



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 21st January 2016

Subject: OUTLINE APPLICATION FOR MIXED USE REDEVELOPMENT INCLUDING A1, A3, A4 and A5 USES, OFFICES (B1), RESIDENTIAL (C3), MEDICAL CENTRE (D1), COLLEGE (D1), STUDENT RESIDENTIAL ACCOMODATION, MULTI-STOREY CAR PARK, BASEMENT CAR PARKING, ACCESS AND OPEN SPACE ON LAND AT QUARRY HILL (APP. REF. 14/06534/OT)

APPLICANT

Caddick Development Ltd

DATE VALID

7th November 2014

TARGET DATE

6th February 2015

Electoral Wards Affected:

City and Hunslet

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Members are recommended to approve this application in principle and defer and delegate the final decision to the Chief Planning Officer subject to specified conditions outlined in the appendix at the end of this report (and such other conditions as he may consider appropriate) and following the completion of a Section 106 Agreement to secure the following:

- a) Requirement for public access to and maintenance of all routes through the scheme and public spaces
- b) The provision of on-site Affordable Housing (5% of the total number of units to be provided on site, 40% of these to meet the needs of households on the lower quartile of earnings and 60% of these to meet the needs of households on the lower decile of earnings)
- c) Travel Plan initiatives:
 - i) £34,000 for free trial car club membership package for residents and staff
 - ii) Provision of 3no. car club parking spaces
 - iii) £10,210 Travel Plan Review fee
- d) Up-grading of bus stop on York Rd to include real time display (£20,000)
- e) Money for off-site highway works £213,765 – for improvements to junctions and crossings

f) Management and pricing strategy for Multi Storey Car Park

g) Safety improvement works to the footbridge over the A64(M) (£50,000)

h) Local Employment Initiatives

Together with such ancillary clauses as the Chief Legal Officer shall consider appropriate.

1.0 INTRODUCTION:

1.1 This scheme was brought before Members at Panel in November 2015 (see attached report). The relevant minutes state that:

It was accepted that there were no concerns regarding the proposed uses for the site; the massing or the masterplan. It was also confirmed that if outline consent was granted, the Reserved Matters application for each phase would be presented to Panel

RESOLVED - To note the Panel's general satisfaction with the form of development but that a further report be presented in due course on the application to include the phasing plan, with details of the temporary landscaping proposals and how they related to the phasing, together with evidence of the developer's commitment to early delivery of this scheme in writing

1.2 This report addresses the issues of phasing, development delivery and car parking on site given that the physical form and uses contained within the development were considered to be acceptable.

2.0 DELIVERY AND PHASING

2.1 In terms of the phasing of the scheme, the applicant has prepared plans to show how the development may come forward. Condition 1 (see below) requires the submission of a phasing plan. As it is not possible to foresee which element of the scheme will come forward first this gives the ability to review the situation at each reserved matters phase.

C1. A plan showing the anticipated phases of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the submission of any application for the approval of reserved matters or any application for the approval of details required by conditions on this permission. Phases of the development shall thereafter be carried out in accordance with the submitted plan, unless otherwise approved in writing by the Local Planning Authority, and any reference to `phase` or `phases` in the conditions below shall refer to the phases detailed in the plan thereby approved.

2.2 However, it is possible to set out what the distinct phases are, even if it is not certain in which order these will progress. The initial phasing plan envisages 6 phases which coincide with the 6 buildings. These are identified as follows:

Block A – MSCP plus A3/A4

Block B – Office / Residential / Student Housing / Education

Block C – Residential / Student Housing plus A1/A3/A4/A5 and D1

Block D – Office plus A1/A3 and A4

Block E – Office , Residential plus A1/A3/A4 and A5

Block F – Office , Residential plus A3 and A4

2.3 In addition Caddick have made the following points:

1. The phasing plan sequence can be amended/updated at any time within the context of proposed Condition 1
2. The proposed underground car parking provision will be an integral part of the phasing sequence
3. As each block comes forward the remainder of the site will be kept as surface car parking at all times with numbers maximised and the areas managed and maintained in accordance with the Development Agreement entered in to with L.C.C. at the time the land was purchased. Caddick have also stated that no construction traffic would cross the proposed central pedestrian route.

2.4 Proposed Condition 2 requires reserved matters to be submitted for each phase of development and the wording of this condition (see conditions listed at the end of this report) requires that details of 'landscaping, including the temporary treatment of future phases of the development' shall be submitted to the Local Planning Authority for approval.

2.5 Proposed Condition 3 (see conditions listed at the end of this report) requires the approval of the 1st phase of the Reserved Matters within 3 years of the date of permission. This timescale is standard for delivery of such major mixed use schemes and phases of the development would come forward within the context provided by the combination of Conditions 1 and 3.

2.6 Proposed Condition 10 requires that a landscaping scheme for that phase be submitted for approval by the Local Planning Authority and then implemented to an agreed timescale.

2.7 In respect of phasing, Caddick have made the following statement:

Caddick Developments now control the site, having completed the purchase in March 2014.....*therefore*....the site is now in the control of a single landowner with the ability to deliver development. Various funding streams are ready and available to assist the commencement of development. Caddick developments have a superb track record of delivering significant development schemes. The market is now moving again at pace, funding is improving and the enquiries are increasing. The timing is right to secure outline planning permission as the foundation and catalyst to attract occupiers and ensure early Reserved Matters application submissions.

Caddick Developments are currently actively engaged in the following market discussions:

- 2 educational establishments
- 3 student housing providers
- Build to rent (PRS) residential units

Caddick Developments are extremely optimistic that the combination of current interest and discussions, the opening of John Lewis, and its car

park and the overall improving market, will result in an early phase of the Quarry Hill scheme commencing in the short-term. Caddick Developments are committed to the delivery of the Quarry Hill redevelopment scheme. The granting of outline planning permission will provide the key ingredient to the scheme's progress and delivery.

3.0 DELIVERY OF THE MULTI-STOREY CAR PARK AND OPERATION OF THE SURFACE CAR PARKS

3.1 The car parking to be provided on site consists of the following:

1. A 578 space multi-storey car park (MSCP). 78 of these spaces would be for use by occupiers of the commercial and residential elements within the proposed development. In respect of the remaining 500 spaces these are to be used as follows:

- A minimum of 250 spaces will be available for short stay parking at all times.
- The remainder of the spaces (up to 250) will be used for contract/season ticket parking, Mon-Sat.
- A guaranteed 350 short stay spaces will be available after 6:00pm for West Yorkshire Play House (WYPH) patrons, which can be provided as the majority of the 250 contract/season ticket parking will have left by this time. In reality more than 350 short stay spaces should usually be available after 6:00pm.

A pricing policy, which can be reviewed periodically, will make sure the car park remains short-stay and does not become entirely long-stay due to customer's willingness to pay for long-stay parking.

2. The four central buildings are to be built above a dual-deck basement car park, accessed by vehicles from the southern side of the site (the only point of access). This would provide dedicated parking for the residential, office and commercial units above (approx. 422 spaces).

3. Disabled parking will be retained in Playhouse Square with 8 spaces being indicated on the submitted plan.

3.2 At the time of purchasing the land from L.C.C. Caddick Developments entered into a 250 year long lease with the Council and are obligated as part of the Development Agreement between the two parties to the following:

(Within the agreement the MSCP is defined as - a multi-level car park containing at least 500 spaces including no fewer than 250 spaces for public car parking between 8am and 6pm and 350 spaces for public car parking between 6pm and midnight).

1. Caddick Developments shall not be obliged to carry out any development but if it does, then they will first complete the development of the MSCP, unless the timing of delivery is varied or removed by the Council.
2. Caddick Developments may, with the Council's agreement, commence development of any block before completion of the MSCP but shall,

pending opening of the MSCP, use all reasonable endeavours to maximise the number of surface parking spaces.

3. The Council and Caddick Developments acknowledge that the development or planned development of the MSCP on Millgarth may have a material and adverse effect on the viability of the MSCP on Quarry Hill and/or on Caddick Developments ability to find a tenant ready, willing and able to take a full repairing and insuring lease at full market value of the MSCP upon terms that will show a reasonable commercial return upon Caddick Development's costs. If the Council and Caddick Developments cannot agree whether the MSCP is commercially viable then there are provisions within the Development Agreement for alternative determination.

3.3 In summary this means that, subject to Council approval, any building within the development can come forward ahead of the completion of the MSCP. Therefore, there is no phasing restriction and individual blocks can come forward within a flexible phasing context.

3.4 The development agreement also sets out provisions relating to Caddick Developments operation of the surface car parking:

1. Caddick Developments shall keep the surface car parks open and available for public use between 6am and 12am until the opening of the MSCP at a level of charge having the qualified approval of the Council
2. Caddick Developments to clear access roads of snow and keep properly gritted
3. Caddick Developments will retain the same number and position of disabled spaces within the surface car parks as currently exist
4. Caddick Developments will generally improve and tidy the car parking areas and bay markings
5. Caddick Developments will repair major pot holes and undertake maintenance thereafter
6. The number of parking spaces shall be maximised at all times

3.5 In summary this would result in:

- i. The maximisation of the number of existing surface car parking spaces ahead of the opening of the MSCP
- ii. Proper maintenance of the surface car parking areas, roads and landscape environment to ensure visual appearance
- iii. Provision and retention of routes and linkages through the site

3.6 The applicant has stated that they:

'recognise that car parking is an asset and with the increase in visitors to the city year on year and John Lewis opening this year visitor car parking will undoubtedly be required. The level of parking required will not be known until John Lewis and the MSCP on the former Millgarth police station site are open and trading. Therefore Caddick Developments will not know for a period of time whether there is an occupier in the market willing to sign up to operate a MSCP on the Quarry Hill site on viable terms until the car parking in the area has been reviewed.'

3.7 Caddick and their representatives will present a series of images and diagrams which will demonstrate how the site's development could be phased whilst retaining both car parking and routes through the site during construction. There are examples of other development sites across the city centre where such an approach has operated successfully. Most notably this has happened on the Wellington Place site, for which Members have received a Panel presentation and also visited in the last 12 months. This is an extensive site with outline permission for 13 buildings. The phasing of this has been totally reliant on market forces. The applicant has worked through this and has retained access to the surface car parking as well as carried out temporary landscaping to assist in the creation of accessible and pleasant pedestrian routes whilst construction is taking place.

4.0 CONCLUSION

4.1 Caddick Developments acknowledge the obligations contained within the Development Agreement and will bring forward development proposals accordingly within the flexible phasing context that exists and controlled by the conditions attached to the permission set out above. The MSCP will come forward if it is viable to do so and other blocks can come forward ahead of it, with Council approval, in the interests of ensuring development activity. Blocks such as B, C and D can come forward with the minimal loss of surface car parking spaces and those lost can be relocated within the wider development site as part of the flexible phasing programme for the development.

4.2 The applicant has also made it clear that the receipt of outline planning permission in itself will assist in bringing forward the development of the site, as this can be used in the marketing of the site to prospective tenants and occupiers. Clearly there is a further reserved matters stage of the planning process which each phase of development will have to go through prior to construction taking place.

4.3 In this context, and with the safe-guards in place set out in the conditions, officers consider that there is sufficient certainty in place to ensure that individual blocks can come forward within a phasing context that delivers development, provides for car parking and temporary landscaping and protects existing surface car parking numbers.

BACKGROUND PAPERS:

Previous Application file: 20/523/04/OT

Certificate of Existing Lawful Use for surface car parking app. ref. 13/02275/CLE

14 storey office building with attached multi-storey car park 12/03110/EXT.

13 storey hotel with casino, bars/restaurants and basement parking 12/03111/EXT.

DRAFT CONDITIONS

QUARRY HILL 14/06534/OT

- 1) A plan showing the anticipated phases of the development shall be submitted to and approved in writing by the local planning authority prior to the submission of any application for the approval of reserved matters or any application for the approval of details required by conditions on this permission. Phases of the development shall thereafter be carried out in accordance with the submitted plan, unless otherwise approved in writing by the local planning authority, and any reference to `phase` or `phases` in the conditions below shall refer to the phases detailed in the plan thereby approved.

In order to accord with the provisions of the Leeds Core Strategy, Saved Policies of the Leeds Unitary Development Plan Review and the Leeds Natural Resources and Waste DPD, in the interests of amenity, visual amenity, the provision of affordable housing, pedestrian connectivity, highways safety, sustainable development, and in order that the Local Planning Authority is informed of the phasing in order that the relevant sections of the conditions may be discharged.

- 2) Development shall not commence on any phase of the development until approval of the following details (hereinafter referred to as the reserved matters) in relation to that phase shall be obtained from the Local Planning Authority,
 - a. Appearance
 - b. Landscaping (including the temporary treatment of future phases of the development)
 - c. ScalePlans and particulars of the reserved matters shall be submitted utilising a planning application form and shall be carried out as approved.

Because the application is in outline only and as no details have been submitted of the reserved matters, they are reserved for subsequent approval by the Local Planning Authority

- 3) Application for approval of reserved matters for the first phase of development shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Application for the approval of reserved matters for each subsequent phase of development shall be made within two years of the approval of reserved matters for the previous phase.

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

- 4) The first phase of the development hereby permitted shall be implemented either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be agreed for that phase whichever is the later. Subsequent phases of development shall be implemented before the expiration of two years from the date of approval of the last of the reserved matters to be agreed for that phase whichever is the later.
- 5) The reserved matters shall be in accordance with the approved parameter plans listed in the Plans Schedule.

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

- 6) The uses hereby permitted shall be limited to the maximum Gross Internal Areas included in the approved Matrix of Accommodation contained at appendix II of the Design and Access Statement October 2015.

In order to ensure that the developed scheme does not exceed the floor spaces which have been used to assess the impact which this proposal will have on its surroundings, including the neighbouring buildings and the local highway network. In the interests of proper planning.

- 7) The A1 retail floorspace shall be for convenience retail use only and shall not exceed a total of 700sqm on the entirety of the site. Only one A1 unit may be of a size up to 425 sqm with all other units not exceeding 80 sqm each.

In the interests of the vitality and viability of existing retail centres, in accordance with Leeds UDPR Policy GP5, Leeds Core Strategy policies SP2, SP3, P8 and CC1 and the NPPF.

- 8) Prior to building works in each phase details and samples of all external walling and roofing materials for that phase shall be submitted to and approved in writing by the Local Planning Authority. Samples shall be made available on site prior to the commencement of building works, for inspection by the Local Planning Authority which shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

In the interests of visual amenity in order to accord with Leeds UDP Review Policies GP5 and BD2, Leeds Core Strategy Policy P10 and the NPPF.

- 9) Prior to building works in each phase details of the position, design, materials and type of all walls and/or fences or permanent boundary/screening treatment for that phase shall be submitted to and approved in writing by the Local Planning Authority. Such walls and fences shall be erected in accordance with the approved details, before the land/buildings to which they relate are occupied, and shall thereafter be retained.

In the interests of visual amenity, in accordance with Leeds UDPR Policies GP5 and LD1, Leeds Core Strategy Policy P10 and the NPPF

- 10) Prior to building works in each phase full details of both hard and soft landscape works, including an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority for that phase. Hard landscape works shall include

- (a) proposed finished levels and/or contours
- (b) boundary details and means of enclosure
- (c) vehicle and pedestrian access and circulation areas,
- (d) hard surfacing areas,
- (e) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),
- (f) 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
- (g) planting plans
- (h) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- (i) schedules of plants noting species, planting sizes and proposed numbers/densities. All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations.

The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

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

- 11) Development shall not commence until a Phase I Desk Study for the site 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.

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.

- 12) In relation to each phase, 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.

- 13) In relation to each phase, 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. Each phase of the development shall not be brought into use until such time as all verification information for that phase 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.

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

To ensure that contaminated soils are not imported to the site and that the development shall be suitable for use with respect to land contamination in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

- 15) Unless otherwise approved in writing by the Local Planning Authority, no construction of buildings or other structures shall take place on a phase until measures to divert or otherwise formally close the sewers and water mains that are laid within that phase have been implemented in accordance with details that have been submitted to and approved by the local Planning Authority.

To ensure sustainable drainage, flood prevention and to maintain the public water supply, in accordance with LCC's Natural Resources and Waste LDF 2013 and the NPPF

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

To ensure sustainable drainage and flood prevention in accordance with Leeds UDP Review (2006) Policy GP5, Leeds Core Strategy Policy EN5, the Leeds Natural Resources and Waste DPD and the NPPF.

- 17) No development of a phase 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 relating to that phase, have been submitted to and approved by the Local Planning Authority.

To ensure sustainable drainage and flood prevention in accordance with LCC's Natural Resources and Waste LDF 2013 and the NPPF

- 18) Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from any completed phase of the development prior to the completion of the approved surface water drainage works for that phase and no buildings shall be occupied or brought into use within that phase prior to completion of the approved foul drainage works

To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal, in accordance with the Leeds NRWDPD and the NPPF.

- 19) Construction activities shall be restricted to 07.30 to 18.30 hours Monday to Friday and 08.00 to 13.00 hours on Saturdays with no works on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

In the interests of residential amenity, in accordance with Leeds Core Strategy, Leeds UDPR Saved Policy GP5 and the NPPF

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

- a) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
- b) measures to control the emissions of dust and dirt during construction;
- c) location of site compound and plant equipment/storage; and
- d) how this Statement of Construction Practice will be made publicly available by the developer.
- e) location of access and egress from the site and management of vehicle movements entering and exiting the site
- f) car parking for contractors staff and operatives

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

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

- 21) Prior to building works in each phase of the development details of a sound insulation scheme designed to protect the amenity of the noise sensitive elements of that phase of the development from proposed and existing noise sources, and existing nearby residents from noise emitted from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority. The uses approved in that phase shall not commence until the works have been completed, and any such noise insulation as may be approved shall be retained thereafter.

In the interests of residential amenity, in accordance with Leeds Core Strategy, Leeds Saved UDPR Policy GP5 and the NPPF

- 22) Prior to occupation of each phase, details for the provision of bin stores (including siting, materials and means of enclosure) and (where applicable) storage of wastes and access for their collection for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full before the use commences and shall be retained thereafter for the lifetime of the development.

To ensure that adequate provision for bin storage is made and in the interests of visual and residential amenity, in accordance with Leeds UDPR Policy GP5, Leeds Core Strategy Policies T2 and P10 and the NPPF.

- 23) The hours of delivery to and from (including refuse collection) any unit used for A1/A3/A4/A5 use shall be controlled by a delivery management plan to be agreed with the Local Planning Authority prior to the occupation of that unit.

In the interests of residential amenity, in accordance with Leeds UDP Review 2006 Policy GP5 and the NPPF.

- 24) No external lighting shall be installed for any phase of development until a scheme has been approved in writing by the Local Planning Authority for that phase. The scheme shall be installed and retained thereafter in accordance with the approved details prior to first occupation of that phase.

In the interests of amenity and residential amenity, in accordance with Leeds Core Strategy, Leeds Saved UDPR Policy GP5 and the NPPF

- 25) No phase of development hereby approved shall be occupied until a management plan for the control of vehicular movements through the site at surface level, which relates to that phase, has been submitted to and agreed in writing with the Local Planning Authority.

In the interests of sustainable development, and vehicular and pedestrian safety, in accordance with Leeds Core Strategy Policies T1 and T2, and the NPPF.

- 26) No phase of the development hereby approved shall be occupied until a plan, setting out the location of electric vehicle charging points, car share spaces and any car club parking spaces to be provided in that phase, has been submitted to and approved in writing by the Local Planning Authority. The charging points for that phase shall be provided in accordance with the approved details prior to first use of the car park for each phase, and retained as such thereafter.

In the interests of encouraging more sustainable forms of travel, in accordance with the NPPF, Leeds Natural Resources and Waste DPD, Leeds Travel Plans SPD, Leeds UDPR Policies GP5 and Leeds Core Strategy Policy T2

- 27) Prior to building works in each phase, full details of the car parking provision and a car park management plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The car parking, as approved, shall be provided prior to the first occupation of that phase of the development.

In the interests of sustainable development, and vehicular and pedestrian safety, in accordance with Leeds Core Strategy Policies T1 and T2, and the NPPF.

- 28) Prior to building works in each phase, details of cycle and motorcycle parking, and associated facilities to include showers and lockers where required, for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle/motorcycle parking and associated facilities shall be provided prior to occupation of that phase of development and retained as such thereafter.

In the interests of promoting walking, running and cycling as more sustainable means of travel to work, in accordance with the NPPF, Leeds UDPR Policy GP5, Leeds Core Strategy Policy T1 and the Travel Plans SPD.

- 29) No part of any phase of development shall be occupied until all areas shown on the approved plans to be used by vehicles in that phase have been fully

laid out, surfaced and drained such that surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

To ensure the free and safe use of the highway in accordance with adopted Leeds Core Strategy Policy T2 and Street Design Guide SPD (2009).

- 30) Before building works commence on each phase of development, a statement for that phase shall be submitted to and approved by the Local Planning Authority which demonstrates the feasibility of achieving the sustainable design and construction standards set out in policies EN1 and EN2 of the City Council's adopted Leeds Core Strategy 2014. The development shall be implemented in accordance with the agreed statement.

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 NPPF.

- 31) Notwithstanding the plans hereby approved, the reserved matters application for the permanent and any temporary treatment of each phase of development shall include a wind study which shall demonstrate a safe wind environment for the intended activities. The works shall then be implemented as approved prior to occupation of that phase of development.

In the interests of safety and amenity, in accordance with Leeds UDPR Policy GP5 and the NPPF

- 32) Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

In the interests of satisfactory and sustainable drainage in accordance with the NPPF

- 33) Details of any external extract ventilation system shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and the system shall be installed and maintained in accordance with the approved details.

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

Hot food uses will often require an extract ventilation system to deal with odour and fumes. Guidance on suitable design is provided in DEFRA

guidance at: <http://www.defra.gov.uk/publications/files/pb10527-kitchen-exhaust-0105.pdf>

- 34) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) planning permission shall be obtained before any change of use, of A3 and A4 uses referred to in this consent, to any use within use Class A1 as defined in the Town & Country Planning Use Classes (Amendment) Order 2005 (or any order revoking or re-enacting that order with or without modification).

In order that the Local Planning Authority can retain control over uses which it considers could be harmful to the character of the area and the viability of the City Centre in accordance with policy CC1 of the adopted Leeds Core Strategy 2014

- 35) Prior to building works commencing for each phase, detailed 1:20 scale working drawings of the following features shall be submitted to and approved in writing by the Local Planning Authority for that phase:

- (a) Sections of windows, doors and balconies;
- (b) Junctions of materials and recesses, rooflines and eaves;
- (c) Shop-front and shop-front design guide to ground floor and mezzanine uses.

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

In the interests of visual amenity in accordance with saved policy BD5 of the Leeds UDP Review (2006)

- 36) Prior to occupation of each phase of development details of a strategy for a CCTV system to be provided within that phase shall be submitted to the Local Planning Authority. This strategy shall then be implemented prior to occupation of each phase of development.

In the interests of safety of the users of the site in accordance with saved policy GP5 of the Leeds UDP Review (2006)

- 37) Prior to ground excavation works on each phase of development a Coal Recovery Scheme, for that phase, shall be submitted to the Local Planning Authority for approval in writing. This scheme should include proposals for any consequential intrusive site investigation works which may then be required post extraction. The scheme shall also set out a timetable for the carrying out of any remedial measures identified as being necessary during the construction excavation works for that phase of development and these

remedial measures shall be carried out in accordance with the agreed timescale.

As this condition relates to ground works which need to be carried out at the start of the development in order to ensure that the site is safe and stable for the proposed development in accordance with policy Minerals 3 of the adopted Leeds Natural Resources and Waste DPD

- 38) Building works on each phase of development shall not commence until a scheme detailing surface water drainage works, including hydraulic calculations for that phase, has been submitted to and approved in writing by the Local Planning Authority. The peak rate of discharge shall not exceed 163 L/s, in accordance with the Quarry Hill, Leeds, Flood Risk Assessment & Drainage Strategy, rev 2, dated 17th October 2014, doc ref. 032075. The works shall be implemented in accordance with the approved scheme before the development is brought into use on each phase.

To ensure sustainable drainage and flood prevention in accordance with LCC's Natural Resources and Waste LDF 2013 and the NPPF

- 39) Building works on each phase of development shall not commence until a scheme detailing the flood mitigation measures, identified within the Quarry Hill, Leeds, Flood Risk Assessment & Drainage Strategy, rev 2, dated 17th October 2014, doc ref. 032075 for that phase 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 on each phase.

To ensure flood prevention in accordance with the objectives of the adopted Minerals and Waste Resources DPD and NPPF

- 40) There shall at no time be any more than 414 public long-stay car parking spaces available on site.

In the interests of sustainable development, and vehicular and pedestrian safety, in accordance with Leeds Core Strategy Policies T1 and T2, and the NPPF.

- 41) In respect of Building F, the relevant reserved matters application shall indicate the location of a ramp for the purposes of creating an access between the lower and upper levels of the central route through the scheme. The ramp shall be designed to meet the needs of those members of the public who are non-ambulant or in a wheelchair. The ramp shall thereafter be constructed in accordance with the approved details and thereafter retained on site subject to the obligations of maintenance and access set out in the Section 106 Agreement attached to this permission.

To ensure disabled access in accordance with policy P10 of the adopted Leeds Core Strategy 2014 and the NPPF



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 26th November 2015

Subject: **OUTLINE APPLICATION FOR MIXED USE REDEVELOPMENT INCLUDING A1, A3, A4 and A5 USES, OFFICES (B1), RESIDENTIAL (C3), MEDICAL CENTRE (D1), COLLEGE (D1), STUDENT RESIDENTIAL ACCOMODATION, MULTI-STOREY CAR PARK, BASEMENT CAR PARKING, ACCESS AND OPEN SPACE ON LAND AT QUARRY HILL (APP. REF. 14/06534/OT)**

Electoral Wards Affected:

City and Hunslet

Yes Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Members are recommended to approve this application in principle and defer and delegate the final decision to the Chief Planning Officer subject to specified conditions outlined in the appendix at the end of this report (and such other conditions as he may consider appropriate) and following the completion of a Section 106 Agreement to secure the following:

- a) Requirement for public access to and maintenance of all routes through the scheme and public spaces
- b) The provision of on-site Affordable Housing (5% of the total number of units to be provided on site, 40% of these to meet the needs of households on the lower quartile of earnings and 60% of these to meet the needs of households on the lower decile of earnings)
- c) Travel Plan initiatives:
 - i) £34,000 for free trial car club membership package for residents and staff
 - ii) Provision of 3no. car club parking spaces
 - iii) £10,210 Travel Plan Review fee
- d) Up-grading of bus stop on York Rd to include real time display (£20,000)
- e) Money for off-site highway works £213,765 – for improvements to junctions and crossings
- f) Management and pricing strategy for Multi Storey Car Park
- g) Safety improvement works to the footbridge over the A64(M) (sum still to be negotiated)

h) Local Employment Initiatives

Together with such ancillary clauses as the Chief Legal Officer shall consider appropriate.

1.0 INTRODUCTION:

- 1.1 A previous outline planning application for the central part of the Quarry Hill site was approved in principle by Members at Plans Panel in August 2005. However, the associated S106 agreement was not signed and hence the application has not been approved. The land was sold by L.C.C. in 2014 and the applicant had the opportunity to reconsider the contents of the original scheme. Given the period of time which had elapsed since the original consideration of this scheme by Members at Panel, and the changes in planning policy which had taken place, it was considered that the best and most robust approach was to submit a new application with documents submitted to reflect current planning policy.
- 1.2 Officers provided Members with a position statement and presentation at Panel in January 2015 at which it was made clear that very little had changed about the physical form of the development from the originally submitted scheme, which is still considered to be based on sound urban design principles. Members made a number of comments and these will be set out in the body of the report, with the way in which these have been addressed made clear in the appraisals section.

2.0 PROPOSAL

- 2.1 The proposal is in outline with only 'access' and 'layout' being the matters for consideration. As the application is in outline there are no elevational details to be included for approval, with the building footprints and heights being dealt with by parameter plans. However, in order to provide an impression of the way the scheme could look, Computer Generated Images (CGI's) have been provided as part of the application. These images will form part of the Panel presentation to Members.
- 2.2 The scheme contains the following uses and floor spaces:
- 10,000 sqm office
 - 3,200 sqm A3 (cafes restaurants), A4 (bars) and A5 (take-aways)
 - 700 sqm A1 (retail) subject to Sequential Test.
 - 1,200 sqm D1 medical centre
 - 705 (approx.) residential units - of which approximately 280 units could be used as student accommodation to provide approx. 720 student bed spaces
 - 6,000 sqm education use (This would replace approx. 110 flats or 280 student residential units in building B located in front of Quarry House)
 - Approximately 422 no. car parking spaces in 2 levels of basement under buildings C,D,E and F. Up to 100 car parking spaces under building B and 578 car parking spaces in a free-standing multi-storey car park.
- 2.3 The scheme retains the line of the existing central pedestrian route through the site with secondary routes connecting to both north and south. The existing landscaping would be replaced by a series of linked public spaces which would improve pedestrian access and permeability. Along the central route, at its narrowest point, the buildings would be 15m apart at the upper levels. However, this increases to 21m at ground level due to the set back of the building-line to either side, in the form of a colonnade. It is the intention that these areas remain available for public use 24

hours a day but will be privately maintained. Pedestrian only public realm covers approximately 35% of the application site area (0.89 Ha).

- 2.4 To either side of this primary route are proposed three residential buildings and one office building creating the main crossroads at the centre of the site. These would have double-height glass fronted units at the lower levels fronting onto the colonnades and be given to a range of commercial uses – bars, restaurants and retail, as well as a medical centre. These buildings will be 8 storeys immediately adjacent the main route, rising to 14/15 storeys to the rear. It is proposed to provide a policy compliant 5% affordable housing for the residential elements of the scheme (40% of the units meet the needs of households on the lower quartile of earnings and 60% of the units meet the needs of the households on the lower decile of earnings). Affordable Housing is not required for the provision of any student accommodation. The total number of Affordable Housing units would only be known at the point when the reserved matters applications are submitted.
- 2.5 Three of these centrally located buildings are proposed to have a U-shaped plan which allows the courtyard spaces within to be accessed from, and therefore included as, extensions to the public realm (average dimensions 18m x 25m). It also allows light to be brought in to what would otherwise be deep floor plates. The fourth building addresses the angled route immediately to the eastern side of the Playhouse and results in an acute-angled corner fronting on to Playhouse Sq. This has been slightly remodelled from the original application in order to create a better entrance approach to the western side of the scheme, which is clearly visible from Eastgate. The submitted building parameters indicate that there would be large areas of flat roof and the applicant has indicated that these could be used for the location of photo-voltaic arrays, and green roofs to aid sustainability and bio-diversity objectives.
- 2.6 The four central buildings are to be built above a dual-deck car park, accessed by vehicles from the southern side of the site – the only point of access. This would provide dedicated parking for the residential, office and commercial units above (approx. 422 spaces). Direct access to the individual buildings will be contained in the basement and there will be an additional pedestrian stair and lift access constructed within the main west-east route which runs through the site. Servicing takes place for each building within dedicated service bays.
- 2.7 In front of Quarry House (18m from it) are proposed a multi-storey car park, with ground floor commercial unit fronting the northern side of the main open space area, and a flexible use office/residential/education building (5 – 7 storeys) which will sit to the south of the main open space area. This space measures 40m x 45m and creates a setting to the main Quarry House building behind. The width of the gap between the two buildings retains the view of the Quarry House entrance atrium and screens the wings of Quarry House from view. The office/education building would have its own dedicated basement parking area.
- 2.8 In respect of the multi-storey car park (MSCP), this would have 578 spaces, 78 of these are to be for use by occupiers of commercial and residential elements within the proposed development.

In respect of the remaining 500 spaces these are to be used as follows:

- A minimum of 250 spaces will be available for short stay parking at all times.

- The remainder of the spaces (up to 250) will be used for contract/season ticket parking, Mon-Sat.
- A guaranteed 350 short stay spaces will be available after 6:00pm for West Yorkshire Play House (WYPH) patrons, which can be provided as the majority of the 250 contract/season ticket parking will have left by this time. In reality more than 350 short stay spaces should usually be available after 6:00pm.

A pricing policy, which can be reviewed periodically, will make sure the car park remains short-stay and does not become entirely long-stay due to customer's willingness to pay for long-stay parking.

- 2.9 Disabled parking will be retained in the Square with 8 spaces being indicated on the submitted plan.
- 2.10 There are a number of existing trees which are located through the centre of the site. While the removal of the trees would have some short term negative visual impact, the new development contains significant new landscaping areas which offer good opportunities for extensive new tree planting as part of a longer term landscaping scheme. This has the potential to improve the site's long term tree cover. There are areas within the open space, and along routes which are not above basement car parks, which would enable trees to be planted in the ground, thereby enabling larger species to be considered and increasing their chance of survival.
- 2.11 A number of documents have been submitted in support of this proposal and these are:
- Design and Access Statement
 - Transport Statement
 - Travel Plan
 - Flood Risk Assessment and Drainage Strategy
 - Air Quality Statement
 - Wind Test Analysis
 - Acoustic Statement
 - Coal Mining Risk Assessment and Ground conditions
 - Shadow Casting Study
 - Tree Survey

3.0 SITE AND SURROUNDINGS:

- 3.1 This is the area of land which runs through the centre of the Quarry Hill site linking Eastgate roundabout to Quarry House. It currently consists of a mix of hard and soft landscaped areas with a central pathway containing steps and ramps with vacant and cleared sites to either side. The sites have vehicular access from the A64(M) York Rd/Inner Ring Road to the north and from York St to the south. Much of the site is used as surface car parking with 414 (approx.) car parking spaces on site.
- 3.2 To the west is the West Yorkshire Playhouse (WYPH) and to the south are the Leeds College of Music (LCM) and its associated student residential tower and the Northern Ballet/Phoenix Dance HQ. Pedestrian access is gained from the west using the existing set of pedestrian steps and ramp arrangement to Eastgate roundabout, which is outside the application site. A pedestrian bridge across the A64(M) to Mabgate is accessed from the north-eastern corner of the site.

4.0 RELEVANT PLANNING HISTORY AND HISTORY OF NEGOTIATIONS

- 4.1 A previous planning application for this same central part of the Quarry Hill site was approved in principle by Members at Plans Panel in August 2005. However, the associated S106 agreement was not signed and the application has not been approved. At pre-application stage officers had a number of meetings with the site owners and their team to discuss the content and scope of the new submission, along with the design changes to the buildings facing out over Playhouse Sq.
- 4.2 A Certificate of Existing Lawful Use was granted for surface car parking on land which largely coincides with the current application site boundary app. ref. 13/02275/CLE
- 4.3 To the north is an extant permission for a 14 storey office building with fitness centre and shop with attached multi-storey car park app. ref. 12/03110/EXT.
- 4.4 To the west is an extant permission for a hotel with casino, up to 13 storeys in height, bars/restaurants and basement parking app. ref. 12/03111/EXT.
- 4.5 This application was presented to Members as a position statement on 22nd January 2015. Members made the following comments:

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

- the importance of understanding the surrounding context, including extant planning permissions, and for the development to link into Victoria Gate at the bottom of Eastgate
 - the courtyards and the amount of sunlight these would receive and that rooftop gardens might be more appropriate in this location
 - the possibility of a fully accessible, ramped route being incorporated into the main pedestrian east-west route proposed through the site
 - the need for good design in terms of the pedestrian access arrangements and for improved linkages to the rest of the City Centre
 - to bear in mind the proximity of the District Heating system and that it could be linked to the proposed development
 - car parking arrangements and the need to ensure sufficient car parking remains on site through the construction process, to serve the West Yorkshire Playhouse
- 4.6 In respect of the specific questions raised in the report, the following comments were provided by Members:
- that Members were happy with the approach being adopted in relation to determining the mix and size of residential flats at reserved matters stage and that the housing need would be assessed closer to the point of likely construction
 - on student housing provision, concerns were raised that the site was some distance from the main higher education establishments, although it was accepted that the College of Music was close by. Some concerns were raised about the mix of student accommodation and residential on the same site, with the Deputy Area Planning Manager suggesting any concerns about this be addressed by not siting these two types of accommodation in the same building

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

4.7 After this Panel the applicant commenced a viability case, in respect of Affordable Housing provision, involving the District Valuer. However, the position is now that the applicant is to make a fully policy compliant Affordable Housing provision on-site.

5.0 PUBLIC / LOCAL RESPONSE

5.1 Correspondence has been received from the Leeds Civic Trust (LCT). They make it clear that they wish to object to specific elements of the scheme while welcoming the overall concept for the development. The items they specifically object to:

- (i) Blocks A and B are positioned too closely together which partly obscures the stone frame at the entrance to Quarry House - a larger area of public realm could be retained immediately in front of the entrance.
- (ii) there appears to be a conflict with the position of the vehicular access to the MSCP and servicing in relation to the pedestrian route over the footbridge from the Mabgate area. Question whether it is necessary for the MSCP to penetrate so deeply into the site.

5.2 Support the principles of basement car parking and servicing to free up the ground level to pedestrian routes and public space

Would like to see the following considered:

- (i) Clear pedestrian spaces around the MSCP to allow people leaving a performance to be able to get to their cars after performances and adjustment to the vehicle routes to allow patrons to be able to leave the MSCP quickly after performances (possibly using signal phasing)
- (ii) Effective public art provision possibly incorporating children's play facilities
- (iii) Safety and security of the under-croft parking areas and how these will be ventilated or lit.
- (iv) Potential for use of green roofs and walls to soften hard surfaces.

- 5.3 This application was advertised as a major application on site on 28th November 2014 and in the press by notice in the Yorkshire Evening Post on 4th December 2014. Ward Members were consulted formally on 14th November 2014.
- 5.4 A public consultation exercise was carried out in the West Yorkshire Playhouse from 29th January until 2nd Feb 2015. The written comments made are summarized below:
- Welcome the investment
 - Welcome the employment opportunities
 - Welcome residential use – will assist in providing a community feel and providing vibrancy
 - Affordable housing needs to be included
 - Design of the buildings needs to be ‘cutting edge’
 - Trust the footbridge will remain open
 - Support for the medical centre, although unsure as to who would operate this.
 - Make sure walkways are able to be used by those with mobility difficulties
 - A children’s play area would be positive
 - Need to ensure light into the courtyards

6.0 CONSULTATION RESPONSES

6.1 Statutory:

Environment Agency: No objection. Provide a series of advisory notes for the applicant.

The Coal Authority: No objection subject to condition controlling the removal of any coal discovered on the site once investigation works have taken place on the site, given the presence of a shallow coal seam and the requirement to excavate two levels of basement car parking.

Yorkshire Water: No objection subject to conditions controlling existing sewers across the site, separate systems of drainage for foul and surface water, the completion of drainage works

Highways Agency: No objection

6.2 Non-statutory:

Highways Services: The traffic modelling indicates that whilst there will be increased vehicles on several of the links they are not considered to be severe and the contribution to off-site highway works of £213,756 will assist in making minor junction improvements as and when these are identified as necessary. The numbers of car parking spaces is acceptable and their use will have to be controlled through condition and the associated S106 agreement. Servicing of the units and the ability to turn service vehicles is acceptable. The speed table proposed at the base of the footbridge is an acceptable solution. The footbridge parapets need to be raised to 1.4m and a ramp/channel inserted to each end. The provision of cycle spaces should be conditioned.

Travel Planning: Measures included in the travel plan are the provision of a car club contribution of £34,000, a travel plan coordinator, 3 no. Car Club parking spaces are to be located adjacent Building C (one of these to be designed to accommodate electric vehicle (EV) charging facilities), promotion of car sharing, Travel Plan review fee of £10,210.

Environmental Protection: The mix of residential with commercial uses means that conditions should be used to protect the amenity of future occupiers from noise generated by these units, as well as from plant & equipment, servicing & deliveries and air extracts from kitchens. Hours of delivery and servicing need to be controlled. The site will be protected from the surrounding highway network by future development and is already some distance from it. EV charging points should be incorporated to reduce emissions from the development.

Flood Risk Management: No objection subject to conditions regarding surface drainage works

L.C.C. Wind Consultant - Rowan Williams Davies & Irwin Inc. (RWDI) Consulting Engineers & Scientists: This application is in outline and so the precise locations of entrances and landscaping is not yet known. There will be a requirement to carry out further modelling to ensure the areas intended for the uses proposed (sitting, walking, entrances etc) are acceptable. RWDI agree with the applicant's submission that the proposed development will be beneficial to the site as it is currently open and exposed. They consider the wind study to be acceptable subject to conditions regarding further detailed wind studies to be submitted at the time of reserved matters submission, when the entrances to buildings and accurate designs will be known.

L.C.C. Property Services: In respect of the multi-storey car park (MSCP), Caddick is obliged to construct the MSCP to provide at least 500 spaces for public use. Caddick is obliged to continue the operation of the surface car parks until they construct the new multi-storey. Caddick is obliged to build the car park as its first building, unless it can be proved to the Council the surface spaces lost by the construction of another building can be accommodated elsewhere on Quarry Hill. When Caddick comes to build the MSCP it may be found that the Victoria Gate MSCP may have satisfied all demand for public parking in the area. In this case Caddick will be able to put a viability case to the Council to determine whether it is financially viable to construct a MSCP on Quarry Hill. This provision was added to the Development Agreement as the Victoria Gate multi-storey was not originally anticipated when Caddick first proposed their multi-storey.

In respect of the coach layover area, Playhouse Square is currently used as a drop-off area for the WYPH as well as an informal coach lay-over area. This informal lay-over arrangement will no longer be able to occur when the proposed scheme is in place. For this reason an area of land has been set aside adjacent the Northern Ballet HQ for this purpose. This is held in Council ownership and the Development Agreement between L.C.C. and the applicant specifies that the applicant cannot develop its building adjacent Playhouse Square without the reserved lay-over area having been laid out for coach parking. The Development Agreement sets out how it shall be designed, planning permission applied for and its construction approached by the parties to the Agreement.

Sustainability – Contaminated Land: No objections subject to conditions controlling excavations, mitigation and any importing of soil

Public Rights of Way: Provision for pedestrians through the site to link up to the footbridge should be incorporated within the development.

West Yorkshire Combined Authority: Do not object to the development in principle. However, make the following points: Despite the proximity of the site to the bus station the bus stop on York Rd deals with through routes and is likely to see an increase in usage as a result of the development. This shelter needs to be upgraded with a real time system. Consider that the total number of parking spaces on this site will eventually be significant if all developments are built out as approved and that this could have an impact on the surrounding highway network and the bus services which use them.

7.0 RELEVANT PLANNING POLICIES

7.1 The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. Now that the Core Strategy has been adopted, this can now be given full weight as part of the statutory Development Plan for Leeds. For the purposes of decision making, the Development Plan for Leeds currently comprises the following documents:

1. The Leeds Core Strategy (Adopted November 2014)
2. Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013) including revised policies Minerals 13 and 14 (Adopted September 2015)
4. Any Neighbourhood Plan, once Adopted

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

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 they may be given.

7.2 National Planning Policy Framework (NPPF)

The NPPF advocates a presumption in favour of sustainable development, and a 'centres first' approach to main town centre uses such as offices. The NPPF also promotes economic growth in order to create jobs and prosperity and consolidate Leeds City Centre's role as the economic driver of the Yorkshire region. Leeds should be the focus for investment in highly skilled and competitive businesses, as advocated by the emerging Core Strategy.

7.3 Leeds Core Strategy

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The most relevant policies are set out in the paragraphs below:

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

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

- promoting the City Centre's role as the regional capital of major new office development,
- comprehensively planning the redevelopment and re-use of vacant and under-used sites for mixed use development and areas of public space,
- enhancing streets and creating a network of open and green spaces to make the City Centre more attractive
- improving connections between the City Centre and adjoining neighbourhoods

Core Strategy Policy CC1 outlines the planned growth within the City Centre for 10,200 new dwellings, including office growth.

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

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

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

Policy H5 states that the Council will seek affordable housing from all new developments either on-site, off-site or by way of a financial contribution if it is not possible on site. (If on site then the number of units shall be 5% of the total number of units, 40% of these to meet the needs of households on the lower quartile of earnings and 60% to meet the needs of the households on the lower decile of earnings)

Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and enhancing existing landscapes and spaces.

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

Policies EN1 and EN2 set out the sustainable construction and on-going sustainability measures for new development. In this case a BREEAM 'Excellent' and Code for Sustainable Homes Level 4 (or equivalent) are required.

Other relevant Core Strategy policies include:

Policy EN4 district heating

Policy EN5 Managing flood risk

Policy ID2 Planning obligations and developer contributions

Policy G9 Biodiversity improvements

7.5 Leeds Unitary Development Plan Review 2006 (UDPR) Saved Policies

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

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

7.6 Leeds Natural Resources and Waste DPD

The Natural Resources and Waste Development Plan Document sets out where land is needed to enable the City to manage resources, e.g. minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. The most relevant policies are: Water 4 (Flood Zones); Water 6 (Submission of Flood Risk Assessments); Land 1 (Contamination); Land 2 (Trees); Air 1 (Air Quality); Minerals 3: (Coal Removal)

7.7 Relevant Supplementary Planning Guidance includes:

SPD Tall Buildings Design Guide – States that Quarry Hill is a location for tall buildings as it is a gateway location on one of the main approaches to the city.

SPD Travel Plans

SPD Building for Tomorrow Today: Sustainable Design and Construction

SPD Street Design Guide

City Centre Urban Design Strategy

7.8 Other Material Considerations

Site Allocations Plan: Through the Site Allocation Plan this site has been identified for mixed use development containing offices and residential (Site MX2-23). Due to its early stage of preparation this allocation has limited weight at this time and 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

8.0 MAIN ISSUES

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

9.0 APPRAISAL

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

9.2 **Principles of Proposed Uses**

9.3 Offices

The NPPF promotes economic growth in order to create jobs and prosperity. The proposed office use of the site is in accordance with Core Strategy and UDPR saved policies, as well as the Site Allocation Plan, and the location of prime office development within the City Centre meets the requirement to locate such uses in sustainable locations. The scheme would provide block sizes which would be able to accommodate Head-Quarter operations as well as being able to be subdivided for use by occupiers with a smaller footplate requirement. This reinforces Leeds' position as a regional commercial centre and accords with national government advice on concentrating work-places in major centres.

9.4 Further Education

One of the office buildings is proposed to also be used alternatively as an educational establishment. There are other examples of this type of use on Quarry Hill with The Leeds School of Music and the Northern Ballet establishments already in place. Educational use is supported under current planning policy and this is considered an acceptable inclusion here.

9.5 Residential

This scheme is central to the Quarry Hill site and there are no major roads which the buildings front on to, thereby avoiding potential problems in respect of noise and air quality. The pedestrianized nature of the proposed environment is considered to lend itself well to the location of residential uses. These buildings and the pedestrian areas they front on to are regarded as suitable locations for bar/restaurant uses and hence a series of conditions would be used to ensure that residential amenity is protected.

9.6 The applicants have indicated that the current demand for unit mix in Leeds is for 1 and 2 bedroom apartments and studios. They have also stated that, as the proposal consists of 6 buildings, of which 4 could contain residential uses, these would be phased, and at the point of their submission for reserved matters, if demand for larger units was identified then this could be addressed at that time. Core Strategy would require a minimum of 20% of the units contain 3 bedrooms.

9.7 Officers consider that, as this scheme is in outline and the provision of residential uses within the buildings is not fixed, it is reasonable to consider that unit mix at reserved matters stage. Therefore, it is proposed that, when this application is brought forward for determination, a condition is used to require a Housing Needs Assessment to be submitted for each phase of development which contains residential accommodation, should the mix not be policy compliant. This would allow the position at that time to be considered, which officers consider would be more

accurate and less open to unpredictable market variations. The size of the units would also be fully considered as part of any subsequent Reserved Matters application. Members considered this matter at Panel in January and, as stated above in the minutes 'Members were happy with the approach being adopted in relation to determining the mix and size of residential flats at reserved matters stage and that the housing need would be assessed closer to the point of likely construction.

- 9.8 The applicant has now proposed that the scheme would be fully policy compliant in respect of affordable housing. This ensures that 5% of the total number of units to be provided on site are affordable and that 40% of these meet the needs of households on the lower quartile of earnings and 60% of these meet the needs of households on the lower decile of earnings. Given that this scheme is in outline, the total number of units which this 5% provision equates to will only be established at Reserved Matters stage.
- 9.9 There is also the possibility of student residential being provided on site. The Core Strategy supports purpose built student accommodation and, as previously stated, there are existing educational establishments on Quarry Hill as well as in the wider City Centre. As stated in the minutes of the January meeting, when the actual numbers of student units is known, their exact positioning and location in respect of the private residential units can be properly considered. However, their potential to impact on the amenity of private residential units, and Members concerns over this aspect, are understood.
- 9.10 The proposed Block C is located to the north of the existing student residential accommodation attached to the Leeds College of Music. It is proposed to be of a very similar height and is 15m away to the north. In this urban situation, this is considered to be a reasonable spacing to protect the amenity of both sets of residents and, as the proposed building is to the north, there will be no loss of direct sunlight to the existing student block. This relationship is therefore considered to be acceptable.
- 9.11 Retail
Small scale convenience retail use up to 200 sqm is acceptable in principle anywhere within the City Centre as it supports and services other uses without undermining the retail strategy for both the City Centre and other designated centres. This is in accordance with Core Strategy policy CC1. The total amount of retail floor-space proposed is approximately 700 sqm and is to be subject to a Sequential Test which, at the time of writing this report, remains to be considered by officers. The retail content would exist at the lower levels only, be for the provision of convenience retailing which would support the other uses on the site, and assist in providing lively and active frontages. The provision of retail use on the site is supported in principle subject to sequential test.
- 9.12 Eating and Drinking Establishments
This would account for approximately 3,200 sqm of floor space at ground floor level which would be accessed directly from the pedestrian dominated routes and which would benefit from the localised worker and residential customer base. The provision of bars and restaurants would ensure that this part of the city does not become a sterile place, ensuring life and vitality outside normal office hours. Conditions will be used to ensure that there is no noise transference within the buildings or from external areas which would impact on the amenity of occupiers of the upper floors.

9.13 **Building Footprints**

The plan of buildings proposed creates a largely pedestrian dominated environment with levels of permeability appropriate to this city centre location. The layout opens up the centres of three of the main buildings to create courtyards. This adds to both the variety and hierarchy of the open spaces and the levels of visual interest.

9.14 Since its construction Quarry House has existed as a dominant presence on the skyline of the eastern half of the city centre, clearly visible from the Headrow. This has been due largely to it being seen 'out of context' with no development around it. The two buildings which sit immediately to the west of it have been designed to respect the symmetry of Quarry House but mask its two outer wings, with the central glazed atrium visible at the end of the main pedestrian route. This remains unchanged from the previous scheme and the relationship is still considered to be acceptable. This will also be impressive at night when the glazed atrium is internally illuminated. At Panel in January Members considered the footprints of the buildings to be acceptable.

9.15 Leeds Civic Trust (LCT) has indicated its concern about closing down the view of the stone surround to the Quarry House atrium. Buildings in cities often reveal themselves on approach, rather than being seen fully at distance. In this case the ability to see the glazed element is important and this would be clearly visible through the 19m gap between the buildings which sit to either side. The inner faces of the stone surrounds are 16.75m apart, which means they are visible for the full length of the main route through the centre of the site. More of the stone surround would be revealed as it is approached, which is not an unusual characteristic of the wider city centre streetscape. Officer's opinion differs from that of the LCT and it is considered that the relationship of the proposed buildings to Quarry House is acceptable.

9.16 The network of internal pedestrian routes will enable access to be gained to the footbridge across the A64(M). It is proposed to create a raised table in the carriageway to highlight the pedestrian route which runs alongside the carpark and through to the centre of the site. In addition, the development is likely to generate significant pedestrian traffic to the west towards Eastgate and the markets area. The pedestrian steps up to Quarry Hill from St Peters St, and the neighbouring grassed area, are in Council ownership and there is a considerable sum of money held by the Council for the carrying out of works to replace the steps and to landscape the grassed area, received as part of the land sale on the neighbouring hotel scheme. The developer of the hotel site is obliged to undertake these works to an already agreed specification as the steps, landscaping and hotel development are best constructed simultaneously.

9.17 **Building Heights**

The heights of the buildings have been carefully considered to allow light penetration to both the main pedestrian route through the site and into the courtyards within the proposed buildings. This naturally produces a built form in which the centrally located buildings are lower in height, which results in a more human scale fronting the pedestrian route. The taller elements of the buildings are set back from this to provide height, which is considered appropriate here on this important gateway site, as set out in the Tall Buildings Design Guide. Sun-path diagrams indicate that the northern parts of the courtyards and central walkway would receive direct sunlight in June, with this diminishing throughout the year to the winter solstice. This is not an unusual situation in the context of a city centre site

where some of the buildings are relatively tall. In this context, the degree of sunlight penetration into the scheme is considered to be acceptable. The heights of the buildings will also relate well to those of the existing and proposed developments on the remainder of Quarry Hill, resulting in the production of a well-planned and coherent development when viewed from both within the site and from a distance.

9.18 **Open Spaces**

Approximately 35% of the site is to be given over to pedestrian only, publicly accessible open space and this is welcomed by officers. The entire site is unified by the central route which passes through 3 main spaces. These will act as focal points for activity and access points to the buildings themselves. The bar and restaurant uses at the lower levels have been included to maximise the potential to 'spill out' into the primary routes and spaces to provide life and vitality throughout the day and night. These will have glazed elevations to both the main thoroughfare and the internal courtyards to maximise visibility, interest and security through natural surveillance and will allow views through to the courtyards from the main route. The routes and spaces will be open 24 hours a day and will therefore act as an extension to the existing pattern of city centre streets. Following Members comments at Panel in January, the possibility of a ramp through the central route has been explored and it has been determined that this is possible to achieve within the accepted gradient guidelines. The details of this would be included in the reserved matters application for the relevant building.

9.19 The existing trees on the site will be lost due to the requirement to construct a basement under the 4 central buildings. However, it is clear that there will be a considerable amount of landscaping and replacement trees will be planted and so, in this context, the loss of the existing trees, whilst unfortunate, is considered to be acceptable.

9.20 It is likely, given the scale and multiple building nature of the proposal, that the scheme will not all be constructed at the same time. This means that once buildings are constructed there will be areas of public realm in the immediate vicinity that will need to be surfaced and landscaped. However, this treatment would not be able to be rolled out across the whole site. Similarly, when initial phases are constructed there will be a need to ensure that pedestrian routes around and through the site are maintained, diverted, made good and lit. The phasing of the scheme will be controlled by condition to ensure sufficient levels of public access are maintained.

9.21 **Car Parking, Vehicle Access and Servicing**

The scheme has been designed to avoid conflict between pedestrians and the private motor vehicle. Cars will enter the site from the south and be directed into the basement car parking areas before they reach the main east/west pedestrian route. Vehicles wishing to use the MSCP enter from the north and are similarly taken into the car park before they reach the pedestrian areas. Taxis can access the site from both the north and south and there are drop-offs close to the building entrances. Servicing will take place from within each building and therefore will not be visible on the surface. This will also minimise the potential for refuse and other items to be stored in external areas and reduce noise and other undesirable environmental impacts which might otherwise arise. Cycle parking and car parking spaces that are EV 'Cable Enabled' will be provided in the basement car park, which will be secured by condition and agreed at reserved matters stage. This approach is considered entirely consistent with the objectives of producing a high quality environment and is acceptable.

- 9.22 The method of operating the proposed multi-storey car park has been carefully considered to provide short stay spaces for the use of the WYPH and other businesses in the area, and the provision of up to 250 contract spaces, also with the potential for use by businesses in the area. With regard to the Council's adopted Transport Strategy, given there are currently approximately 414 long stay parking spaces on the site, in the long term, this means that there would be a net reduction in long stay spaces of a minimum of 164 spaces. This is considered to provide the correct balance between servicing the requirements for short stay parking, the requirements of businesses in the area, as well as meeting the Council's Transport Strategy, which seeks to restrict the growth of commuter parking in the City Centre.
- 9.23 Playhouse Square is currently used as a drop-off area for the WYPH as well as an informal coach lay-over area. This informal lay-over arrangement will no longer be able to occur when the proposed scheme is in place. For this reason an area of land has been set aside adjacent the Northern Ballet HQ for this purpose. This is held in Council ownership and the Development Agreement between L.C.C. and the applicant specifies that the applicant cannot develop its building adjacent Playhouse Square without the reserved lay-over area having been laid out for coach parking.
- 9.24 Some crossing improvement works to the Loop at St Peter's St are being undertaken as part of the Victoria Gate development. The current proposal includes £213,765 for the carrying out of works to junctions and crossings which may be spent in the vicinity of the site. In addition to the money already set aside for the works to be carried out in the area between the Playhouse and the proposed hotel, it is considered that this package of works is reasonable and proportionate to the improvement of connectivity between the Quarry Hill site and the city centre.
- 9.25 Highways Services have identified a requirement for works to improve the safety of users of the bridge over the A64(M). The current parapet heights of the bridge are considered inadequate to allow safe cycle movement. It is considered necessary to raise them to a minimum height of 1.4m in order to adequately mitigate the safety risk posed by the potential impact of increased use of the bridge resulting from the proposed development. The details and cost of these works are still the subject of negotiation with the applicant and will be the subject of a S106 Agreement once finalised.
- 9.26 **Environmental Issues**
Noise impact on the residential units from primarily traffic sources around the site would be mitigated by the presence of the existing and proposed buildings at its periphery. Facades would be constructed to provide the required level of noise reduction appropriate to the intended use of the internal space. The other sources of noise are from within the A3, A4 and A5 units proposed by the development itself. Therefore acoustic attenuation schemes to prevent noise break-out from these uses would be required and can be controlled by condition.
- 9.27 **Wind**
L.C.C. has employed an independent wind consultant (RWDI) to carry out a peer review of the submitted wind study, which states that the wind environment is currently exposed and the proposal would result in a general calming effect on wind speeds. As the scheme is in outline, and the location of entrances are not yet known, it is proposed, and accepted by the applicant, that more detailed studies are required at Reserved Matters stage to overcome any localised problems through increased landscaping works or the relocation of entrances and seating areas. This approach is agreed by RWDI and a condition will be used to control this aspect of the scheme.

9.28 **Sustainability**

The application sets out that the following will be included in the subsequent detailed building designs:

- Solar thermal and photo-voltaics to be included on the roof areas
- Green roof areas to enhance bio-diversity
- Rainwater harvesting
- Low water use appliances
- High levels of insulation
- Low e performance glazing

The applicant has stated that they are to target a BREEAM 'Excellent' rating which is clearly welcomed by officers and that they are willing to seriously consider connection to the Leeds Recycling & Energy Renewal Facility (city wide district heating system) located on the A63 Pontefract Lane.

9.29 **Obligations**

Adopted policies require the following obligations to be provided:

- a) Requirement for public access to and maintenance of all routes through the scheme and public spaces
- b) The provision of on-site Affordable Housing
- c) Travel Plan initiatives
 - i) £34,000 for free trial car club membership package for residents and staff
 - ii) Provision of 3no. car club parking spaces
 - iii) £10,210 Travel Plan Review fee
- d) Up-grading of bus stop on York Rd to include real time display (£20,000)
- e) Money for off-site highway works £213,765 – for improvements to junctions and crossings
- f) Management and pricing strategy for Multi Storey Car Park
- g) Safety improvement works to the footbridge over the A64(M) (sum still to be negotiated)
- h) Local Employment Initiatives

9.30 As part of Central Government's move to streamlining the planning obligation process it has introduced the Community Infrastructure Levy Regulations 2010. This requires that all matters to be resolved by a Section 106 planning obligation have to pass 3 statutory tests. The relevant tests are set out in regulation 122 of the Regulations and are as follows:

- '122(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.'

Given that this is an outline scheme, and so the final floor space and uses are, as yet, not fully established, the CIL figure generated by the scheme as it currently stands is circa. £677,965.

9.31 As listed above, there are matters to be covered by a Section 106 agreement. These have been assessed against the current tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

10.0 CONCLUSION

10.1 The proposals will regenerate a key city centre site and contribute to its life, vitality and economic prosperity. The scheme would potentially provide high quality and well-designed buildings which relate well to each other and the surrounding developments centred on well planned public routes and spaces. The uses will provide life and vibrancy at all times of the day and ensure that there is a presence on the site at night through the inclusion of the residential element.

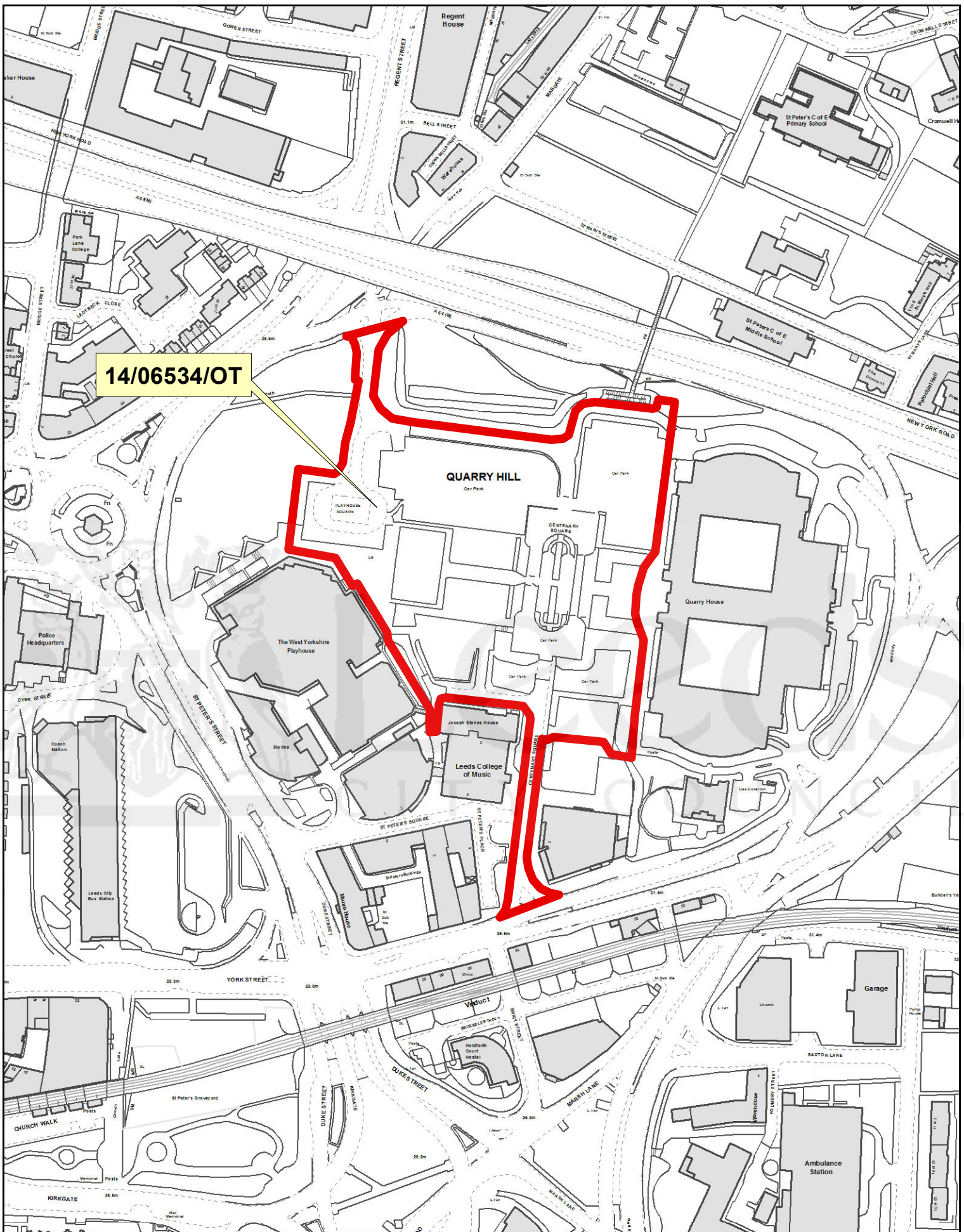
BACKGROUND PAPERS:

Previous Application file: 20/523/04/OT

Certificate of Existing Lawful Use for surface car parking app. ref. 13/02275/CLE

14 storey office building with attached multi-storey car park 12/03110/EXT.

13 storey hotel with casino, bars/restaurants and basement parking 12/03111/EXT.



14/06534/OT

CITY PLANS PANEL

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SCALE : 1/2500

