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**Report of the Chief Planning Officer**

***CITY PLANS PANEL***

**Date: 7<sup>th</sup> July 2016**

**Subject: PREAPP/16/00090 Pre-application presentation for the retrospective demolition of 101-104 Kirkgate, the demolition of 10-11 Crown Court, and the construction of a new mixed-use building at 101-104 Kirkgate, Leeds.**

**Applicant: City Fusion Ltd**

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**Electoral Wards Affected:**

**City and Hunslet**

Yes Ward Members consulted

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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

**1.0 Introduction:**

1.1 The landowner City Fusion Ltd. and Think Architecture and Design will present the emerging scheme for the redevelopment of the cleared plots at 101-104 Kirkgate, and the demolition and redevelopment of 10-11 Crown Street. Members will be asked to comment on the emerging scheme, prior to the intended submission of a full planning application.

1.2 The scheme does not include the neighbouring First White Cloth Hall, which is the subject of separate discussions between the Council and the owners City Fusion Ltd., which will hopefully lead to the Heritage Lottery grant-funded restoration of the Grade II\* listed building. This was the subject of a recent 20<sup>th</sup> April 2016 Executive Board report, which resolved to authorise the freehold purchase of the First White Cloth Hall from City Fusion, and that measures are put in place should this fail and a Compulsory Purchase Order (CPO) be the only alternative to acquire the building and to secure the proper restoration of the First White Cloth Hall and surrounding land within Lower Kirkgate.

## **2.0 Site and Surroundings:**

- 2.1 101-104 Kirkgate is a cleared site located on the south side of Kirkgate, facing the junction of Kirkgate and New York Street. The site is vacant following the emergency demolition of 101-102 Kirkgate in 2010, and the recent fire and subsequent emergency demolition of Hills Furniture at 103-104 Kirkgate. The site lies within the designated City Centre, the Prime Shopping Quarter, a Secondary Shopping Frontage, the City Centre Conservation Area, the Lower Kirkgate Townscape Heritage Initiative and Lower Kirkgate Planning Statement area, and within the setting of a number of Listed Buildings, including:
- Grade I Corn Exchange
  - Grade II\* First White Cloth Hall
  - Grade II\* Waterloo House
  - Grade II 3-7 Crown Street
  - Grade II 23 Kirkgate
  - Grade II Westminster Buildings
  - Grade I Kirkgate Market
- 2.2 Kirkgate is known as Leeds' oldest street, and the lower part of Kirkgate lies at a strategically crucial point in the City Centre between Victoria Gate, Kirkgate Market and the Riverside area. Despite its central location and historic character, it has not benefited from the recent success of the rest of the City Centre. It has a unique character that has huge potential to kick start a revitalisation that could have wider benefits for the City. Kirkgate lies in the south eastern corner of the large City Centre Conservation Area. The south side of Kirkgate consists of late 18th century and early 19th century three storey-houses which have had shopfronts inserted at ground floor. The townscape of the Kirkgate area contains some of the most architecturally and historically significant buildings in the city, being the historic core of Leeds and the site of continuous development since at least the Anglo Saxon period, running from Briggate to the Parish Church. Kirkgate is flanked by continuous and varied building frontages rising to the west to later Victorian buildings, which create a sense of enclosure and verticality. This is accentuated by the narrow width of individual building frontages, reflecting the medieval layout of crofts along the street. To the rear of the frontage on the south west side of Kirkgate a large open space has been created by the clearance of buildings. A car park has been created to the rear, accessible from Crown Street and by narrow through-passages in a small number of buildings on Kirkgate.

## **3.0 Proposal**

- 3.1 The scheme is a 3-4 storey building in red-brick and zinc panelling. The proposed uses are a flexible mix of A1 retail, A2 financial and professional services, A3 café and restaurant, A4 drinking establishment, B1 office, D1 non-residential institution and D2 assembly and leisure use classes (such as art gallery, performance space or other cultural uses). The scheme also proposes the demolition and redevelopment of 10-11 Crown Court. The scheme would be accessible from the south from Assembly Street, and proposes a glazed route through to Kirkgate between the new building and the First White Cloth Hall site. All floors would be served by a goods lift with access off Crown Court.
- 3.2 In order to respect the scale of Kirkgate the principal elevation has been treated architecturally as two attached buildings, noting the level change along the Kirkgate frontage. The design features are created by the sizing and proportion of openings, including the "shop frontages" at street. The 3 storey form would tie in with the

adjacent properties to the west, with an occupied third floor treated as roofscape. The treatment to the former 101-102 Kirkgate plot would feature a contemporary interpretation of a Dutch gable form, with diamond patterned zinc work. This would complement the more traditional approach to 103-104 Kirkgate, which would feature a brickwork facade with punched openings, and a set-back zinc roof with sloping glazing to form the upper floor.

- 3.3 The junction with the First White Cloth Hall plot would be dealt with by a simple two storey glass link element, which would act as a transition between the this building and a future restored First White Cloth Hall. It would create a north-south link. This has been influenced by the traditional alleyways between the historic burgage plots found off Kirkgate to the east of the First White Cloth Hall, which will improve pedestrian connectivity during building opening hours. This feature, along with the building's main lift and stair core, would also deal with the level change from Kirkgate to Crown Court through the centre of the site.
- 3.4 The treatment of the south east elevation has been influenced by the courtyard elevations of the First White Cloth Hall, and would be a simple brickwork facade with punched openings. The internal elevation within the glass link would provide larger openings to both ground and first floor to the west, with the opportunity to link through at both levels to the First White Cloth Hall if appropriate in the future.
- 3.5 The south elevation facing the back of Crown Street would feature a simple brick form with punched openings. As with the Kirkgate frontage, the third floor would feature a slightly set back zinc sloping roof line, with glazing set in to create small external roof terrace zones. The south elevation of the 101-102 Kirkgate element would be treated in a similar manner to the Kirkgate frontage, as a gable feature. This would also feature a diamond zinc pattern similar to the front elevation. Due to the level changes across the site (approximately 1.7 metres above Kirkgate), the southern part of the building is planned as a separate unit, along with the ancillary accommodation for the rest of the building including servicing, cycle store and refuse store.
- 3.6 The proposed basement floor would have an independent access from Kirkgate, with a cut-back floor to provide a visual connection to this lower floor from street level. At roof level, a small plant enclosure would be incorporated. Roof lights are also located to the centre of the floor plate to both provide additional natural light to the upper floor, whilst providing a suitable platform for south facing PV solar panels.

#### **4.0 History of Negotiations**

- 4.1 Officers have had two meetings with City Fusion and their architects in March/April 2016. The key issues discussed were the principle of the proposed uses, the principle of the demolition of buildings, building materials, form and height, architectural features, and highways matters including servicing strategy. The applicant has responded positively to officer comments and revised their scheme.
- 4.2 City and Hunslet Ward Councillors were consulted by email on 16 June 2016.

#### **5.0 Relevant Planning Policies**

##### **5.1 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)
4. Any Neighbourhood Plan, once Adopted

These development plan policies are supplemented 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.

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

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so. It identifies 12 core planning principles (para 17) which include that planning should:

- Proactively drive and support sustainable economic development to deliver homes
- Seek high quality design and a good standard of amenity for existing and future occupants.
- Conserve and enhance the natural environment
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land)
- Promote mixed use developments and encourage multiple benefits from the use of land in urban areas
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are, or can be, made sustainable

The Government attaches great importance to the design of the built environment. Section 7 (paras 56-66) states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:

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

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

The National Planning Policy Framework (NPPF) includes policies relating to heritage assets and states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 17 of NPPF states that "conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations".

Section 12: Conserving and enhancing the historic environment. In particular paragraph 131: In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

In accordance with the NPPF (para 126-141), an assessment of the significance of the buildings as part of a heritage asset (positive features in the Conservation Area and the setting of Listed Buildings) is required, and an assessment what the optimum viable use for the site is, based on the option that would do least harm to the heritage asset. The guidance states that the optimum viable use is not necessarily the most profitable use for the site.

Paragraph 134 would be relevant in determining an application, namely that: *"where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."* Retrospective and proposed demolitions within Conservation Areas would be subject to Paragraph 134 of the NPPF.

### **5.3 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:

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 the Main Urban Area, in a way that respects and enhances the local character and identity of places and neighbourhoods. New office facilities should be prioritised in the City Centre, maximising the opportunities that derive from the existing services and high levels of accessibility.

Spatial Policy 3 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 and culture development
- making the City Centre the main focus for office development in the District

- comprehensively planning the redevelopment and re-use of vacant and underused sites for mixed use development

Spatial Policy 8 supports a competitive local economy through provision of sufficient supply of buildings to match employment needs for B Class Uses and developing the City Centre as the core location for new office employment.

Spatial Policy 9 seeks to provide a minimum of 706,250 sqm of office floorspace in the District.

Core Strategy Policy CC1 outlines the planned growth within the City Centre for at least 355,000 sqm of office floorspace. This will be achieved favouring locations with the best public transport accessibility. All other town centre uses will be supported within the City Centre boundary provided the use does not negatively impact on the amenity of neighbouring uses and that the proposal is in accordance with all other Core Strategy policies.

Policy EC2 states the focus for most office development will be within and/or edge of the City Centre and designated Town and Local Centres.

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. Proposals will be supported which protect and enhance existing historic assets.

Policy P11 states the historic environment will be conserved and enhanced. Where appropriate the significance of assets, impact of proposals and mitigation measures will be required to be considered through a Heritage Statement. Innovative and sustainable construction which integrates with and enhances the historic environment will be encouraged

Policy P12 requires the quality, character and biodiversity of Leeds' townscapes, including their historical and cultural significance, to be conserved and enhanced.

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

Policies EN1 and EN2 set out the sustainable construction and on-going sustainability measures for new development. In this case, BREEAM Excellent and at least 10% low or zero carbon energy generation on-site is required.

Policy ID2 Planning obligations and developer contributions

## **5.5 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 General Planning Considerations

N19 Conservation Area and new buildings

N20 resist removal of features which contribute to the character of a conservation area

BD2 Design of new buildings

BD4 All mechanical plant

BD6 Alterations and extensions

BC7 Building Conservation

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

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

## 5.7 **Relevant Supplementary Planning Documents and Guidance includes:**

SPD Building for Tomorrow Today: Sustainable Design and Construction  
SPD Street Design Guide  
SPG City Centre Urban Design Strategy  
SPD Travel Plans  
SPD Parking

### **Lower Kirkgate Planning Statement 2011**

The Lower Kirkgate Planning Statement 2011 was adopted by the Council as site specific informal planning guidance for development management purposes, following public consultation in 2009 and 2011. The document was used to inform the successful Townscape Heritage Initiative (THI) bid, and is used to guide development proposals within the Lower Kirkgate THI area. The following guidance is relevant for new buildings in the area :

The guidance in the Lower Kirkgate Planning Statement states at Page 13 that any new-build or restoration works at this site should “*respect the rhythm and proportions of the Kirkgate frontage*”.

The Lower Kirkgate Planning Statement states that the scale or massing of the development should not dominate the Kirkgate frontage (paragraph 3.3a), and that the character of consistent domestic scale, narrow plots, vertical emphasis and pitched roofs is important. It goes on to state at paragraph 3.3(b) that tall buildings which break into the horizon of the Kirkgate ridge-line or Corn Exchange parapet would not be supported. Paragraph 3.3(c) identifies the key views that should be investigated to support the scheme.

The Planning Statement also states that public access to Crown Court and the rear of 101-104 Kirkgate should be secured by Section 106 agreement, in order to meet the public realm and pedestrian connectivity objectives of the Lower Kirkgate Planning Statement (section 3.4 parts a and b and section 3.5), and the Core Strategy. This would be the first step in improving connectivity and public realm in the area.

## 6.0 **Key Issues**

### 6.1 **Principle of use**

- 6.1.1 In principle, a flexible mix of A1 retail, A2 financial and professional services, A3 café and restaurant, A4 drinking establishment, B1 office, and D1 non-residential institution and D2 assembly and leisure use classes (such as art gallery, performance space and other cultural uses), would be acceptable in this location, subject to detailed planning considerations.

**Do Members have any comments on the proposed range of uses?**

## **6.2 The impact of the demolition of 10-11 Crown Street and the proposed new building on the character and appearance of the Conservation Area and the setting of nearby Listed Buildings**

- 6.2.1 The site is an important element in reinstating the street frontage of Kirkgate, acting as a transition block between the lower-rise historic street frontages to the east, and taller Victorian development to the west. The scale, massing, fenestration and materials have been designed to complement the historical setting. The proposals provide an interpretation of historical architectural language and features, whilst making a modern contribution to the streetscape. The Kirkgate elevation of the new building would feature a vertical emphasis with a clearly defined simple “base, middle and top” order. It is considered that along the Kirkgate frontage, a modern scheme resulting in two complementary elements of three storeys, would be acceptable, provided that the window proportions and rhythm should follow the surrounding historic buildings. In terms of external materials, red-brick would be supported in this location as the principle building material. Metal cladding features, would be acceptable, subject to appropriate detailing and exact details. With regard to roof detailing and materials, stone or Welsh slate are the predominant roofing material in the area, however zinc may be acceptable subject to understanding exact details.
- 6.2.2 The development would also offer the opportunity to create a north-south link connecting Kirkgate with the Corn Exchange area, creating an attractive link through the car park site to the south of Kirkgate. Active frontages to Crown Court and the new public realm to the rear of 101-104 Kirkgate will be required to animate the space, make new pedestrian routes feel safe, and enhance the setting of nearby listed buildings.
- 6.2.3 In terms of views from the south from Crown Street at the junction of Assembly Street, it is considered that the rear of the new building would provide an appropriately scaled and detailed ‘back-drop’ to the Grade I listed Corn Exchange and the Grade II listed 3-7 Crown Street. The application will need to ensure that the consideration of building services such as rooftop maintenance rails, air handling units, chillers and flues are factored into the detailed design, to avoid punctuating the skyline with insensitive additions to the roof-form. The building would be built to modern sustainable design standards and feature solar PV renewable energy generation on-site in accordance with Council policies.
- 6.2.4 Regarding the proposed demolition of 10-11 Crown Court, these are considered to be positive buildings within the Conservation Area. As part of their application submission, under the requirements of the national planning policy guidance and the NPPF, the applicant will need to demonstrate that the scheme has wider public benefits, such as environmental improvements. The starting point is therefore the retention of the existing building, notwithstanding that there is an opportunity to refurbish and extend in an appropriate manner. Whilst the proposal for the demolition of 10-11 Crown Court is considered harmful in conservation terms, the harm is considered to be ‘less than substantial’ to the significance of the designated heritage asset (the Conservation Area and the setting of Listed Buildings), and subject to appropriate justification of the quality of the new development and that the proposal represents the optimum viable use for the site in heritage terms, on balance, this may be considered acceptable.

**Do Members support the demolition of 10-11 Crown Court, and the emerging design of the new building?**



- 6.2.5 The site is vacant following the emergency demolition of 101-102 Kirkgate in 2010, caused by the partial collapse of the building and the west wing of the First White Cloth Hall. Hills Furniture at 103-104 Kirkgate was recently destroyed by fire and the remainder of the structure demolished for safety reasons. The proposal for redevelopment of these two vacant plots is not a “like-for-like” replacement of the former buildings. Officers are of the view that it is not necessary to provide like-for-like replacement buildings. A contemporary building could enhance the character and appearance of the Conservation Area and the setting of nearby Listed Buildings, is more likely to be a viable building for future uses, be more environmentally sustainable, and can provide a new pedestrian connection.

**Do Members agree the principal of a new building on the location of 101-104 Kirkgate rather than a like-for-like replacement?**

### **6.3 Highways and Transportation**

- 6.3.1 In accordance with advice from Highways officers, a clear understanding of the delivery and servicing needs of the development would be required. This includes refuse, servicing and delivery arrangements, including ad-hoc deliveries and drop-off/pick up. The servicing and delivery arrangements for 101-104 Kirkgate should also take account of servicing and delivery options for the future potential development of the car park site and the First White Cloth Hall as indicated in the Lower Kirkgate Planning Statement, so that practical operational needs to support the wider regeneration of the area are not prejudiced. The ground floor of 101-104 Kirkgate would be serviced from the existing loading bay on Kirkgate. Refuse and servicing of all other parts of the building would use a service lift accessed from Crown Court, which would be served by a new loading bay on Crown Street. Secure enclosed long stay staff cycle parking will be required, as well as short-stay visitor/customer cycle parking. A Travel Plan will be required to cover the range of uses proposed. It must have robust measures appropriate for a car-free development. A Travel Plan monitoring fee would be required, calculated in accordance with the Travel Plan SPD, and this would be secured by a Section 106 Agreement.

**Do Members have any comments on highways and transportation matters, such as the servicing strategy?**

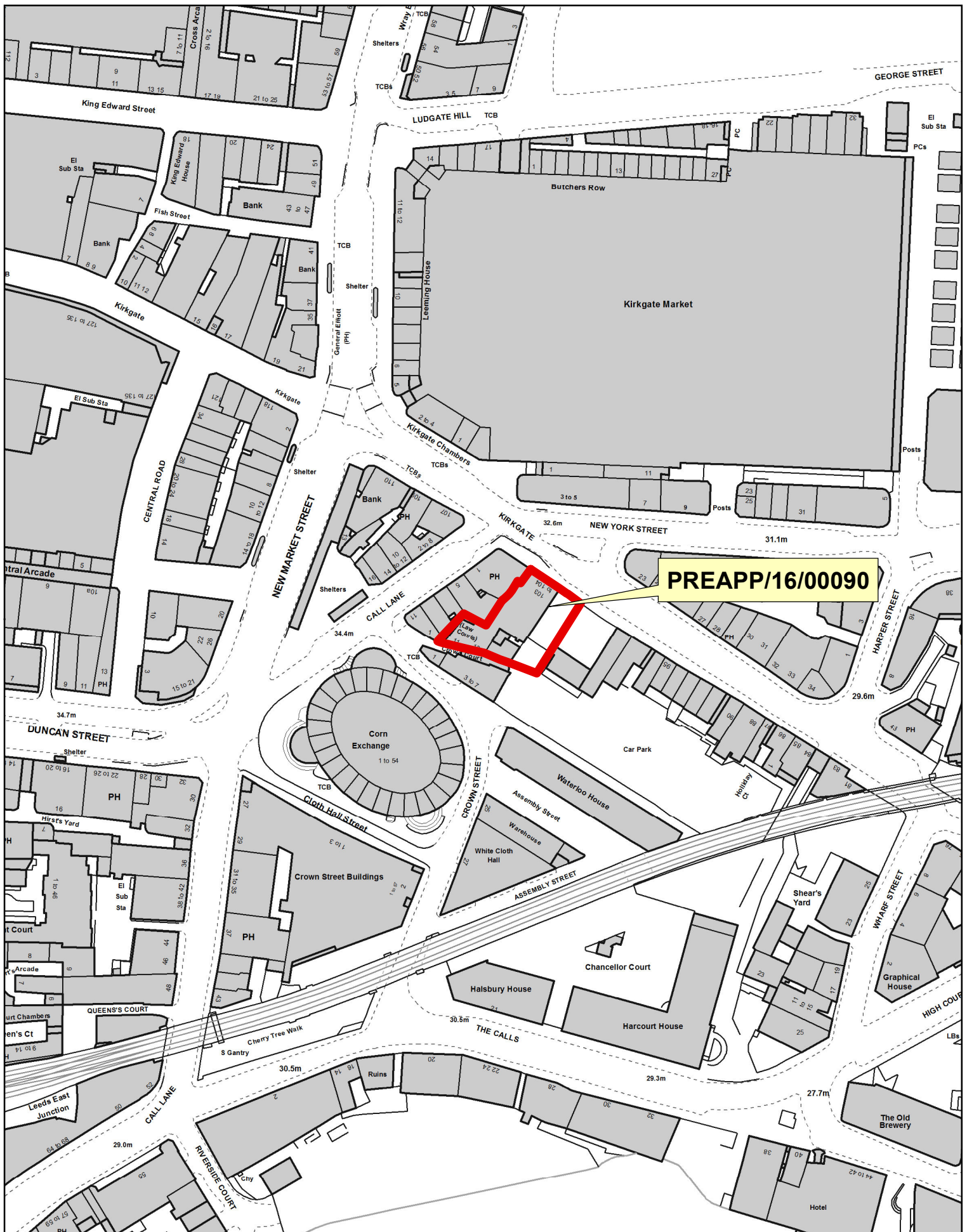
### **7.0 CONCLUSION**

Members will be advised of the details of this emerging scheme and are asked to provide responses to the following:

- 7.1 **Do Members have any comments on the proposed range of uses?**
- 7.2 **Do Members support the demolition of 10-11 Crown Court, and the emerging design of the new building?**
- 7.3 **Do Members agree the principal of a new building on the location of 101-104 Kirkgate rather than a like-for-like replacement?**
- 7.4 **Do Members have any comments on highways and transportation matters, such as the servicing strategy?**

### **Background Papers:**

Pre-application file: PREAPP/16/00090



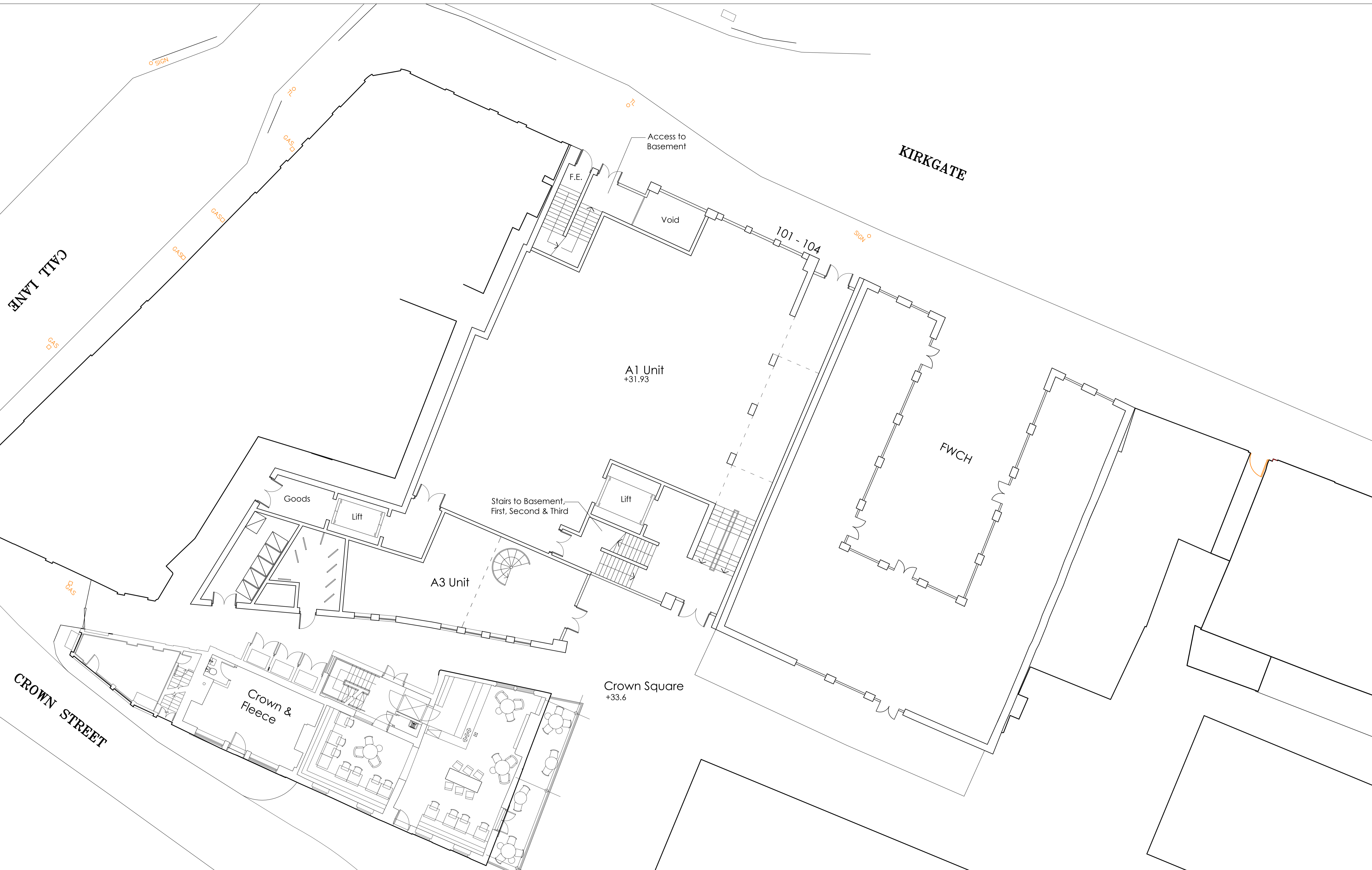
# CITY PLANS PANEL

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SCALE : 1/1500





**Proposed - Ground Floor Plan**  
 Scale 1:100

Note: All dimensions given must be verified by the contractor before manufacture or commencement of any works or installations. Any discrepancies to be reported to the Architect.

Rev	Des	By	Date	Ch	Rev	Des	By	Date	Ch	Rev	Des	By	Date	Ch
A	General Updates	FCT	13.04.2016	SS										
B	General Updates	FCT	19.05.2016	SS										
C	Bike Store/A3 unit revised	FCT	25.05.2016	SS										

LOCATION PLAN 1:5000

Notes:  
 Contractor must verify all dimensions on site before commencing any work or shop drawings. If this drawing exceeds the quantities taken in any way the Architects are to be informed before the work is initiated. Do not scale off this drawing. Drawings based on Ordnance Survey and / or existing record drawings - design and drawing content subject to Site Survey, Structural Survey, Site Investigations, Planning and Statutory Requirements and Approvals. Authorised reproduction from Ordnance Survey Map with permission of the Controller of Her Majesty's Stationery Office. Crown Copyright reserved.

**FOR COMMENT**

Project:  
 Kirkgate  
 Leeds

Title:  
 Proposed - Ground Floor Plan  
 101-104 Kirkgate/ FWCH

Drawing No:  
 15\_015(SK)102

Job No.  
 15\_015

Drawn By:  
 FCT

Checked By:  
 SS/JRW

Date:  
 15.03.2016

Revision:  
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Scale:  
 1:100@A1

**think  
 architecture+design**