commence until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.



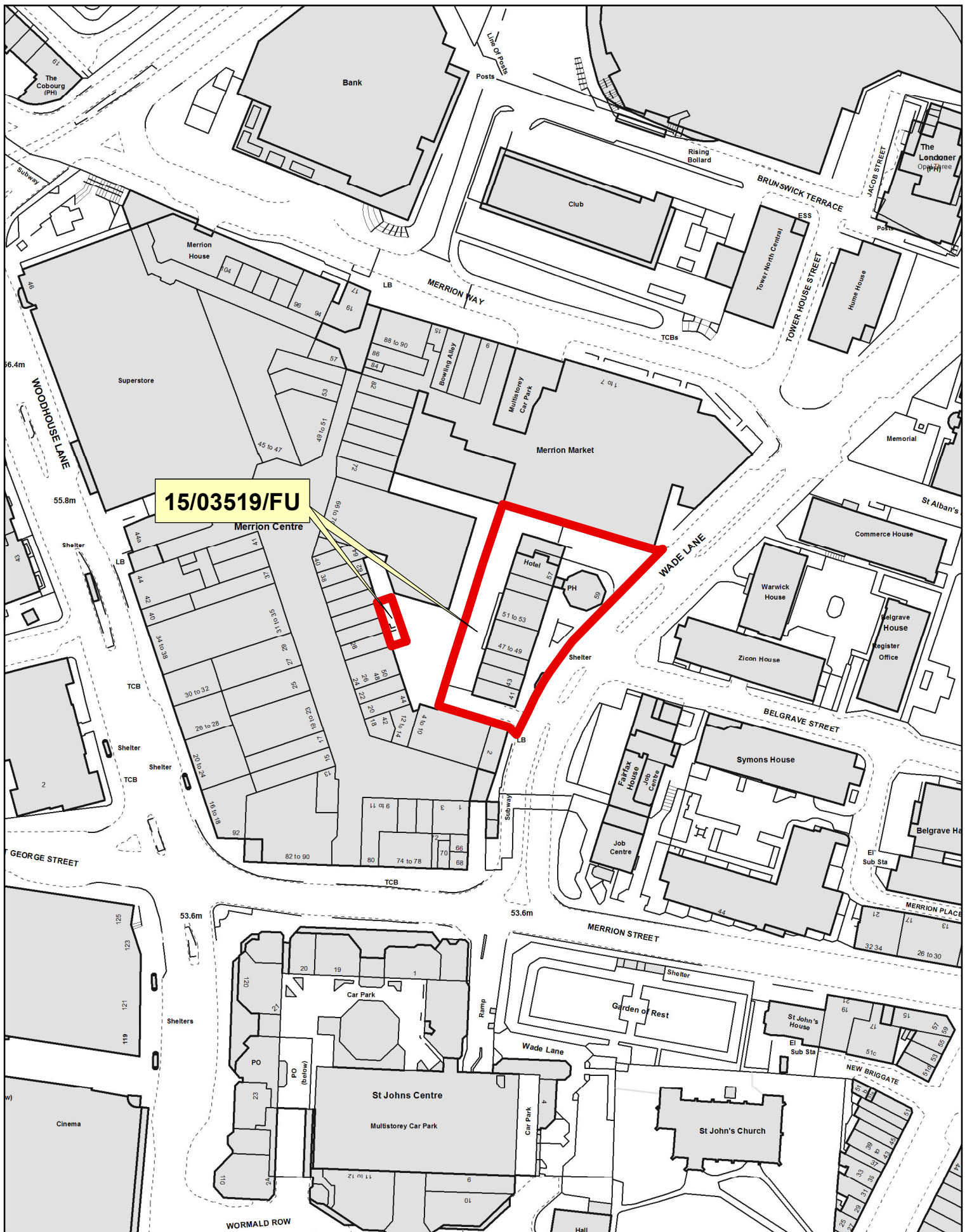
To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site 'suitable for use' in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

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

To ensure that any necessary remediation works are identified to make the site suitable for use in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

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

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.



# CITY PLANS PANEL





Originator: Sarah McMahon

Tel: 2478171

## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 15 October 2015

**Subject: 15/03167/FU Major Planning Application for a residential and commercial development comprising 72 dwellings, A1/A2/B1 flexible space at ground floor, associated covered parking area and landscaping on Land at David Street, Holbeck Urban Village, Leeds.**

APPLICANT	DATE VALID	TARGET DATE
Igloo Regeneration Partnership	9 June 2015	23 October 2015 (extended)

#### Electoral Wards Affected:

City & Hunslet

YES

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

**Defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions (and any others which he might consider appropriate), and following completion of a Section 106 Agreement to cover the following additional matters:**

- 1. Affordable Housing provision of 3 units 1 of which should be disposed of two households on lower quartile earnings and 2 to households on lower decile earnings.**
- 2. Access and maintenance of publicly accessible public realm areas.**
- 3. A Travel Plan monitoring and evaluation fee of £2500.00.**
- 4. A contribution to the sustainable travel fund of £36,500.00 as detailed in the Travel Plan.**
- 5. Employment and training opportunities for local people.**

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

Conditions

A full list of all planning conditions can be found in the Appendix to this report.

## **1.0 INTRODUCTION:**

- 1.1 The application is brought to Plans Panel to allow Members to consider a major mixed use, residential led proposal within the setting of a number of listed buildings, the Holbeck Urban Village and the Holbeck Conservation Area. The proposal would involve the reuse of brownfield land, which is currently occupied in part by car parking, and aims to continue the regeneration of the Round Foundry site and the wider Holbeck Urban Village.
- 1.2 The Applicant has submitted a financial viability appraisal to inform the discussions on the S106 obligations which is referred to in paragraph 10.31 below.

## **2.0 PROPOSAL:**

- 2.1 The proposal seeks to provide the following development;
- 57 apartments of which 21 would be one bedroom units and 36 would be two bedroom units.
  - 15 townhouses of which 3 would be two bedroomed and 12 would be 3 bedroomed.
  - Two ground floor commercial / retail units to house A1 retail, A2 financial and professional uses and B1 office space totalling 173 sq metres in floor space.
- 2.2 The scheme would also provide 46 car parking spaces within a covered internal courtyard parking area that would sit beneath a raised decked landscaped private amenity space. Of those 46 parking spaces 17 are required to be retained on contract for existing tenants of adjacent offices in Holbeck Urban Village (and in particular The Media Centre) The remaining spaces will be unallocated for individual units but for use by any of the occupants of the townhouses and the apartments. 5 of these unallocated spaces will be laid out for use by disabled car drivers. All townhouses will include an internal cycle parking space and 57 secure cycle spaces are provided for the apartments.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site measures approximately 0.37ha and is located in the heart of Holbeck Urban Village, opposite the entrance to the Round Foundry Media Centre and comprises two distinct parcels of land; a surface car park and an enclosed former development site that is presently unused and overgrown, as well as part of a small green landscaped scheme (Wonderwood). The car park is presently used by occupants and visitors to the Round Foundry. The two sites are separated by an existing private access road which takes vehicular and pedestrian traffic into and out of The Round Foundry.
- 3.2 The Round Foundry complex comprises a number of historical former industrial foundry buildings set within Holbeck Conservation Area, and Holbeck Urban Village which have been converted into residential scheme and commercial space with upgraded public courtyards and routes. In addition, the nearby Green Sand Foundry (99 Water Lane) and 14 Foundry Street which are Grade II\* Listed Buildings, and the Grade II 97 Water Lane, 101 Water Lane and 105 Water Lane have been renovated and reused as offices, a café and a pub.

3.3 Holbeck Urban Village is considered to be an area of local, national, and international importance in respect of the historical significance and architectural merits of its buildings, as well as for the potential archaeological discoveries that the area could elicit. The Village is considered to be the foundation of the Industrial Revolution in Leeds

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

4.1 Approval was granted for a four storey office block on part of the current proposal site, on 1 December 2006, planning reference 06/02694/FU.

4.2 The above application was amended and alterations to its proposed roof-mounted plantrooms were granted approval on 19 May 2008, under planning reference 08/00134/FU. These applications were not implemented and have now expired.

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

5.1 The proposals have been the subject of pre-application discussions between the Developers, their Architects, and Local Authority Officers since 20 February 2015. These discussions have focused on scale massing and design, flood risk, car and cycle parking levels and access, connectivity and routes, heritage designation in Holbeck Urban Village, a landscape scheme, affordable housing, room size standards, land contamination and archaeological implications.

5.2 The proposals were presented to Members at pre-application stage at the Plans Panel meeting of 16 April 2015. Members made the following comments:

- that the heritage references within the design of the scheme were welcomed that the principle of proposed uses were considered to be appropriate to Holbeck Urban Village and that Members were comfortable with a mixed use
- to note there were mixed views on the emerging design and scale of the proposals
- that Members were broadly satisfied with the emerging mix and standard of residential accommodation proposed
- that the proposed car and cycle parking provision and access arrangements were acceptable, however the Panel noted the comments of the Transport Development Services Manager who raised concerns about the provision of two access points off David Street and that further work should be carried out to establish the possibility of not using David Street to directly access the car park
- that the landscaped proposals were considered to be appropriate and to note that the elements of Wonderwood which required removal in order to develop the site, would be re-sited close by
- that the approach to sustainability was acceptable.

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

6.1 The Leeds Civic Trust state that they consider this to be an excellent scheme, which brings residential dwellings which show, in the scheme's design, a reference to the location's industrial characteristic. As such they do generally support the proposed scheme. However, they do express concern regarding the level of thought that has gone into creating the external spaces, and that the scheme is one large block. They also express concerns about how the ownership of the units will be retained by The Developer in perpetuity.

Response: The matters of scale of the proposal and the landscape scheme are addressed in the appraisal below.

The matter of the Developer maintaining ownership of the non-affordable units is a matter that cannot be controlled via the planning application.

## **7.0 CONSULTATIONS RESPONSES:**

### **7.1 Statutory**

7.2 The Environment Agency state that they have no objections to the proposal.

7.3 Historic England state that the proposal is a thoughtful response to the character, form and appearance of the Conservation Area and the setting of the surrounding Listed Buildings. They consider the form, massing and materiality of the proposed scheme respond sympathetically to the character of the area. As a result they state they are supportive of the proposed development.

### **7.4 Non-statutory:**

7.5 Highways have stated that they consider the level of car and cycle parking provision to be acceptable and that off site highways works will be required to David Street and Front Row (see appraisals section for details).

7.6 TravelWise state that there is a requirement for a Travel Plan monitoring and evaluation fee of £2500 and a sustainable travel fund figure of £36,500 in accordance with paragraph 1.1.5 of the Travel Plan.  
Response: These obligations will be addressed as part of a S106 legal agreement.

7.7 The Housing Growth Team state that there is a requirement for 5% affordable housing provision.  
Response: This obligation is addressed in the appraisal section.

7.8 West Yorkshire Archaeological Advisory Service state that due to the site's significance to Leeds and the history of engineering, a programme of archaeological recording is required.  
Response: This requirement will be addressed via a Planning Condition.

## **8.0 RELEVANT PLANNING POLICIES:**

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

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

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

8.4 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.

8.5 The 6th principle listed states that planning should support the transition to a low carbon future and encourage the use of renewable resources, including the development of renewable energy.

- 8.6 The 8th principle listed states that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 8.7 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.
- 8.8 The Government statement on Energy Efficiency in Buildings of 25 March 2015 states that the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4.
- 8.9 The Development Plan for Leeds currently comprises the following documents:
1. The Leeds Core Strategy (Adopted November 2014)
  2. Saved Leeds Unitary Development Plan Policies (Reviewed 2006), included as Appendix 1 of the Core Strategy
  3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013)
  4. Any Neighbourhood Plan, once Adopted
- 8.10 **Core Strategy**
- 8.11 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.
- 8.12 Policy CC1: City Centre Development  
The City Centre will be planned to accommodate at least the following:  
(iii) 10,200 dwellings.  
b) Encouraging residential development including new buildings and changes of use of existing providing that it does not prejudice the town centre  
e) Considering proposals for convenience retailing and convenience facilities (such as dry cleaners, off-licenses, small branch banks, cafés, and pubs) as follows:  
i) Up to 200 sqm acceptable anywhere within the city centre,  
ii) 372 sqm sequential test to include the Prime Shopping Quarter and any Local Convenience Centres if they fall within 300m walking distance, or if the proposal is not complementary to the function of office areas or entertainment or cultural destinations, including the waterfront
- 8.13 Policy EN1: Climate Change – Carbon Dioxide Reduction states that all developments of over 1,000 square metres of floorspace,(including conversion where feasible) whether new-build or conversion, will be required to:  
(i) Reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate until 2016 when all development should be zero carbon; and,  
(ii) Provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.
- 8.14 Policy EN2: Sustainable Design and Construction states that to require developments of 1,000 or more square metres or 10 or more dwellings (including conversion) where feasible) to meet at least the standard set by BREEAM or Code for Sustainable Homes Level 4. A post construction review certificate will be required prior to occupation.

- 8.15 Policy EN5: Managing Flood Risk states that the Council will manage and mitigate flood risk
- 8.16 Policy H4: requires an appropriate Housing Mix on residential sites.
- 8.17 Policy H5 which incorporates Targets and Thresholds for the provision of affordable housing.
- 8.18 Policy P10: Design states that:  
New development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis to provide good design appropriate to its scale and function.  
New development will be expected to deliver high quality innovative design that has evolved, where appropriate, through community consultation and which respects and enhances the variety of existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place, contributing positively towards place making and quality of life and be accessible to all.
- 8.19 Policy P11: Conservation states that development proposals will be expected to demonstrate a full understanding of historic assets affected. Heritage statements assessing the significance of assets, the impact of proposals and mitigation measures will be required to be submitted by developers to accompany development proposals.
- 8.20 Policy T1: Transport Management states that support will be given to the following management priorities:  
c) To support wider transport strategy objectives for sustainable travel and to minimise congestion during peak periods.
- 8.21 **Leeds Unitary Development Plan Review Retained Policies**
- 8.22 Policy BD2 (Design and siting of new buildings)  
Policy BD5 (All new buildings and amenity)  
Policy GP5 (All planning considerations)  
The Proposal Area 31A – Holbeck Urban Village Strategic Housing and Mixed Use Site.
- 8.23 **Leeds Natural Resources and Waste DPD 2013**
- 8.24 The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013. The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies regarding land use, energy, coal recovery, drainage, and waste will be relevant to this proposal.
- 8.25 **Supplementary Planning Guidance**
- 8.26 Holbeck Urban Village Revised Planning Framework adopted February 2006.
- 8.27 Sustainable Design and Construction Supplementary Planning Document (August 2011).



8.28 Adopted Supplementary Planning Document 'Travel Plans' (February 2015)

## 8.29 **Other Material Considerations**

8.30 DCLG – Technical Housing Standards 2015 – Sets out internal space standards within new dwellings and is suitable for applications across all tenures. The housing standards are a material consideration in dealing with planning applications. The government's Planning Practice Guidance advises that where a local planning authority wishes to require an internal space standard it should only do so by reference in the local plan to the nationally described space standard. With this in mind the city council is currently developing the Leeds Space Standard. However, as the Leeds Standard is at an early stage within the local plan process, and is in the process of moving towards adoption, only limited weight can be attached at this stage.

## 9.0 **MAIN ISSUES**

- 1 The principal of the mix of uses.
2. The impact on the character and visual amenity of the host site, nearby listed buildings, the wider Round Foundry site, Holbeck Urban Village and the Holbeck Conservation Area.
3. Residential amenity
4. The proposed landscape scheme
5. Vehicle parking and sustainable transport
6. Sustainability measures
7. Section 106 Legal Agreement

## 10.0 **APPRAISAL**

10.1 Principle of the mix of uses

10.2 The proposal is for a predominantly residential scheme with two small scale commercial retail units, for which the applicant seeks a flexible A1/A2/B1 Uses consent, set within the boundary of Holbeck Urban Village. Core Strategy Policy CC1 states that convenience retailing shall be limited to up to 200 sq metres acceptable anywhere within the city centre and 372 sq metres for any centre within 300m walking distance of the City Centre. The proposals two units would amount to 173 sq metres. As such the level of these units would be compliant with Policy CC1.

10.3 The development would involve the regeneration of a brownfield site, which is partially in use as a surface car park, and partly hoarded off and cleared. The National Planning Policy Framework, Core Strategy, Leeds Unitary Development Plan Review retained policies, and the Holbeck Urban Village Revised Planning Framework all support the principle of residential and small scale commercial use development within this defined area. These policies encourage a mix of uses in Holbeck Urban Village to ensure a wide range of activities are present at all times of the day. The proposed mix of uses would contribute to the ongoing creation of a vibrant and lively community in Holbeck Urban Village.

10.4 The impact on the character and visual amenity of the host site, nearby listed buildings, the wider Round Foundry site, Holbeck Urban Village and the Holbeck Conservation Area

- 10.5 Holbeck Urban Village and the Round Foundry site within it, are heritage rich areas with a number of Listed Buildings and are set within the Holbeck Conservation Area. Due to the historical industrial activity in the area the site has not only local but national heritage significance. Therefore, any new development within the Urban Village needs to take account of the special character of the area.
- 10.6 The scheme concept is to create two joined contemporary blocks that reference historic mill and forge buildings in their detailing and form. Thus the development is a 'mill' block which houses the apartments, attached across an area of raised private gardens, to a 'forge' block in which the townhouses are to be located. The attached blocks are linked by a ground floor which spans the full site, concealing a central car parking area. The wider area is historically characterised by a series of linear buildings and courtyards, with the more recent media centre building being a larger block set at right angles to these. The proposed scheme, although somewhat large in footprint in comparison to the linear blocks, would add a further level of appropriate diversity in the built form of the Round Foundry site. Although the base of the proposed scheme is linked the upper portions of the two blocks are very clearly distinct from each other. Therefore, the scheme would add to the mix of meandering buildings and spaces across the wider Round Foundry site and is considered to respond to its historic setting in a sensitive, contextual manner, whilst being a contemporary addition.
- 10.7 The townhouses would rise in height to 3 storeys plus the roof, whilst the apartments would have full floor plates for 6 storeys with a setback 7th storey. The Round Foundry is typified by buildings of two and three storeys, whilst there is more diversity in the wider Holbeck Urban Village area with building heights rising to 6 storey at Marshalls Mills. Further out from this immediate area building heights diversify greatly from the two storey Lockkeeper's Cottage near the Leeds to Liverpool Canal, up to the 32 storey Bridgewater Place tower. As a result the key views both from the edges of the site and much wider have been tested.
- 10.8 Generally the development, is considered to sit comfortable within the skyline, where it is either not visible, or blends with long vistas of other buildings in the surrounding area. From Water Lane, due to the proximity of buildings, views of the proposal are screened by the existing Matthew Murray House and Midnight Bell public house. Along David Street the scheme would be viewed in the context of lower two and three storey buildings to the eastern side. The regeneration of the area as well as the majority of the historic buildings tend to be taller than these eastern edge buildings, meaning that it is these lower buildings that are out of step with the general heights of blocks in the wider area. At close quarters due to the proximity of the scheme with the other existing historic buildings in the Round Foundry complex, the views of the blocks adds visual interest to the skyline, whilst respecting the scale of these neighbouring heritage assets.
- 10.9 To the base of the apartments block a commercial unit and the entrances to the apartment's circulation cores are proposed, providing an active frontage to David Street. The facade to this side of the scheme is also colonnaded to add further visual interest at street level. The elevations of this block are predominantly red brick, with two 'chimney' feature circulation cores being clad in Corten. The apartments would have recessed timber clad balconies. To the base of the townhouses there would be habitable rooms creating activity at ground floor level. The townhouses would also be predominantly red brick to their facades, with feature Corten cladding at the corners of the block. The roofing to both blocks would be dark grey cement fibre tiles with large areas of glazing in the townhouse roofs to allow light to flood into a central courtyard in each dwelling. Photovoltaic panels

would all be integrated into the south facing pitch of each section of the roofing to the two blocks. The palette of materials has been kept relatively simple, with materials that whilst bringing a contemporary intervention, have references to the character of the surrounding former industrial heritage streetscape.

- 10.10 The overall design is of a high quality, contextual yet modern scheme that would not result in harm to the character of the host site, the adjacent listed buildings or the wider Round Foundry complex and Holbeck Conservation Area. The scheme would be a positive, aesthetically appropriate, addition to the area.
- 10.11 Residential amenity
- 10.12 The proposal provides a good mix of accommodation types, with there being 3 two bedrooms and 12 three bedrooms townhouses, and 4 one bedroom end maisonettes, plus 17 one bedroom end and 36 two bed roomed single level flats. All townhouses and apartments have generously sized habitable rooms that provide approximately 35% higher floor areas than the recommendations of the Leeds Standard ( which is informed by the Homes and Communities Agency's Level 1 residential space standards).
- 10.13 It is the case that some of the apartments will be single aspect. However, windows are generously sized to ensure adequate light and natural ventilation levels can be achieved. The townhouses benefit from elevational windows and a central lightwell in each dwelling.
- 10.14 The proposal is to be sited in a location surrounded by buildings already in use. The scheme would be positioned a minimum of 14 metres from buildings across David Street, some 15 metres from the blank wall of the nearest building to the south, 9 metres from the blank wall of the nearest former foundry Building to the north and 10 metres from the former foundry buildings to the west. The uses in these surrounding buildings are predominantly office, commercial and industrial uses. The townhouses are also set some 11 metres across the proposed private garden areas from the apartments. The Round Foundry complex is typified by narrow streets and alleyways between long terraces of buildings. There are a number of other existing residential dwellings occupying buildings in the complex of similar distances to other dwellings and other uses already. Therefore, the proposal is considered to reflect the urban grain of the area. It is also the case that for this proposal, there are no other directly facing residential developments and the uses facing the scheme are business and industrial uses. This will help to reduce the potential for any conflict and loss of privacy from overlooking for the future occupants of this development, or for existing users and occupiers of adjacent businesses. On balance it is considered that the proposed amenity levels for future occupants will be acceptable.
- 10.15 The proposed landscape scheme
- 10.16 The proposed landscape scheme takes the form of a number of elements. The Round Foundry complex is a larger hard surfaced urban environment punctuated by small areas of green landscaping, often in the form of planters. The Developer proposes to continue this character in the approach taken to the external landscape areas. Around the outside of the development there remains a requirement to provide service vehicle access, as well as to allow vehicles access into the concealed car parking area. As a result the external landscape areas are to be largely paved in high quality Yorkstone flags. Feature Corten banding would be laid into the paving to add further visual interest and to tie into the feature material of the proposed building.

- 10.17 A number of trees exist across the current surface car park and the proposal includes the replacement of these with new trees around the edges of the development. In addition, planters housing shrubs and a grassed buffer strip are detailed around the edges of the dwellings to provide a level of defensible spaces. Flood risk requirements dictate that the scheme needs to be set into a plinth of some 600 mm in height. This too will be paved with Yorkstone and the planters and grassed strips are to be integrated into the edges of this plinth.
- 10.18 At present there is a smaller soft landscaped area known as Wonderwood, which houses not only planting but also artwork. Wonderwood was originally planned as a temporary feature however it has now been in place for some years and is a well established feature of the Round Foundry, and is valued by local users and occupiers of the complex. As such the Developer has agreed to create a replacement Wonderwood to the north of the proposed site. This would contain all the features of the current landscape piece, with a lawn area, planted beds, seating and a sculpture. The position of the new Wonderwood would have the added benefit of providing additional screening for the residents from nearby commercial uses.
- 10.19 As is detailed above in this appraisal there is proposed a central raised terrace, above the concealed car parking on which private garden areas are proposed. It is proposed that these areas are of a sufficient size and depth, with the structure having an adequate load bearing capacity to allow for planting on a residential scale. These gardens will not only benefit the residents of the townhouses and apartments that connect directly onto them, but could create a pleasant vista for residents of the apartments above.
- 10.20 A further opportunity for residents to create their own private landscape features would be addition of internal courtyards in the townhouses. These will be very well lit from roof mounted glazing, allowing residents to create indoor garden areas if they so desire.
- 10.21 Vehicle parking and sustainable transport
- 10.22 The scheme proposes ground floor car parking set within the heart of the development, behind active frontages to all sides and beneath the raised internal gardens. The site is very accessible with good public transport links nearby via bus and train and walking routes to and from the City Centre.,
- 10.23 The level of cycling storage space provision would be one per dwelling, with the townhouses each having an internal storage area within their demise. There would be a communal cycle storage building to the south of the site.
- 10.24 Due to the good sustainable transport mode options, the level of car parking for the full development amounts to 29 unallocated spaces. Five of these spaces are to be laid out for use by disabled drivers. In addition, a further 17 contract car parking spaces will be retained from the current provision on site. These spaces would also be positioned in the concealed central car parking area, inside the building block.
- 10.25 A number of off site highways works will be required to provide adequate pedestrian accessibility and ensure highways safety, a result of the proposal. These will include footway widening, dropped kerbs, tactile paving and a speed table to David Street and Front Row. These works will be controlled by planning condition.
- 10.26 Sustainability measures

- 10.27 The scheme as proposed aims to achieve a very high standard of sustainability. This will be done by a wide variety of measures including;  
 Level 4 Code for Sustainable Homes 20% reduction in carbon emissions above the levels required by Building Regulations.  
 20% of energy use to be from renewable sources  
 Use of a combined heat and power plant  
 Use of photovoltaic panels mounted at roof level  
 Use of energy efficient lighting and intelligent lighting controls  
 Use of a rainwater collection system.  
 Achieve Building For Life status ( this is a tool used by Developers to assess the quality of developments in terms of longevity and adaptability to use for occupiers of all ages, which aims to promote design excellence).  
 Such measures would ensure the scheme's compliance with Core Strategy Policies EN1 and EN2.
- 10.28 Section 106 Legal Agreement
- 10.29 A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -  
 (a) necessary to make the development acceptable in planning terms,  
 (b) directly related to the development; and  
 (c) fairly and reasonably related in scale and kind to the development
- 10.29 There is a requirement for the following obligations that sit outside the Community Infrastructure Levy regime:.
1. The Council's policies require 5% of the total units to provide on site affordable housing which equates to 4 of the apartments, However the Applicant has submitted a financial viability appraisal which the District Valuer advises would results in 3 rather than 4 affordable housing units.
  2. Access and maintenance of publicly accessible public realm areas.
  3. A Travel Plan monitoring and evaluation fee of £2500.00.
  4. A contribution to the sustainable travel fund of £36,500.00 as detailed in the Travel Plan.
  5. Employment and training opportunities for local people from the Leeds Wards Beeston & Holbeck, Middleton Park and City and Hunslet.
- 10.30 The proposed obligations have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly this can be taken into account in any decision to grant planning permission for the proposals.
- 10.31 The Applicant has submitted a financial viability appraisal which states that the development is not viable based on the proposed scheme. Officers have instructed the District Valuer to independently assess the viability report, costs, returns and the S106 obligations, who has determined that 3 affordable housing units can be viably delivered by the scheme. Members should be aware that consideration of this application is to be accompanied by a separate paper. The findings are discussed at Confidential Appendix 2 of this report. This part of the report is classed as Exempt under Schedule 12A Local Government Act 1972 and Access to Information Procedure Rule 10.4 (3) which provides financial information concerning the business affairs of the applicant. It is considered that it is not in the public interest to

disclose this information as it would be likely to prejudice the applicant's commercial position.

- 10.32 The development is Community Infrastructure Levy (CIL) liable and is likely to generate a CIL charge of £40,105.00. CIL is generally payable on the commencement of development. The payment of CIL is non-negotiable, except in exceptional circumstances, and consequently is not material to the determination of the planning application. Accordingly, this information is presented simply for Members information.

## **11.0 CONCLUSION**

- 11.1 The proposed development would complete the regeneration of the Round Foundry site, with a high quality, appropriate development. The scheme would add vibrancy and vitality to the area. Consequently, the development would make a significant contribution to the renaissance of the Round Foundry site and the wider Holbeck Urban Village. Therefore the proposal is considered to be acceptable and is recommended for approval.

### **Background Papers:**

PREAPP/15/00157

15/03167/FU

## **APPENDIX 1**

### **Planning Application 15/03167/FU Conditions**

1) The development hereby permitted shall be begun before the expiration of one year 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 construction of external facing materials shall not commence until details and samples of all external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. This shall include a large sample panel of all external facing materials and glazing types. The building works shall be constructed from the materials thereby approved.

In the interests of visual amenity in order to accord with Leeds Unitary Development Plan Review Policies GP5 and BD2, Leeds Core Strategy Policy P10 and the National Planning Policy Framework.

4) The construction of external surfacing materials shall not take place until details and samples of all surfacing materials to the areas of hard standing have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The surfacing works shall be constructed from the materials thereby approved.

In the interests of visual amenity in order to accord with Leeds Unitary Development Plan Review Policies GP5, Leeds Core Strategy Policy P10 and the National Planning Policy Framework.

5) No building works shall take place until detailed 1:20 scale working drawings of the following features shall be submitted to and approved in writing by the Local Planning Authority:

- a) all windows and doors,
- b) junctions of materials between the main building and the circulation cores
- c) balustrades

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

In the interests of visual amenity in order to accord with Leeds Unitary Development Plan Review Policies GP5 and BD2, Leeds Core Strategy Policy P10 and the National Planning Policy Framework.

6) During all construction phases of the development no operations shall take place

before 07.30 hours on weekdays and 08.30 hours on Saturdays nor after 18.30 hours on weekdays and 13.00 on Saturdays, or at anytime on Sundays or Bank Holidays (unless agreed in writing with the Planning Local Authority).

The contractor must ensure compliance with current legislation on noise and dust control including the Environmental Protection Act 1990 and the control of Pollution Act 1974. Relevant Codes of Practice, setting out procedures for dealing with the control of noise on construction and demolition sites, are contained in BS5228-2: 2009 - Noise and Vibration Control on Construction and Open Sites.

In the interests of residential amenity of occupants of nearby property and in accordance with Leeds Unitary Development Plan Review Policies GP5 and the National Planning Policy Framework.

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

- a) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
- b) measures to control the emissions of dust and dirt during construction;
- c) location of site compound and plant equipment/storage;
- d) details and location of contractor and sub-contractor parking
- e) a local resident and business communications strategy for the duration of the works

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

In the interests of highways safety and residential amenity in accordance with Saved Leeds Unitary Development Plan Review (2006) policy GP5 and the National Planning Policy Framework.

- 8) Hard and soft landscape works shall not take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include
- (a) proposed finished levels and/or contours,
  - (b) means of enclosure,
  - (c) car parking layouts,
  - (d) other vehicle and pedestrian access and circulation areas,
  - (e) hard surfacing areas,
  - (f) minor artefacts and structures (eg, furniture, play equipment, refuse or other storage units, signs, lighting etc.),
  - (g) proposed and existing functional services above and below ground (eg. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).
- Soft landscape works shall include
- (h) planting plans,
  - (i) written specifications (including cultivation and other operations associated with plant and grass establishment),
  - (j) schedules of plants noting species, planting sizes and proposed numbers/densities,
  - (k) soil volumes for tree pits and planted beds
  - (l) implementation programme.

Hard and soft landscaping works shall be carried out in accordance with the approved details



prior to the occupation of any part of the development in accordance with the programme agreed with the Local Planning Authority and to a reasonable standard in accordance with the relevant provisions of British Standard BS 4428:1989 Code of Practice for General Landscape Operations or other recognised codes of good practice.

To ensure the provision and establishment of acceptable landscape in accordance with adopted Leeds Core Strategy Policy P12, Saved Leeds Unitary Development Plan Review (2006) policies GP5 and LD1, Leeds Natural Resources and Waste DPD, and the National Planning Policy Framework.

9) No hard or soft landscape works shall take place until a plan, schedule and specification for long term landscape management has been submitted to, and approved in writing by, the Local Planning Authority. This shall include reference to planting and hard landscaped areas, including paving, fencing and other features. The schedule shall identify the frequency of operations for each type of landscape asset and reflect the enhanced maintenance requirement of planted areas during the establishment period. It shall provide for an annual inspection during late summer for any areas of failed tree or shrub planting, and the identification of the replacements required in the autumn planting season. If development is phased, maintenance shall commence when each phase of development is completed. Prior to planting, all landscaped areas shall be cultivated and maintained in a weed free condition by mechanical cultivation or chemical control. Maintenance shall be carried out thereafter in accordance with the approved management plan.

To ensure the provision and establishment of acceptable landscape in accordance with adopted Leeds Core Strategy Policy P12, Saved Leeds Unitary Development Plan Review (2006) policies GP5 and LD1, Leeds Natural Resources and Waste DPD, and the National Planning Policy Framework.

10) If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

To ensure maintenance of a healthy landscape scheme, in accordance with adopted Leeds Core Strategy Policy P12, retained Leeds Unitary Development Plan Review (2006) policies GP5 and LD1, the Leeds Natural Resources and Waste DPD, and the National Planning Policy Framework.

11) a) No retained tree/hedge/bush shall be cut down, uprooted or destroyed nor any tree be pruned, topped or lopped or suffer root severance other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved pruning, topping or lopping shall be carried out in accordance with current British Standards and any tree survey approved by the Local Planning Authority.

b) If any retained tree/hedge/bush is removed, uprooted or destroyed or dies the Local Planning Authority shall be notified forthwith in writing. Another tree/hedge/bush of an agreed size and species shall be planted at the same place and at such time, as may be specified in writing by the Local Planning Authority.

Retained tree/hedge/bush refers to vegetation which is to be retained, as shown on the approved plans and particulars, and the condition shall have effect until the expiration of five years from the last date of occupation.

To ensure the continuity of amenity afforded by existing vegetation in accordance with retained Leeds Unitary Development Plan Review (2006) policies GP5, N23 and LD1 and the National Planning Policy Framework.

12) No building works shall take place until plans of the site showing details of the existing and proposed ground levels, proposed floor levels, levels of any paths, parking areas and the height of any retaining walls within the development site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the details so approved and shall be retained thereafter as such.

To ensure that the works are carried out at suitable levels in relation to adjoining properties and highways in the interests of visual amenity and in accordance with retained Leeds Unitary Development Plan Review (2006) Policy GP5 and the National Planning Policy Framework.

13) Development shall not commence until details of access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles (including workforce parking) have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided for the duration of construction works.

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

14) Notwithstanding the approved details, no building works shall take place until full details of cycle/motorcycle parking and facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved cycle/motorcycle parking and facilities have been provided. The facilities shall thereafter be retained for the lifetime of the development.

In order to meet the aims of adopted Leeds Core Strategy policy T2.

15) Development shall not be occupied until a Car Park and Servicing Management Plan, including timescales for commencement of use of the car park, has been submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented and operated in accordance with the approved timescales.

To ensure the free and safe use of the highway in accordance with Leeds Core Strategy policy T2.

16) No building works shall take place within a phase until details for the provision of relevant off-site highways works for each phase as shown on Optima drawing no. 15012/GA/02 Revision A, as well as any footpath crossings have been submitted to and approved in writing by the Local Planning Authority for inclusion in the section 278 Highways Agreement or to be secured by such other procedure as may be agreed between the applicants and the Local Planning Authority.

In the interests of pedestrian and vehicular safety, in order to accord with the National Planning Policy Framework. and Core Strategy Policy T2.

17) No building works shall commence until details of the proposed method of closing off and making good all existing redundant accesses to the development site have been submitted to and approved in writing by the local planning authority. The approved works shall be completed before the development is occupied.

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

18) Notwithstanding the details on the hereby approved plans, and prior to commencement of the construction of the car park details of the number and locations of the electric car charging points within the car park shall be provided. The electric car charging points so approved shall be made available prior to first use of the car park and thereafter maintained.

In the interests of highway safety, sustainable transport and in accordance with the National Planning Policy Framework 2012 and Core Strategy Policy T2.

19) No building works shall take place until an updated Sustainability Statement has been submitted to and approved in writing by the Local Planning Authority, which will include a detailed scheme comprising (i) a recycle material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit); (ii) a Site Waste Management Plan (SWMP); (iii) Details of photovoltaic cells and (iv) an energy plan showing the percentage of on-site energy that will be produced by the selected Low and Zero Carbon (LZC) technologies and that it produces a minimum of 10% of total demand and a carbon reduction target and plan showing a minimum of 20% reduction against building regulations.

The development shall be carried out in accordance with the detailed scheme for that phase, and

(a) Within 6 months of the first occupation of each phase a post-construction review statement for that phase shall be submitted to and agreed in writing by the Local Planning Authority

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

To ensure the adoption of appropriate sustainable design principles in accordance with Leeds Core Strategy Policies EN1 and EN2, Leeds SPD Sustainable Design and Construction, and the National Planning Policy Framework.

20) Building works shall not commence until a scheme (ie drainage drawings, summary calculations and investigations) detailing the surface water drainage works and SuDS features has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.

To ensure sustainable drainage and flood prevention in accordance with the retained Leeds Unitary Development Plan Policy GP5 and the National Planning Policy Framework.

21) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), by BDN, Rev 3 - 23 July 2015 and the following mitigation measures detailed within the FRA:

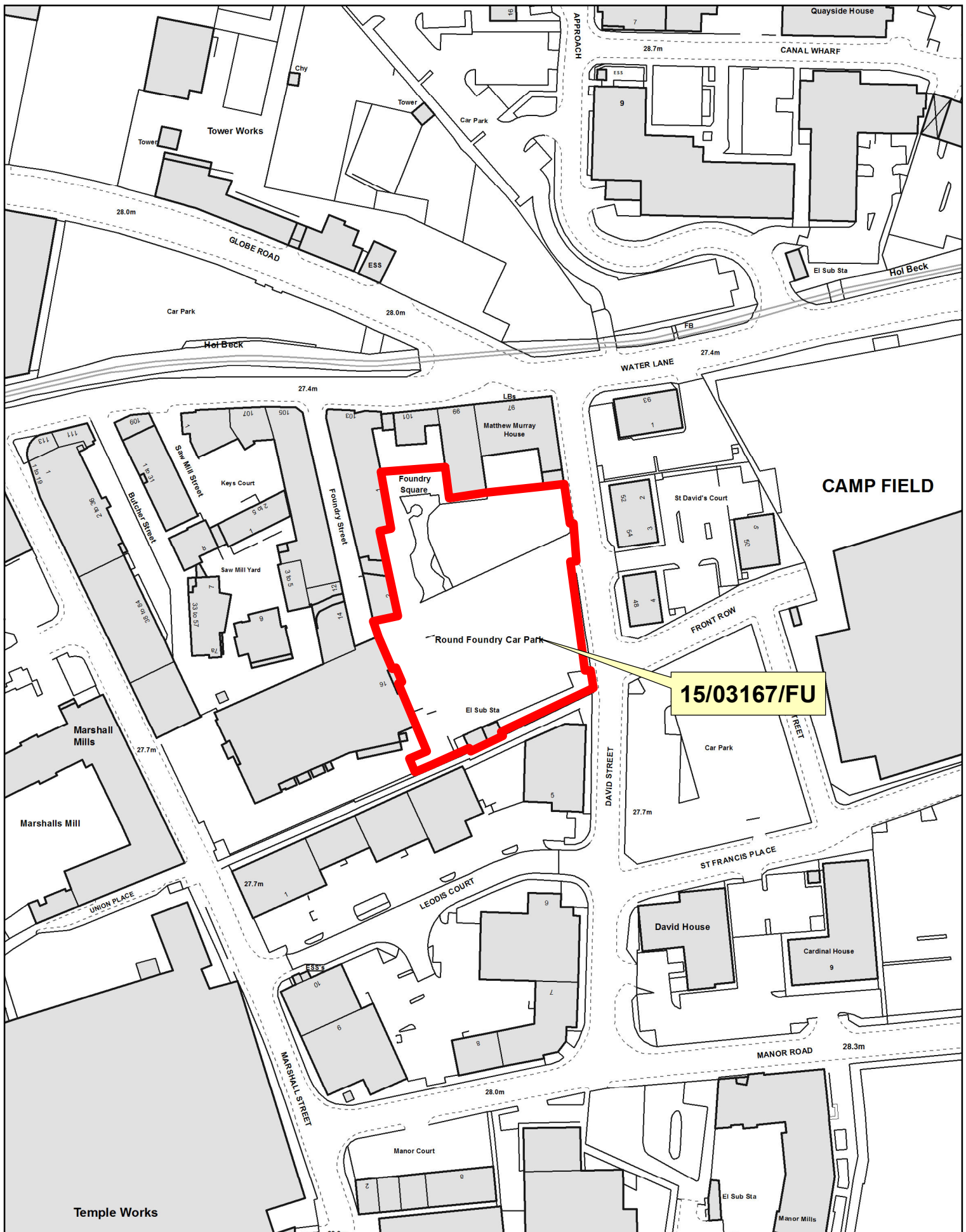
1. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
2. Finished floor levels of habitable accommodation are set no lower than 28.41m above Ordnance Datum (AOD).
3. Flood mitigation measures are included as detailed in Section 7 (Conclusions).

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

To ensure safe access and egress from and to the site, to reduce the risk and impact of flooding to the proposed development and future occupants and in accordance with the retained Leeds Unitary Development Plan Policy GP5 and the National Planning Policy Framework.

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

To ensure appropriate archaeological recording and in accordance with the National Planning Policy Framework, and Core Strategy Policies P10 and P11.



**15/03167/FU**

# CITY PLANS PANEL



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Originator: Mathias Franklin

Tel: 0113 2477019

## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 15 October 2015

**Subject: 14/06918/OT Outline application (all matters reserved except for partial means of access to, but not within, the site) for circa 335 residential units and 149 sq m of ancillary retail (Class A1)**

APPLICANT	DATE VALID	TARGET DATE
Burford Delta Ltd	09.12.2014	16 October 2015 (extended)

#### Electoral Wards Affected:

Weetword, Horsforth and Kirkstall

Yes Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

**Defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions (and any others which he might consider appropriate), and following completion of a Section 106 Agreement to cover the following additional matters:**

- 1. Affordable Housing provision of 5% of the total number of units constructed of which 40% of which should be disposed of to households on lower quartile earnings and 60% to households on lower decile earnings.**
- 2. Access and maintenance of publicly accessible public realm areas and biodiversity enhancement scheme for adjoining woodland areas of the site.**
- 3. 10 years of funding for the hopper bus service to serve Horsforth train station and off peak destinations including Holt Park.**
- 4. A Travel Plan monitoring and evaluation fee of £4075.00.**
- 5. A contribution to the travel plan of £50,000.00 for failure to meet the travel plan targets for the hopper bus service, £25,000 towards the carclub scheme, metrocards £251,075 for residents as detailed in the Travel Plan. Improvements to the cycle lockers at Horsforth train station.**
- 6. £60,000 towards bus shelters and real time displays plus any additional kerbing and bus stop clearways.**
- 7. Employment and training opportunities for local people.**

**8. Rail halt land and land for multi storey car park (Max 3 storeys) reserved. In the circumstances where the Section 106 Agreement has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.**

Conditions

1. 1 year Time Limit on Outline Permission (reduced to reflect viability or updated viability will be required after this time).
2. Outline condition with phasing.
3. Outline condition, Reserved Matters approval will be required for Layout, Scale, External Appearance, and Landscaping.
4. Material Samples (surfacing, walls, roofs, boundary treatments etc).
5. Retention of Garage/Car Port as such for lifetime of development,
6. Laying out of hardstandings laid out sealed and drained
7. Levels details.
8. Separate System of Drainage.
9. Scheme for investigation of infiltration methods for drainage scheme to be approved
10. Surface water drainage works scheme required including relating Network Rails and Yorkshire Water requirements.
11. Surface water run-off limitation scheme required.
12. The development will proceed in accordance with the submitted Environmental Impact Analysis (EIA).
13. A method statement with details of the proposed Great Crested newt mitigation to be submitted.
14. Agreement of Dust Action Plan.
15. A scheme of archaeological mitigation and recording is required.
16. Protective fencing to woodland adjacent to access roads.
17. No development shall take place until an Ecological Design Statement (EDS) that addresses adverse impacts on light-sensitive commuting and foraging bats (specifically to address impacts on Myotis bats) caused by the new access road from the Quarry to Silk Mill Way and Clayton Wood Road has been submitted to and approved in writing by the LPA
18. Prior to commencement of development a Badger Mitigation Plan will be submitted to and approved in writing by the LPA.
19. Prior to the commencement of development a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the LPA.
20. Prior to the commencement of development a Method Statement for the control and eradication of Cherry Laurel, Montbretia, Rhododendron, Japanese Knotweed and Buddleja shall be submitted to and approved in writing by the LPA.
21. Prior to the commencement of development a Biodiversity Enhancement & Management Plan for both the Quarry site and Oak Farm (BEMP) shall be submitted to and approved in writing by the LPA.
22. Prior to commencement of development a "Lighting Design Strategy for Bats" shall be produced by an appropriately qualified ecological consultant and submitted to and approved in writing by the LPA.
23. Prior to commencement of development an Open Mosaic Habitat (OMH) Ecological Design Statement (EDS) will be submitted to the LPA and approved in writing. The EDS will include a minimum 10 metre width of OMH immediately adjacent to the Proposed Quarry Edge Treatment area along the north-west quarry edge as shown on the Illustrative Master Plan dated 20.05.15 Revision G Drawing 513A-22G.

24. Prior to the commencement of development the LPA will receive either confirmation of a licence from Natural England for Newts relocation or confirmation a licence is not required
25. Implementation of landscape scheme.
26. Tree report update required.
27. Method statement for tree care.
28. Work to treat and landscape the quarry edges shall take place in accordance with the report and drawings contained within the Whitby Bird Engineering report or to any variations first agreed in writing with the local planning authority.
29. The developer shall undertake recording and monitoring of archaeological features on site and provide a written report for the Archaeological Service on any findings and required actions.
30. Off site highway works including access on to Ring Road to be completed prior to the commencement of development within the main former quarry site and footpath improvements to access local services and schools.
31. Silk Mill Way access to be completed and made available prior to occupation of any dwellings.
32. Hopper bus service to be in place and available prior to first occupation of any dwelling and thereafter retained and maintained for a minimum period of 10 years.
33. The Environmental Statement (Ref: Ramboll, 33415ESVol1\_RO1, 25/11/2014) and letter (Ref: Ramboll, 61033415/ENV/150226/LO1, 26/02/2015) indicates that further ground assessment works are required.
34. Construction management plan, including hours of construction and deliveries, noise from plant and equipment.

## **1.0 INTRODUCTION:**

- 1.1 The application is brought to Plans Panel to allow Members to consider the redevelopment of a large brownfield site which although having benefitted from an Outline planning permission since 2010 has been unable to be brought forward for Reserved Matters and ultimately redevelopment. The main reasons for this are due to the significant costs associated with the remediation works required to make the quarry suitable for development, the significant off site highway works also required before house building can commence, a large Section 106 obligation and also due recession factors.
- 1.2 Members are asked to consider the issues set out as material planning considerations that are pertinent the ability to bring this site forward.
- 1.3 This site was acquired by Burfords in around 2004 and was bought as part of portfolio. An Outline application was submitted in 2006 following pre-application discussions with Officers and a public consultation event with the local communities bordering the site. The 2006 Outline application was designed with high density, apartments and 3 storey townhouse accommodation in mind which was a product of the planning policy requirement of the time to maximise previously developed land. The 2006 scheme also included a significant amount of commercial floorspace, including a gym, hotel, retail, offices, cresse and pub restaurant. The masterplan was ambitious in seeking to create a new community within the Quarry but due to the amount of development being proposed and the planning issues this generated in relation to ecology, sustainability, highways implications and agreeing a Section 106 package the length of time these matters took to resolve meant the application fell into the recession period. At this time the desire for high density apartments and townhouses also changed and the housing market reverted back to lower density traditional two storey housing.

- 1.4 The developer was unable to sell the site or partner with a house builder. The site was actively marketed with only one expression of interest which did not materialise. The developer and Officers had several meetings post 2010 and formal mediation discussions were commenced by a Homes and Communities Association backed scheme to bring 'stalled' sites forward. The Government also produced a number of initiative and good practice guidance documents to help stimulate the development industry and promote house building as a way of helping the economy recover. In addition the introduction of the NPPF in 2012 recognises the implications viability has on bringing stalled sites forward for redevelopment. In addition including sites within a 5 year housing land supply assessment requires those sites to be viable. This site makes an albeit modest contribution towards the Council's current 5 year housing supply position.
- 1.5 In 2011-2014 in response to the recession the Council as part of a series of measures designed to encourage development lowered the Affordable Housing requirements. The site went from being in a 25% affordable housing area down to a 15% requirement. The 2006 Outline permission had a Section 106 agreement to provide 25% affordable housing which was a factor in why the viability of the site had prevented it coming forward for redevelopment. At this time the developer was actively seeking to engage with the Council with a view to bringing the site forward with a revised Section 106 package that would achieve 15% affordable housing, education requirements and a hopper bus service within a lower density predominantly housing led scheme.
- 1.6 The developer submitted the current Outline application in the autumn of 2014 shortly afterwards the Core Strategy was adopted and the affordable housing requirement for the site had jumped to 35%. The CIL levy had also identified the site as being within zone 1 of the charging zones which equates to £90 per square metre of floorspace created. These shifts in policy added significant costs back onto a scheme that was already loaded with significant up front infrastructure and remediation costs.
- 1.7 Members are advised that having regard to the protracted planning history and circumstances of the site are necessary in the determination of this application. Members are asked to defer and delegate the approval of this application with a reduced affordable housing requirement which has been reviewed by the District Valuer. Members should note this is a brownfield site, in the main urban area where the principle of residential development has been previously agreed. It regenerates a site which suffers from antisocial behaviour. It can be made sustainable with the introduction of a hopper bus service. It provides a high proportion of family sized houses with a number of apartments. It safeguards land for a rail halt and multi storey car park which otherwise could be developed for housing. It also makes a significant CIL receipt and also creates large areas of public open space and safeguards a Great Crested Newt community in purpose built habitats. All of these factors align with the aims of the Core Strategy.
- 1.8 This is a balanced recommendation as the reduction in affordable housing provision will prejudice those waiting for affordable units in the locality but Members are advised that agreeing to a reduced provision brings this stalled site forward and without this compromise it is unlikely the site will come forward.
- 1.9 Weetwood Ward Members acknowledge the harm arising from the reduced number of affordable units generated by the site but are supportive overall of the redevelopment of the site for the reasons cited above. They also consider that the re-use of an existing brownfield site is preferable to the release of greenfield and

greenbelt sites within their ward. The Horsforth Ward Members do not support the application as the proposed hopper bus service will bring future residents to Horsforth Train station which they consider is over used and needs infrastructure including additional car parking. They suggest the bus should route to Kirkstall Forge train station. They are also concerned that the application does not proposed an significant works to Low Lane Roundabout which they have an aspiration to signalise similar to that undertaken at Rodley and Horsforth Roundabouts.

## **2.0 PROPOSAL:**

- 2.1 The proposal relates to an Outline Planning Application which seeks approval for the principle of up to 335 dwellings, with up to 275 dwellings in the Main Quarry and a further 60 flats on the Ring Road frontage site. A small A1 retail unit is also proposed on the frontage site.
- 2.2 The Outline Application includes the detail of the Access proposals which include a new cross road traffic signal controlled junction across the Ring Road aligned with Fillingfir Drive. A new access road would also be created at the northern end of the site out on to Silk Mill Way. The access proposals are similar to the previous 2006 Outline access proposal. The only difference relates to the position of the new access onto the Ring Road which will align with Fillingfir Drive. The 2006 application moved Fillingfir Drive north to align with Clayton Wood Rise.
- 2.3 All other matters are reserved. An indicative masterplan has been supplied to show that 275 dwellings can be created in the main quarry, with associated internal spine roads, open space areas and an ecological buffer zone to the western quarry wall to allow of ecological enhancements and retention. The indicative masterplan shows a flat scheme on the frontage site facing the Ring Road for up to 60 flats.
- 2.4 The Outline application is accompanied by an engineering document (Whitby Bird quarry wall treatment and landscaping). This document sets out the proposals for the existing quarry walls and surface that is required to make the quarry safe and suitable for residential development. This document was form part of the approved list of plans and would allow the developer to take this site to the market place and secure a volume residential developer in the knowledge that they can accurately establish the developable area of the site, the works required to remediate the quarry floor and walls and cost that accordingly.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site comprises a former sandstone quarry and landfill works, with surrounding ancient woodland on the higher levels above the worked quarry and a cleared area of land formerly home to business/office buildings on the Ring Road frontage. The site is discretely located and is largely screened from view from any highway surrounding the site by mature trees and also by the topography of the land. The site is approximately 25ha in size. The site is situated in a mixed area, however it is predominantly residential but with business park development along the Ring Road with some A3 use. The site drops in level some 65m from Silk Mill Way at the northern end of the site to the Low Lane roundabout at the south. The site cannot be seen from either the Ring Road to the east or from Silk Mill Way to the north and west due to substantial tree covering around the top of the quarry. There is currently only one vehicular access into the site from Clayton Wood Road a short spur off the Ring Road. The Leeds-Harrogate railway line forms the south/west boundary of the site.

- 3.2 The quarry walls are exposed primarily on the western side. The quarry also has steep embankments on the eastern and northern edges. The quarry floor in places is approximately 15-20m lower than the top of the quarry edges. The floor of the quarry is undulating in nature and comprises a number of former haul roads, benches and faces which mark the extent of the former sandstone workings. There is an existing colony of Great Crested Newts in the quarry floor.
- 3.3 To the north and west outside of the site are located traditional post war dwelling houses, predominantly 2 storey in nature. To the south of the site beyond the railway line is further post and pre-war housing stock. Across the Ring Road is located two post war residential tower blocks and to the south of them is located a row of two storey terraced housing.
- 3.4 To the north of the site where the proposed Silk Mill Way access is to be created is located a swathe of mature ancient woodland. Within the woodland but outside of the site is located a scheduled ancient monument.
- 3.5 The site was allocated within the now withdrawn UDP as an identified employment site under policy E8 as a Key Employment site and also under policy E4 (18) and the northern end of the site on the upper part of the site the land is identified as proposed Open Space under policy N5 of the UDP. The whole site is 'washed over' as Urban Green Corridor (N8). All of these policies have also been 'saved'. The draft Site allocations plan which is out for public consultation has the site allocated for Mixed Use (MX1-2 reference in draft Site Allocations Plan). Suitable site for residential and employment uses.
- 3.6 The outer perimeter of the north, east and west flanks of the site were allocated as a Leeds Nature Area and were allocated as Green Space under policy N1 of the UDP, this policy has been 'saved' this area of the site will be retained as open space.

#### 4.0 RELEVANT PLANNING HISTORY:

- 4.1 Outline application to layout access including amendments to ring road, to erect multi use development comprising housing, offices, hotel, public house, pub-restaurant, creche, gym, medical centre, land for multi storey car park, nursing home and retail was approved on 26.03.2010, planning reference 06/04013/OT.

<b>Mix proposed:06/04013/OT 2006 application</b>
<b>B1</b> (Office) 16,1544 m
<b>C1</b> Hotel – with A3 6,7056 sq.m and 3,048sq.m
<b>A1</b> (Retail) 609.6sq.m
<b>D2</b> (gym) 1,219.2sq.m
<b>A4</b> (pub/restaurant) 51,524sq.m
<b>D1</b> (Medical ) 1,828.8sq.m
<b>D1</b> (Creche) 1,524sq.m
<b>C2</b> (Nursing Home) 13,716sq.m
<b>C3</b> Houses and flats up to 485 dwellings in total

- 4.2 The above application was for a more intensive scheme on this site of up to 415 dwellings in the main quarry which would have seen a lot of 3 storey town house style dwellings and flats and a large amount of office space and other commercial

uses including a hotel on the frontage area of the site facing the Ring Road. However due to significant costs associated with remediating and preparing the quarry for development and off site highway works, coupled with a 25% affordable housing S106 requirement the density of the site was not attractive to volume house builders. In addition the timing of the site achieving planning permission was at the height of the recession. The developer has not been able to bring the site forward since achieving planning permission and it is on that basis that the revised outline application was submitted for a lower density residential only scheme of fewer larger two storey housing and a reduced S106 package.

- 4.3 07/06005/FU: Engineering works to create wildlife pond with associated landscaping at Oak Farm, Horsforth (south of the Leeds Harrogate Railway line). Approved December 2007 and now constructed and the landscaping has established ready for the Newts to be translocated.

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

- 5.1 One letter of support has been received to the publicity of this application. The residents makes comments on the detailed construction and design of the proposed Silk Mill Way access road and would like to see the details of the road design in order to understand the impact on the trees.

## **6.0 CONSULTATIONS RESPONSES:**

### **6.1 Statutory**

The Environment Agency state that they have no objections to the proposal.

Flood Risk Management have no objection subject to conditions.

Natural England have no objection in relation to the proximity of the development to a SSSI – the Leeds Liverpool Canal Site of Special Scientific Interest.

English Heritage support the application. The site lies immediately adjacent to the scheduled monument known as ‘Stone hut circle settlement in Clayton Wood on the south west side of Iveson Drive’ (NHLE Ref:1018814). They agree with the assessment of impact within the Archaeology and Cultural Heritage chapter of the Environmental Statement (Volume 1). They welcome the recognition that there may be minor impacts on the monument from the construction and occupation phases of the works and suggest robust measures are put in place to prevent this. They welcome the location of the proposed access road onto Silk Mill Way as this will act as a buffer to the monument and subject to appropriate design any houses in the location should be acceptable.

Coal Authority- No objections

Network Rail With reference to the protection of the railway, Network Rail has no objection in principle to the development subject to conditions

Highways No objections subject to conditions and hopper bus solution to help make the site more sustainable in accessibility terms.

The Silk Mill Way traffic calming scheme would be included in the Section 278 agreement. The type of calming and location of cushions/ tables would be agreed

during the detailed design after a reserved matters application and following consultation with bus operators.

## **6.2 Non-statutory:**

Nature Conservation - the updated Illustrative Masterplan dated 20.05.15 No.513A-22D is acceptable from an ecology perspective – it now shows:

1. the Open Mosaic Habitat adjacent to the Quarry Edge Buffer along the north-western edge of the quarry – the details of which can be agreed at Reserved Matters
2. a revised road layout along this boundary that should avoid the location of back gardens onto the Open Mosaic Habitat
3. the removal of woodland gardens north of the Clayton Wood Gateway apartments

West Yorkshire Archaeological Advisory Service state that due to the site's significance to Leeds and the history of engineering, a programme of archaeological recording is required.

Yorkshire Wildlife Trust & Buglife – Both objected to the original masterplan due to the loss of biodiversity priority habitat and the impacts on invertebrates. They have not commented upon the revised plan which shows the Open Mosaic Habitat adjacent to the Quarry Edge Buffer along the north-western edge of the quarry.

Children's Services - have calculated that this development, should it be granted planning permission based on the number of dwellings indicated (335 units), would generate an additional 12 primary aged children per school year group. We would also expect this number of dwellings to generate an additional 7 secondary aged children per year group. Therefore, if planning permission was granted Children's Services would be seeking the maximum possible CIL contribution towards the costs of expanding both primary and secondary school provision to meet this additional demand. A Full CIL contribution would be paid.

## **7.0 RELEVANT PLANNING POLICIES:**

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

7.2 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.

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

7.4 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.

7.5 Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.



- 7.6 The 8th principle listed states that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 7.7 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.
- 7.8 The Development Plan for Leeds currently comprises the following documents:
1. The Leeds Core Strategy (Adopted November 2014)
  2. Saved Leeds Unitary Development Plan Policies (Reviewed 2006), included as Appendix 1 of the Core Strategy
  3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013)
  4. Any Neighbourhood Plan, once Adopted
- 7.9 **Core Strategy**
- 7.10 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.
- 7.11 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.
- 7.12 Policy G4 On site provision of green space of 80 square metres per residential unit, will be sought for development sites of 10 or more dwellings that are outside the City Centre and in excess of 720 metres from a community park, and for those which are located in areas deficient of green space.
- 7.13 Policy G8 Development will not be permitted which would seriously harm, either directly or indirectly, any sites designated of national, regional or local importance for biodiversity or geological importance or which would cause any harm to internationally designated sites, or would cause harm to the population or conservation status of UK or West Yorkshire Biodiversity Action Plan (UK BAP and WY BAP) Priority species and habitats. In considering development proposals affecting any designated sites and UK or WY BAP Priority species or habitats, the needs of the development and the requirements to maintain and enhance biological and geological diversity will be examined.
- 7.14 Policy G9 Development will be required to demonstrate:
- (i) That there will be an overall net gain for biodiversity commensurate with the scale of the development, including a positive contribution to the habitat network through habitat protection, creation and enhancement, and
  - (ii) The design of new development, including landscape, enhances existing wildlife habitats and provides new areas and opportunities for wildlife, and
  - (iii) That there is no significant adverse impact on the integrity and connectivity of the Leeds Habitat Network.
- 7.15 Policy H4: Policy to achieve an appropriate Housing Mix on residential sites.
- 7.16 Policy H5 Policy which incorporates Targets and Thresholds for the Affordable Housing Market zones.

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

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

7.18 Policy EC1 General Employment land considerations

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

c) To support wider transport strategy objectives for sustainable travel and to minimise congestion during peak periods.

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

7.21 Policy BD2 (Design and siting of new buildings)  
Policy BD5 (All new buildings and amenity)  
Policy GP5 (All planning considerations)  
Policy E4 (Allocated employment sites)  
Policy N1(Greenspace)  
Policy N5 (Proposed Greenspace)  
Policy N8 (urban Green corridors)

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

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

## 7.24 **Supplementary Planning Guidance**

7.25 Adopted Supplementary Planning Document 'Travel Plans' (February 2015)

7.26 Neighbourhoods for Living SPG

7.26 Street Design Guide SPD

## 8.0 **MAIN ISSUES**

1. Principle of the proposed development.
2. Sustainability/Highway issues.
3. Environmental/ecological issues.

4. Masterplan/creation of community.
5. S106 Package.

## **9.0 APPRAISAL**

### 9.1 Principle of the mix of uses

9.2 The proposal is for a predominantly residential scheme with a small scale commercial unit. The development would involve the regeneration of a large brownfield site. The site is brownfield within the main urban area. It is an identified housing site with mixed uses (housing and employment) in the list of sites proposed in the draft Site Allocations Plan, reflecting the previous planning permissions on the site. The principle of residential use is therefore accepted. The 2010 permission also includes retail use up to 232 sqm, therefore the proposed retail floorspace (149sqm) is also accepted.

### 9.3 Sustainability/Highway issues.

9.4 There is no objection in principle to the proposals subject to the site being made genuinely accessible by non-car modes of transport. The access strategy, with connections to the highway at the A6120 via Clayton Wood Road and onto Silk Mill Lane, is acceptable in principle and is similar to the 2006 Outline Access proposals. The access onto the Ring Road has been amended during the course of the application to create a new road from the site, through land formerly of the Gilchrist Studio (now demolished and the site cleared). This new road would align with Fillingfir Drive on the opposite side of the Ring Road. This junction would be signalised. A similar signalised crossing was approved as part of the 2006 Outline application. The 2006 application moved Fillingfir Drive north to align with Clayton Wood Rise. In order to keep costs down by retaining Fillingfir Drive in its current location a saving of around £1,000,000 can be achieved by not needing to divert a high voltage cable that exists on the Fillingfir Drive side of the Ring Road.

9.5 Individually the impact on the highway network generated by this application is not significant but in viewing the overall effects on the network, when taking account of general growth envisaged over the lifetime of the Core Strategy and in particular at the Low Lane roundabout this development will add to an already congested junction. The previous 2006 application included the creation of two lanes on the Ring Road approaching Low Lane roundabout from the site and a pedestrian crossing near to the Petrol station and Woodside Public House. The current application does not generate enough traffic to require these works and therefore a Section 106 contribution towards roundabout/ring road improvements cannot be justified against the CIL requirements of being necessary. In addition as there are no highway proposals in the Council's 123 CIL list, money from CIL cannot be readily spent improving this junction, alternative sources of funding need to be found. There is no specific scheme in place in which to pool a contribution towards Low Lane Roundabout improvements. It should also be noted that given the viability issues around the delivery of this site adding further financial obligations on this development will make it even harder for the site to be built out. Highways officers had initially suggested a contribution towards Low Lane roundabout could be requested but for the reasons of viability and also meeting the CIL Regulations this contribution was not able to be pursued. In the planning balance therefore the lack of works to improving the Ring Road approach to Low Lane roundabout is a dis-benefit of the current application over the more intensive 2006 mixed use scheme but is not in itself a reason to resist the planning application.

- 9.5 The site is in a relatively inaccessible location. The walking distance to existing bus stops is below the 400m required in the Core Strategy. This is exacerbated by the steep gradient; there is a level difference of approximately 65m across the site. This will increase the walking time to access buses and would make it much more difficult for the elderly and disabled. The Transport Assessment states that the site meets the Core Strategy accessibility standards in terms of the walking distance to local services. However, even without taking into account the gradient, the nearest convenience store and post office are beyond a 10 minute walk. (Whilst the application contains a proposal for a local shop, there is no guarantee that this would be commercially attractive to an operator). The proposal meets the minimum walking distance to the primary and secondary schools. Improvements such as surfacing will be required to several existing footpaths that provide links between the site and existing facilities such as schools.
- 9.6 The 2006 Outline application included two bus schemes for the site, the first involved extending the No.56 Bus Service from The Kirkstall side of the Ring Road down Fillingfir Drive and into the site to loop back across the Ring Road and back through the Hawksworth estate towards the city centre. The second bus scheme involved a local hopper bus services to be created to serve the site and go to destinations in Horsforth and Holt Park. Given the scale of the development has been significantly reduced from the 2006 Outline application only one bus scheme is now required.
- 9.7 A shuttle bus has been proposed as the applicant has stated that the extension of the 56 service into the site (as agreed for the larger scheme that was granted approval) could only be viable for a 5 year period. In pre-application discussions the applicant argued that a shuttle bus, similar to that provided with the Clariant scheme, could be funded for 10 years and that this would increase the likelihood of the service being commercially viable beyond the funding period. The proposed bus service replicates the model used at the Redrow Riverside Mill / Clariant site which provides a shuttle service is Horsforth railway station for 10 years opposed to the usual 5 years. The route suggested in the TA seems logical but has drawn objections from Horsforth Members due to existing capacity and infrastructure issues with this station. The suggestion to go to Kirkstall Forge station was examined but due to the distance involved and the need to maintain a high frequency service, at least 2 buses would likely be required. The estimated cost of one bus over 10 year period is £1.5M. Given the financial constraints of the scheme routing to Kirkstall Forge is not viable and cannot be justified in Planning terms when Horsforth station is achievable and recently has had programmed improvements scheduled to address the concerns raised.
- 9.8 With respect to the rail provision to the site, land within the site has been safeguarded to facilitate the delivery of a rail halt. There is no recent work that can be used to indicate what the land requirement for a station and car park may be. The 2006 Outline Permission included the land for both a Rail Halt and land for a mutli storey car park, up to 3 storeys high. This has been safeguarded in this current application.
- 9.9 The rail offer is a significant reduction from the original application that was going to provide funding for the feasibility to GRIP 4 stage and fund some of the rail construction of the a rail halt at the site. WYCA's current position is that Horsforth Woodside is considered to be a site for further investigation in the medium-to-long term, but not a high priority. A particular issue is that the catchment would be likely to overlap with, the NGT terminus (about 1.5km away), but also with Kirkstall Forge station (about 2.0km away). There are also other variables too, such as whether the

line will be electrified and the impact this may have on train stopping patterns. If these issues are overcome, securing the funding to build a station would remain a major stumbling block (that the original application dealt with in part). It should be noted that in safeguarding the land for the rail halt and car park this land is not available for housing development and is another factor in reducing the developable space available on site which impacts on the overall viability of the site.

9.10 Environmental/ecological issues.

9.11 This site does have features of considerable countywide (West Yorkshire) and local ecological interest, made up of woodland above the quarry edges and a mixture of other valuable habitats across the quarry floor and edges – all of which are important at a countywide level. A number of important plants have been identified that are significant at a countywide level, as well as features that are important for European Protected Species including Great Newts and Bats. All 11.5Ha. (100%) of the UK BAP Priority Habitat Open Mosaic Habitat will be removed from this site. As was the case with the 2006 Outline Planning Permission. Given the former land use of the quarry, the entire site requires remediating in order to make it safe and fit for houses to be built. This includes both the quarry floor and the quarry walls.

9.12 Core Strategy Policies G2, G8 and G9 have become formally adopted as part of the LCC Development Plan since the previous 2006 permission and need to be considered in relation to the level of impacts and mitigation/compensation for this new scheme. The NPPF also has policy wording that has a different emphasis since the previous consent.

9.13 In response to this changing policy context the applicant has amended the indicative masterplan to help ameliorate the loss of the biodiversity from the site. Updated Illustrative Masterplan dated 20.05.15 No.513A-22D is acceptable from an ecology perspective as it creates an ecological buffer along with entire western quarry wall side. A minimum of 10metres from the floor of the quarry wall edge will be maintained. This should create an area of some 3.5ha of continuous ecological buffer and enhancement that offsets the loss of the existing situation and will relate well to the ancient woodland located on the top of the quarry wall boundary.

9.14 The site has been identified as being important for foraging and commuting bats which use the edges of the woodland around the quarry. The creation of the two access roads and the railway link will impact on the ability of bats (which includes some Myotis species which are more sensitive to light levels) to continue moving from one woodland edge area to another. The Environmental Statement concludes that provided there is no lighting on these sections of the access road and tree planting in the highway verge allows trees to form a canopy over the new roads then there will be little long-term impact – and suggests these design aspects can be agreed at detailed submission stage. It seems likely that there will need to be lighting along the new access roads for both safety of cars and pedestrians (and at the rail platform and parking area). These impacts need to be carefully designed and controlled through conditions and detailed layout at Reserved matters stage.

9.15 There is an existing Great Crested Newts (GCN) colony located in the existing water features located in the centre of the quarry site. The levels of surveys for this species that have been carried out are sufficient to determine this application. As there will be destruction of breeding ponds and removal of terrestrial habitat used by this European Protected Species there will be a breach of Article 12 of the Habitats Directive and therefore we need to consider whether a licence will be likely to be

granted by Natural England. In order to do this Members need to consider whether the “3 Tests” will be met – we need to consider whether the favourable conservation status of this species can be maintained in this area. The provision of the receptor ponds on land under the applicant’s ownership to the west of the railway will be suitable to receive any GCNs moved from the quarry and having considered the submitted information officers believe this is acceptable in principle. The detail of this can be controlled through planning condition for a GCN Mitigation Strategy. Members should also note that 2006 Outline permission established the principle at the GCN would be relocated to Oak Farm Natural England have yet to formally issue a licence for the Newts relocation but it is understood that Natural England would not object to the Newts being relocated due to the redevelopment requirements of the site and having regard to the enhanced habitats which the developer has created for them at Oak Farm, Horsforth.

- 9.16 A S106 obligation will be required for long-term management of the woodland areas both within the ownership of the applicant and the wider woodland affected by indirect recreational pressure – and a Woodland Management Plan agreed to guide this. The new woodland creation that forms compensation for loss of woodland to the development will also need to be included in a S106 Woodland Management Plan.
- 9.17 Overall the ecological impacts of the development are acceptable. It is acknowledged that bringing the site forward will result in harm to biodiversity. As did the previous application scheme but the compensation measures proposed mitigate the harm and in reaching a balanced decision on the application the merits of redeveloping this brownfield site for housing outweigh the harm arising to ecology.
- 9.18 Masterplan/creation of community.
- 9.19 The indicative layout shows a housing estate of predominantly detached and semi detached dwellings, with a central spine road connecting the site to Silk Mill Way and the Ring Road. The form and layout shown on the indicative plan is considered likely to result in an attractive residential estate within a woodland setting. The scheme should afford future occupiers with a good level of amenity in terms of daylight, size of dwelling and gardens and sufficient off street car parking. Areas of public open space are proposed throughout the development.
- 9.20 The frontage element of the site is a separate character area to that of the main quarry. This site lends itself for higher density flats over 4 storeys. There are examples of flats along the ring road, from the high rise social housing schemes opposite to more modern 3-4 storey flat blocks approaching Low Lane Roundabout.
- 9.21 The detail of the layout, external appearance and landscaping are matters reserved but overall it is envisaged the site will create a high quality attractive residential development that respects the landscape setting and provides a good quality environment for a range of future occupiers.
- 9.22 Following the adoption of the Core Strategy in November 2014, planning applications for residential use should be assessed against Policy G4 which requires 80sqm of greenspace per units on site.
- 9.23 The application site lies within the Weetwood ward, an area with an identified shortfall of greenspace provision, therefore applying the provisions of Policy G4, provision should be made for 3.32 ha of on-site greenspace. It is noted from the

Design and Access Report that 10.73 ha of 'green infrastructure' is proposed, although it's not clear whether this includes the area earmarked for the proposed rail halt. The indicative layout identifies a number of areas of greenspace across the site including a children's play area (LEAP). At this outline stage, the greenspace policy requirements appear to be addressed by the application although clearly more details will be required at the reserved matters stage.

### Section 106

- 9.24 A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -
- (a) necessary to make the development acceptable in planning terms,
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development
- 9.25 There is a requirement for a number of obligations that sit outside the Community Infrastructure Levy regime. As such a Section 106 levels agreement is required for the following obligations;
- 1. 5% affordable housing provision, 40% of which should be disposed of to households on lower quartile earnings and 60% to households on lower decile earnings however this is subject to a financial viability appraisal.
  - 2. Access and maintenance of publicly accessible public realm areas and a scheme for ecological enhancement and woodland management.
  - 3. A Travel Plan monitoring and evaluation fee of £4075.
  - 4. A contribution of £50,000 if the hopper bus service does not produce the model split required as detailed in the Travel Plan and travel plan measures of metrocards, bus stop improvements.
  - 5. Employment and training opportunities for local people from the Leeds.
- 9.26 The proposed obligations have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly this can be taken into account in any decision to grant planning permission for the proposals.
- 9.27 However, the Applicant has submitted a development appraisal which demonstrates that they consider the development to be not viable based on the proposed scheme if it is required to deliver a full affordable housing contribution. Officers have instructed the District Valuer to independently assess the viability report who has determined that 6.27% affordable housing units can be viably delivered by the scheme with a split of 48/52% sub market to social rented tenure. Members should be aware that consideration of this application is to be accompanied by a separate paper. The applicant has offered 5% affordable housing with a split of 41/59% submarket to social rented tenure which on balance is acceptable to officers in the overall context of bringing this difficult site forward for large scale residential development. The findings are discussed at Confidential Appendix 2 of this report. This part of the report is classed as Exempt under Schedule 12A Local Government Act 1972 and Access to Information Procedure Rule 10.4 (3) which provides financial information concerning the business affairs of the applicant. It is considered that it is not in the public interest to disclose this information as it would be likely to prejudice the applicant's commercial position.
- 9.28 In considering viability appraisals, timing is a key factor. The appraisal is only valid for a short period of time once it has been agreed. This is due to changes in the

economy and local housing markets which can render the assumptions made by the Valuers at the time open to challenge as economic conditions change. To address this a reduced time frame for the Outline planning permission is proposed along with a short time frame to commence development. This is a standard approach Council's use when agreeing to accept viability as a justification for reduced contributions. In addition a further mechanism exists to allow a future review of the viability of a scheme as a development is built out of a number of years and economic circumstances change. This is known as a Review Mechanism and is written into Section 106 agreements. This works by agreeing a developer profit percentage and then any extra profit that is generated by sales values of houses increasing can be split between the Council and the developer. The Council can then use this to add additional affordable housing units. This option was put to the developer but they cannot agree to this clause in the Section 106 as they consider their existing affordable housing offer is difficult to achieve and relies on an optimistic outlook that house prices will rise and therefore they will be able to achieve a return on their existing investment as the site builds out which allows them to make a profit and ultimately incentive them to bring the site forward for development which is a key component of viability as set out in the NPPF. The details of the profit margins and the estimated housing costs are set out in the Exempt report. Members are advised that the applicant would not sign a Section 106 if this clause was required which would prevent the site coming forward in the short term for housing. As such, on balance Officers consider that the heads of terms set out in the report should be accepted without a review clause being included.

## **10.0 CONCLUSION**

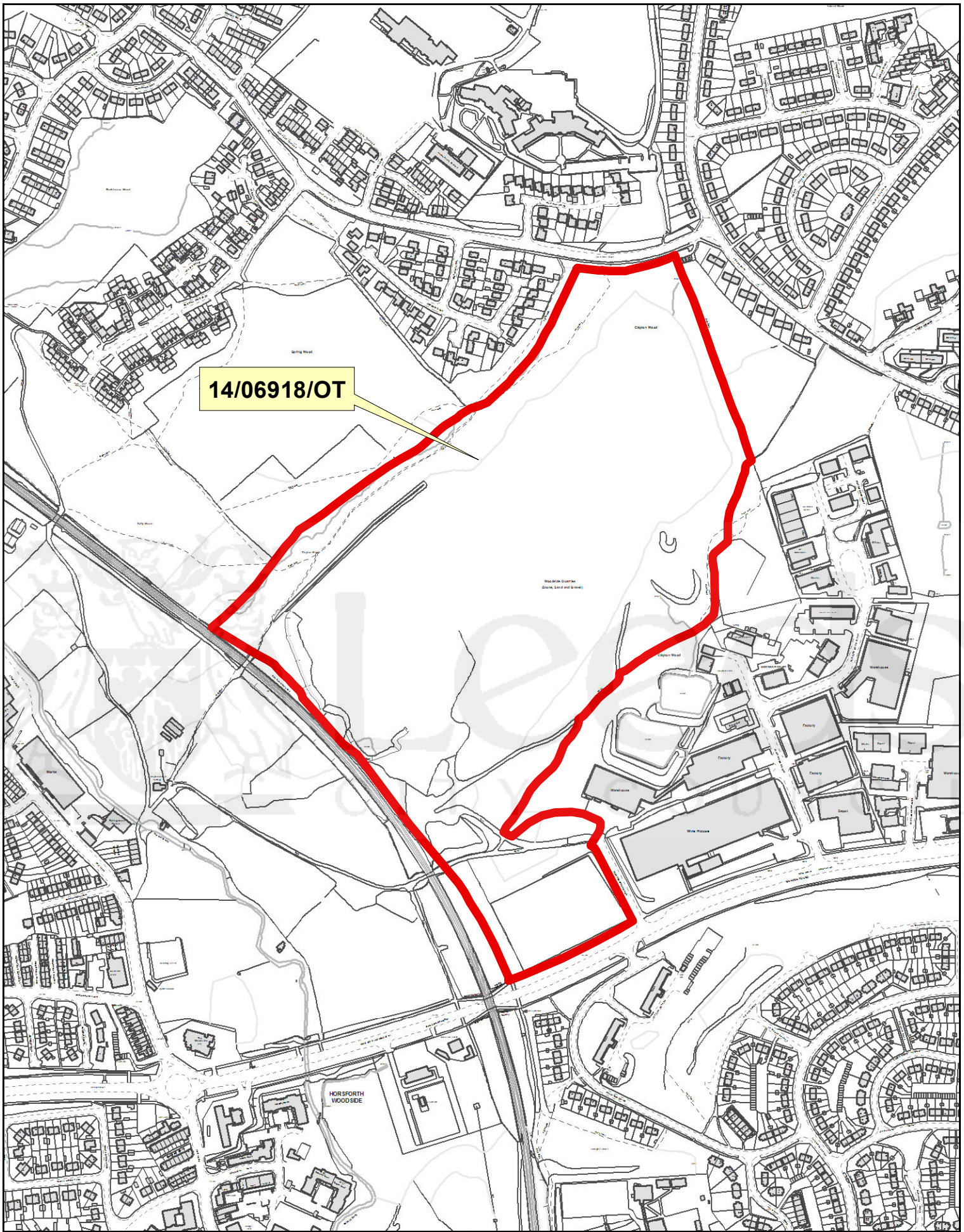
- 10.1 This application relates to a site with a protracted history. At its simplest is a large brownfield site, where the principle of a residential use has been accepted. The previous industrial uses and employment allocation from the withdrawn UDP have long since been abandoned and the site is effectively sitting there doing nothing. It is a brownfield site that has not been brought forward to be redeveloped because of the substantial remediation and infrastructure costs. If Members are able to agree a reduced S106 offer then this site could make a meaningful contribution towards housing in this housing market characteristic area and bring forward a stalled site which ward embers want to see built out for housing.
- 10.2 It is clearly a balanced decision Panel need to make as there is harm arising from the lack of affordable housing, there is also an impact on the existing biodiversity and ecology on the site that has become established over the last few decades as another reminder of the difficulties of redeveloping this site. However, the ecological impacts are mitigated and in some ways enhanced, in particular the relocation of the Great Crested Newt colony to a purpose built habitat at Oak Farm.
- 10.3 There are also impacts on the surrounding highway network that will arise from this development and disbenefits of having to accept the current application over the off site highway package secured as part of the 2006 Outline planning permission. Simply, the 2006 scheme was not viable and the housing market has changed since the time that scheme was conceived and the substantial S106 package attached to the 2006 permission was a factor in why the site has not come forward in the last 5 years. In addition the current application delivers on its planning policy requirements of creating a sustainable travel solution in the form of the hopper bus service and has a detailed travel plan to encourage none car based travel.



10.4 Members have a significant S106 package and CIL receipt arising from this application. Large areas of public open space will be created and land will be safeguarded for a rail halt and multi-storey car park which otherwise could be built upon. Bringing this site forward will add to the Council's housing growth targets and number of affordable housing units will be achieved on site. The application complies with the general aims of the Core Strategy and the saved UDP Review policies. Overall any harm is outweighed by the positive benefits of bringing this housing scheme forward on a brownfield site. There no other material planning considerations that outweigh this finding.

**Background Papers:**

06/04013/OT – Previous Outline application on this site.



# CITY PLANS PANEL



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Originator: Paul Kendall

Tel: 2478000

## Report of the Chief Planning Officer

### *CITY PLANS PANEL*

Date: 15th October 2015

**Subject: PRE-APPLICATION PRESENTATION FOR OUTLINE PROPOSAL – MIXED USE SCHEME COMPRISING PRIVATE SECTOR RESIDENTIAL, PRIVATE RENTED SECTOR (PRS) RESIDENTIAL AND STUDENT HOUSING WITH ANCILLARY GROUND FLOOR ‘ACTIVE’ USES, SMALL SCALE RETAILING, CAFÉ/RESTAURANTS, BARS (PREAPP/15/00587) AT SITE SOUTH OF KIRKSTALL RD FRONTING THE RIVER AIRE (FORMER YORKSHIRE CHEMICALS SITE).**

#### Electoral Wards Affected:

City and Hunslet

Yes

Ward Members consulted

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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

## 1.0 INTRODUCTION:

1.1 This presentation is intended to inform Members of a new major mixed tenure residential scheme proposed on the vacant former Yorkshire Chemicals site on the south side of Kirkstall Rd. Members will be aware that the site has been vacant for some considerable time and all of the buildings have been demolished. The land has been sold and the current owner wishes to pursue a redevelopment of the land. Members will be asked to comment on the emerging scheme.

## 2.0 SITE AND SURROUNDINGS:

2.1 The site is approximately 2.25 hectares and is located to the south of Kirkstall Rd with a frontage on to the River Aire which runs along the southern side of the site. The existing bridge, which is the only remaining part of the former chemical works, crosses the River Aire to the, currently under construction, Otter Island residential

scheme - approved by Members at panel in 2013. To the west is the vacant former First Bus depot which is also a cleared and vacant site. To the east is the City Gate development which has a large area of landscaped open space adjacent the application site closest to the river, with the service yard of the Staples retail unit to the north which runs along the common boundary. To the north of that is a free standing commercial unit accessed directly from Kirkstall Rd.

2.2 On the northern side of Kirkstall Rd is the Fire Station and to the west of this is the 9 storey Holiday Inn Express hotel. To the north of this are the student residential buildings of Opal 1 and 2, Concept Place and The Tannery which are all clearly visible from Kirkstall Rd. Kirkstall Rd itself was upgraded as part of a Quality Bus Initiative and now carries a dedicated bus lane on both outbound and inbound carriageways.

### **3.0 PROPOSAL**

3.1 This scheme is for the provision of flat accommodation, comprising 3 types of residential tenure, private 'for sale' accommodation (approx. 220 units, Private Rented Sector (PRS – approx. 520 units) and student residences (approx. 240 bed spaces). There are also a small number of other supporting uses which will exist to service the main residential uses. The provision of affordable housing on the site is currently being discussed with the applicant.

3.2 The scheme splits the site in to 4 quarters, with a building in each, which creates a junction at the centre of the site. The taller buildings are located around the perimeter of the site, being 10-12 storeys fronting Kirkstall Road, rising to 14 storeys along the western and eastern boundaries and declining to 6 storeys fronting the river. The elements of the buildings located in the centre of the site are all lower in height (approx. 7 storeys) but this is punctuated by a single, centrally located building, which is proposed to be part 9 and part 11 storeys, with the tallest element acting as a focal point for both ground level views and those from the river.

3.3 Vehicular access is to be taken from a central point on the Kirkstall Rd frontage with a building sitting to either side. These are proposed to be a student accommodation block to the east (11 storeys) and a PRS building to the west (10 to 12 storeys). The elevations to Kirkstall Rd create a street frontage and have been set at this height as they equate to the 9 storey office buildings approved under the previous outline scheme. They would be set back from the public highway by a distance which would allow a landscaped strip to be provided along the Kirkstall Road frontage.

3.4 Both of these buildings are focused around their own central raised areas of private residential amenity space. These are located one storey height above main ground level and would accommodate commercial space, additional car parking and servicing areas beneath. For the PRS building, the U-shaped plan form is oriented to open the central space up to views from the access road. For the eastern building, the development encloses the courtyard but retains a gap between the student block and the adjacent PRS building to provide articulation to the built frontage.

3.5 The site access road leads to a junction at the centre of the scheme. Vehicles do not progress further south than this which means that the spaces will be pedestrian dominated. At this junction the north/south route intersects a secondary east/west spine route which runs parallel with Kirkstall Rd. This will eventually act as a route by which all of the sites along the southern side of Kirkstall Rd will access each other without the requirement to use the main Kirkstall Rd corridor itself. This route

also aligns with views to the east towards the recently approved taller buildings on the corner of the former Yorkshire Post building adjacent the Inner Ring Rd.

- 3.6 To the south of this spine road 2 further buildings sit either side of the 25-30m wide pedestrian route down to the River Aire. The south-western building is proposed to contain the 'for sale' residential units and has an angled eastern façade which means it is visible when entering the site from the north. Views of the river to the south are retained and enable the chimney of the listed Castleton Mill to the south to be seen (this is identified as a key focal point in the Leeds Waterfront Strategy).
- 3.7 A large riverside open space is proposed containing the riverside walkway. From this the river bridge can be accessed and it is proposed to either reuse the existing structure or provide a new bridge crossing over to the Otter Island site and Trans-Pennine canal side route beyond.
- 3.8 A gap of approximately 8m is retained from the western boundary to ensure that this scheme would not prejudice the erection of buildings on the neighbouring development site. On the neighbouring site to the east is the large open space area and 2 no. retail buildings with rear servicing. Therefore, the requirement for a similar distance separation from this boundary is reduced. The residential units are raised up to first floor level on this part of the scheme so will look out over the service area and retail unit rather than directly into it. This relationship is currently under discussion with the applicant.
- 3.9 Car parking for approximately 550 vehicles will be located in a single basement level which would sit beneath all of the buildings and be accessed from the 2 western buildings on either side of the east/west spine road. The allocation of the spaces is currently being discussed with the applicant. The construction of the basement car park enables the whole site to be raised above the existing ground level by 1.3m to ensure that it would be at the height required by the Leeds Flood Alleviation Scheme to reduce the risk of flooding. It is noted that the site level is currently below that of the neighbouring site to the east and therefore raising the site level will help to bring these two sites into closer alignment.
- 3.10 All of the buildings will have a mix of uses at ground floor level. These include small scale retail, leisure facilities (gym), bars and restaurants which the applicant has included to animate the pedestrian routes through the site and to provide support services for the residential occupiers.
- 3.11 The applicant will be responsible for providing a full set of supporting documents including a Transport Assessment, Travel Plan, Flood Risk Assessment, Wind Study, Sunlight/Daylight Analysis and a Statement of Community Involvement.

#### **4.0 HISTORY OF NEGOTIATIONS AND RELEVANT PLANNING HISTORY**

- 4.1 Officers have had two meetings with the developer team and phone calls with the project architects which commenced in June this year. These have dealt principally with planning and design issues in order to develop the layout, scale, massing and highways matters.
- 4.2 Outline planning consent (06/04610/OT) was approved on 16 February 2011 for a mixed use development over both the current proposal and the Otter Island sites, which was the subject of a S106 agreement. This consisted of 5 buildings on the part of the site currently under consideration consisting of 2 no. 9 storey office buildings fronting Kirkstall Rd, a 9 storey car park and 2 no. 10 storey residential

buildings all with ground floor commercial/leisure units to support and service the site occupiers. These buildings all sat above individual basement car parks. A further 6 buildings were proposed on the Otter Island site of between 3 - 8 storeys.

- 4.3 A new full planning application on the Otter Island part of the site was granted planning consent in June 2015 for the erection of 113 No dwellings and associated works with associated S106 Agreement. This site is now under construction.
- 4.4 The existing bridge over the river, linking the two sites, falls within the redline boundary and ownership of the site under consideration here. The Otter Island layout allows for the landing of a bridge and connection to the open space network and Leeds Liverpool Canal towpath to the south.
- 4.5 The developer team carried out a public consultation exercise at the Holiday Inn Express on Kirkstall Rd on 1<sup>st</sup> October. The public feedback from this will inform the Statement of Community Involvement which will be submitted as part of the application.
- 4.6 Planning permission has been granted for an 8 - 11 storey office/hotel/residential scheme fronting the north side of Kirkstall Rd on land between Abbey St and Bingley St app. ref. 11/01850/EXT
- 4.7 There is also an extant planning permission for a 6 – 9 storey student residential scheme on the former RSPCA site between Abbey St and Bingley St app. ref. 14/03023/EXT, again to the north side of Kirkstall Rd.

## **5.0 RELEVANT PLANNING POLICIES**

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

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. It 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.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

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

The Government attaches great importance to the design of the built environment. Section 7 (paras 56-66) 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;
- Development to be visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions

Paragraph 66 states that applicants will be expected to work closely with those directly affected by development to evolve designs that take account of the views of the community.

## 5.2 Development Plan

### 5.2.1 The adopted Leeds Core Strategy 2014

This 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 Development Plan Document 2013 and the Saved Policies from the Leeds Unitary Development Plan Review 2006 (UDPR). Relevant Core Strategy policies include:

- 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 Areas, in a way that respects and enhances the local character and identity of places and neighbourhoods.
- 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 EN1 and EN2 – sustainability policies which seek to reduce total predicted carbon dioxide emissions, provide low carbon energy sources.
- Policy CC1(b) Encourages residential development including new buildings providing that it does not prejudice the centre functions of the City Centre and that it provides a reasonable level of amenity for occupiers.

Housing policy H4 requires a mix of unit types and sizes within housing developments. H5 requires the provision of affordable housing across the site (excluding student accommodation) and H6 controls the provision of student accommodation.

H8 encourages the provision of residential accommodation designed to independent living standards for major schemes.

### 5.2.2 Leeds Unitary Development Plan Review 2006 (UDPR) – Saved Policies

Saved Policies GP5 - all relevant planning considerations, BD2 design and siting of new buildings and BD5 Residential amenity are all relevant to this proposal. The Council is keen to promote good standards of daylight and sunlight in the interests of both mental and physical wellbeing, and in order to avoid a wasteful use of energy in providing unnecessary artificial light.

### 5.2.3 Leeds Natural Resources and Waste DPD 2013

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

## 5.3 Supplementary Planning Documents

5.3.1 Neighbourhoods for Living: A Guide for Residential Design in Leeds (December 2003) aims to provide further guidance on good design in residential schemes in Leeds. Neighbourhoods for Living is relevant to all residential development in Leeds and 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 also states that the scale, massing and height of the proposed development should be considered in relation to its surroundings. It needs to respond well to that of adjoining buildings, the topography, the general pattern of heights in the area and views, vistas and landmarks. Buildings also need to be carefully positioned to relate to the spaces around them. The enclosure of the street, and the ratio of building height to the space, needs to be carefully considered in order to create the correct feel for that space and the people who will use it.'

5.3.2 Biodiversity and Waterfront Development: Objectives are to: identify and safeguard existing habitats; provide ecological design guidance on waterfront developments; provide guidance on the conservation of protected and important species; identify opportunities for habitat enhancement, creation and restoration; encourage appropriate long term habitat management. It requires development to be set back from river banks.

5.3.3 Sustainable Design and Construction: Advocates the use of a range of measures to ensure that the best possible practices are used to ensure a sustainable environment is created.

5.3.4 Waterfront Strategy: This advocates public access to the waterfront as well as its laying out with landscape treatment, which seeks to soften the bank edge. In addition, open space oriented towards the river, uses which take advantage of the amenity offered by the river and the protection of any wildlife habitats are also advocated.

## 5.4 Other Material Considerations

5.4.1 Site Allocations Plan: The site and adjacent sites have been identified as site MX2-9 which is allocated for mixed use development which is currently at public consultation stage. This allocation sets out the following:

- This site is suitable for a mixed use development, mainly housing and office, but other uses would be acceptable subject to policy.
- The site is suitable for older persons housing/independent living in accordance with Policy HG4
- The existing footbridge over the River Aire should be refurbished or replaced to provide a pedestrian and cycle link to the development to the south and the canal.

- A contribution towards highways mitigation measures at certain junctions will be required.
- The site is located within Flood Zone 3. Flood risk mitigation measures should be applied.
- An Ecological Assessment of the site is required and where appropriate, mitigation measures will need to be provided, including provision of a biodiversity buffer alongside the River Aire.
- Part of the site should be retained for the provision of a school. A detailed Master plan approach is required for the development of the site.

5.4.2 Kirkstall Rd Renaissance Area Planning Framework: (KRRAPF) is adopted as Informal Guidance for planning purposes. It aims to promote the regeneration of the area in a manner which will establish a real sense of place and guide developers in formulating proposals for the re-development of land using positive urban design principles. This is underpinned by a need to ensure that a consistent approach is taken to all development in the area.

The framework area is split in to a series of character areas. The area between the River and the Kirkstall Rd is allocated as the 'Kirkstall Road Riverside'. Within this area the framework advocates that the buildings are laid out in a 'flexible configuration on a grid based block pattern. Development sites/blocks and building envelopes will be determined by the requirement for public realm and safe and attractive pedestrian movement'. New buildings must contribute to the formation of these objectives by resolving:

- Appropriate height, scale and massing
- Siting and orientation
- Landscape settings
- Emphasis of corners
- Locating entrances on public access streets/paths
- Facilitating pedestrian access through the area and avoid potential conflict with traffic.

There is a requirement to create a boulevard along the A65 Kirkstall Rd corridor, to be achieved in conjunction with works already undertaken as part of the Quality Bus Initiative (QBI) and is considered to be a fundamental part of the future growth of this area.

Heights are set out on a plan but broadly envisage 8 storeys at the north-eastern corner of the current site reducing towards the river. A link across the river is also indicated as is public access to the river banks.

5.4.3 Residential Amenity Standards: The Council's aspirations for good standards of amenity and living conditions responds to guidance within the National Planning Policy Framework which states that a good standard of amenity for future occupants is one of the core planning principles. More recently the Council's Executive Board (September 2014) agreed to bring forward the Leeds Standard which sets out the importance of excellent quality housing in supporting the economic growth ambitions of the Council. This standard closely reflects the Government's Technical Housing Standards – Nationally Described Space Standard which seek to promote a good standard of internal amenity for all housing types and tenures. Whilst neither of these documents has yet been adopted as formal planning policy in Leeds, given their evidence base in determining the minimum space requirements, they are a material consideration in the determination of development proposals.

## 6.0 ISSUES

### 6.1 Principle of Use

The site is unallocated in the Unitary Development Plan Review (2006) and is located in a mixed use area which in recent years has seen a gradual replacement of the traditional industrial uses with a wider mix of city centre type uses, including residential development. The existing consent on the site is for a mixture of uses, predominantly high density residential and office accommodation, with supporting commercial and community uses.

6.2 The Site Allocations Plan (SAP) is at public consultation stage and therefore the weight which can be attached to it is limited at this stage. However, the plan identifies this site along with adjacent sites to the west for major mixed use redevelopment, comprising housing and office uses. The SAP also indicates that a school is to be considered as part of the combined area. However, there is currently no master plan for this area and no specific school site allocation. The current proposal site represents less than a third of the entire MX2-9 site and there would therefore be a significant amount of space on the remainder of the SAP area to fulfil any future school requirement if this should be included as a policy requirement after the SAP adoption process is completed.

**1. Do Members consider that this scheme can be developed without prejudicing the provision of a school on the wider SAP site?**

6.3 The scheme is in a prominent location and is visible from distance on the southern side of Kirkstall Rd, which is the city's main western arterial route. It has potential to be the first phase of development on the MX2-9 SAP site and therefore it is considered important to ensure that it fits well within the city-scape of buildings which already exist in the area, whilst recognising those that may be developed in the future. The site is located on the edge of the city centre in an area with a mixture of building scales, density and uses. The scheme is clearly of a city centre type high-rise development and carries over some of the elements of the previously approved outline scheme. Officers consider that the approach is acceptable in this edge of city centre location and the proposal makes the most efficient use of the available land, as opposed to a more traditional residential estate type scheme.

**2. Do Members consider that the city centre high rise approach to residential development is acceptable here?**

### 6.4 Design and Massing

The Kirkstall Road Renaissance Area Planning Framework sets out a number of principles which have been used to inform the design development. The heights of the buildings which have approval under the extant permission are also a material consideration. The proposal would provide a strong building line fronting Kirkstall Road, which relates in height to the previously approved scheme, and then sculpts the form of the buildings to create interest in the roof lines, stepping up away from the road and then down towards the river and open space area.

6.5 The alignment of the buildings within the site has been carefully considered in order to provide focal points and create views through the scheme to assist in legibility and pedestrian permeability, whilst at the same time creating meaningful street frontages. The 11 storey block at the centre of the scheme is considered to be of the correct size to avoid competing with the perimeter buildings but is of sufficient scale to fulfil its function as a focal point. The alignment of the east-west spine route allows views through to the recently approved taller buildings on the corner of the

former Yorkshire Post building adjacent the Inner Ring Rd and the north-south route offers views of the listed Castleton Mill chimney.

6.6 Officers consider that the emerging approach to scale and massing is acceptable within the immediate context of Kirkstall Rd, the riverside setting and the larger residential and hotel buildings to the north. Subject to the applicant demonstrating that the internal spaces, particularly the courtyards and public routes through the site, will receive adequate daylight and sunlight, it is considered the emerging scale of development can be supported.

**3. Do Members consider that the overall scale and articulation in the heights of the buildings, with the taller flanks and the lower centrally located buildings with central focal point, is an acceptable approach in the context of the existing area?**

6.7 Public Realm and Connections

The main publicly accessible open space area is next to the river in the southern part of the site. This would be linked to the main site access road by a tree lined pedestrian open space between 25m-30m in width. From the open space area a river bridge would provide a link across to the Otter Island site and on to the Leeds/Liverpool canal towpath - the Trans-Pennine cycle route. The existing river bridge is within the site and a river crossing is indicated on the submitted plans.

**4. Do Members consider that the amount and location of publicly accessible open space, and the pedestrian linkages to these spaces, are acceptable?**

**5. Do Members share the SAP requirement to retain, if not the existing then a replacement, river crossing to improve/enhance north-south connectivity?**

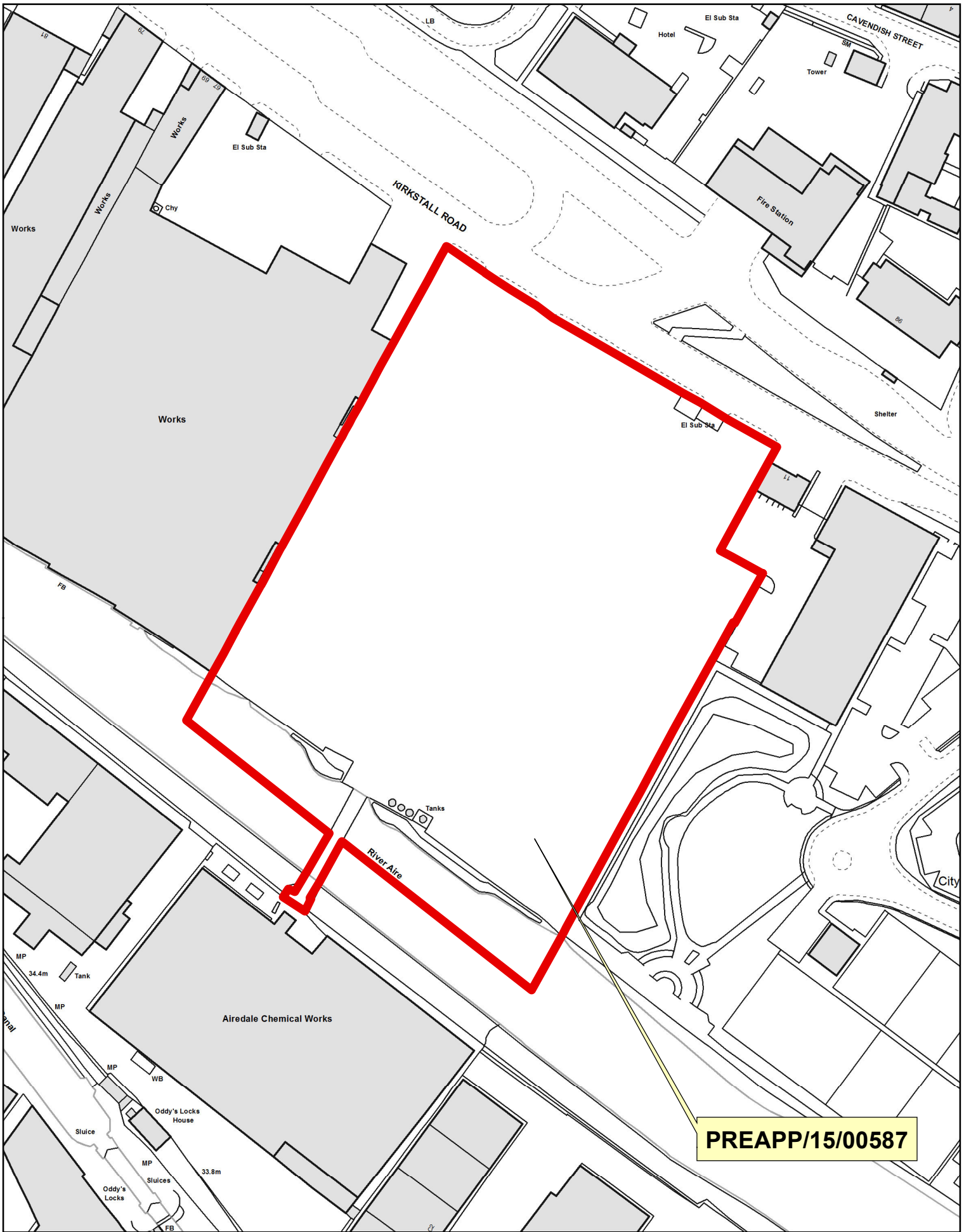
## **BACKGROUND PAPERS:**

Pre-application file: PREAPP/15/00587

Application file: Original Outline approval 06/04610/OT

Application file: Otter Island approval 13/05566/FU

Application file: Sites between Abbey St and Bingley St 11/01850/EXT and 14/03023/EXT



# CITY PLANS PANEL





Originator: Tim Hart

Tel: 3952083

## Report of the Chief Planning Officer

### CITY PLANS PANEL

15<sup>th</sup> OCTOBER 2015

**PRE-APPLICATION PRESENTATION OF THE PROPOSED CHANGE OF USE AND EXTENSION OF CENTENARY HOUSE, NORTH STREET, LEEDS, TO FORM 79 RESIDENTIAL APARTMENTS AND AN A4 DRINKING ESTABLISHMENT (PREAPP/15/00600)**

#### Electoral Wards Affected:

City and Hunslet

Yes

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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

## 1.0 INTRODUCTION

1.1 This presentation is intended to inform Members of the emerging proposals for Centenary House, a vacant grade II listed building situated on North Street, immediately beyond the Inner Ring Road. It is intended that the interior of the building is reconfigured, with extensions at roof level and to the west side, to form 79 residential units, together with a bar in part of the building fronting North Street.

## 2.0 SITE AND SURROUNDINGS

2.1 Centenary House was originally constructed as the Leeds Public Dispensary in 1904. It was subsequently used for many years by groups including Leeds Society for Deaf and Blind People. It has been largely vacant for 3 years. The curved, eastern, end of the building fronts North Street. This element of the building is 4 storey, plus roof accommodation. This part of the building is most architecturally ornate both externally and internally. Levels rise from North Street towards the Inner Ring Road such that the range to the west, whilst maintaining a largely consistent eaves height, reduces to 2 and 3 storeys above ground level. The southern

elevation, facing the city centre, utilises the same Portland Stone plinth and red brick upper floors with stone dressings to windows as the North Street frontage but in a more basic form. The northern elevation, facing Back Brunswick Street, is very much plainer, finished entirely in red brick. Building at the extreme western end of the range are later additions with limited architectural merit. The southern elevation of the building historically fronted Hartley Hill, a road that was terminated by the construction of the Inner Ring Road. The triangular space between the building and the Inner Ring Road is now an unattractive hard-surfaced area used for car parking. Part of this area is owned by the City Council.

- 2.2 The Inner Ring Road is in a cutting at this point with buildings on the higher, western, side such as Brunswick Point and the Opal/CDV student tower very much larger in scale. The 4-5 storey vacant Caspar apartments are situated immediately north of Centenary House beyond Back Brunswick Street. Merchants House fronts the eastern side of North Street opposite Centenary House. The building incorporates a range of commercial uses at ground floor and 3 storeys of apartments above. Crispin House is situated south of Merchants House fronting New York Road. This listed building was converted into residential apartments during the last decade, involving a two storey extension at roof level. A bar has recently opened at ground floor of the building fronting North Street. Significant highway infrastructure, comprising the Inner Ring Road and the convergence of New Briggate, Vicar Lane and North Street, separates Centenary House from the heart of the city centre to the south.

### **3.0 PROPOSALS**

- 3.1 The proposals involve the conversion of the existing building and demolition of later structures at its western end to enable a new extension to be constructed situated between the original building and the Inner Ring Road.
- 3.2 The original building would be converted into 36 residential apartments with a ground floor bar accessed directly from North Street. Removal of a previously inserted infill floor at first floor level would open up a double height communal space in the centre of the building. A new glazed roof would be constructed over a section of this space providing natural daylighting into the heart of the building. A new double height barrel roof structure either side of the glazed roof would accommodate 24 apartments.
- 3.3 A six storey lozenge-shaped extension is proposed at the west end of the building. The extension would be pivoted approximately 30 degrees away from the northern, rear, elevation of the building to reflect the form and position of the eastern end of the original building and also to respond to the alignment of the Inner Ring Road. A four-storey wedge-shaped extension is proposed in the gap between the lozenge extension and the original building.
- 3.4 The residential accommodation would comprise the following components:
- 37 studios ranging between 36sqm – 47sqm
  - 34 one bedroom apartments ranging between 47sqm – 70sqm
  - 8 two bedroom apartments ranging between 60sqm – 102sqm
- 3.5 The existing hard-surfaced space on the southern side of the building would be reconfigured and landscaped, whilst providing facilities for servicing and deliveries. However, no details of this were available at the time this report was drafted.



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

- 4.1 The site has been the subject of several pre-application enquires over the last 4 years but none of these has progressed to the point of an application being submitted.
- 4.2 The current pre-application proposals initially identified a total of 97 apartments and involving a seven storey extension on the west end of the building.

#### **5.0 CONSULTATION RESPONSES**

- 5.1 City and Hunslet Ward Councillors were notified of the pre-application proposals, as originally submitted and following revision. Councillor Nash commented on the proposal as originally submitted. She stated that she had no objection to the principle of the proposed uses but commented that the extension should replicate or be in keeping with the existing building, and should not dominate it, which the seven storey extension did.
- 5.2 Highways have no objection in principle to the proposed uses. Further information is required regarding facilities provided for cycling; servicing arrangements; travel planning and how the provision of limited car parking provision would be managed.
- 5.3 Flood Risk Management recommend that as far as practicable rainwater harvesting and the reuse of some of the surface water runoff from the site should be incorporated into the overall drainage arrangements so that there will be no increase in the surface water runoff to the public sewers.
- 5.4 The Contaminated Land Team states that as the proposed end use is vulnerable and the site has been the subject of a past potentially contaminative land use, a minimum of a phase 1 desk study is required in support of the application. Depending on the outcome of the phase 1 a phase 2 site investigation and remediation statement may also be required.
- 5.5 The Bridges Team confirmed that a local reduction in the distance from the building to the Inner Ring Road retaining wall (minimum 1m) at a single pinch point would be acceptable, albeit other design criteria may govern the acceptable minimum clearance at this location.
- 5.6 Environmental Studies state that the site is located in an area known to have some of the poorest air quality in Leeds and is adjacent to an existing Air Quality Management Area. The residential element of the scheme makes it likely that an AQMA would need to be declared / extended to cover the development site should permission be granted. A detailed air quality assessment is required which should include mitigation measures to reduce exposure of residents to poor air quality wherever possible through, for example, locating commercial uses in the areas of poorest air quality and fitting mechanical ventilation.
- 5.7 SDU Landscape Team advise of the need for a full landscape scheme to achieve a coherent external space design for the development.

#### **6.0 POLICY**

- 6.1 **Development Plan**

6.1.1 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. For the purposes of decision making, the Development Plan for Leeds currently comprises the following documents:

- The Leeds Core Strategy (Adopted November 2014)
- Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
- 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
- Any Neighbourhood Plan, once Adopted

## 6.2 **Core Strategy (CS)**

6.2.1 Relevant Core Strategy policies include:

### Spatial and economic policies

Spatial Policy 1 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 seeks to maintain and enhance the role of the City Centre as an economic driver for the District and City Region, including by expanding city living with a broader housing mix.

Spatial Policy 6 identifies the housing requirement and allocation of housing land.

Spatial Policy 7 sets out the spatial distribution of the district wide housing requirement between Housing Market Characteristic Areas. The site is in the City Centre with a requirement to provide 10,200 units (2012-28)

Spatial Policy 11 includes a priority related to improved facilities for pedestrians to promote safety and accessibility, particularly connectivity between the edges of the City Centre and the City Centre itself.

### City Centre policies

Policy CC1 outlines the planned growth within the City Centre for 10,200 new dwellings, supporting services and open spaces. Part (b) encourages residential development, providing that it does not prejudice town centre functions and provides a reasonable level of amenity for occupiers.

Policy CC3 states new development will need to provide and improve walking and cycling routes connecting the City Centre with adjoining neighbourhoods, and improve connections with the City Centre.

### Housing policies

Policy H2 indicates new housing will be acceptable in principle on non-allocated sites providing the number of dwellings does not exceed the capacity of transport, educational or health infrastructure.

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 identifies affordable housing requirements. According to the policy, the affordable housing requirement would be 5% of the total number of units, with 40% for households on lower quartile earnings and 60% for households on lower decile earnings.

Policy H8 states developments of more than 49 dwellings should include support for Independent Living.

#### Design, conservation and other policies

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 that development protects and enhance the district's historic assets in particular, historically and locally important buildings, skylines and views.

Policy P11 states that the historic environment will be conserved and their settings will be conserved, particularly those elements which help to give Leeds its distinct identity. Enabling development may be supported in the vicinity of historic assets where linked to the refurbishment or repair of heritage assets.

Policy P12 states that landscapes, including their historical and cultural significance, will be conserved and enhanced.

Policies T1 and T2 identify transport management and accessibility requirements to ensure new development is adequately served by highways and public transport, and with safe and secure access for pedestrians, cyclists and people with impaired mobility.

Policy G9 states that development will need to demonstrate biodiversity improvements.

Policies EN1 & EN2 set targets for CO<sup>2</sup> reduction and sustainable design and construction, including Code for Sustainable Homes Level 4 and at least 10% low or zero carbon energy production on-site.

### **6.3 Saved Unitary Development Plan Review policies (UDPR)**

#### **6.3.1 Relevant Saved Policies include**

GP5 All relevant planning considerations to be resolved.

N15 Change of use of Listed Buildings favourably considered providing the new use does not diminish the special qualities of the building.

N16 Extensions to listed buildings only accepted where they relate sensitively to the original.

N17 Features and the plan form which contribute to the character of a listed building should be preserved.

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

BD5 Ensure a satisfactory level of amenity for occupants and surroundings.

T24 Parking provision should reflect detailed UDP parking guidelines.

- T7A Cycle parking requirements.
- T7B Motorcycle parking requirements.
- LD1 Sets out criteria for landscape schemes.

#### 6.4 **Natural Resources & Waste DPD 2013**

6.4.1 The plan sets out where land is needed to enable the City to manage resources, such as 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, coal recovery and land contamination are relevant to this proposal.

#### 6.5 Other material considerations

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

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.
- 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.

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).

Planning should proactively support sustainable economic development and seek to secure high quality design. It encourages the effective use of land and achieves standards of amenity for all existing and future occupiers of land and buildings. One of the core principles is the reuse of land that has previously been developed. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. 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).

Local planning authorities should identify and bring back into residential use empty housing and buildings. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate (para 51).

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.

Paragraph 131 states that Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic viability.

## 6.6 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 and the interim affordable housing policy  
 SPG Neighbourhoods for Living

## 6.7 The Leeds Standard and the DCLG Technical Housing Standards

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 37m<sup>2</sup> for a self-contained studio flat; 47m<sup>2</sup> for a one-bedroom flat and 60m<sup>2</sup> for a two-bedroom flat. This standard closely reflects the Government's Technical Housing Standards – Nationally Described Space Standard which seek to promote a good standard of internal amenity for all housing types and tenures. Whilst neither of these documents has been adopted as formal planning policy in Leeds given their evidence base in determining the minimum space requirements they are currently used to inform decisions on the acceptability of development proposals.

## 7.0 ISSUES

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

### 7.1 Principle of the use

7.1.1 The proposal is for a predominantly residential development within the existing and extended building. The National Planning Policy Framework, Core Strategy, and Leeds Unitary Development Plan Review saved policies all support the principle of residential development within this area. A bar (A4) is proposed at lower ground level accessed directly from North Street. Such a use would complement other commercial activities in the area and help to activate the North Street frontage.

### 7.1.4 **Do Members consider that the proposed uses are acceptable in principle?**

### 7.2 Heritage and townscape considerations

- 7.2.1 The proposed development would ensure future use and subsequent maintenance of the listed building. Whereas the building as a whole is listed, the quality of the building, both externally and internally, reduces from its east (North Street) to west end. Accordingly, alterations are limited at the eastern end and more significant moving towards the west. The internal fabric and layout at the eastern end would be largely retained. Reflecting its original use as a public dispensary much of the remaining interior of the listed building is functional in appearance. New internal partitions would respect the position of existing windows. The removal of a previously inserted infill floor at first floor level would re-open and restore the former waiting area as a double height communal space in the centre of the building. A new glazed roof would be constructed over a section of this space providing natural daylighting into the heart of the building. The existing roof has limited impact when viewed from longer distance views from the south. It is barely visible closer to the building. It is intended to remove the roof (other than over the North Street element) and to replace it with a new double height barrel roof structure in a similar style to the one introduced at Crispin House. This larger roof would have a more significant presence than that existing but, subject to detailed design and use of sympathetic, high quality, materials would be a similar height as the apex of the roof over the North Street element and not appear overdominant or incongruous.
- 7.2.2 As noted, the existing buildings at the west end of Centenary House do not relate to the form or appearance of the main building and there is nothing of historic or architectural interest internally. Their loss would not be harmful to the listed building or to its setting. The replacement extension is designed to reflect the form and position of the eastern end of the original building and also to respond to the alignment of the Inner Ring Road. The extension would be around a storey taller than the new roof of the main building albeit with an eaves line at a similar level. The step up from east to west is an appropriate response to the changing levels across the site. Similarly, the scale of this part of the building would not appear out of place directly adjacent to the Inner Ring Road cutting, a significant piece of highway infrastructure, or when viewed against the back-drop of larger scaled buildings on the west side of the Inner Ring Road. The four-storey wedge-shaped extension proposed in the gap between the extension and the original building would, subject to detail, represent a suitable transition between the old and the new.
- 7.2.3 As noted, the building will benefit from a good-sized, double-height, communal space. However, the site itself is constrained by existing highways such that external amenity space is likely to be limited. Notwithstanding, it is considered that the existing space to the south of the building needs to be sensitively hard and soft landscaped to provide an appropriate setting to the building. Ideally, this space should include the piece of land within Council ownership. No details of landscaping proposals were available when this report was drafted.
- 7.2.3 Do Members consider that the proposed alterations and extensions, subject to detailed design and provision of an appropriate landscape scheme, have an acceptable impact upon the listed building and wider townscape?**

### 7.3 Residential amenity

- 7.3.1 The current proposals identify 79 residential units comprising the following components:
- 37 studios ranging between 36sqm – 47sqm
  - 34 one bedroom apartments ranging between 47sqm – 70sqm
  - 8 two bedroom apartments ranging between 60sqm – 102sqm

7.3.2 Other than for one unit, all apartments would meet or exceed the targets identified in the Leeds Standard and National Standards. This studio unit would be situated at third floor level on the southern side of the building. The suggested layout appears acceptable in terms of available space and ability to easily move around the studio and occupiers would benefit from good levels of daylighting and also an extensive outlook towards the south. As with other units, occupiers of this studio would also be able to utilise the communal area located in the centre of the building.

7.3.3 Centenary House is located in close proximity to several major roads. Heavy vehicle use of the roads results in some of the poorest air quality in Leeds and significant road noise. However, given the period of time which the property has been on the market it is unlikely that a non-residential use will come forward in the near future. There are also several other residential properties in the immediate area with similar issues, including Crispin House, Merchants House, Caspar House (vacant) and 74 North Street. Given the need to find a viable use for the listed building, and recognising the wider need for housing in sustainable locations, the utilisation of mechanical ventilation, drawing air from elevated points on the building would in combination of high specification glazing provide acceptable air quality and internal noise environment.

**7.3.4 Do Members consider that, subject to the provision of mechanical ventilation and suitable noise mitigation by way of acoustic glazing, the amenities offered to occupiers of the building would be acceptable?**

7.4.1 Policy H4 of the Core Strategy seeks to ensure that new housing is of a range of types and sizes to meet the mix of households expected over the Plan period, taking account of preferences and demand in different parts of the city. With this in mind the Policy is worded to offer flexibility. 47% of the units would be studios; 43% of the units would be one-bedroom; and 10% of the units would be two-bedroom, many with the capacity to accommodate more than two people. However, the Core Strategy target of 30% three-bedroom and 10% four-bedroom appears unrealistic in this location.

**7.4.2 What are Members' views on the mix of residential accommodation proposed?**

#### 7.5 Transport and Access

7.5.1 The site is located in a sustainable location close to the many amenities offered by the City Centre. Highways have no objection in principle to the proposed uses which are likely to generate fewer vehicular movements than the previous use of the building. Further information is needed with the planning application regarding facilities to be provided for cycling; servicing arrangements; travel planning and how the provision of limited car parking provision would be managed. However, space is available to the front of the building which, as part of a landscaping scheme, could be designed to incorporate suitable provisions for servicing the building.

**7.5.2 Do Members agree that, subject to the provision of suitable details of measures to service the building and how sustainable transport facilities will be provided that limited car parking provision is acceptable at the site?**

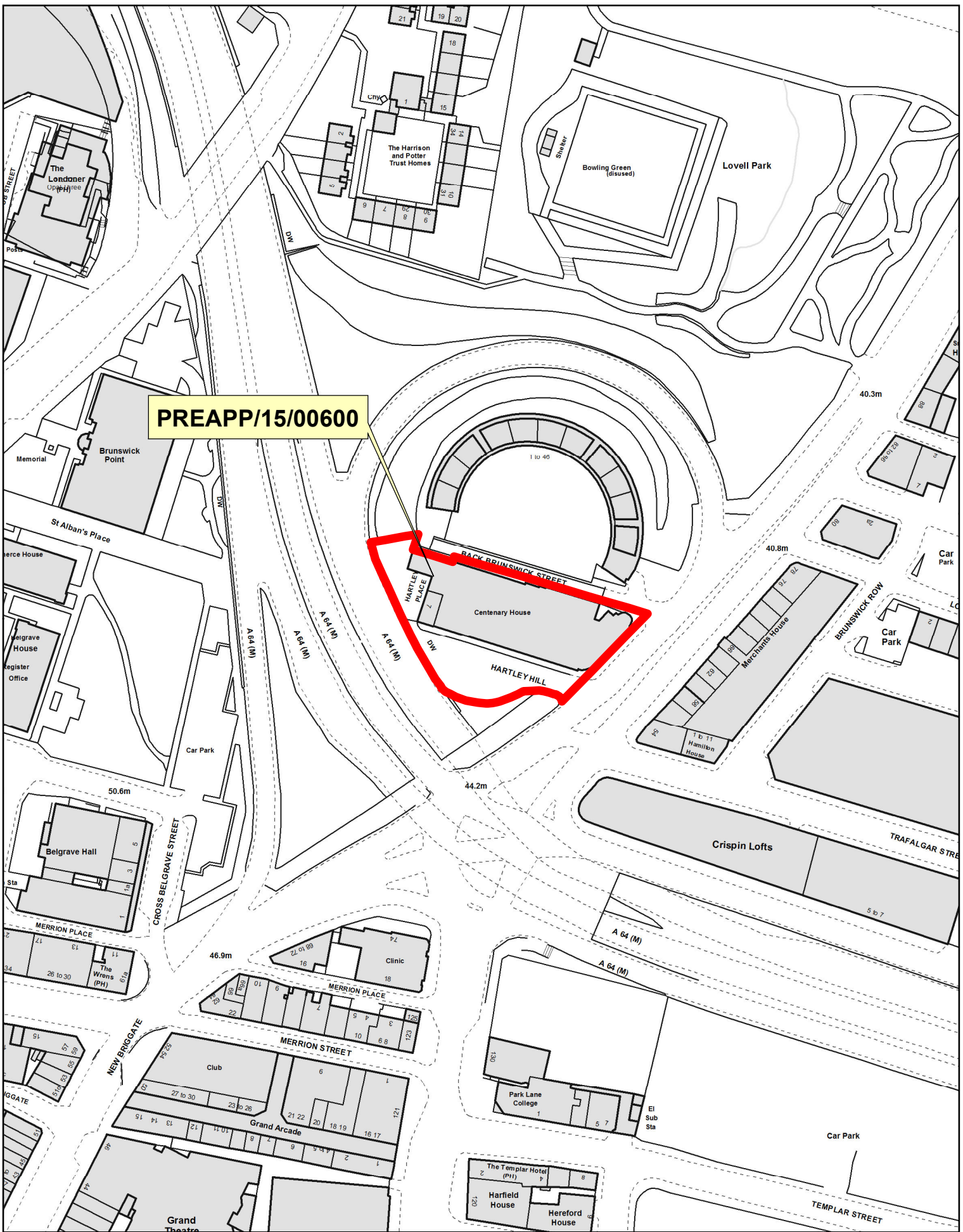
#### 7.6 Other matters

7.6.1 The building has been on the market for several years and largely vacant for much of that time. Accordingly, the owners of the building are hoping to sell the building as

soon as possible so as to release funds to provide permanent replacement facilities for those lost at Centenary House.

**7.6.2 Subject to the issues above being resolved and no other significant issues arising do Members agree that, when submitted, the planning and listed building applications can be determined on a delegated basis?**





**PREAPP/15/00600**

# CITY PLANS PANEL



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