



## Report of the Chief Planning Officer

### PLANS PANEL CITY CENTRE

Date: 1<sup>st</sup> JULY 2010

**Subject: Applications 08/05307/FU - Alterations and extension to form offices and A3/A4 bar restaurant development and erection of 5 storey office block with basement car parking and public landscaped area 14-28 The Calls; and 08/05309/CA - Conservation Area application for demolition of the Mission Hut and 28 The Calls, Leeds**

#### APPLICANT

Bracken Ltd and CDP Ltd

#### DATE VALID

14 November 2008

#### TARGET DATE

13 February 2009

#### Electoral Wards Affected:

City & Hunslet

No

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

### RECOMMENDATION:

**Application 08/05307/FU : DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions (and any others which he might consider appropriate) and the completion of a Section 106 agreement, to include the following obligations; index linked public transport contribution; travel plan and monitoring fee £4000; car club trial membership £7625; provision of on-street car club space and compensation for loss of revenue; management and accessibility to public areas; employment and training initiatives, monitoring fee. In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.**

**Application 08/05309/CA – GRANT CONSENT subject to the specified conditions.**

Application 08/05307/FU Conditions

- 2 Notification of Commencement
- 3 Details of levels including Ordnance Survey Data
- 4 Details of phasing including demolition and construction.
- 5 Archaeological recording.
- 6 Retention/restoration of existing street and building signs.
- 7 1:20 details.
- 8 Details of walling, roofing and facing materials.
- 9 Sample panel of all external facing materials.
- 10 Details and samples of surfacing materials.
- 11 Off-site pedestrian crossing to be delivered before first use of development.
- 12 Details of contractor's storage and parking.
- 13 Details of methods to control dirt, dust and noise during construction.
- 14 Hours of construction 0800-1800 Mon-Fri and 0900-1300 Sat only.
- 15 Cycle, motorcycle and disabled person's parking provision.
- 16 Parking areas to be laid out and drained.
- 17 Details of hard and soft landscaping including lighting, decorative grilles, car park and pedestrian gates, steps, ramp and riverbank railings.
- 18 Implementation of landscaping scheme and retention of lift.
- 19 Details of method, storage and disposal of refuse.
- 20 Contaminated land measures should unexpected contamination be encountered.
- 21 Separate system of foul and surface water drainage.
- 22 Details of foul and surface water drainage.
- 23 Provision of oil interceptor.
- 24 No building within 3m of sewer.
- 25 Development completed in accordance with approved flood risk assessment.
- 26 Piling and foundation design.
- 27 Floor levels no lower than 26.7m AOD.
- 28 No structures with 3.0m of the top of bank or watercourse along the boundary of the site.
- 29 Details of extract ventilation.
- 30 Details of air conditioning.
- 31 Details of flue pipes, extract ventilation or other excrescences to be located to the side or roof of the building.
- 32 Provision of a grease trap.
- 33 Specified entertainment noise levels.
- 34 Specified non entertainment noise levels (eg plant and machinery)
- 35 Opening hours of the A3/A4 use : 0800-0200 hours Monday to Saturday, 1000-0100 hours Sunday.
- 36 External areas not to be used after 2200 hours - management details to be submitted including no external speakers, no external entertainment and closure of gates at 2230 hours.
- 37 Deliveries 0800-1800 hours.
- 38 Removal of permitted development rights to A1.
- 39 Reinstatement and restoration of site should development for any reason cease.
- 40 Measures to be agreed to ensure 10% of energy is from decentralised and renewable or low-carbon energy sources.
- 41 Development to be in accordance with approved plans.

#### Application 08/05309/CA Conditions

1. Time limit for commencement of development.
2. No demolition until contract signed for redevelopment.
3. Archaeological recording prior to demolition.

## **Reasons for approval:**

### Application 08/05307/FU

The application is considered to comply with policies GP5, N12, N13, N19, T2, T5, T6, A4, CC3, CC5 and CC28 of the UDP Review; RSS policies YH4, YH7, E2, E3 and ENV5 as well as guidance contained within Leeds City Centre Urban Design Strategy; PPS1, PPS5 and PPS25 and having regard to all other material considerations the application is recommended for approval.

### Application 08/05309/CA

The application is considered to comply with policies N18A and N18B of the UDP Review and PPS5 and having regard to all other material considerations the application is recommended for approval.

## **1.0 INTRODUCTION**

- 1.1 This is a large riverside site that has an extant permission for a mixed use residential, office and A3 development approved in April 2007 (20/262/03/FU).
- 1.2 The current scheme was first presented to Panel in December 2007 at pre-application stage. A planning application was submitted in November 2008 and revisions to the scheme were presented to Plans Panel as part of a Position Statement on 18<sup>th</sup> June 2009. Following the receipt of revised plans a further report was considered by Panel on 3<sup>rd</sup> December 2009. Members were of the view that the scheme was much improved and commented on the following matters:
  - The alignment of the windows and the side elevation of the Warehouse Hill building;
  - The use of blue brick, particularly on the Atkinson Building, appeared too harsh;
  - The importance of the stone plinth;
  - Accessibility around the site and the number of car parking spaces for people with disabilities;
  - The impact of the scheme on residential units at 32 The Calls and possible restriction of hours of use to 1.00am, with no outside use after 10.30pm;
  - Concerns about flooding; and
  - The need for railings along the riverside.
- 1.3 Officers were requested to submit a further report for determination in due course which provided details on the viability of the public transport contributions; to address design issues and the outlook from 32 The Calls; to provide comments from Licensing and Environmental Health; to confirm that the level of disabled parking was in accordance with the UDP (Review); to comment on flooding issues and the provision of railings along the riverside. These matters are addressed in the Appraisal section.
- 1.4 Following the December 2009 Panel meeting the design team considered comments received from Members, residents and officers in detail. As a result the proposals for the Atkinson Building adjacent to 32 The Calls have been revised once more. At December Panel it was reported that the building had been modified by setting it a little further from the boundary and reducing its projection. The current proposals include a more significant reduction in the projection of the building. At the same time glazing and louvres on the elevation alongside 32 The Calls have been

replaced with a more solid format with a design echoing that of the Warehouse Hill building. Other design changes include the replacement of the blue brick with a rustic red/blue brick, a subtle refinement of fenestration on the Warehouse Hill building, and the introduction of railings along the river's edge.

## 2.0 PROPOSAL

2.1 The revised scheme involves the refurbishment of 20 to 24 The Calls and the construction of 2 distinctive new build blocks to form 5070m<sup>2</sup> of B1 office accommodation and 1496m<sup>2</sup> of A3/A4 floorspace, with underground car parking, cycle and motorcycle facilities. The buildings frame a large south facing space which incorporates ramps, staircases and a public lift to allow movement between the levels. The scheme is formed by the following actions:

- Demolition of 15-18 and 28 The Calls and The Mission Hut. Physical gaps are created at both points to create river views from The Calls and from the Corn Exchange and to encourage public access into a large area of public realm.
- 20 to 24 The Calls is a three/four storey, red brick former warehouse. This building is proposed to be retained as part of the proposed scheme. The former warehouse building will be refurbished as A3/A4 at ground and lower ground floor levels with two levels of offices above.
- The construction of two contemporary blocks situated towards the east and west fringes of the site. The west block (Warehouse Hill Building) occupies the site of 18 The Calls and projects at a right angle along the front of 2 to 12 The Calls. The building would contain 5 levels of office accommodation over a lower ground parking area. The building plan follows the natural bend in the river and would sit on a stone plinth. The building has a vertical emphasis expressed by the window proportions and brickwork arrangement. The verticality is reinforced by the projecting frame of the southern extent of the building element which runs through from The Calls. The glazed top floor of the building is cut back from the southern elevation and continues in a straight plane. The roof form is clearly defined and is capped by a copper cover which wraps over an elevated eastward extension of the building. The ground and first floor of the building on The Calls would be set back on a splay to create a double height void. As with the associated projecting riverside element the elevation is fully glazed and framed in brick. The return element to this part of the building would be constructed in a red/blue rustic brick with fenestration set in deep reveals. Lower levels would utilise expansive areas of glazing.
- The east block (Atkinson Building) is proposed on the site of 28 The Calls. The building projects southwards towards the river and at lower levels across the southern elevation of 20-24 The Calls. The building would be 4 storeys in height fronting The Calls and utilises the fall in levels to form a lower ground floor level facing the river. The building form has been significantly changed since December 2009 Panel. The building has been cut back 6 metres such that it would align with the upper terrace. The eastern elevation, perpendicular to 32 The Calls, is redesigned with the replacement of etched glazing and slot office windows above by an elevation comprising brickwork and copper cladding over a stone plinth. Glazing on this elevation would be limited to windows at office level with views solely towards the river. A lower link would abut 32 The Calls over a 3-4 metre wide route providing pedestrian access from The Calls to the lower terrace area.

- Basement car parking for 50 cars, including 3 disabled spaces, 12 cycle parking spaces and 4 motorcycle parking spaces. These facilities are accessed from Riverside Court and is located primarily beneath the Warehouse Hill Building. The basement includes storage, shower and changing facilities for cyclists.
- A “Very Good” BREEAM rating will be achieved for the buildings through location and travel considerations, selection of materials, solar orientation, high levels of thermal insulation and selection of maximum energy efficiency mechanical and electrical installations, including a system of water heater solar collectors at roof level and other devices to minimise energy consumption.
- The formation of a street level terrace and large area of public realm primarily located along the southern side of 20-24 The Calls. The primary pedestrian access would be in the existing position of 18 The Calls opposite Crown Street. This would lead to the upper terrace. The space would be linked to the lower terrace by steps, a ramp and a public lift. A new riverside footpath would be formed from Riverside Court and access would also be provided down steps adjacent to 32 The Calls to complete the circuit thereby ensuring no dead ends. Public areas and walkways would be appropriately lit. Gates are identified at each of the three access points into the public realm. The gates would be closed at 2230 hours. Railings have now been identified along the river edge.

2.2 The application is supported by the following documents:

1. Design and Access Statement (revised April 2009, November 2009, May 2010).
2. Planning Statement.
3. Flood Risk Assessment.
4. Travel Plan (revised June 2010).
5. Sustainable Development Design Proposals.
6. Bat survey.
7. Sunlight Study.
8. Justification for the demolition of 28 The Calls.
9. Statement of Community Involvement.
10. Land Contamination Report.
11. Transport Assessment.
12. Noise report.

2.3 Section 106

At Panel in December 2009 officers reported that issues regarding viability of the scheme had been belatedly raised by the applicant and consequently that Section 106 contributions may need to be reviewed before a decision could be taken. However, given that it is unlikely that the scheme would be implemented in the immediate future the applicant has accepted that the Section 106 will include the components set out below. A clause would be inserted within the agreement that would enable the applicant to submit a request to the Council prior to the development commencing to review the contributions in light of the viability of the scheme at that time. The request would need to be accompanied by a full financial appraisal and a fee to enable the Council to consider the appraisal.

- Index linked public transport contribution, including £50,000 - £60,000 for the provision of a controlled pedestrian crossing on The Calls. The public transport

contribution sum was not available at the time when this report was finalised but will be reported verbally to Panel.

- Travel Plans with monitoring fee of £4000. Reference to the provision of Leeds City Council Car Club parking spaces and free trial membership package of £7265 for the development.
- Public access and management of the external areas.
- Standard employment and training initiatives.
- A £600 monitoring fee for each clause that requires administration /management/monitoring.

### **3.0 SITE AND SURROUNDINGS**

- 3.1 The application site is located within the City Centre Conservation Area and within the Riverside Area as identified in the UDP Review 2006. The site contains a number of buildings originally built to serve trade on the river.
- 3.2 The existing buildings fronting The Calls are of traditional design and appearance, with the rear elevations onto the riverside being functional and plain in appearance. The open wharf previously housed a storage shed and is now used for surface car parking for offices at 2 to 12 The Calls. There is no public access to the site at present.
- 3.3 A number of buildings have been neglected, appearing rundown and adversely affect the appearance of the area and the character and appearance of the City Centre Conservation Area. In particular, 18 The Calls has been derelict for a number of years, and is in a precarious state, supported by scaffolding. There is an extant consent for its demolition.
- 3.4 28 The Calls is a small warehouse building, possibly the earliest surviving building on The Calls. However, it was significantly altered in the 20<sup>th</sup> Century including rendering of the original brick skin both to the front and rear elevations and alterations of window openings. Internally the structure was drastically altered and only the original roof trusses and beams survive. Further discussion regarding this building is contained within paragraph 10.4 below.
- 3.5 The Mission Hut is a stone built former Chapel building used by the Leeds canal and waterfront workers in the 19<sup>th</sup> and early 20<sup>th</sup> Century. The building has fallen into disrepair and has no viable function at present. There is an extant consent for its demolition. 18 and 28 The Calls and The Mission Hut are proposed to be demolished as part of the proposed scheme.
- 3.7 2 to 12 The Calls to the northwest of the site was occupied by Thistle Hotels as its administrative centre and storage facility until 2002. Application 07/01174/FU secured refurbishment of the buildings to be used as offices. The refurbishment is complete and the building is now occupied.
- 3.8 32 The Calls is located on the eastern fringe of the site. The listed building comprises a 6 storeys fronting The Calls and 7 storeys to the riverside. The building primarily contains apartments. The Aire Bar is situated at lower level within the building with an open balcony area extending towards the river. Buildings on the southern side of the river facing the application site are primarily in residential use, including Navigation Walk. However, in common with the wider riverside area there is a mix of leisure, office and residential use.

## **4.0 RELEVANT PLANNING HISTORY**

- 4.1 Application 20/262/03/FU was approved in April 2007 for redevelopment of the site to provide 74 apartments, offices and A3 bar and restaurant uses. This scheme was similar in scale to the current proposal albeit the distribution and form of the buildings was different. The scheme also involved the demolition of 14-16 The Calls, 18 The Calls and The Mission Hut. This consent is extant until April 2012.
- 4.2 20/261/03/CA: Conservation area application to demolish storage buildings (14 to 16 The Calls and The Mission Hut). This consent is extant until 03.01.2011.
- 4.3 20/591/01/LI: Listed building application to demolish building at 18 The Calls. Approved 28.12.05. This consent is extant until 28.12.2010.
- 4.4 A study of the hours of use of A3 and A4 premises in the locality has been submitted. This shows a wide variation in permitted closing times from 12 midnight Monday to Thursday at Aire Bar, 32 The Calls to 5am Friday to Sunday at The Oracle, Brewery Wharf.

## **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 In December 2007 Members received a pre-application presentation regarding the scheme presented today. Members commented that the heights of the proposed new build element related to heights of existing buildings in the vicinity; considered the flood protection proposals; reviewed the relationship between the west building and 2 to 12 The Calls; and raised concerns that noise issues could arise from the A3 uses. Members also commented that the route to the east of the eastern building needed to be of sufficient width to provide suitable public access and to justify removal of 28 The Calls.
- 5.2 As noted above the scheme was presented to Panel in June 2009 in the form of a Position Statement. A series of workshops commenced shortly after the June meeting with a view to addressing concerns raised. In July Leeds Civic Trust commented on the proposals. The Trust indicated that whilst the overall massing was not inappropriate the solution may be the introduction of some verticality or greater solidity in the elevations, particularly that facing the river.
- 5.3 In response to the comments of Members, and other stakeholders including the Civic Trust, further workshops involving the Civic Architect were held during summer and autumn 2009. The design team responded by creating a stronger architectural form that is more contextual in the following ways:
- Opening up the views of the River Aire from The Calls by altering the form and extent of the Warehouse Hill Building's overhang and removing the columns.
  - Improving the relationship and connection with The Calls by reorganising the entrance arrangement to the Warehouse Hill building.
  - Improving the openness of the public space by remodelling the arrangement of space within the Atkinson Building.
  - Improving the visual link from the eastern "contemplative space" close to 32 The Calls and reducing the perceived risk of anti-social behaviour.
  - Reducing the impact upon occupiers within 32 The Calls by adjusting the footprint of the Atkinson Building whilst at the same time increasing the width of the public route.

- Transformation of the architectural expression of the Warehouse Hill Building introducing vertical emphasis to the frontage facing the river; the introduction of a stone plinth to provide a strong base to the building and the clear definition of the roof form expressed by a floating façade of copper.

5.4 The revised proposals were considered by Panel in December 2009. Members' comments are reported at paragraph 1.2 above. Subsequently, the design team have made further changes to the scheme in response to Panel's, public and officers' comments.

## **6.0 PUBLIC/LOCAL RESPONSE**

6.1 Site notices were initially displayed on 19<sup>th</sup> November 2008 and the application was advertised in the Press on 27<sup>th</sup> November 2008. Site notices relating to revised plans were erected on 6<sup>th</sup> May 2009 and subsequently on 25<sup>th</sup> November 2009 when residents were also informed of changes to the scheme by letter. Representations were received from local residents and the Leeds Apartment Residents Association, the Aire Bar and Leeds Civic Trust.

6.2 In May 2009 Leeds Civic Trust stated that they did not have significant concerns regarding the overall form and content of the scheme. However, they were concerned that the change in materials, the flat roof and the horizontality of the glazing resulted in the principal building looking like an ugly 1960s multi-storey car park. Concerns regarding design quality were reiterated in a letter of July 2009. In November 2009 the Trust stated that design was a significant improvement and many earlier issues had been addressed. As such, they supported the project as envisaged but wished consideration be given to the junction of the stone plinth and brickwork; the opportunity for more greenery; the need to ensure there would be no external plant; and attempts should be made to link the site to balconies at 32 The Calls.

6.3 Local Residents comments up to December 2009:

6.3.1 19 letters of objection and two petitions were submitted in response to the original proposals:

1. Poor Design including the following observations:
  - Historical buildings run linearly to the river - the new blocks will be at right angles blocking views of the river and of 32 The Calls.
  - The proposed building is much bulkier than in the previously approved application.
  - The pyramid is a wasted opportunity to create soft landscaping in this area.
2. Loss of view from 32 The Calls.
3. Loss of light and privacy to apartments of 32 The Calls.
4. Public Safety particularly regarding access to the east of the proposal
  - Public access areas are fraught with potential dangers.
  - Public access areas have potential for anti social behaviour after dark. There should not be 24 hour access.
5. Loss of amenity from noise and disturbance from the proposed A3/A4 use including:
  - Late night entertainment and alcohol consumption and its effect upon the residential amenity of 32 The Calls. A 3am licence is not acceptable. The Aire Bar, Oracle etc have late licences until 1am but outside areas must be vacated by 10.30pm.
  - Use of outdoor terraces should have a restriction i.e. until 10.30 pm.



6.3.2 A letter was received supporting the demolition of the Mission Hut and redevelopment of the site.

#### **6.4 Response to current proposals**

6.4.1 Revised plans were received on 13<sup>th</sup> May 2010. The application was readvertised by sending letters to all original contributors on 13<sup>th</sup> May and site notices were erected on 19<sup>th</sup> May 2010.

6.4.2 Leeds Civic Trust (14<sup>th</sup> June 2010) support the principles of the project and state that the pulling back of the eastern block is a significant improvement. The Trust suggest that the scheme may be improved by wrapping copper around the western façade. They also refer again to the detailing of the stone plinth junction with other materials; the potential for more greenery, and the need to avoid external plant.

6.4.3 One letter of objection has been received in response to the current proposals. It is suggested that the proposals are much improved but objections remain to the use of the lower terrace area for drinking or dining. It is also suggested that the pedestrian access alongside 32 The Calls would be detrimental to the amenities of apartments within that building if access is provided 24 hours a day, 7 days a week.

### **7.0 CONSULTATIONS RESPONSES**

#### **Statutory:**

7.1 Highways:

Car parking, motorcycle parking and cycle parking is acceptable. A traffic controlled pedestrian crossing on The Calls in the vicinity of Crown Street is required to provide a safe route between the proposed development and the city centre. Conditions regarding travel plans, off-site highway works and contractor's arrangements during construction are recommended.

7.2 Environment Agency:

No objections subject to conditions.

7.3 Yorkshire Water:

No objections in principle to the site layout details.

7.4 British Waterways:

Welcome the proposed development, an improvement to the previously approved scheme. A further improvement would be removing the gated access on the west boundary. Glazed frontages to the commercial ground floor properties are welcomed; however, the façade of the ground floor car parking offers a relatively dead frontage. Waterside barriers like railings should only be used where there is a high-perceived risk of falling into the water or where there is restricted space along the waterside.

#### **Non-statutory**

7.5 Transport Policy:

A framework Travel Plan is required for all the office units and a finalised Travel Plan for the bar/restaurant uses.

7.6 Contaminated Land Team:

Do not require any additional soil sampling to be undertaken, unless any visual and or olfactory contamination is encountered during the additional geotechnical investigations. The site investigation so far has encountered no significant contamination.

7.7 Access:

The disabled person's parking spaces are now well designed and located and are sufficient in number. Entrance arrangements into buildings complies with Part M of the Building Regulations. It is excellent that level access is provided between the upper and lower terrace. Detailed design of the external steps and ramp should be the subject of a condition.

7.8 Land Drainage:

A Flood Risk Assessment was completed for this site with recommendation for flood defences in line with the Environment Agency's proposal for flood defence in the area. Standard Land Drainage conditions should be applied.

7.9 Public Transport Contribution:

A contribution towards the cost of providing strategic public transport is required in accordance with the Supplementary Planning Document. In this case a contribution of £225,373 should be sought. (It should be noted that this figure related to a larger scheme and that officers will report a revised figure to Panel).

7.10 Environmental Protection Team

There is potential for noise breakout from the restaurant/bar, noise from plant and from patrons using outside terraces. A noise mitigation scheme may propose that plant can meet satisfactory criteria. Music breakout could be controlled by having an effective lobby to doors, playing music at low levels or not having music. It may be more difficult to deal with noise from patrons using external areas. Limiting use of the outside area for eating and drinking to a 2200 hours finish would help to reduce the potential for disturbance, as would a requirement for no external speakers although it is not possible to say that this would be enough to prevent complaints. Conditions are recommended regarding acceptable noise levels for entertainment noise and noise form sources such as plant and machinery.

7.11 Entertainment Licensing

Entertainment Licensing have been consulted throughout the planning process. A premise licence would be required. The Principal Licensing Officer (14.6.10) confirmed that the Licensing Section cannot put forward conditions on applications but that Environment Noise are likely to require conditions similar to the ones identified in the proposed planning conditions.

7.12 City Services:

No objections.

7.13 Metro:

Metro welcomes the development and the restrictive approach to parking for the site. In order to prevent excessive private vehicle use at the site, the measures contained within the travel plan must be enforced.

7.14 Police Architectural Liaison Officer:

Due to the site's location, security is a key element in the design process. Access control, controlled riverside access, lighting and landscaping should be taken into account.

7.15 West Yorkshire Archaeology Advisory Service:

WYAAS recommend that archaeological evaluation by means of trial trenching be undertaken along the street frontage once any proposed demolitions have taken place together with an appropriate degree of archaeological investigation and recording as necessary, with the nature and extent of this investigation to be based on the results of the evaluation. WYAAS further recommend that archaeological work in the form of an archaeological watching brief during construction works be undertaken in the southern portion of the site.

7.16 In February 2010 CABE confirmed that they did not wish to comment on the application.

**8.0 PLANNING POLICIES:**

8.1 Regional Spatial Strategy:

The RSS for Yorkshire and Humber was adopted in May 2008. The vision of the RSS is to create a world-class region, where the economic, environmental and social well-being of all people is advancing more rapidly and more sustainably than its competitors. Particular emphasis is placed on the Leeds City Region.

YH4 Regional cities

A Regional cities should be the prime focus for ...leisure...and cultural facilities in the region.

B Regional cities will be transformed into attractive and safe places by developing a strong sense of place with a high quality of public realm and buildings within a clear framework of routes and spaces (2).

YH7 Location of development

This identifies the need for a sequential approach giving first priority to the re-use of previously developed land and buildings and making effective use of existing transport infrastructure and capacity.

E2 Town centres and major facilities

A The centres of Regional Cities ...should be the focus for leisure, entertainment, arts, culture, tourism across the region.

- B Development, environmental enhancements and accessibility improvements should take place to create a distinctive, attractive and vibrant sense of place and identity for each centre.

E3 Land and premises for economic development.

Plans and investment decisions should make use of appropriately located previously developed land.

ENV 5 Maximise improvements to energy efficiency and increases in renewable energy capacity.

- A Reduce greenhouse gas emissions, improve energy efficiency and maximise the efficient use of power sources.
- B Maximise renewable energy capacity by (3) promoting greater use of decentralised and renewable or low carbon energy; for developments of more than 1000m<sup>2</sup> at least 10% of energy secured from decentralised and renewable or low-carbon sources.

It should be noted that the Government has recently stated that the RSS may be withdrawn at some point in the near future. However, it currently remains part of the Development Plan.

## 8.2 Leeds Unitary Development Plan (Review 2006)

The site is located in the City Centre Conservation Area and the Riverside Proposals Area as defined by the Leeds City Council Unitary Development Plan Review 2006. In the Riverside Area no predominant land use is sought (CC28). The Warehouse Hill proposal area (27a) statement indicates that the site provides a major opportunity to combine new building and public space with conservation of adjoining buildings. A significant element of leisure and tourism uses is particularly suitable. Further, leisure uses are encouraged to spill out into the public space part of the area.

### 8.2.1 Relevant policies include:

- GP5 All planning considerations
- GP11 & 12 Sustainable Design
- BD4 Mechanical plant should be contained within the building
- BD5 Ensure a satisfactory level of amenity for occupants and surroundings.
- BD6 All extensions and alterations should respect the scale and form of the host building.
- N12 Fundamental priorities for urban form.
- N13 Requires all new buildings to be of high quality and have regard to character and appearance of surroundings
- N16 Extensions to listed buildings should relate sensitively to the original buildings. In all aspects of their design, location, mass and materials, they should be subservient to the original building.
- N17 Wherever possible, existing detailing and all features, including internal features, which contribute to the character of the listed building should be preserved, repaired or if missing replaced. To the extent that the original plan form is intact, that plan should be preserved where it contributes to the special character and appearance of the building.

- N18a Presumption against demolition of buildings or parts of buildings in the Conservation Area that make a positive contribution to the character and appearance of the Conservation Area.
  - N18b Consent for demolition in Conservation Areas will not be given unless detailed plans for the redevelopment of the site have been approved. Such permission will be subject to a condition that demolition shall not take place until a contract for the approved scheme of redevelopment has been let.
  - N19 All new buildings and extensions within or adjacent to conservation areas should preserve or enhance the character or appearance of the area
  - CC3 The identity and distinctive character of the city centre will be maintained by: a) Protecting the building fabric and style b) Encouraging good innovative design and c) Upgrading the environment where necessary.
  - CC5 Development in the City Centre Conservation Area.
  - CC10 Public space requirements
  - CC28 In the Riverside Area a range of land uses is encouraged to ensure vitality throughout the day.
  - T2 Development shall be; a) served adequately by existing or programmed highways or by improvements to the highway network; and b) Adequately served by public transport c) Adequate cycle facilities.
  - T5 Satisfactory provision for pedestrians and cyclists.
  - T6 Satisfactory access and provision for disabled people and other people with mobility problems will be required within highway and paving schemes, and within new development.
  - A4 Development and refurbishment proposals should be designed to secure a safe and secure environment, including proper consideration of access arrangements.
- SA9, SP8: Promote development of City Centre role and status

### 8.3 Supplementary Planning Guidance

City Centre Urban Design Strategy September 2000 seeks to reinforce the positive qualities of character areas, re-establish urban grain, provide enclosure to streets, create visual interest, encourage excellent design, improve pedestrian connections, develop a mixture of land uses, promote active frontages and promote sustainable development. It is considered that the proposals would meet these objectives as described in the Appraisal section below.

Leeds Waterfront Strategy 2002 (Review 2006) guides the regeneration of Leeds Waterfront through use, links and appropriate environmental enhancement.

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

#### National Planning Guidance

PPS1 Delivering Sustainable Development and Climate Change Supplement  
 PPS4 Planning for Sustainable Economic Growth  
 PPS5 Planning for the Historic Environment  
 PPG13 Transport  
 PPS25 Planning and Flood Risk

## 9.0 MAIN ISSUES

Principle of the development  
Design  
Residential amenity  
Demolition of 28 The Calls  
Highways  
Section 106

## **10.0 APPRAISAL**

### **10.1 Principle of the Development**

Applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

The site is located within the city centre and constitutes previously developed land and buildings which are largely vacant and inefficiently used. The site benefits from permission for a multi-level mixed use development of residential, office and leisure development with basement parking. The principle of the uses and general scale of the development have therefore been previously established and that consent remains extant.

The Unitary Development Plan (Review) Riverside proposals area (CC28) and the related Warehouse Hill statement seek a range of uses in this location to ensure vitality throughout the day; to create a significant publicly accessible riverside space; and to encourage leisure uses to spill out into the public space. The proposed leisure and office uses are entirely in accordance with these objectives. The large area of public space accords with policy CC10. The proposals are in accordance with the Unitary Development Plan (Review) and also the aims of the Waterfront Strategy which seeks to increase the vitality of the area and to introduce pedestrian access to and along the river corridor. RSS policies emphasise the role of Leeds as the regional centre (YH4), recognising the role of the city in delivering employment and leisure uses in sustainable locations (YH7). The scheme accords with those priorities. The principle of the development is therefore in accordance with the development plan.

### **10.2 Design**

In December 2009 it was reported that the form of the Warehouse Hill Building had been strengthened creating a contemporary but contextual response to the location. The use of a stone plinth creates quality and a suitable base for the building, whilst integrating well with the public space to the east. Verticality has been successfully introduced into the building to provide references back to the traditional warehouse vernacular. The top floor has been addressed through positioning and materials. The use of patinated copper cladding which wraps over onto the east elevation adds quality. Visual connections to the site and the river were previously improved by cutting back the elevated eastern projections to the Warehouse Hill Building and by rearranging the frontage of the building to encourage movement into the site. Members commented that the scheme was much improved.

In response to comments made by Plans Panel in December 2009 there have been further design refinements:

- The fenestration to the Warehouse Hill Building has been subtly amended by aligning the window jambs and stone mullions to create a more rationalised elevation.
- The proposed blue-black brick has been replaced with a rustic, variegated red-blue brick to provide a less harsh, more contextual response to the location.
- In conjunction with a significant reduction in the projection of the Atkinson Building the eastern elevation, perpendicular to 32 The Calls, is redesigned with the replacement of etched glazing and slot office windows above by an elevation comprising brickwork and copper cladding over a stone plinth echoing details on the Warehouse Hill Building. At the same time the building form sits comfortably with the riverside context.
- Suitably designed railings are now proposed across the length of the riverside boundary.
- The buildings and landscape design fully incorporate the requirements of the Environment Agency and Land Drainage in response to potential flooding issues. Buildings, other than the basement car park which is to be flood resilient and protected to a 1 in 100 year flood level, will be protected up to 1 in 200 year flood events. The scheme is consistent with the proposed Leeds Flood Alleviation Scheme.

### 10.3 Residential amenity

- 10.3.1 Subtle modifications to the scale of the Atkinson Building adjacent to 32 The Calls were reported to Plans Panel in December. Whilst Panel did not comment that building mass had an unacceptable impact on neighbouring uses officers were requested to review the outlook from 32 The Calls. Changes to the materials in this elevation are referred to above. Additionally, revised proposals include a more significant reduction in the projection of the building by 6.0m. As such, the building now projects 7m (originally 15m) beyond the rear elevation of 32 The Calls at a distance of 2.9m (originally 2.2m). Consequently, the extent of impact of the building on neighbours to the east would be much reduced.
- 10.3.2 Concerns were previously raised regarding the potential for overlooking. In conjunction with changes in materiality and scale, windows on the eastern elevation of the Atkinson Building would be limited to directional windows at office level with views solely towards the river. At the same time balconies across the southern elevation of this building have been removed.
- 10.3.3 The removal of glazing in the side elevation and balconies from the southern elevation of the Atkinson Building help to remove the potential disturbance from the lower ground and ground floor uses. Suitable conditions will ensure that noise from within the building is adequately mitigated by a combination of building design and management control. The external areas on the upper and lower terrace identified for eating and drinking have also been clearly identified. No amplified music or external entertainment will be permitted in this area and the operator will be required to clear patrons from this area by 2200 hours. Small zones identified for smoking will be located in positions where any noise transmission would be buffered by buildings.
- 10.3.4 Gates around the development will be closed at 2230 hours thereby helping to control movement and potential for anti-social behaviour. There is a range of approved opening hours for A3/A4 uses in the area. Given management proposals for the open space within the development it is considered that restricting internal areas to closing at 0200 hours would be reasonable.

#### 10.4 Demolition of 28 The Calls (Atkinson Building)

It is suggested that 28 The Calls is a building with late 18th/early 19th century origins. It is probably the earliest building surviving on The Calls and is of interest as the last surviving small warehouse building served from the river. However, it is greatly altered externally and, as an unlisted building, it is the external appearance that the building is judged on. The original brick skin has been rendered and the window openings have been altered, taking on a classical *palazzo* guise. The rear of the building has also been rendered but without the architraves and string courses that mark the front elevation. It has lost its original appearance and the new appearance has neither group value nor makes a strong contribution to the Conservation Area in its own right. The contribution of 28 The Calls to the conservation area is neutral to slightly positive.

Information on the viability of retention and the argument in favour of demolition to allow access to the riverside and circulation through the new public space has been provided. It is not possible to adapt or reuse the building without major reconstruction, which is un-economic, and would change the building form yet further. The design of the replacement building has been considered at length and the opinion of the Local Planning Authority is that it will be a high quality infill which will enliven The Calls frontage and also provide opportunity for a public access route into the site.

The demolition of The Mission Hut and 14-16 The Calls have been previously agreed through earlier consents and their removal also formed part of the previously agreed scheme. Their removal continues to be justified by the benefits of the current proposals.

#### 10.5 Highways and access

The principle of the recently refurbished 2 to 12 The Calls offices and the proposed office/A3 uses sharing car parking at basement level is acceptable. The amount of parking also reflects current standards. 5 disabled persons parking spaces have been provided in a good location within the car park. The amount of disabled persons parking is now acceptable. Appropriate cycle and motorcycle parking will also be provided. Within the site level access into buildings will be provided. As noted by the Access Officer (paragraph 7.7), the provision of a public lift provides level access across a site where there is a significant change in levels. Beyond the site boundary a traffic controlled pedestrian crossing on The Calls in the vicinity of Crown Street will be delivered which will provide a safe route between the proposed development, and the city centre and assist with wider connectivity in the area.

#### 10.6 Section 106

A draft Section 106 Agreement has been submitted. The S106 includes the following:

- Public transport contribution including the provision of the controlled pedestrian crossing on The Calls.
- Travel Plans with monitoring fee of £4000.
- Provision of Leeds City Council car club on-street parking space and compensation for loss of pay and display revenue £9000.
- Free trial membership of car club of £7265 for the development.



- Standard employment and training initiatives.
- Management and accessibility to public areas.
- £600 monitoring fee for clauses that require administration/management/monitoring.

The Section 106 obligations are compliant with the Community Infrastructure Levy Regulations 2010 Statutory Tests.

## **11.0 CONCLUSION**

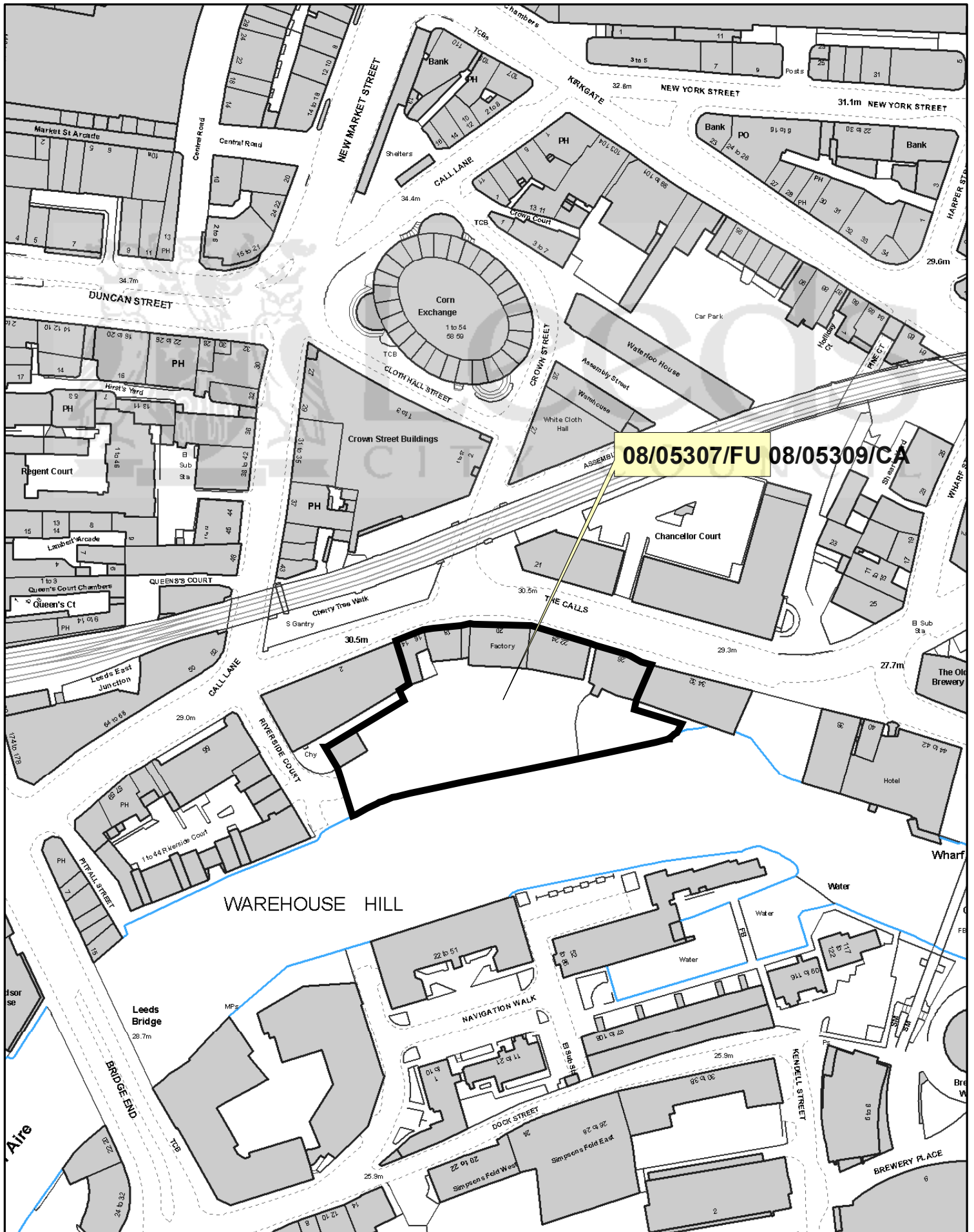
- 11.1 Through the viability study and the quality of the proposed scheme the applicant has provided suitable justification for the demolition of existing buildings within the site whilst retaining and refurbishing 20-24 The Calls. Consequently, subject to an appropriate condition regarding the implementation of the redevelopment scheme, the Conservation Area application (reference 08/05309/CA) is recommended for approval.
- 11.2 The proposed development will have an impact upon occupiers of nearby properties. However, following significant revision to the scheme, it is not considered that either the building mass or uses within the scheme would have an unacceptable impact within this existing city centre location which is characterised by a mixture of uses set within a tight urban grain. Further, the proposal is considered to be an improvement upon the extant scheme which would have a greater effect if implemented. The current scheme would deliver quality architecture and public realm, meet current flood standards and would bring forward an efficient and sustainable use of previously developed land in a highly accessible location. The proposed mix of uses is entirely appropriate and would contribute to the vitality and viability of the local area and the regional role of the city centre. As such, on balance it is considered that these considerations outweigh the potential impact on the amenity of neighbours. As a result the application is recommended for approval subject to appropriate conditions and the completion of a Section 106 agreement.

### **Background Papers:**

Application Files 08/05307/FU and 08/05309/CA

Historic Files: 20/262/03/FU, 20/261/03/CA, 07/01174/FU, 08/01340/FU & 08/00353/FU

Certificate of ownership – signed on behalf of applicants.



08/05307/FU 08/05309/CA

# CITY CENTRE PANEL



Scale 1/1500

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