
Report of the Chief Planning Officer

City Plans Panel

Date: 8th March 2018

Subject: Planning Application reference 17/07579/FU for the retrospective demolition of 101-104 Kirkgate, the demolition of 9-13 Crown Court, and the construction of new residential buildings with ground floor A1 retail, A3 café/restaurant uses and D1 leisure uses, basement car parking and associated public realm at 101-104 Kirkgate 9-13 Crown Court and Crown Street Car Park, Leeds 2.

Applicant
Cityfusion Ltd.

Date Valid
27.11.2017

Target Date
06.04.2018

Electoral Wards Affected:

City and Hunslet

☐ Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions set out in Appendix 1 (and any others which he might consider appropriate) and the completion of a Section 106 agreement to include the following obligations:

- **5% Affordable housing to be provided in accordance with details at section 10.6 of this report**
- **Sustainable travel fund £14,803**
- **Car club contribution £10,000**
- **Travel plan monitoring fee £2500**
- **Cost of TRO work and compensation for loss of parking bay revenue of £25,215**
- **Public access to routes and spaces within the site: Crown Court, Crown Square and access road to Pine Court at all times, pedestrian route to the north of the building and the alleyways 8am-8pm 7 days a week**
- **Cooperation with local jobs and skills initiatives**

In the circumstances where the Section 106 Agreement has not been completed

within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

Conditions

Draft Conditions for 17/07579/FU See Appendix 1

1.0 Introduction:

This application is brought to City Plans Panel because it relates to a major residential and commercial development on brownfield land in the Lower Kirkgate area of the City Centre, based on the principles set out in the Lower Kirkgate Planning Statement 2011.

2.0 Proposal

- 2.1 The application consists of two new buildings with associated public realm. At 101-104 Kirkgate and 9-13 Crown Court (at the rear), a part 4, part 5 storey building in red-brick and vertical metal cladding is proposed, with A3 café/bar at basement level, A1 retail at ground floor, with flats above. The application also proposes the demolition of the existing 9-13 Crown Court.
- 2.2 The proposal also includes the re-development of the Crown Street car park, with a new red-brick part 4/5/6/7 storey residential building, with ground floor A3 café/restaurant units.
- 2.3 The proposal is for Private Rented Sector (PRS) flats, across the two buildings. 80 flats are proposed in total, consisting of:
 - 33 one-bed flats
 - 42 two-bed flats
 - 6 three-bed flats
- 2.4 The buildings would be constructed to exceed 2013 Building Regulations Part L by 20%. 10% on-site low carbon energy demand would be met by using by air source heat pumps.
- 2.5 28 car parking spaces including 3 disabled bays are proposed at basement level below the Crown Street car park building. This basement would also include provision for 74 cycle parking spaces. The car park would be accessed via Pine Court (one-way in) and egressed via the Waterloo House access road. Bin storage would also be located inside the building, accessed from the Waterloo House access road. All refuse and recycling would be managed by private collection.
- 2.6 The application is supported by the following documents:
 - Scaled plans
 - Design and Access Statement
 - Verified Views
 - Heritage Statement
 - Sustainability Statement
 - Noise Report
 - Coal Report
 - Transport Statement
 - Travel Plan
 - Land contamination report
 - Drainage strategy
 - Servicing Strategy

3.0 Site and Surroundings:

- 3.1 101-104 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 more recent fire and subsequent emergency demolition of Hills Furniture at 103-104 Kirkgate. 9 Crown Court is a vacant 2-storey building originally built in late 19th century, with rebuilt facade and extensions. 11 Crown Court is an occupied two storey, two bay brick structure that is an amalgamation of two structures dating from the mid 19th century and the mid 20th century with a breezeblock base and plywood boarding to the first floor at the rear, currently in workshop use. 13 Crown Court is a 3-storey concrete framed building adjacent to rear of Call Lane buildings, which is in use as a music studio. The alley to the rear of 11-13 Crown Court is closed off with a metal gate and barbed wire. Crown Street car park is a rough surfaced long-established use car park to the rear of the Kirkgate frontage properties, between the railway viaduct, Waterloo House and Crown Street. There is an elevated railway viaduct to the east of the site, which carries trains 24 hours a day. There are late night entertainment uses close to the application site, including Domino's pizza on the north side of Kirkgate, and Waterloo House to the south beyond the surface car park to the rear of the properties, which is currently vacant, but has previously been in use as food and drink, bar and nightclub uses.
- 3.2 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 area has been created by the clearance of buildings. 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 been the focus of successful City Centre regeneration, such as the nearby Victoria Gate (including former Victoria Quarter) or the waterfront, for example The Calls.
- 3.3 The site lies within the designated City Centre, the Primary Shopping Area, 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 I Kirkgate Market
 - Grade I Leeds Minster
 - Grade II* First White Cloth Hall
 - Grade II* Third White Cloth Hall
 - Grade II* Waterloo House
 - Grade II 3-7 Crown Street
 - Grade II 23 Kirkgate
 - Grade II Westminster Buildings

4.0 History of Negotiations

4.1 City Fusion presented their pre-application scheme for this site at City Plans Panel on 29th June 2017. Members discussed the following issues:

- Members sought clarification on bin storage
- Clarification was sought around the public access/ residents security arrangements
- Members sought clarification around access to the greenspace/ active space, would the public be able to access this space
- Would trees, grass, benches and litter bins be provided in the greenspace/ active space
- Members queried the purpose of a small building adjacent to the rear of the White Cloth Hall
- The apartment block fronting 101 to 104 Kirkgate was not in keeping with the rest of the street and was considered too high
- Members queried the proposed roof scape to the Kirkgate frontage suggesting that it should better fit in with existing buildings

In responding to the issues raised, the applicant's representatives said; bin storage areas were located in each core and managed by private collection, access to the public areas of the building (including greenspace/active space) would be from 7.00am until 8.00pm, the small building adjacent to the White Cloth Hall was a new stair core for No.97, further consideration would be given to the height and design of the apartment block and to the overall roof scape.

In offering comments Members raised the following issues:

- Members welcomed the fact that the buildings would be constructed to exceed current Building Regulations by 20% in terms of carbon emissions and that all apartments would meet National Space Standards.
- Members welcomed the provision of 5% on site affordable housing
- Clarification around the public access arrangements and how they were managed was important
- Further consideration of the height and design of the apartment block fronting 101-104 Kirkgate was required.

In drawing the discussion to a conclusion Members provided the following feedback;

- Members were supportive in principle, to the demolition of 10 -11 Crown Court and replacement with a modern building
- Members were supportive in principle, to a modern design on the location of 101-104 Kirkgate, however, the height and appearance of the proposed development should be more sympathetic to the existing buildings within the area ("building on what was already there")
- That subject to testing of key street views, Members were supportive of the emerging design of the building proposed on the car park
- Members welcomed the proposed size of the apartments and the provision of 5% on site affordable housing
- Members were supportive in principle to the proposed highways and transportation matters, including the approach to car parking and servicing
- In summing up the Chair said Members were supportive of the proposal, this was an important historic part of the city and redevelopment and restoration of the area was welcomed

4.2 City and Hunslet Ward Councillors were consulted at pre-application stage by email on 16 June 2016 and 15th June 2017.

5.0 Relevant Planning History

- 5.1 There is a current planning application also on this agenda relating to The First White Cloth Hall Planning Application reference 17/07710/FU for external alterations including reinstatement of the west wing, new covered courtyard with atrium, new circulation core to rear, new shopfront and flexible use as A1 retail, A2 financial and professional services, A3 cafe, A4 bar and/or B1 offices and Listed Building Consent Application reference 17/07711/LI for internal and external alterations including reinstatement of the west wing, new covered courtyard with atrium, new circulation core to rear and new shopfront at the First White Cloth Hall, 98-100 Kirkgate.

- 5.2 A number of planning permissions have been granted along Kirkgate for repair and refurbishment that are eligible for Townscape Heritage Initiative grant funding. Three properties Nos. 90, 92 and 93 have been completed successfully. No. 94 is due to start shortly, and planning permission has been granted for Nos. 83-91 and 97.

83-91 Kirkgate

Planning permission has been granted for the change of use to mixed-use flexible retail, food and drink, office, hotel, residential and non-residential institution (A1, A3, B1A, C1, D1 and C3), and alterations including new shopfronts under ref. 16/07062/FU

83 Kirkgate East Street Arts Hostel

The permanent change of use of shop to hostel and art space was approved under application 16/07062/FU.

90 Kirkgate

Planning permission was granted for the change of use to first floor and second floor from cafe (A3) to form office (B1), alterations to ground floor cafe including new shop front under reference 16/04505/FU. Works have been completed.

92 Kirkgate Wapentake

Planning permission was granted under reference 14/02116/FU as amended by 15/05921/FU for the change of use from retail (class use A1) to restaurant/cafe and takeaway (class uses A3 and A5). Works have been completed and the unit is occupied.

93 Kirkgate Doghouse shop and cafe

Planning permission was granted for the change of use from A1 to A3 and A5 use under reference 16/00109/FU. Works have been completed and the unit is occupied.

94 Kirkgate Tattoo studio

Planning permission was granted for a new shopfront, new windows to front and rear and new walls and railings to rear under reference 17/02396/FU and application to discharge conditions is pending consideration.

97 Kirkgate

Planning permission was granted for the change of use to flexible mixed-use retail, food and drink and offices (A1, A3 and B1), and alterations including new shop front under reference 16/07058/FU

3-7 Crown Street

Planning application (17/05750/FU) and listed building consent (17/05751/LI) applications have been approved for the change of use from mixed use retail, cafe,

offices (class uses A1, A3 and B1) to form a public house (A4) and retail (A1) or cafe (A3) or take away (A5) unit, with alterations including demolition of existing two storey rear extension, construction of a three storey stair and lift core to serve all floors and new shopfront.

6.0 Public/Local Response:

6.1 Planning Application publicity

- Site Notice 08.12.2017
- Press Notice 15.12.2017
- City and Hunslet Ward Councillors consulted 29.11.2017

6.2 Comments have been received from:

6.2.1 Leeds Civic Trust (LCT)

LCT support the principle of a new development on the car park site, however they object to the proposal for the following reasons:

1. Plan Form

The basic plan concept provides a series of ginnels and squares which could make this an interesting area to walk through. Whilst this goes against the burgage plot form of the properties along Kirkgate, most of the rear buildings were cleared a number of years ago and a linear plan form is, in our view, acceptable. However, it appears that the central part of this space will be gated off and unusable at all times except for immediate residents, which completely negates the concept. It removes the primary public desire line between the bottom of Kirkgate to Crown Street, leaving only undesirable loops at each end. This will have an adverse effect on the self-policing of the area, leaving it considerably less used and more intimidating.

2. Basement parking and access

LCT question the need for any parking in this city centre core site, where public transport is amply provided and there will also be car club parking spaces on Kirkgate. Such a large amount of excavation will wipe out any below ground archaeology (see below). The vehicle access out of the basement parking, taken up a back alley between the back of the scheme and the Assembly Rooms, means that current proposals for pedestrianising Crown Street and Call Lane will not be possible. That back alley with only service entrances and blank walls appears very canyon-like and unattractive, but will be a prominent side vista from Crown Street and the access into the site from there. Moreover, it appears that the only pedestrian stairs from the basement parking discharge into that back alley, leaving flat dwellers to find their way out of it round to the main entrances. Without basement parking, that back alley space could be transformed if it provided an alternative walking route, perhaps shared with occasional service access, with further ginnels weaving in and out of the central space and with ground floor outlook onto it.

3. Scale and massing

LCT are of the view that the buildings are too high. Whilst they might not be seen in direct sightlines from across Kirkgate, or from the base of the Corn Exchange at its closest position, this will not be the case with views obliquely up and down Kirkgate; from Harper Street; from New Market Street down Kirkgate and across Crown Street; and from further south on Crown Street itself. In all these views the height of the new building and its alien roof form, outline and mixture of materials will be apparent above the older roof tops. This historic area consists of relatively small-scale buildings with the one exception of the Corn Exchange which certainly needs to retain its prominence. The essence of the existing buildings is that whilst there are different orientations and slight variations in height to provide animation, the basic form, scale and materials of the roofs is consistent. To take a specific example, the

height of 101-104 Kirkgate is too dominant over the First White Cloth Hall (FWCH). The pitch roof to Kirkgate is good, but the higher flat roof elements beyond it will jar in views over the FWCH west wing. It is important that, adjoining the FWCH, the buildings are of a similar scale - i.e. 3-storey. But, taking the street façade as a whole, it would be better balanced and less dominant on the FWCH if the division of the proposed terrace was a pair of 3 storeys and a single 4 storey rather than a single 3 storey and a pair of 4 storeys. LCT support the provision of the chimney, but this ought to be on the 3 storey section anyway.

4. Archaeology

This is an extremely important site historically, and there will be archaeological evidence showing how this, the oldest street in Leeds, originated and evolved. We would hope there would be an opportunity to undertake a full-scale below-ground archaeological investigation of the site prior to any construction work being undertaken. This would be even more imperative if the basement car park proposal were to be approved. Certainly, in view of its importance, a simple watching brief would be completely inadequate.

For all the above reasons - the dominant scale and massing, the lack of public permeability, the relationship with the Assembly Rooms and the FWCH, the unnecessary car parking - LCT believe there is more work to be done to achieve a scheme which reflects the qualities of this location and its important heritage.

- 6.2.2 Ramsden & Partners, Wharf Street (local business):
Express concern that the proposed development may prejudice the use of the vacant Waterloo House as a nightclub or music venue in the future.

7.0 Consultations

7.1 Statutory

7.1.1 Network Rail

No objection in principle subject to detailed comments/recommended conditions regarding:

- Land ownership – the vehicular route necessary to gain access to the basement would cross Network Rail land. The applicant is advised to contact Network Rail to agree access.
- Noise and soundproofing
- Lighting
- Landscaping
- Drainage
- Glare to train drivers
- Method statements/drawings relating to any temporary boundary treatment, use of cranes and plant, scaffolding, excavation, drainage, demolition, construction lighting, access to the railway, building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

7.1.2 Historic England

Objection. The proposal would be an overdevelopment of the site, due to its proximity, size, bulk, height and massing would reduce the prominence in key views and cause major harm to the significance of the Grade II* listed First White Cloth Hall, Grade II* listed Waterloo House, a surviving element of the Third White Cloth Hall, the Grade II listed 3-7 Crown Court and the Grade I listed Corn Exchange and the character and appearance of Leeds' City Centre Conservation Area. The NPPF

states that new development within Conservation Areas and within the setting of heritage assets should enhance or better reveal their significance. The current proposal misses a great opportunity to address this objective and the public benefits that would derive from this. The proposed development would obliterate the historic urban grain that characterises the layout of properties in this part of the conservation area.

The rear section of the 101-104 Kirkgate building should be subservient to the frontage along Kirkgate and follow the established grain of stepping down significantly in scale to the rear.

This new building would require the demolition of 9 - 13 Crown Court, a range of characterful nineteenth century buildings which demonstrate the adaptability of use which, along with 3 - 7 Crown Court, form the only remaining section of the network of courts to the rear of Kirkgate. They are not designated heritage assets; however they contribute to the understanding of the historic development which sat behind Kirkgate. These buildings should ideally be repaired, retained and integrated into the development so that the contribution they make to the character of the conservation area can be enhanced.

The development would also undermine and detract from the efforts of the positive regeneration planned for 3-7 Crown Court, 83-88/9, 91 and 97 Kirkgate and anticipated at the First White Cloth Hall in 2018.

However the part of the application proposal along the frontage of 101-104 Kirkgate is a positive response to the character and appearance of the conservation area and follows the guidance set out in the Lower Kirkgate Planning Statement. The architectural approach, scale and materials are all appropriate for the established historic context for the frontage of 101-104 Kirkgate.

In summary Historic England considers that the application does not meet the requirements of the Core Strategy Policy P11 or the NPPF paragraph numbers 60, 61, 63, 131 - 134 and 137.

7.1.3 Coal Authority

No comments received at time of writing. A planning condition is recommended which would require the submission and approval of a detailed site investigation and any necessary remedial works.

7.2 Non-statutory

7.2.1 LCC Conservation Team

The scale, form, materials and architectural features of the proposed new buildings have potential to enhance the character and appearance of the Conservation Area, and the special character of nearby listed buildings. The applicant has justified demolition of 101-104 Kirkgate (retrospective) and 10-11 Crown Court. Key views of the Crown Street Car Park proposal have been tested from the surrounding area and are considered acceptable.

7.2.2 Leeds City Council (LCC) Transport Development Services

Highways officers have advised that the proposal is acceptable in principle, subject to the considerations in section 10 of this report.

7.2.3 LCC Public Rights of Way (PROW)

A claimed public footpath runs between Kirkgate (adjacent to No. 90) and Waterloo House, and along the northern flank of Waterloo House. The PROW team has been

in discussion with the consultants for this development regarding the diversion of the claimed footpath which runs through the site. A Public Path Diversion/Extinguishment Order, under Section 257 of the Town and Country Planning Act 1990, will be required in order to enable the development to occur.

7.2.4 LCC Flood Risk Management

No objection. A drainage scheme (i.e. drainage drawings, summary calculations and investigations) detailing the surface water drainage works and Sustainable Urban Drainage Systems (SuDS) features will need to be submitted for approval. The site is classed as a major development therefore a surface water greenfield discharge rate is applied where possible (5l/s per hectare). Infiltration drainage may not be appropriate on this site, therefore underground attenuation storage methods should be investigated to achieve a greenfield discharge rate along with SuDs.

7.2.5 LCC Nature Conservation

There should be no significant nature conservation concerns with the application proposal.

7.2.6 West Yorkshire Archaeological Advisory Service (WYAAS)

The application site is located in an area of archaeological potential WYAAS would strongly recommend a pre-determination archaeological evaluation is carried out to establish if archaeological remains relating to Leeds' medieval origins survive. This development may uncover and destroy important archaeological remains associated with the early medieval settlement of Leeds and its development over the medieval and post medieval periods. However, if the Planning Authority is minded to grant permission, we would recommend that evaluation is secured by the attachment of a suitable planning condition.

7.2.7 West Yorkshire Police

No comments to make on the application.

7.2.8 Yorkshire Water

No objection subject to conditions regarding surface water drainage.

8.0 Relevant Planning Policies

8.1 Statutory Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making on this site, 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)

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

Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) also need to be addressed when assessing this proposal.

The Development Plan

8.1.1 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 below:

Spatial Policy 1 location and scale of development.

Spatial Policy 3 the role of the City Centre

Spatial policy 6 housing requirement and allocation of housing land

Spatial policy 8 economic development priorities

Policy CC1 City Centre development

Policy EC2 office development

Policy P2 Town centre uses

Policy P4 Retail

Policy P10 design

Policy P11 heritage

Policy P12 landscape

Policy T2 accessibility requirements and new development

Policy CC3 improve connections with the City Centre.

Policy H2 housing on unallocated sites

Policy H3 housing density

Policy H4 housing mix

Policy H5 affordable housing

Policy EN1 carbon dioxide reduction

Policy EN2 sustainable design and construction

8.1.2 **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

N18A Conservation Areas and Demolition

N18B Conservation Areas and Demolition

N19 Conservation Area and new buildings

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

N29 archaeology

ARC6 archaeology

BD2 Design of new buildings

BD4 All mechanical plant

BD5 states that a satisfactory level of amenity for occupants and surroundings should be provided.

BC7 Building Conservation

CC22, SF1a, SF3 shopping frontage policies

Policy LD1 landscaping

An east-west pedestrian route is identified on City Centre Inset Map 2 to link from Pine Court to Crown Street. Crown Court is also identified on the plan as a protected pedestrian route.

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

Relevant policies include:

Air 1 management of air quality through new development

Water 1 water efficiency

Water 2 protection of water quality

Water 7 surface water run-off

Land 1 contaminated land

Land 2 development and trees

8.2 **Relevant Supplementary Planning Documents and Guidance includes:**

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

8.3 **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.

8.4 **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

Paragraph 17 also 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”.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF states that local authorities should deliver a wide choice of homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (para 50).

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;
- Create safe and accessible environments; and
- Development to be visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

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.

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 of 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 132 of the NPPF states that significance can be harmed through development within its setting, and that substantial harm to or loss of designated heritage assets of the highest significance (Grade I and II* listed buildings and Scheduled Ancient Monuments) should be wholly exceptional.

Paragraph 134 states 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.

Paragraph 137 states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

8.5 Other material considerations

8.5.1 Emerging Site Allocations Plan (SAP)

The site lies in the designated City Centre, Primary Shopping Area, and the street frontage to Kirkgate is within a secondary shopping frontage in the emerging SAP, where policies RTC1, 2, and 3 are relevant. The car park site is allocated for mixed use and housing under the emerging draft Site Allocations Plan under reference MX2-26(231) for 65 units.

8.5.2 Private Rented Sector Housing and Affordable Housing

With regard to Private Rented Sector (PRS) / Build To Rent (BTR) developments and Affordable Housing provision, on 22 March 2017 Leeds City Council's Executive Board endorsed an approach which recognises that the acceptance of commuted sums from PRS/BTR schemes may be appropriate and justified in accordance with Core Strategy Policy H5.

8.5.3 The Leeds Standard and the DCLG Technical Housing Standards

The Leeds Standard was adopted by the Council's Executive Board on 17th September 2014 to ensure excellent quality in the delivery of new council homes. Through its actions the Council can also seek to influence quality in the private sector. Those aspects of the Standard concerned with design quality will be addressed through better and more consistent application of the Council's Neighbourhoods for Living guidance. The standard closely reflects the Government's Technical Housing Standards – Nationally Described Space Standard (NDSS) which seek to promote a good standard of internal amenity for all housing types and tenures. A selective review of the Leeds Core Strategy is presently being undertaken (CSSR). The review includes policies to introduce residential space standards. The CSSR publication draft was agreed at the Council's Executive Board meeting on 7th February 2018 for consultation purposes, and therefore some weight can be attached to this emerging policy.

9.0 Main Issues

9.1 Principle of the proposed development

9.2 Impact of the design, scale and layout of the proposed buildings on the character and appearance of the Conservation Area and the setting of nearby Listed Buildings including the principle of demolition

9.3 Residential Quality, mix and sustainability

9.4 Highways, transportation and access

9.5 Planning Obligations

10.0 Appraisal

10.1 Principle of the proposed development

- 10.1.1 Residential use is considered to be complementary to the main City Centre retail functions in the area, and would promote activity throughout the day and night, increasing levels of activity and natural surveillance. The redevelopment of this brownfield site for residential would also contribute to the continuing regeneration of the Lower Kirkgate area, contribute towards the delivery of new homes in the emerging site allocation, and the wider City Centre. Therefore the proposed residential use is supported in principle in accordance with Core Strategy Policies SP3, CC1, H2, H3 and the Lower Kirkgate Planning Statement and the emerging SAP site MX2-26(231).
- 10.1.2 Retail (A1) use is particularly encouraged in the Primary Shopping Area and in designated protected shopping frontages. The site of 101-104 Kirkgate lies on a Secondary Shopping Frontage. The proposal for a ground floor A1 retail shop unit at this site would meet the objectives of the shopping frontage designation and the primary Shopping Area and is therefore acceptable. The proposal for a mixture of A3 café/restaurant at the basement level of the new building at 101-104 Kirkgate and the provision of A3 café/restaurant units at the ground floor of the new building on the car park site at its western (Crown Square) and eastern (Pine Court) ends would add a variety of supportive and complementary uses are also acceptable, which would not harm the main retail function of the area. It would also encourage a more diverse mixed independent retail, leisure and food economy now established in this part of the City Centre, which would ensure life, variety and vitality throughout the day and into the evening, which can serve local residents, workers and visitors, without harming the primary retail function of the area.
- 10.1.3 As such, the principle of the development is considered acceptable in accordance with Core Strategy Policies SP3, SP8, EC2, CC1, P2 and P4, the Lower Kirkgate Planning Statement and the NPPF, subject to the heritage, highways and drainage considerations outlined in the remainder of this appraisal.

10.2 Impact of the design, scale and layout of the proposed buildings on the character and appearance of the Conservation Area and the setting of nearby Listed Buildings including the principle of demolition

- 10.2.1 Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 state the statutory duty of Local Planning Authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The following paragraphs assess the application against the relevant legislation, policy and guidance including paragraphs 128-141 of the NPPF. The heritage assets affected by this proposal and their significance are described in the submitted Heritage Statement, and are summarised at section 3 of this report. Part of the application site is currently a roughly-surfaced car park created by the demolition of buildings behind the Kirkgate frontage over a number of years. This current visual appearance is considered to have a negative impact on the character and appearance of the conservation area, and the setting and significance of nearby listed buildings including the Corn Exchange, the First White Cloth Hall, Waterloo House, Third White Cloth Hall, and 3-7 Crown Street. This site and the application proposal presents is a clear opportunity to enhance the character and appearance of the Conservation Area and the setting the listed buildings.

- 10.2.2 The proposed plan-form is at right angles to the historic grain, with an irregular but linear stepping floor plate, which would create a pinch points and a series of more intimate spaces leading on from each other, in a manner reminiscent of the backland yards. The scale, massing, fenestration and materials have been designed to complement the historical setting in a considered and contextual manner to provide a calm and neutral foil to this historic setting. The black zinc treatment would provide contrasting details in a sympathetic natural material, which would highlight focal points and highlight the white rendered listed buildings at 3-7 Crown Street and Waterloo House. The development would also offer the opportunity to improve existing links and create new links to connect Call Lane, Crown Court, Crown Street and Kirkgate creating attractive public realm to the south of the First White Cloth Hall, as set out in the Lower Kirkgate Planning Statement. With reference to Leeds Civic Trust's comments regarding the nature of the basement car parking and servicing around the development, it is considered that whilst in policy terms a car free development would be acceptable in principle, in practical terms most City Centre developments do have a much reduced level of car parking in relation to the maximum standard, and this supports the viability of the scheme. There would be active ground floor uses at each end of the building and these active frontages to Crown Court, facing Pine Court and the new public realm to the rear of 101-104 Kirkgate are proposed in order to animate the space, make new pedestrian routes feel safe, and enhance the setting of nearby listed buildings and the conservation area, especially when combined with the south facing commercial units in the adjacent approved scheme for the refurbishment of the 83-91 Kirkgate. With reference to Historic England's comments that the proposal should take inspiration from the historic grain of the area, the recreation of burgrave plots would not result in adequate amenities for future residents, inefficient and unlikely to be viable, and would not achieve an appropriate housing density and recreate a replica of the historic grain.
- 10.2.3 There is a generally consistent emerging height and building line to this part of Kirkgate. The building proposed for the car park site would step up from 4 storeys at the western end, to 7 storeys at the eastern end. Key verified views of the Crown Street Car Park proposal have been tested from the surrounding area, as advised in the Lower Kirkgate Planning Statement, to ensure that new buildings do not unduly affect the skyline and the setting of the First White Cloth Hall, the Corn Exchange or the Kirkgate streetscene as a whole. The verified views show that the proposed development would have little impact on views from outside the site and where it can be seen it is not harmful. The "infill" block will be seen in views along Kirkgate but this is an acceptable scale and massing and the larger blocks behind the frontage do not impinge to any significant degree. Where it is visible such as from the pocket park opposite the Minster, it is seen in the context of the viaduct and existing large scale modern development and in the view along Crown Street it is considered to form a positive termination of the view. On balance, it is not considered that this proposal would harm the conservation area or the setting or significance of listed buildings such as the Minster. 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. Although it is larger in scale than the Kirkgate properties and Waterloo House, and other features, the submitted verified views demonstrate that the building proposed on the car park site would only be visible in glimpsed dynamic views, popping up in limited locations from the surrounding streets. It is considered that the proposal would not dominate the setting of Waterloo House or the character and appearance of the Conservation Area in key views from the surrounding streets such as Crown

Street, Assembly Street, Kirkgate or The Calls, because in these views the form steps down to a similar height. Views from within the car park itself are not considered to be as important, because the car park is not a visually attractive setting in its own right and one which would not be in keeping with the historic grain of the area either which was much more dense use of land. The present open-ness and flatness is not considered to represent a desirable or positive feature in the conservation area, it is considered that it detracts from the character and appearance, and does not contribute to the significance or setting of the nearby listed buildings. It is acknowledged that the car park site building would have a larger bulk than its more domestic neighbours, but it would be concealed by the buildings around it, with the carefully designed stepping form in massing, plan and elevation, taller elements to the back of the site which would not intrude into the townscape of the more sensitive areas within the setting of heritage assets to the north, west and south. The proposal is not regular or consistent in form like Corn Exchange or Waterloo House, and would be subservient to the Corn Exchange in scale and to Waterloo House at the western end, where the heritage assets face each other, and their combined character and impact is greatest. Where the form steps up it would be away from the more sensitive context of these important heritage assets, adjacent to the railway infrastructure which can absorb a greater scale of building. Therefore it is considered that the proposal would sustain the significance and setting of the Corn Exchange, Waterloo House and the First White Cloth Hall, and enhance the character and appearance of the conservation area and the setting of the nearby listed buildings, in accordance with paragraphs 131, 132, 137 of the NPPF.

- 10.2.4 Regarding the proposed demolition of 9-13 Crown Court, these are considered to be make low or neutral contributions to the character and appearance of the Conservation Area. As part of their application submission, under the requirements of the national planning policy guidance and the NPPF, it is considered that the proposal would have wider public benefits, such as environmental improvements and the delivery of housing. 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 9-13 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 nearby Listed Buildings), and it is considered that with reference to paragraph 134 of the NPPF, the proposal represents the optimum viable use for the site and would deliver high quality public realm and pedestrian connections, new sustainable housing and employment uses, and on balance, this is considered acceptable.
- 10.2.5 The site at 101-104 Kirkgate is currently vacant. Emergency demolition of 101-102 Kirkgate took place 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. This part of the application 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 frontage to Kirkgate has a domestic scale which steps up towards the junction with Call Lane and the grander scale Corn Exchange, Waterloo House and Third White Cloth Hall. The area is typified by changes in scale and variety in building forms which reflect the evolving townscape of the City over the centuries, and therefore the stepping up in height towards the rear of the 101-104 Kirkgate is considered acceptable. In addition, it would remain subservient

to the Corn Exchange. 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 a complementary part 3/part 4 storeys in two shades of light-red/light brown brick, with appropriate modern window proportions and rhythm which complement the surrounding historic buildings. Officers are of the view that it is not necessary to provide like-for-like replacement buildings, and that the application proposal would enhance the character and appearance of the Kirkgate streetscene, the Conservation Area and the setting of nearby Listed Buildings including the Corn Exchange and the First White Cloth Hall, and on balance it is more likely to meet modern commercial requirements in order to be a viable building for future uses including residential and retail, and would be more environmentally sustainable. It is therefore considered that the proposal would meet the objectives of paragraphs 60, 64, 131, 132 and 134 of the NPPF.

- 10.2.6 In summary, with reference to paragraph 134 of the NPPF, the proposed development would sustain the significance and preserve the setting of the Corn Exchange, Leeds Minster, the Third White Cloth Hall, Waterloo House and the First White Cloth Hall, and cause less than substantial harm to the character and appearance of the City Centre Conservation Area as a whole and the setting of the nearby listed buildings. This harm is outweighed by promoting the delivery of new housing, employment, opportunities for active and viable retail and food and drink facilities appropriate to the retail character and function of the area, enhanced public realm and pedestrian connectivity, and the regeneration of an unsightly under-utilised site. With reference to the statutory requirements of the Planning (Listed Buildings and Conservation Areas Act (1990) (as amended), on balance it is considered that the proposal would enhance the character and appearance of the Conservation Area as a whole, and the preserve the setting of nearby listed buildings for the reasons described above. Therefore the proposal addresses the statutory requirements of the Planning (Listed Buildings and Conservation Areas Act (1990) (as amended), the Development Plan Leeds Core Strategy Policies P10, P11 and P12, Saved UDPR Policies GP5, BD2, LD1, N19 and N20, the Lower Kirkgate Planning Statement and the NPPF paragraphs 60, 61, 63, 131 - 134 and 137.

10.3 **Public Realm and Connectivity**

- 10.3.1 In planning terms, it is important that pedestrian routes are kept open for the permeability purposes, however this needs to be balanced with security and safety. It is proposed that the alleyways and the pedestrian route between Kirkgate and the proposed building should only be open to the public between 8am-8pm daily, allowing the route to be closed off outside of those hours and thereby providing a degree of security during the night-time hours when surveillance levels in the area are lower. The pedestrian route to the rear would also be gated between 8pm and 8am for community safety reasons. All routes and spaces would be lit and covered by CCTV.
- 10.3.2 Pine Court route is a claimed Public Right of Way, and is identified on the City Centre Inset Map 2. This would be re-opened for the extent of the applicant's ownership within the red-line and secured as publicly accessible at all times through a Section 106 agreement, as part of a series of connecting routes between Kirkgate and Crown Street and The Calls. Pine Court is important for the following reasons:
- it is a claimed Public Right of Way
 - its use as a public route is more likely to encourage active re-use of the railway arches
 - its use as a public route would also be more attractive for the re-use of 83 Kirkgate as a hostel/art space

- it would help to deliver wider connectivity aspirations to link to/from the Riverside and South Bank (via Centenary Bridge) to the Markets and on to Victoria Gate via Kirkgate/Harper Street – a major reconnection
- it potentially increases the footfall along Lower Kirkgate to the benefit of the regeneration of the street, and
- it is identified in the adopted Lower Kirkgate Planning Statement and the LDF/Saved UDPR as a key connection.

10.3.3 Crown Court is also designated as a public route in the Saved UDPR Inset Map 2. Public access to Crown Court and the public square to the rear of 101-104 and the First White Cloth Hall, and pedestrian access to the service route between Kirkgate via Pine Court and Crown Street would be 24 hours a day 7 days a week. For safety, security and amenity reasons, the ginnels and the route between Crown Square and Pine Court would be open between 8am and 8pm 7 days a week as a minimum, and subject to management arrangements and the exact use of the commercial units within the development, may be open later during the opening hours of the premises.

10.3.4 The Public Rights of Way team has been consulted on the proposals. They highlight two claimed Public Rights of Way, one between Nos. 89 and 90 and one at Pine Court. The claimed footpath at 89/90 Kirkgate appears to be through the building and has been blocked for many years. The applicant is advised that the grant of planning permission does not supersede their obligations under separate and relevant legislation. The applicant is advised that if the status of the footpath is challenged and investigated, if rights are proven to exist, the path will be added to the definitive public rights of way map and statement (legal record of public rights of way) under Section 31 of the Highways Act 1980. Non-compliance with the relevant legislation may result in enforcement action under the highways act irrespective of the controls agreed as part of the grant of planning permission.

10.3.5 It is considered that the proposal for a series of routes and spaces, from the historic alleyways and Crown Court, the new Crown Square to be paved in natural Yorkstone, and the balance of hard and soft landscaping within the courtyard, including raised grassed areas and planting beds, would offer a high quality treatment to the spaces in between the proposed buildings and the existing neighbouring buildings. Exact details of hard and soft landscaping, including details of tree pits and soil depths, planting plans, boundary treatments, bollards, raised planters, lighting, CCTV, landscape management and maintenance plans, and samples of surfacing materials, would be controlled by condition prior to commencement of development to ensure continuity of high quality materials and planting across the site.

10.3.5 In summary the proposed layout of the scheme would meet Core Strategy objectives in Policies CC1, P10, P11 and P12, Saved UDPR Policies GP5, BD2 and LD1 and the Lower Kirkgate Planning Statement.

10.4 Residential Quality, Mix and Sustainability

10.4.1 It is considered that the proposed dwellings would be an appropriate size and layout and would benefit from satisfactory daylight, circulation and juxtaposition of living functions.

10.4.2 It is considered that the proposed building layout generally offers satisfactory privacy relationships and outlook within and around the building. The new buildings have been designed to avoid overlooking between new flats within the scheme, and

those proposed in the current application for change of use to residential at the upper floors of the existing Kirkgate frontage properties.

- 10.4.3 With regards to outlook, it is considered that within this existing urban grain context the outlook around the development is reasonable. Flats to the central section of the block would be dual aspect, with living rooms facing north over the new landscaped pedestrian route behind the Kirkgate frontage. Living room windows have been arranged to avoid overlooking flats approved for residential at the upper floors of the currently vacant 83-91 Kirkgate, where distances would range between 12m and 18m. Where distances would be lower, along the rear of 83-91, windows would be offset, and alternative aspects offered to the east and west. There is residential use at the upper floors of No. 96, however the separation distance to the rear would be some 11.5m. The windows to the rear of No. 96 are a bedroom at second floor and a kitchen at first floor, which is currently boarded up. It is considered on balance that in this instance, this distance is considered acceptable. The aspect to the south towards Waterloo House would face a blank elevation, with windows blocked up. The proposal would feature bedroom windows along this elevation at a distance of 4-6m from Waterloo House. The living rooms for the majority of these flats would face north, east or west and benefit from satisfactory outlook. In this context, given that the windows would be to bedrooms only, this distance is considered on balance to be acceptable in this case.
- 10.4.4 Core Strategy Policy H4 on Housing Mix requires a minimum provision of 20% of flats be provided containing 3 bedrooms across the Local Authority area. However, the policy allows the nature and location of the scheme to be taken into account when assessing housing mix. Given that this scheme offers approximately 7.5% three-bed flats, and the provision of three-bed dwellings in the city centre currently stands at around 1%, this proposal would exceed the percentage of current provision in the area. Generally a 5% provision of three bed flats has been achieved in most major city centre residential planning applications approved since the adoption of the Core Strategy. On balance it is considered that the proposed mix would offer a sufficient variety in unit type for a scheme of this size in this City Centre location.
- 10.4.5 A planning condition would control the exact sound insulation scheme specification to ensure satisfactory amenity and minimise nuisance from existing road, rail, external mechanical plant and late night entertainment noise, including noise from new ground floor premises and mechanical plant within the proposed scheme. With regard to the basement/ground floor bar or restaurant use, the wider area is characterised by a mixture of uses including existing bars and restaurants. It is considered that new bar and/or restaurant uses can be accommodated on the site with suitable controls to avoid creating an amenity problem in the area and would be compatible with the vibrant mixed use character of this City Centre area.
- 10.4.6 A planning condition which requires details of how 10% on-site low or zero carbon energy generation, 20% reduction in carbon emissions above the 2013 building regulations target, and the water usage target, will be achieved on-site at the detailed stage. The proposal would meet the 10% on-site renewable energy demand target with air source heat pumps. These measures are required by Core Strategy Policies EN1 and EN2.
- 10.4.7 It is considered that the scheme would on balance meet the residential amenity, housing mix and sustainability objectives of Core Strategy Policies CC1, H4, EN1 and EN2 and Saved UDPR Policies GP5 and BD5.

10.5 Highways, transportation and access

- 10.5.1 The site is in a very accessible and sustainable location. It is in walking distance to the bus station, railway station and City Centre bus stops and interchanges. Nearby public car parking provision can be found on-street on Kirkgate and at the Markets car park. The surrounding area is a controlled and enforced parking zone. There is short stay cycle parking available on-street on Kirkgate. Long stay cycle parking would be required for staff and residents as part of the scheme. Exact details of long stay cycle parking would be controlled by condition. Deliveries would need to use existing loading bays on Kirkgate and use Pine Court to access the rear, following a one-way route from Kirkgate to Crown Street. Exact details of servicing and deliveries would be controlled by condition.
- 10.5.2 The principle of the proposed bin storage locations are considered acceptable in terms of visual amenity (located in clearly defined bin stores, and concealed from the street scene) and highways terms, providing a condition is applied precluding storage of the bins within the alleyways, Pine Court or the footway. Exact details of refuse and recycling storage and collection would be controlled by condition.
- 10.5.3 The Council's parking guidelines do not set a minimum parking requirement for development in the City Centre but requires that the development does not result in adverse highway safety or amenity issues. The proposed level of parking spaces (including 3 electric vehicle charging points and 2 disabled parking spaces) is considered acceptable given the sustainable location of the development and the controlled nature of surrounding streets.
- 10.5.4 The implementation of the travel plan and monitoring fee would be controlled through the Section 106 agreement. This would also include a Sustainable Travel Fund of £14,803, and a car club trial provision for residents of £10,000.
- 10.5.5 It is therefore considered on balance that the proposal would not give rise to additional road safety or amenity issues, and the application proposal would on balance meet the objectives of Core Strategy Policies T2 and P10, Saved UDPR policy GP5 and the Parking SPD.

10.6 Planning obligations

- 10.6.1 A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
 - (a) necessary to make the development acceptable in planning terms,
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 10.6.2 The proposal is for Private Rented Sector (PRS) flats. The National Planning Policy Guidance set out above makes a distinction for PRS provision which states that: 'The economics of such schemes differ from build to sale and should be determined on a case by case basis. To help ensure these schemes remain viable while improving the diversity of housing to meet local needs, local planning authorities should consider the appropriate level of planning obligations, including for affordable housing, and when these payments are required'.
- 10.6.3 It is accepted that PRS housing has specific characteristics, brought about through its funding model, which may make it unsuitable for the delivery of on-site Affordable Housing provision through a Housing Association or Registered Provider (RP). The

applicant has proposed to pursue three options in turn starting with on-site provision with a Housing Association through to an off-site contribution if on-site provision is not possible. In some PRS schemes it has been possible to secure on site provision of affordable flats to be managed directly by the PRS provider at the Council's benchmark rents, in perpetuity, with compliance to a Local Lettings Policy. If this option is not possible, there may be a commuted sum payable, with no flats to be sold on for at least 10 years from completion. The flats would be provided in a pro-rata mix of one, two and three bed flats. This will be controlled through the S106 agreement. This is considered to be an acceptable approach taking in to account the March 2017 Executive Board report.

- 10.6.4 Adopted policies are likely to result in the following necessary Section 106 matters:
- Affordable Housing 5% on-site in a pro-rata mix of units in accordance with the policy for the area, in a tiered approach starting with:
 - (a) on-site provision managed by a Housing Association,
 - (b) on-site provision managed by the PRS provider in accordance with the Council's benchmark rents as set out in the March 2017 Executive Board report and a Local Lettings Policy in perpetuity, and
 - (c) a commuted sum based on the Council's benchmark figures
 - Sustainable travel fund £14,803
 - Car club contribution £10,000
 - Travel plan monitoring fee £2500
 - Cost of TRO work and compensation for loss of parking bay revenue of £25,215
 - Public access to routes and spaces within the site: Crown Court, Crown Square and access road to Pine Court at all times, pedestrian route to the north of the building and the alleyways 8am-8pm 7 days a week
 - Cooperation with local jobs and skills initiatives
- 10.6.5 The proposal would be subject to the Community Infrastructure Levy (CIL) and the initial sum calculated is £44,101.97

11.0 Conclusion

- 11.1 This scheme is a significant regeneration opportunity that will contribute to the delivery of the Council's adopted place-making vision for the transformation of the Lower Kirkgate area, and high quality development which will bring with it a number of new sustainable dwellings. The scheme would provide a range of house types and sizes, a range of active ground floor retail and food and drink units and provide jobs both during construction and once occupied. The proposed redevelopment would also enhance the character of the surrounding area, by regenerating a prominently-located unsightly and under-utilised brownfield site that currently does not make the best use of City Centre land and currently detracts from the character and appearance of the Conservation Area and the setting of a number of Listed Buildings. The proposal is on balance in accordance with the Development Plan, the Lower Kirkgate Planning Statement and national planning policy as described above.
- 11.2 Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that decision makers should give considerable importance and weight to the desirability of preserving special interest of listed buildings and their setting and pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. On balance, for the reasons set out above, it is considered that the proposal would preserve the character and

appearance of the City Centre Conservation Area and the setting of the Grade I listed Kirkgate Market, Corn Exchange and Leeds Minster, Grade II* Waterloo House, First White Cloth Hall and Third White Cloth Hall, and the Grade II listed 23 Kirkgate, 3-7 Crown Street and Westminster Buildings, and accordingly it is recommended that planning permission is granted.

Background Papers:

Application file 17/07579/FU

Appendix 1 Draft Conditions for 17/07579/FU

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

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

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

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

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

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site 'suitable for use'.

4) 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.

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

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use.

6) Prior to the commencement of development, a Statement of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The Statement of Construction Practice shall include full details of:

- a. the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
- b. measures to control the emissions of dust and dirt during construction;

- c. location of site compound and plant equipment/storage;
- d. location of contractor and sub-contractor parking;
- e. how this Statement of Construction Practice will be communicated by the developer to local residents
- f. Construction works and delivery hours shall be restricted to 0800-1800 hours Monday to Friday, 0800-1300 hours on Saturdays, with no works on Sundays and Bank Holidays.

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

In the interests of residential amenity of occupants of nearby property

7) Building operations shall not commence until a drainage scheme (i.e. drainage drawings, summary calculations and investigations) detailing the surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The surface water discharges should be restricted to 5 l/s unless otherwise otherwise agreed in writing with the Local Planning Authority and surface water drainage scheme shall be accord with the Leeds City Councils Minimum Development Control Standards for Flood Risk. The works shall be implemented in accordance with the approved scheme before the development is brought into use.

To ensure sustainable drainage and flood prevention.

8) No piped discharge of surface water shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development of that phase commences.

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

9) Prior to the commencement of building works, details of all external cladding materials, and a sample panel of all external facing materials, roofing and glazing types to be used shall be constructed on-site and approved in writing by the Local Planning Authority. The external cladding and glazing materials shall be constructed in strict accordance with the sample panel(s) which shall not be demolished prior to the completion of the development.

In the interests of visual amenity and railway safety.

10) No building works shall be commenced until full 1 to 20 scale working drawing details of the following have been submitted to and approved in writing by the Local Planning Authority:

- a. soffit, roof line and eaves treatments
- b. junctions between materials
- c. each type of window bay proposed
- d. ground floor frontages

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

In the interests of visual amenity and the character of the surrounding area.

11) No surfacing works shall take place until details and samples of all surfacing

materials have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The surfacing works shall be constructed from the materials thereby approved and completed prior to the occupation of the building.

In the interests of visual amenity.

12) Landscaping works shall not commence until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include

- a. proposed finished levels and/or contours,
- b. boundary details and means of enclosure,
- c. other 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.).
- g. external lighting and CCTV

Soft landscape works shall include

- h. planting plans
- i. written specifications (including soil depths, soil quality, tree pits, cultivation and other operations associated with plant and grass establishment) and
- j. 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 and railway safety.

13) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

To ensure successful aftercare of landscaping.

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

To ensure maintenance of a healthy landscape scheme

15) No building works shall take place until details for the provision of off-site highways works shown on the submitted plan reference have been submitted to and

approved in writing by the Local Planning Authority for inclusion in the section 278 Highways Agreement or to be secured by such other procedure as may be agreed between the applicants and the Local Planning Authority. Works shall be completed prior to the occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of pedestrian and vehicular safety.

16) Notwithstanding the details shown on the plans hereby approved and prior to the commencement of above ground works, full details of the facilities for the parking of cycles for residents and staff shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the cycle parking facilities thereby approved have been provided. The facilities shall thereafter be retained and maintained as such.

In the interest of promoting sustainable travel.

17) Prior to the installation of any kitchen exhaust flues, extract ventilation system or air conditioning plant, details of such systems shall be submitted to and approved in writing by the Local Planning Authority. The systems shall limit noise to a level at least 5dBA below the existing background noise level (L90) when measured at the nearest noise sensitive premises with the measurements and assessment made in accordance with BS4142:1997. If a kitchen exhaust flue is proposed, details shall be provided of the treatment of odour, smoke and fumes. Works shall be carried out in accordance with the approved details, and maintained as such thereafter.

In the interests of visual and residential amenity, the character and appearance of the Conservation Area and the setting of the nearby Listed Buildings.

18) Notwithstanding the submitted noise report, prior to the commencement of works, a revised noise report including recommendations for a sound insulation and ventilation scheme to protect the amenities of future residents on the site from external road, rail and entertainment noise, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the scheme thereby approved. Prior to the occupation of the residential units, a post-completion sound test shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate the efficacy of the installed acoustic mitigation and ventilation measures. All necessary acoustic mitigation and ventilation measures shall be retained thereafter.

In the interests of residential amenity.

19) Prior to the commencement of building operations an updated Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority for that phase, which shall include a detailed scheme comprising:

- a. a recycled material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit)
- b. a Site Waste Management Plan (SWMP)
- c. an energy plan showing the amount of on-site energy produced by the selected Low and Zero Carbon (LZC) technologies and that it produces a minimum of 10% of total demand, unless otherwise agreed in writing by the Local Planning Authority
- d. details that demonstrate a minimum of 20% carbon dioxide emissions reduction against Part L of the 2013 Building Regulations and meet the Low Water Usage Target

The development shall be carried out in accordance with the details as approved

above;

e. Within 6 months of the occupation of the development a post- construction review statement shall be submitted by the applicant including formal accreditation and approved in writing by the Local Planning Authority

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

To ensure the adoption of appropriate sustainable design principles.

20) Prior to first occupation a scheme detailing the method of storage and disposal of litter and waste materials, including recycling facilities, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a description of the facilities to be provided including, where appropriate, lockable containers and details of how the recyclable materials will be collected from the site with timescales for collection. The approved scheme shall be implemented before the development hereby permitted is brought into use and no waste or litter shall be stored or disposed of other than in accordance with the approved scheme.

In the interests of amenity and to promote recycling.

21) Notwithstanding details shown on the plans hereby approved the gradient of pedestrian ramps shall meet BS8300:2009+A1:2010. Works shall be carried out in accordance with the approved details and retained as such thereafter.

In the interests of accessibility for all.

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

To ensure appropriate archaeological and architectural recording.

23) Prior to the first occupation of the building, details of a servicing, deliveries and refuse strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall operate in accordance with the approved strategy thereafter.

In the interests of amenity and pedestrian and vehicular safety.

24) Prior to commencement of any works, a works management plan including the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a. site compound and cabins
- b. contractor and sub-contractor parking
- c. deliveries and traffic management
- d. means of suppressing dust and dirt
- e. works method statement including details of excavation, piling, location and operation of cranes, vibro-compaction machinery, scaffolding and works lighting
- f. communication statement to local residents and businesses
- g. construction activities including deliveries shall be restricted to 08:00hrs to

18:00hrs Monday to Friday, 08:00 to 13:00hrs Saturdays, with no construction activities Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
Works shall be carried out in accordance with the approved details.

In the interest of road and rail safety and amenity.

25) Deliveries and loading / unloading shall be restricted to 0800 to 2000 hours Monday to Saturday. No deliveries shall take place on Sundays or Bank Holidays.

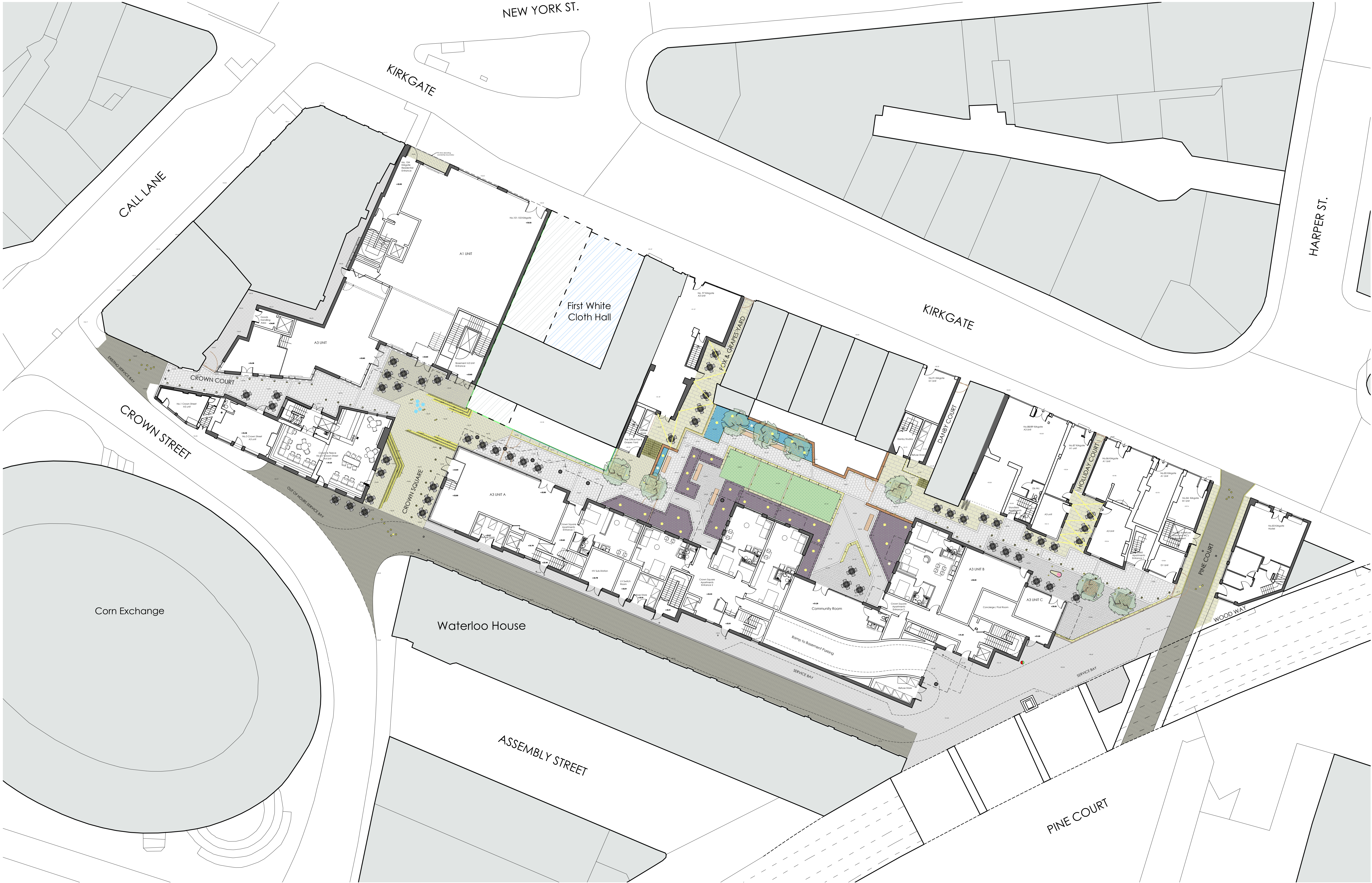
In the interests of residential amenity.

26) Opening hours of the non-residential units shall be restricted to 0700 to 2300 hours Monday to Thursday and Sunday, and 0700 to 0000 hours on Friday and Saturday.

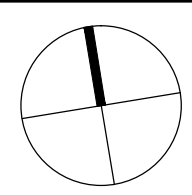
In the interests of residential amenity.

27) Prior to commencement of above ground works, details including plans of the re-use within the development site of timber framing and panelling from the former Hills Furnishings 101-102 Kirkgate shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details prior to the first occupation of the development and retained as such thereafter.

In the interests of preserving features of archaeological interest.



(20) Proposed
Landscape Overview
Scale 1:200



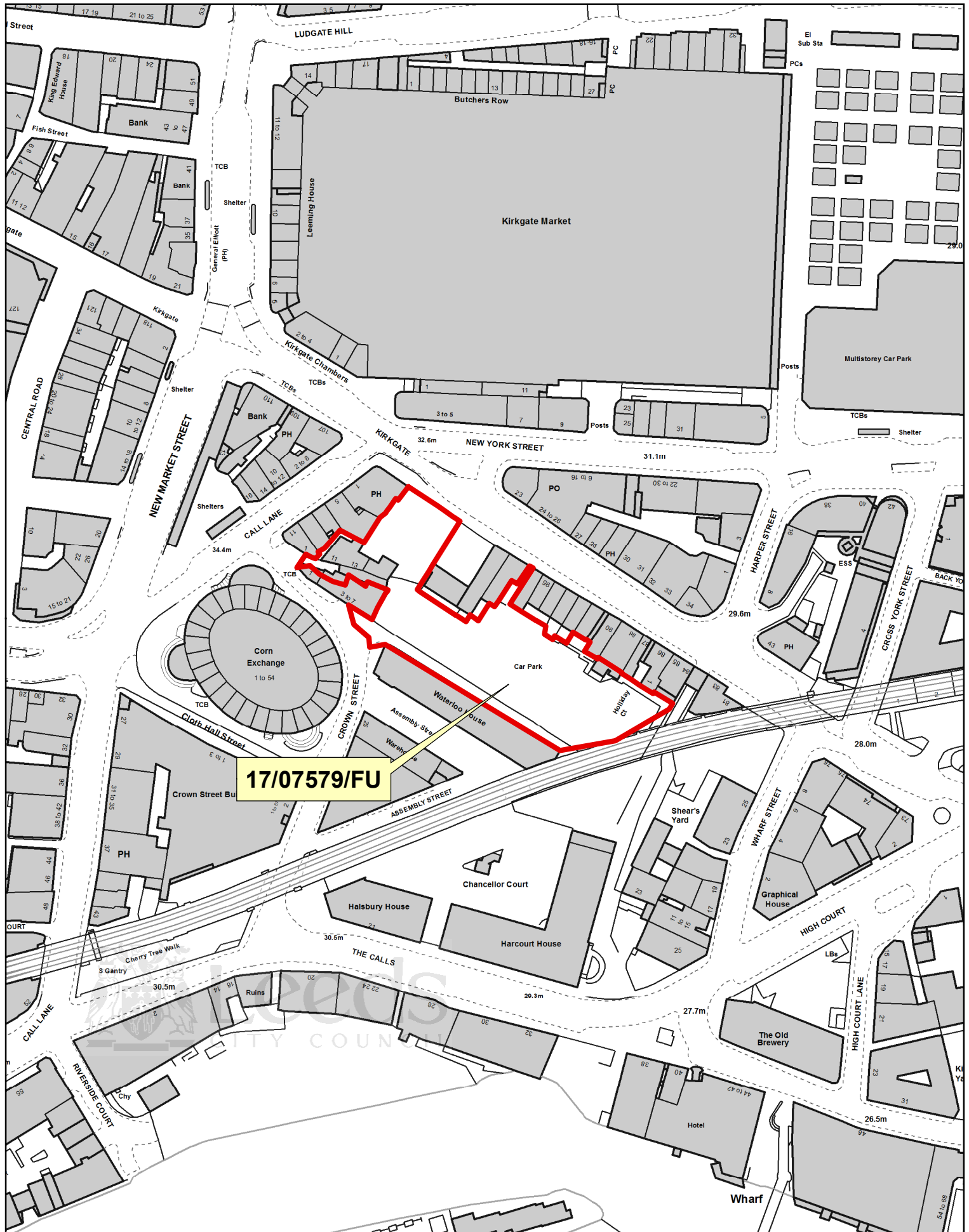
A Access Road, Bollards, Planting, SxD 2018.01.16 SHS											
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Notes:
Contractor must verify all dimensions on site before commencing any work or shop drawings. If this drawing exceeds the quantities taken in any way the Architects are to be informed 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 Stationary Office, Crown Copyright reserved.



Project:
Kirkgate - Masterplan
Leeds
Title:
Proposed
Landscape Overview
Drawing No:
17_011(90)013

Drawing Status: PLANNING			Job No.			Drawn By:			Checked By:		
17_011			SxD			SHS			Revision:		
Scale:			Date:			20.09.2017			A		
1:200@A1											



CITY PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500

