



Leeds
CITY COUNCIL

Originator: Tim Hart
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Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 26th JUNE 2014

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

APPLICANT
Commercial Development
Projects Ltd

DATE VALID
14th May 2013

TARGET DATE
13th August 2013

Electoral Wards Affected:

City & Hunslet

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION : DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions (and any others which he might consider appropriate) and also the completion of a Section 106 agreement to include the following obligations:

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

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

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

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

Local employment and training initiatives;

Section 106 management fee (£2250).

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

1.0 INTRODUCTION

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

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

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

The minutes of that meeting are attached as Appendix 2.

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

2.0 SITE AND SURROUNDINGS

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

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

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

3.0 PROPOSALS

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

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

4.0 RELEVANT PLANNING HISTORY

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

5.0 PUBLIC/LOCAL RESPONSE

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

6.0 CONSULTATION RESPONSES

Statutory:

Transport Development Services:

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

Environment Agency:

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

English Heritage:

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

Canal and River Trust (CRT):

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

The Coal Authority:

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

Non-statutory

Leeds Civic Trust (LCT):

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

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

The Victorian Society (TVS):

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

LCC Regeneration Programmes:

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

Transport Development Services – Travelwise:

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

Contaminated Land Team (CLT):

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

Metro

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

Access:

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

Flood Risk Management:

No objections subject to a condition regarding surface water drainage.

Yorkshire Water:

If planning permission is granted drainage conditions should be included.

NGT Project Team:

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

Entertainment Licensing:

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

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

Police Architectural Liaison Officer:

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

West Yorkshire Archaeology Advisory Service:

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

LCC Nature Conservation:

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

7.0 PLANNING POLICY

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

7.2 National Planning Policy Framework

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

7.4 Natural Resources and Waste Local Plan 2013 (NRWLP)

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

7.5 Draft Core Strategy (DCS)

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

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

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

7.6 Supplementary guidance

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

- 7.6.2 Building for Tomorrow Today – Sustainable Design and Construction SPD identifies sustainable development requirements.
- 7.6.3 Current affordable housing policy comprises both the Interim Affordable Housing Policy and Supplementary Planning Guidance (SPG) (the SPG, Feb 2003 and SPG Annex July 2005, revision April 2010). The interim affordable housing policy was approved by Executive Board on 18 May 2011. Any application for planning permission for 15 residential units or more has to provide affordable housing in accordance with policy. Permissions granted on the basis of the interim policy will normally be time limited to 2 years implementation to ensure that permissions are implemented swiftly. Within the City Centre Housing Market Zone there is a current requirement for 5% affordable housing, split 40% social rent and 60% submarket housing.
- 7.6.4 City Centre Urban Design Strategy September 2000 seeks to reinforce the positive qualities of character areas, re-establish urban grain, provide enclosure to streets, create visual interest, encourage excellent design, improve pedestrian connections, develop a mixture of land uses, promote active frontages and promote sustainable development.
- 7.6.5 Leeds Waterfront Strategy 2002 (Review 2006) guides the regeneration of Leeds Waterfront through use, links and appropriate environmental enhancement.
- 7.6.6 Travel Plans SPD (September 2012) identifies the need for sustainable approaches to travel.
- 7.6.7 SPG6 Development of Self Contained Flats and SPG13 Neighbourhoods for Living (2003) identify amenity and design considerations in developing new flats.

8.0 MAIN ISSUES

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

9.0 APPRAISAL

9.1 Principle of the development

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

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

9.2 Demolition

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

9.3 Scale, layout and landscape

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

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

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

9.4 Design and appearance

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

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

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

9.5 Residential amenity

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

9.6 Highways and access

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

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

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

9.7 Flood risk

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

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

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

9.8 Section 106 issues

- 9.8.1 A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms,
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 9.8.2 The proposed scheme produces the need for the following obligations which it is considered meet the legal tests:
- 4 affordable housing units (2 for social rent and 2 for submarket housing) if commenced within two years.
 - Provision of public realm prior to occupation and subsequent maintenance of access to the space by the public
 - Public transport contribution between £23,540 and £24,101
 - Car club contribution £2,970

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

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

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

9.9 Conclusion

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

Background Papers:

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

Certificate of ownership – signed on behalf of applicants.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLVED - To note the report and the comments now made

Appendix 3 - Suggested conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

19) No building operations shall commence in the relevant part of the development until details and samples of all external facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

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

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

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

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

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

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

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

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

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

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

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

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

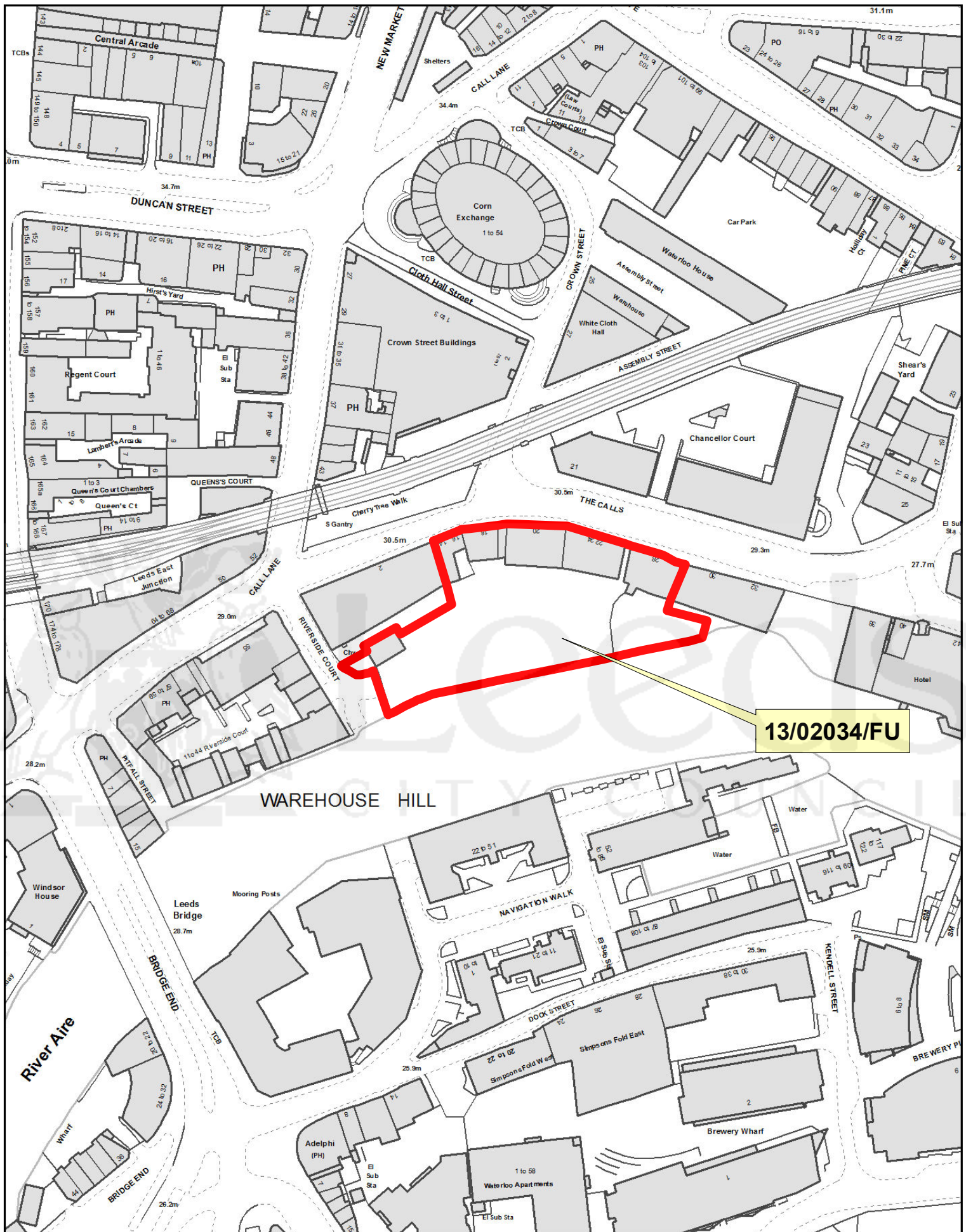
31) The development shall not be occupied until an oil interceptor, designed to intercept all surface water from areas to be used by vehicles, and any other areas likely to be subject to contamination, has been provided. The oil interceptor shall thereafter be retained and maintained in a satisfactory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

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

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

details shall include a description of the facilities to be provided including, where appropriate, lockable containers and details for how the recyclable materials will be collected from the site with timescales for collection. The approved scheme shall be implemented before the development hereby permitted is brought into use and no waste or litter shall be stored or disposed of other than in accordance with the approved scheme.

- 43) No external storage of plant, materials and/or products shall take place on the site.
- 44) Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3m of the line of the sewer which crosses the site.
- 45) A separate system of drainage for foul and surface water shall be provided.
- 46) No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off site works have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented prior to the occupation of the development.
- 47) The development shall not be occupied until the details of the approved John O Connor flood risk assessment reference 13/001.01 dated 26th April 2013, incorporating the accepted mitigation measures including a flood defence scheme designed to the 1 in 200 year plus climate change level of protection and reducing surface water run-off by 30% as compared to the existing situation, have been implemented. The approved works shall thereafter be retained and maintained.
- 48) Other than for the basement car park finished floor levels of the development shall be no lower than 26.675m AOD except for lower ground floor levels which are protected from flooding by a surrounding external ground level of at least 26.675m AOD.
- 49) Prior to commencement of works on site, full details, including cross sections of the treatment and materials to be used for strengthening the river bank, shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details.
- 50) Prior to the commencement of development a risk assessment shall be submitted with regards to the proposed use of the site and waterfront safety. The development shall be completed in accordance with the details thereby agreed.
- 51) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or and other Order revoking or re-enacting that Order with or without modification) planning permission shall be obtained before any change of use of the premises referred to in this permission to any use within Use Classes A1 and A2 as defined in the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order with or without modification).
- 52) The development shall not be occupied until provision has been made in the means of access both to and within the proposed development, and within sanitary conveniences, for the needs of employees who are disabled. All such facilities shall thereafter be retained, maintained and made available for use.



13/02034/FU

CITY PLANS PANEL

