



Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 1 JULY 2010

Subject: APPLICATIONS 09/03230/FU - Change of use including refurbishment and extensions to 2 church buildings with 2 flats, to form offices and 18 flats and erect part 3 part 4 storey block comprising office and 32 flats, with car parking.

09/03280/CA – Conservation Area application to demolish office.

09/03397/LI – Listed Building Application for alterations for replacement gate in boundary wall, at St Peters Church And Church Buildings, and Chantrell House, Leeds Parish Church, Kirkgate, Leeds, LS2 7DJ.

APPLICANT	DATE VALID	TARGET DATE
Yelcon Ltd - S Holman	6 January 2010	7 April 2010

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:

Defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions (and any others which he might consider appropriate), the completion of preliminary archaeological investigation works on site, and following completing of a Section 106 Agreement to cover the following matters: a public transport infrastructure improvements contribution of £10,971.00, a Green Travel Plan monitoring and evaluation fee of £2500.00, on site affordable housing provision, an agreement to undertake a list of repair and maintenance works to St Peters (Leeds Parish Church) within an agreed period, agreement to publicly accessible areas, a contribution of £4100.00 to a car club and a tree contribution. 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 for 09/03230/FU

1. Time Limit (3 years)
2. Details of levels including Ordnance Survey Data
3. Samples of all external walling and roofing materials.
4. Construction of a sample panel of all external walling materials
5. Samples of all external surfacing materials
6. Detailed 1:20 scale working drawings shall be submitted including cross sections
1) all doorways, 2) all windows 3) eaves and soffit detail and 4) the external treatment and materials to any roof top plant rooms
7. Hard and/or soft landscaping scheme
8. Details of numbers, location and species of all removed and replacement trees
9. Implementation of landscaping
10. Maintenance of landscaping scheme
11. Waste storage and disposal details, including recycling and details of security of and access to the bins.
12. No refuse containers to be stored outside the building.
13. Details of installation and operation of air conditioning.
14. Details of a noise attenuation scheme
15. Specified operating hours for offices (not before 07.30 weekdays and 09.00 Saturdays or after 23.00 weekdays and 18.00 Saturdays)
16. Specified hours for delivery, loading and unloading (not before 07.30 or after 18.00 Monday to Saturday)
17. Specified operating hours during construction (not before 07.30 weekdays and 09.00 Saturdays or after 19.00 weekdays and 18.00 Saturdays)
18. Intrusive investigation works to be carried out in line with recommendations of the submitted Ground Investigation Scope
19. Amendment of remediation statement
20. Submission of verification reports
21. Development to be carried forward in accordance with the approved Flood Risk Assessment
22. No building or other obstruction within 3 metres either side of a water main.
23. Details of works for dealing with surface water discharges from the development required.
24. No piped discharge of surface water from the development prior to completion of approved surface water drainage works.
25. Dust suppression measures during construction.
26. Means of preventing mud on the highway
27. Undercroft area to be used for parking to be laid out and numbers of parking spaces for each use to be defined.
28. Area to be used for motorcycle parking to be laid out and numbers of parking spaces for each use to be defined.
29. Area to be used for bicycle parking to be laid out and means of providing secure parking and numbers of parking spaces for each use to be defined.
30. Submission of detailed scheme comprising (i) a recycled material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit), (ii) a Site Waste Management Plan for the construction stage, (iii) a waste management plan for the buildings occupation and (iv) a BREEAM assessment
31. Acceptable Green Travel Plan required
32. Programme of archaeological recording required
33. Programme of architectural recording required with regard to partial demolition to St Peters Hall and St Peters House

34. Obscure glazing to the corridor windows facing Chantrell Court and all bathroom windows
35. Development in accordance with the bat report and mitigation statement
36. List of approved plans

The following are non standard conditions which can be found in full in the Appendix – 6, 8, 14, 18, 21, 22, 23, 24, 28, 30, 32, 33 and 35.

Conditions for 09/03280/CA

1. Time Limit (3 years)
2. List of approved plans
3. Detailed schedule of works for the removal of the existing building and surfaces
4. A contract detailing the start date and schedule of the redevelopment scheme for the site

The following are non standard conditions which can be found in full in the Appendix – 3 and 4.

Conditions for 09/03397/LI

1. Time Limit (3 years)
2. List of approved plans
3. Detailed of proposed replacement gate including method of opening and fixtures and relationship to existing boundary wall.

The following are non standard conditions which can be found in full in the Appendix – 3.

Reasons for approval: The application is considered to comply with policies A4, BD2, BD3, BD4, BD5, CC1, CC3, CC5, CC8, CC9, CC10, CC11, CC12, CC28, GP5, GP7, H7, N12, N13, N18A, N18B, N19, N23, N51, T5, T24 of the UDP Review, as well as guidance contained within Leeds – City Centre Urban Design Strategy (CCUDS): Improving Our Streets, Spaces and Buildings (urban design principles based on the distinctive qualities of Leeds City Centre), PPS1, PPS3, PPS4, PPG15, PPS24 and PPS25 and having regard to all other material considerations, as such the application is recommended for approval.

1.0 INTRODUCTION:

The application is brought to Plans Panel to allow Members to consider whether the proposed scheme is acceptable in respect of use, design and location on this site. The proposal is for a change of use, including the refurbishment of and extensions to, 2 church buildings with 2 flats, to form offices and 18 flats, and the erection of a part 3, part 4 storey block comprising office and 32 flats, with car parking, the demolition of an existing office building, and the partial demolition and making good of a boundary wall. The proposal relates to the redevelopment of properties within the setting of a nationally important, grade I listed, Anglican Church (significant for the quality of its architecture and fine interior).

The scheme was presented to Members as a position statement on 4 March 2010. The proposal has responded to Members comments, which are detailed below in section 5.0 History of Negotiations.

2.0 PROPOSAL:

The proposal is to change the use of the site to a mixed use of 50 residential flats (5 x studios, 31 x 1-bed including 2 duplexe flats), 10 x 2-bed and 4 x 3-bed units) and 445 m² of gross office space. This would involve the partial demolition and subsequent refurbishment of and extensions to St Peters Hall and St Peters House to create extended 3 and 4 storey buildings. These would both house office space at ground floor level with residential above. A total of 18 flats are proposed within these two buildings. In addition, it is proposed to demolish the existing 3 storey Chantrell House office block. This would be replaced with a part 3, part 4 storey linked blocks comprising office use to part of the ground floor (fronting The Calls) and 32 flats, with undercroft car parking. To create a flood risk emergency escape route it is also proposed to replace an existing gate in the Grade II listed boundary wall to St Peters (Leeds Parish Church).

Consideration has been given to the appearance and design of the buildings in respect of their context of Leeds Parish Church (St Peters) and The Calls and the relationships to nearby buildings.

A visual inspection has shown that the site currently provides potential for approximately 23 parking spaces in two parking courts on either side of Chantrell House. The proposal would result in a total of 32 car parking spaces on site.

A number of documents have been submitted in support of this proposal and these are:

- Planning Statement
- Design and Access Statement
- Heritage Assessment Statement
- Sustainability Statement
- Low Carbon and Renewable Technologies Report
- Code for Sustainable Homes Pre-Assessment
- Biodiversity Statement
- Bat Survey
- Green Travel Plan
- Transport Assessment
- Flood Risk Assessment
- PPS25 Sequential and Exceptions Test Assessment
- Affordable Housing Support Statement
- Utilities Assessment
- Drainage Statement
- Noise Survey and PPS24 Assessment
- Phase 1 Land Contamination Report

3.0 SITE AND SURROUNDINGS:

The site is a City Centre location set within the Riverside Area, as defined by Leeds Unitary Development Plan Review 2006. Three buildings exist on the site, St Peters Hall and St Peters House, which are red brick Victorian/Edwardian 4 storey buildings and Chantrell House a red brick 1980s 3-storey office block. St Peters Hall and House provide limited residential accommodation (2 flats) but for the most part are vacant and in a state of disrepair. The site also includes part of the landscaped church grounds and the parking area accessed off Maude Street to the east of Chantrell House.

The site is within the boundary of the City Centre Conservation Area, adjacent to the Grade I listed St Peters (Leeds Parish Church) and its Grade II boundary wall (to the north). To the south the site fronts onto The Calls and to the east is Maude Street. Both streets are characterised by former warehousing buildings fronting the back edge of the footpath of heights varying around 3 to 5 storeys. Adjacent to the site to the east and also fronting The Calls is the 3 storey residential development, Chantrell Court.

4.0 RELEVANT PLANNING HISTORY:

None

5.0 HISTORY OF NEGOTIATIONS:

The proposal has been the subject of pre-application discussions between the Developers, their Architects and Local Authority Officers since May 2007. These discussions have focused on the proposed use of the site for a mix of office and residential uses, the level of affordable housing required, the numbers of car parking spaces, the position of the blocks in relation to other existing and proposed buildings, the height, form and scale of the blocks, details of the elevational design and materials, key views, pedestrian routes and connectivity through the site and links to the wider area, the sustainability credentials of the proposal, and the proposed hard and soft landscaping scheme.

The proposal was presented to Members as a position statement at Plans Panel on 4 March 2010. Members made the following comments:

- That the proposals for Chantrell House were contrived; overdeveloped; block-like; were too high; were too close to the Parish Church and over dominant leading to a loss of amenity to existing residents of Chantrell Court and would be out of character in the area
 - The demolition of a 1980s building with mixed views on the appropriateness of this
 - That the proposals for Chantrell House were not good enough for this high quality site, adjacent to a Grade I listed building
 - Concerns about car parking in the area and the impact of the development on this
 - The flat roof design of the new building; that this prevented the use of roof space and was out of keeping amongst the surrounding pitched roofs
 - The proposals in lieu of the full affordable housing contribution; the need for consistency across the city and concerns that whilst affordable housing was for everyone, Leeds Parish Church was a Christian church in a city which contained diverse beliefs and views

The Head of Planning Services referred to the specific points in the report on which Members' views were sought and noted the following responses from Members:

- That the Panel was supportive of the extent of the demolition and alteration proposed to St Peter's Hall and House, with the majority of Members accepting of the demolition of Chantrell House provided that its replacement was superior
 - Relating to the new build elements of the scheme:
 - concerns that the design of the extension to St Peter's Hall was

not good enough given its setting

- that the extension to St Peter's House did not relate well to the host property and that again the quality of design was not good enough

- the concerns set out above relating to Chantrell House

- Regarding the car parking, that concerns had been expressed on this matter

- Having noted the comments on the affordable housing contribution, The Head of Planning Services stated that rather than viewing this as funding for a church, it was more appropriate to consider this as funding for the upkeep of a Grade I listed building, which was a valid consideration as set out in PPG15.

The proposal is therefore brought back before Members to consider the responses to these matters.

6.0 PUBLIC/LOCAL RESPONSE:

The application was publicised via a Site Notice posted on 13 January 2010 expiring on 3 February 2010 for a Major Development Which Affects the Setting of a Listed Building and the Character of a Conservation Area, and in the Leeds Weekly news edition printed the week of 23 January 2010.

5 Letters were received from residents of Chantrell Court, and one letter from the Rt Hon Hilary Benn MP for Leeds Central, with the following comments:

1. That the plans do not make it easy to assess the impact of the proposals from the Chantrell Court viewpoint
2. That the Chantrell Court flats would be 'hemmed-in' by the new building block and this could affect them in a major flood, and there appears to be no escape route for existing residents.
3. That due to the proposal's height it would overshadow the Chantrell Court flats resulting in a lack of light and are too close to the church and churchyard
4. That the proposal looks out of place so close to the church and the Palace public house.
5. That there will be more noise pollution from cars and people.
6. That the existing landscaping and trees will be destroyed and not replaced adversely affecting diversity, the provision of green landscaping and flood risk
7. That the existing thriving bat and bird populations will be adversely affected.
8. That emergency services and refuse collectors will not be able to access the Chantrell Court flats.
9. That there has been no public consultation on this proposal
10. That the historic church wall should not have part of it demolished for this scheme.
11. That the proposal would block views of the church from Chantrell Court flats.
12. That access to the shared car parking area, the gated route to Maud Street will be destroyed and vehicle movements will be hampered.
13. That due to the proposal's height it would result in a loss of privacy for the occupants of Chantrell Court flats.
14. Consideration of the main full planning application (09/03230/FU) should be linked to consideration of the listed building application for part demolition of the boundary wall (09/03397/LI) as they are irrevocably linked
15. That it is important to distinguish between the wall between St Peters House and Chantrell House and the wall to the churchyard boundary, in respect of the age of wall, its historical importance, heritage and materials.

16. That there are already a number of empty apartments in the area so why build more
17. That the demolition of Chantrell House, which is structurally sound and a building in use would not be sustainable and would be a waste of resources
18. That the building of blocks A/B/C are on land previously not developed
19. That the proximity of the site to the City Centre and transport links should negate the need for car parking provision.
20. That the appearance of the building (its elevations) should be sympathetic to its context within the conservation area close to the listed St Peters Church.

Response: Points 2, 3, 4, 6, 8, 10, 12, 13, 14, 15, 17, 18, 19 and 20 will be addressed as part of the Issues section below.

With regard to Point 1 the submitted plans are of an acceptable scale, format and type to allow the planning application to be appraised. CGI visualisations of views of the proposed scheme have also been provided as part of the planning application submission.

With regard to Point 5 the end uses are residential and office neither of which are high noise producing uses. In addition the increase in car parking numbers (9 spaces) is relatively low and as such there should be no significant increase in traffic movements

With regard to Point 7 it has been identified in the Biodiversity Statement and the initial Bat Survey that there is a bat roost present on site. As such there will be a requirement for the applicant to agree appropriate mitigation measures to provide for its replacement and the full details can be controlled by planning conditions.

With regard to Point 9 the Applicants advise that as well as presenting the scheme to Leeds Civic Trust, the details of the scheme were also put on display in St Peters (Leeds Parish Church).

With regard to Point 11 whilst it is understandable that there would be concern regarding the loss of the view of St Peters, there is no legal right to a view, and as such this matter can not be considered as a material planning consideration.

In response to Point 16, the location is a previously developed Brownfield site. Whilst there are a number of other existing residential developments in the area there is no defined cap in the Leeds Unitary Development Plan Review 2006, on the numbers of apartments allowed in the area.

Four further communications have been received from residents of Chantrell Court in response to the revised plans stating that:

1. The revised drawings have not addressed the issues previously raised and listed above.
2. Concerned that any removed boundary wall should be reinstated and incorporated into the scheme.
3. The facades should be sympathetic to the character of the Church
4. Any potential archaeological remains must be taken into account as part of full archaeological investigations.
5. The revised scheme does not address sustainability
6. The revised scheme does not address car parking and should be free from car parking.
7. The existing building (Chantrell House) is sound and should be incorporated into the scheme and it is not sustainable to remove such a building.
8. The design is just a simply brick box and inappropriate to be built so close to a Grade I listed building.
9. There is the danger of loss of life in a flood risk incident due to the 'hemming in' of residents.

10. The proposal would prevent emergency services and key services such refuse from gaining access to Chantrell Court.

11. Car parking for Chantrell Court will be lost

12. No public consultation has been given by the developers to the residents of Chantrell Court.

Response: With regard to Point 12 the Applicants advise that as well as presenting the scheme to Leeds Civic Trust, the details of the scheme were also put on display in St Peters (Leeds Parish Church).

All other points will be addressed as part of the Issues section below.

7.0 CONSULTATIONS RESPONSES:

Statutory:

British Waterways: State that they have no objections to the proposal.

Yorkshire Water: State that should the proposal be approved then conditions to cover the following matters should be applied: not building within 3 metres of a water main, separate systems for foul and surface water, the means for disposal of foul and surface water, no piped discharge of surface water.

Response: These matters will be addressed under appropriate conditions.

Highways: State that the decision should be conditioned to address details of car, cycle and motorcycle parking including the numbers allocated for office use, the hard standing area, as well Section 106 agreement requirements for a public transport infrastructure improvements contribution, city car club membership, and a green travel plan and its associated monitoring and evaluation fee.

Response: These matters will be addressed via the relevant conditions and Section 106 legal agreement

Mains Drainage: No response received to date.

English Heritage: In response to the revised scheme state that they were supportive of the previous proposals, and that the revisions are less convincing in respect of the roof design and detailing.

Response: These matters will be addressed in the appraisal below.

Environment Agency: State that they have now withdrawn their previous objection subject to the decision being conditioned to ensure it is built in line with the requirements of the agreed Flood Risk Assessment and supporting information sent by the Agent via email.

Response: These matters will be addressed under appropriate conditions.

Highways Agency: State that they have no objection to the application as it will not have a significant impact on the Strategic Road Network.

Demolition in Conservation Areas Amenity Groups: No response received to date.

National Amenities Societies for Listed Buildings: The Ancient Monuments Society state that on balance they are accepting of the scheme, that the scheme offers an improvement over the present situation and they raise no concerns. They do however advise that the interiors of the building and parts of buildings to be demolished should be inspected to ensure nothing of interest is lost.

Response: This matter will be addressed under an appropriate condition.

The Victorian Society in respect of the revised scheme they state that they withdraw their objection to the emergency escape route now it has been revised such that it exits through the existing gated opening in the boundary wall. In addition they note the reductions in heights of the blocks, that the palette of materials is a little wider and that the roof forms have changed with accommodation in the roof spaces. This they feel has the effect of reducing the bulk of the building and provides a more varied roof line. They note that the elevational treatments have not greatly changed but offer no formal objection to this.

Response: These matters are considered as part of the Issues section below.

Non-statutory:

West Yorkshire Archaeological Advisory Service: State that there is the potential for early medieval, medieval and post-medieval remains to survive at the development site. Excavations on Church Row (50m to the north-west) in 2004 uncovered evidence of medieval ditches, pits and pottery. As such an evaluation, based on the excavation of archaeological trenches, of the full archaeological implications of the proposed development is required, and that this evaluation should be done prior to determination of the planning application. The reason for this is that there may be remains on the site which are considered worthy of preservation in situ and which will as a result have implications for the proposed development or further archaeological work may be considered necessary to mitigate the impact of the development which should then be taken into account in terms of the costs and programme for the redevelopment works. However if the Local Planning Authority is minded to approve the application then they recommend that the application be conditioned to ensure that a programme of archaeological recording is secured and implemented.

Response: This request for further evaluation work has been raised with the applicant and needs to be resolved in consultation with WYAAS to ensure that any potential for below ground archaeology has been fully taken into account by the proposals.

Nature Conservation Officer: National planning guidance advises that proposals need to establish the presence or otherwise of protected species on site and the extent they are likely to be affected by the proposals before planning permission is granted. In this case there is evidence of a hibernating bat roost in St Peters Hall and further clarification is needed of the proposed mitigation measures to replace this roost as part of the development proposals. Also the bat survey of the site does not refer to the existing cellars to St Peters Hall and House which could also be potential roost sites. The applicant has been requested to prepare a precautionary mitigation statement for these areas so that appropriate mitigation measures can be incorporated into the redevelopment if necessary.

Response: This matter has been raised with the applicant to ensure that the development proposals fully mitigate for its potential impact on protected species.

Leeds Civic Trust: In response to the revised scheme, state that they still object to the proposal on the following grounds;

1. The response time for commenting on the proposal is too short.
2. Whilst they note the reduction in heights of the blocks, and redesign of the roofs, which do reduce the overall bulk, the elevations remain bland and uninteresting, especially those facing the Church.

Response: Point 2 will be considered as part of the Issues section below.

With regard to point 1 a period of 7 days was given for review and comment of the revised plans. This was following the initial consultation period of 21 days.

Transport Policy: State that there is a requirement for a public transport infrastructure improvements contribution of £10,971.00.

Response: This would be addressed as part of the required Section 106 legal agreement.

8.0 PLANNING POLICIES:

Development Plan -

Leeds Unitary Development Plan Review 2006

Policy A4 (access for all)

Policy ARC6 (Conditions required with regard to preservation of archaeological details by record)

Policy BD2 (design and siting of new buildings)

Policy BD3 (accessibility in new buildings)

Policy BD4 (All mechanical plant)

Policy BD5 (All new buildings)

Policy CC1 (Planning obligations)

Policy CC3 (Maintaining the identity and distinctive character of the city centre)

Policy CC5 (Development in the City Centre Conservation Area)

Policy CC8 (New buildings to respect the spatial character of existing buildings and streets outside the Prestige Development Areas)

Policy CC9 (Maintaining and improving access to existing public spaces)

Policy CC10 (provision of public space)

Policy CC11 (enhanced pedestrian corridors and upgraded streets)

Policy CC12 (New development and new public spaces relating and connecting to the existing street pattern)

Policy CC28 (Development within the Riverside Area)

Policy GP5 (all planning considerations)

Policy GP7 (planning obligations)

Policy H7 (new housing encouraged in City Centre)

Policy N12 (Urban building design)

Policy N13 (Design of all new buildings)

Policy N17 (All listed buildings)

Policy N18A (Level of contribution of building to be demolished in a conservation area)

Policy N18B (Requirement for detailed plans for redevelopment of buildings to be demolished in conservation area)

Policy N19 (New buildings and extensions within or adjacent to a conservation area)

Policy N23 (Space around new buildings)

Policy N51 (design of new development should where possible enhance existing wildlife habitats and provide new areas for wildlife)

Policy T5 (Provision to cyclists)

Policy T24 (Parking provision)

Regional Spatial Strategy

ENV1 (Development and Flood Risk)

ENV5 (Energy – efficiency and renewable energies)

ENV9 (Historic Environment)

H4 (The Provision of Affordable Housing)

It should be noted that a recent Ministerial statement has confirmed the Government's intention to abolish the RSS and as such it should be accorded limited weight in the interim.

Government Planning Policy Guidance/Statements

Planning Policy Statement 1 (PPS1) – Delivering sustainable development

Planning Policy Statement 3 (PPS3) – Housing

Planning Policy Statement 4 (PPS4) - Planning for Sustainable Economic Growth

Planning Policy Statement 5 (PPS5) – Planning for the Historic Environment

Planning Policy Guidance 24 (PPG24) – Planning and Noise

Planning Policy Statement 25 (PPG25) – Development and Flood Risk

Relevant Supplementary Guidance

Leeds – City Centre Urban Design Strategy (CCUDS): Improving Our Streets, Spaces and Buildings (urban design principles based on the distinctive qualities of Leeds City Centre).

9.0 MAIN ISSUES

1. The principle of the proposed use
2. Demolition and the merit of existing building.
3. The impact of the building design on the character and visual amenity of the site, the street scene and wider area
4. Residential amenity
5. Vehicle parking provision
6. Landscaping and publicly access areas
7. Sustainability
8. Flood risk and the sequential and exceptions tests
9. Bat Protection
10. Archaeology
11. Section 106 Legal Agreement – Heads of Terms

10.0 APPRAISAL

1. The principle of the proposed use

The proposed primary use of the buildings is as housing, with ground floor office space. The site is within the Riverside Area, as defined by Leeds Unitary Development Plan Review 2006 (UDP), where mixed complimentary uses are encouraged which will bring life and vitality to the area. The location is a previously developed Brownfield site and there are a number of other existing residential developments in the area. Therefore, residential and office uses are considered to be appropriate in this location and such proposed uses on this site are considered to be acceptable.

2. Demolition and the merit of existing building.

Consideration has been given as to whether the proposed demolition of Chantrell House is acceptable, or whether the building has significant architectural or historical merit. Consideration has also been given as to whether the proposed partial demolition of St Peters House and St Peters Hall is acceptable, or whether these buildings have significant architectural or historical merit. Although close to the Grade I Listed St Peters Church, Chantrell House, St Peters House and St Peters Hall are not themselves listed.

It is considered that the 1980s built Chantrell House is of a utilitarian modern style but with a disproportionately large pitched roof and discordant heavy eaves detail. It can not be considered to be architecturally or historically outstanding or of particular importance in respect of recording an architectural style or era. It can be argued that Chantrell House fails to preserve or enhance the character of this part of the conservation area due to its heavy roof and eaves detailing in particular.

With regard to St Peters House and St Peters Hall it is evident that the buildings do have some level of architectural merit and contribute to the historic character of this area. However it is the case that the most important areas of the buildings in respect of architectural and historical features are to be retained. In addition, the parts of the buildings that are to be demolished are in a very poor state of deterioration.

The original scheme proposed the creation of a gap in the listed boundary wall to provide an emergency escape route in the event of a flood incident. This has been reconsidered and revised by the applicant following comments from the Victorian Society. As a result the proposal is now to site this escape route through the existing gateway to the north in the boundary wall. Therefore, no demolition of any part of the boundary wall is now required.

3. The impact of the building design on the character and visual amenity of the site, the street scene and wider area

The proposals have been amended to address Members comments. As a result the heights of the all the buildings have been reduced. This means that St Peters Hall is to have 4 storeys, St Peters House is to have 3 storeys plus accommodation in the roof space, and the new Chantrell House would be interlocking L shaped blocks A/B/C and would have 4 to 3 storeys plus accommodation in the roof space. The roofs of all three buildings are now to be pitched, with a cap and parapets detailing. Accommodation in the roof spaces of St Peters Hall and Chantrell House requires the introduction of roof lights in the pitch of the roofs on these buildings.

The heights of these blocks still take their reference from the general heights and massing of former warehousing buildings which front The Calls, and which generally sit on the back edge of the footpath on a relatively narrow street, and range in height from 3 to 5 storeys

The office space at ground floor level fronting onto The Calls remains as previously proposed. The proposed Chantrell House blocks also still have undercroft car parking at ground floor level.

The overarching design principles would reflect the characteristics of the existing buildings on The Calls in respect of height, massing and appearance, whilst creating a 'cathedral close' precinct environment around the southern side of St Peters (Leeds Parish Church) by creating strong edges to better define the adjacent spaces. Key views of the St Peters (Leeds Parish Church) would be retained from The Calls through retention of the existing gaps between the St Peters Hall, St Peters House and Chantrell House blocks.

In respect of elevational treatment all 3 buildings are still to have Flemish Bond brickwork. However the vertical slots indicating the locations of staircores will now be clad in stone (rather than the previously proposed glass). In addition the alignment of the windows has been given a more consistent approach across all three buildings, with a strong vertical emphasis by being set in slots in the brickwork, with deep window reveals allowing the creation of shadow and relief on the

elevations, and tall slender window panes and stone cills. Some windows would also still have a glazed balcony screen. It is considered the revised scheme would form a calm backdrop to St Peters, complimenting its architecture and character rather than competing with this important Grade I listed building.

It is considered that the proposed buildings would result in high quality, contemporary additions that would preserve the character and setting of the adjacent Grade I St Peters (Leeds Parish Church), and would sit comfortably within the context of the street scene and the wider City Centre Conservation Area.

4. Residential amenity

To address Members comments the siting of the proposed Chantrell House blocks have been given further consideration. As a result, at its closest point the existing elevation of Chantrell Court would be sited approximately 15 metres distance from the proposed residential block to the north. The gap from east to west between the main western elevation of Chantrell Court and the proposed residential block would be 26m across the parking court. These distances are considered to be acceptable for a development in this City Centre location.

To overcome any potential issues of overlooking across the narrowest gap (north-south) the layout of the proposed flats to the north is such that where possible internal corridors would face the existing flats. Where windows for habitable rooms are required these will be obscurely glazed where they face Chantrell Court to ensure there are no issues of overlooking. However to maintain visual interest the residents of Chantrell Court would not be facing a largely blank elevation. The proposed façade will be treated with the same fenestration pattern as the rest of the building.

With regard to the potential dominating effect of the proposed development on the existing flats it is considered that the narrowest gap of 15m is reflective of the tight urban grain of the streets around this site where buildings of a similar scale to that proposed face each other across similarly narrow street widths. In addition, to reduce its dominance the part of the proposed building to the west of Chantrell Court will be reduce in height from 5 storeys to 4 storeys plus accommodation in the pitched roof, whilst the section facing this neighbouring building is to be 3 storeys plus accommodation within the pitch of the roof.

Concerns have also been expressed that Chantrell Court may be overshadowed by the proposed Chantrell house linked blocks. The proposed development would be positioned to the north and west of Chantrell Court. As such it may be the case that there would be some overshadowing at the end of the day as the sun moves from east to west (in a southerly arch). However, the current situation is such that the existing 3 storey Chantrell House offices cause some overshadowing at the end of the day, and it is considered that the proposal would not significantly or detrimentally increase this impact.

5. Vehicle parking provision

The existing allocated car parking provision on site is for 9 spaces for the offices in Chantrell House and 7 for the residential occupants of Chantrell Court, plus 6 spaces for the Parish Church's use.

To address Members comments the proposal has been revised such that the undercroft parking and parking area to the west side of Chantrell Court would

provide a total of 30 car parking spaces (including 4 disabled spaces), 4 motorcycle parking spaces and 32 bicycle parking spaces. The site is close to the city centre and the bus and train stations are within walking distance. The overall level of parking levels would accord with the parking guidelines laid down for the proposed office and residential uses in the UDP.

In terms of how this parking is to be allocated a total of 15 spaces will be for the new office use and for the proposed residential elements and 9 spaces retained for use by the existing Chantrell Court. The remaining 6 spaces, sited to the west of Chantrell House, would be retained for use by the Parish Church (as is the current arrangement)

Access to the existing car parking spaces for Chantrell Court will remain from Maude Street and will be shared with access for the proposed undercroft parking area. The Applicant has advised that parking rights for residents of Chantrell Court will be retained and parking space within the new development will be offered to accommodate this need. In addition, access for emergency and servicing vehicles will also be via the Maude Street site entrance, and a vehicle manoeuvring area is to be retained within the entrance of the site.

6. Landscaping and public access areas

Minimal intervention is proposed in respect of landscaping to ensure that the existing well formed hard and soft landscaped character of the churchyard is retained. However, the proposal will require the removal of up to 5 trees on the site in the proximity of Chantrell House. To mitigate against this adverse impact the applicant is willing to provide 6 replacement trees within the site and a financial contribution for the provision of two semi- mature trees on a site to be agreed on The Calls. This matter can be controlled by planning condition and the Section 106 legal agreement respectively.

The existing key pedestrian routes across the site, which run from the churchyard through the site from north to south, are to be maintained and enhanced. Yorkstone paving will be used in the existing courtyard between St Peters Hall and St Peters House.

7. Sustainability

The submitted Sustainability Statement indicates that the proposal is intended to achieve Level 3 of the Code for Sustainable Homes for the residential elements of the scheme via economic, social and environmental objectives including;

- Maintaining or improving good quality employment opportunities
- Maintaining or improving conditions which enable business success
- Improving the overall quality of housing
- Reuse of Brownfield land
- Use of a Combined Heat and Power system (CHP)

The proposal also aims to incorporate at least 10% on site renewable energy and an overall reduction in carbon emissions of 25% (when compared to existing Building Regulations requirements).

8. Flood risk and the sequential and exceptions tests

The site is positioned within Flood Zone 3a. As such a Flood Risk Assessment has been submitted to, and agreed by the Environment Agency provided the proposal is built in accordance with the agreed Flood Risk Assessment.

Sequential and Exceptions Tests have also been produced by the Applicant which have undertaken to examine possible alternative sites for this proposal. A search area for these sites was established based on the defined City Centre Riverside Area detailed in the UDP. This search area was agreed with the Local Planning Authority at the pre-application stage. A total of 10 sites within the Riverside Area were appraised and found to be unsuitable or unavailable for the proposed development. As such it is concluded that there are no alternative less vulnerable sites currently available within the search area for this scheme.

On site measures to deal with any flooding incidents include the emergency escape route through the boundary wall, and a 1 metre high flood wall at ground floor level to the offices. The emergency escape route would be available for use by users of the proposed development as well as by occupants of other existing blocks in the immediate area such as Chantrell Court.

9. Bat Protection

Surveys for bats have been carried out which confirm the presence of a non-breeding summer roost of common pipistrelle bats within the loft void of St Peters Hall. A mitigation strategy has been submitted and agreed which includes the retention of a roof void in this building which will be a dedicated bat loft and will not have access for storage, etc. The creation of additional roosting opportunities for bats and monitoring for two years after the completion of the development is also part of the mitigation statement.

Bats are protected under the European Habitats Directive and the City Council has a duty to have regard to the requirements of the Directive when carrying out its functions. The proposed development is considered to be an act that requires derogation from the requirements of the Directive by means of a licence issued by Natural England. The Conservation of Habitats and Species Regulations 2010 require that three 'tests' [in Regulation 53 (2)(e), (9) (a) and (9) (b)] be met in order that a licence may be issued and as part of its duty the City Council must also have regard to these three tests in any consideration of this planning application.

In respect of 53 (9)(b) whilst there will be some short term disturbance to the roost in St Peters Hall, roosting opportunities for bats will be retained in the roof void and additional roosting opportunities created as part of the development resulting in an overall net positive impact. A condition will be attached to the planning permission requiring compliance with the agreed mitigation strategy

10. Archaeology

West Yorkshire Archaeological Advisory Service (WYAAS) have stated that there is the potential for early medieval, medieval and post-medieval remains to survive at the development site. Excavations on Church Row (50m to the north-west) in 2004 uncovered evidence of medieval ditches, pits and pottery. As such an evaluation, based on the excavation of archaeological trenches, of the full archaeological implications of the proposed development is required, and that this evaluation should be done prior to determination of the planning application. The reason for this is that there may be remains on the site which are considered worthy of preservation in situ and which will as a result have implications for the proposed

development or further archaeological work may be considered necessary to mitigate the impact of the development which should then be taken into account in terms of the costs and programme for the redevelopment works.

A specification of these archaeological works has been prepared by WYAAS and agreed by the Local Planning Authority detailing 6 trenches across the site to be excavated and examined prior to determination of the planning application.

11. Section 106 Legal Agreement – Heads of Terms

The proposal would result in the following requirements to be addressed via a Section 106 Legal Agreement:

- A Green Travel Plan monitoring and evaluation contribution of a sum of 2500.00
- The agreement of publicly accessible areas within the landscaped scheme
- Provision of on site affordable housing units
- An agreement to undertake a list of repair and maintenance works to St Peters (Leeds Parish Church) within an agreed period
- A required public transport infrastructure improvements contribution of £10,971.00
- Car club membership contribution of £4100.00
- Tree contribution

A total of 50 residential units are proposed across the development with 18 of these units being housed in St Peters Hall and St Peters House, and the remaining 32 units being in the new build Chantrell House. This would mean an affordable housing contribution requirement of 7 units overall. However, the Applicants have put forward a financial appraisal for the development, requesting that the provision of affordable housing is limited to the Chantrell House part of the scheme only. This would mean an affordable housing provision of 4 units. The submitted Affordable Housing Supporting Statement states that the residential units in St Peters Hall and St Peters House would be owned by the Diocese only. The Diocese hopes that the income that can be gained from these 18 residential units can be put towards the operational and capital maintenance funds for St Peters (Leeds Parish Church). The case puts forward a detailed list of short, medium and long term repairs and maintenance costs (likely to be in excess of £123,175.00 in total) that the church needs to address to allow it to continue to function, not only as a day to day church and as a source of help and advice for the homeless, but also for many events of city wide importance (such as Remembrance Sunday) that require a building of this stature and status.

The financial appraisal has provided details of Church expenditure, capital and operations costs, the social benefits of the Church and additional funding to be provided to the Church by the Developer Yelcon Ltd. This has been appraised by our Senior Development Surveyor and is considered to be acceptable.

As part of Central Government's move to streamlining the planning obligation process it has introduced the Community Infrastructure Levy Regulations 2010. This came in to force on April 6th and will require that all matters to be resolved by a Section 106 planning obligation have to pass 3 statutory tests. The relevant tests are set out in regulation 122 of the Regulations and are as follows:

'122(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-

- (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.

As listed above (and also in the 'recommendation' box at the beginning of this report), there are 7 matters to be covered by the S106. These 7 matters have been considered against the current tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

11.0 CONCLUSION

In conclusion, it is considered that the revised proposal is an appropriate use, scale, design and style for this site. The amended design of the three buildings allows them to integrate well within the street scene in terms of design, siting, scale and materials, whilst creating a complimentary, high quality backdrop to St Peters (Leeds Parish Church). Therefore, the proposal is recommended for approval.

Background Papers:

Planning application 09/03280/CA
Planning application 09/03397/LI
Planning application 09/03230/FU.

APPENDIX I

Planning Application 09/03230/FU Non Standard Conditions

6. Prior to commencement of development detailed 1:20 scale working drawings of the following features shall be submitted to and approved in writing by the Local Planning Authority:

1) all doorways, 2) all windows 3) eaves and soffit detail and 4) the external treatment and materials to any roof top plant rooms

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

In the interests of the character and visual amenity of the listed building and the City Centre Conservation Area

8. Prior to commencement of development, full details, including numbers, locations species and maturity, of all replacement trees on the shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The trees shall be planted in accordance with the approved details.

In the interest of the character and appearance of the City Centre Conservation Area, and the visual amenities of the adjacent listed building and wider street scene.

14. No development shall take place until details of a sound insulation scheme designed to protect the amenity of occupants of the building from noise emitted from nearby sources has been submitted and approved in writing by the local planning authority. The use hereby approved shall not commence until the works have been completed, and such noise insulation scheme as may be approved shall be retained thereafter.

In the interests of residential amenity.

18. Intrusive investigation shall be carried out in accordance with the recommendations provided by Buro Happold in the proposed ground investigation scope, reference GI_scope_23832, dated February 2010. The findings of which shall be submitted in writing to the Local Planning Authority. Should remediation measures be shown to be necessary 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.

To ensure that the presence of contamination is identified, risks are assessed and proposed remediation works are agreed.

21. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2009 and the email from Wesley Dodds (Carey Jones Architects) to Mark Garford (Environment Agency) dated 23/02/10 and the following mitigation measures detailed within the FRA:

1. Reducing the surface water run-off by 30% as compared to the existing situation. This applies up to and including the 1 in 100 year storm (plus climate change) so that it will not exceed the run-off from the existing site and not increase the risk of flooding off-site.

2. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

3. Flood-proofing measures detailed on page 30 of the FRA are included in the proposed development.

4. Finished floor levels are set no lower than 26.00 m above Ordnance Datum (AOD).

5. The development is defended from flood water up to a level no lower than 27.12mAOD. As detailed on page 30 of the Flood Risk Assessment.

To reduce the risk of flooding on the proposed development and future occupants.

22. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3 metres either side of the centre line of the water main, which crosses the site.

In order to allow sufficient access for maintenance and repair works at all times.

23. Before development commences, details of works for dealing with surface water discharges from the proposed development including any off-site watercourses shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details

In the interests of satisfactory drainage.

24. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of water from the development prior to completion of the approved surface water drainage works and the building shall not be occupied or brought into use prior to completion of the approved foul water drainage works.

To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

28. Notwithstanding the details shown on the plans hereby approved and prior to the commencement of development, full details of the facilities for the parking of motorcycles, including the numbers of motorcycle spaces for office use and residential use, within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the motorcycle parking facilities thereby approved have been provided. The facilities shall thereafter be retained and maintained as such.

In order to meet the aims of the Transport Policy as incorporated in the Leeds Unitary Development Plan.

30. Prior to the commencement of development a detailed scheme comprising (i) a recycled material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit), (ii) a Site Waste Management Plan for the construction stage, (iii) a waste management plan for the buildings occupation and (iv) a BREEAM and or Code for Sustainable Homes assessment, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the detailed scheme; and

(a) Prior to the occupation of each phase of the development a post-construction review statement for that phase shall be submitted by the applicant and approved in writing by the Local Planning Authority

(b) 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

(c) The development shall aim to achieve Level 3, as a minimum of the Code for Sustainable Homes.

In the interests of amenity, to promote the use of recycled material and to promote the implementation of sustainability measures within Leeds City Centre.

32. No development to take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological 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 recording.

33. No development to take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of architectural recording of the areas of St Peters Hall and St Peters House which are to be demolished. This document shall then be submitted to and approved in writing by the Local Planning Authority.

To ensure appropriate architectural recording.

35. The development shall be carried out in accordance with the recommendations in the Bat Report and Mitigation Statement (reference A24.3160.00002) dated 29 March 2010 unless otherwise agreed in writing with the LPA. Monitoring shall be carried out in accordance with paragraph 6.1.5 of the above report for the first two years following completion of the works to St Peters Hall and a report detailing the results of the monitoring shall be submitted to the LPA before 30 September of each year of monitoring.

To ensure bat protection and enhancement measures are included as part of the development.

Conservation Area Application 09/03280/CA Non Standard Conditions

3. Prior to commencement of works on site a detailed schedule of works for the removal of the existing building and surfaces shall be submitted for the prior approval of the Local Planning Authority. The scheme shall include methods of removal of the building and surfaces.

In the interests of amenity and to uphold the character and appearance of the nearby buildings and the City Centre Conservation Area.

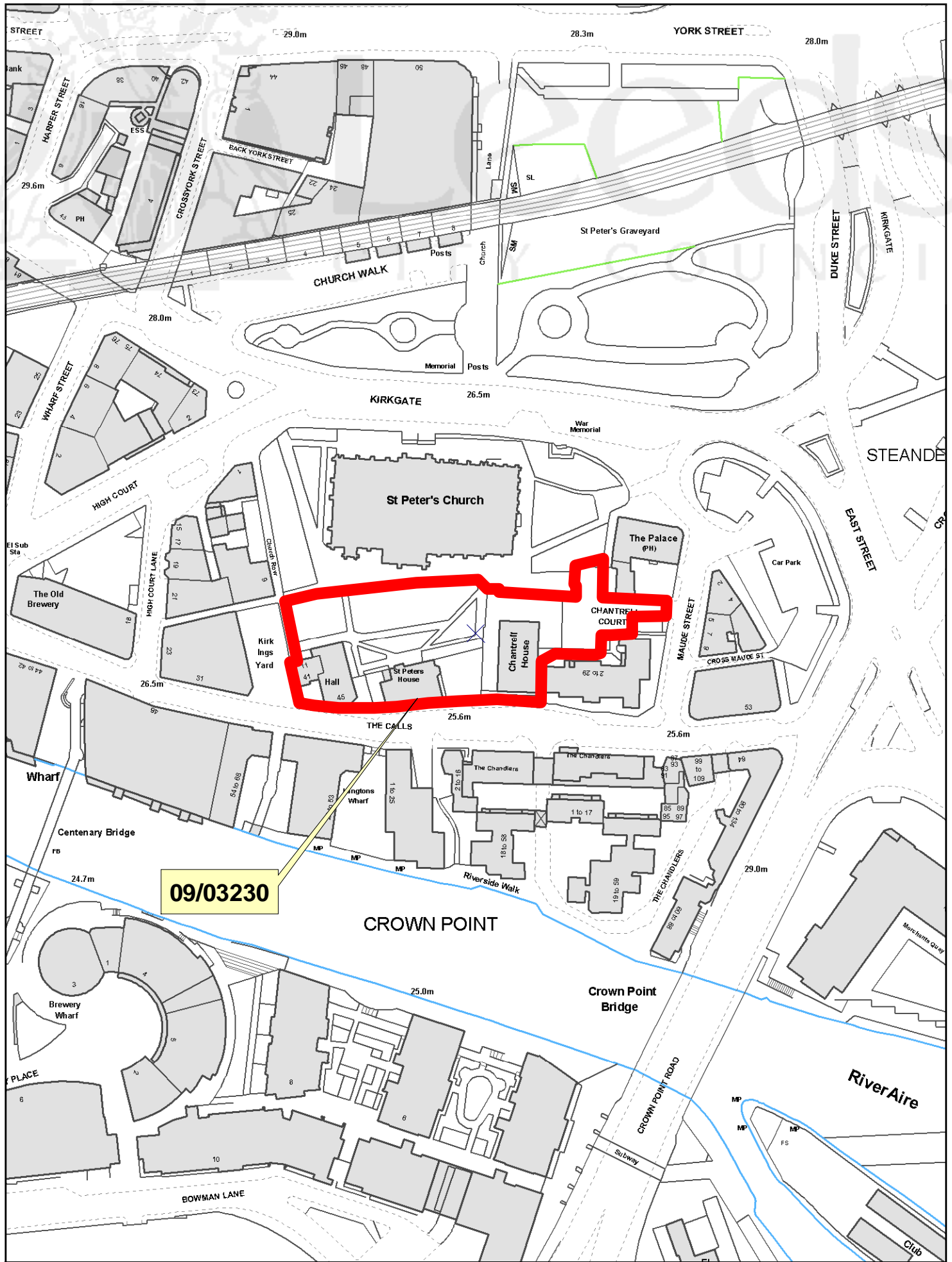
4. No demolition shall commence on site until a contract detailing the start date and schedule of the redevelopment scheme for the site, indicated on planning application 09/3230/FU has been submitted to and approved in writing by the Local Planning Authority.

In the interests of amenity.

Listed Building Application 09/03397/LI Non Standard Conditions

3. Notwithstanding the details on the hereby approved plans no building works shall take place until details of the proposed replacement gate, including a sample of the material, the colour and finish, cross sections showing its relationship to the boundary wall and methods and details of fixings to the boundary wall, have been submitted to and approved in writing by the Local Planning Authority. The replacement gate shall be constructed in accordance with the details thereby approved.

In the interests of the character and visual amenity of the host Grade II Listed boundary wall and the wider City Centre Conservation Area.



09/03230

CITY CENTRE PANEL

Scale 1/1500

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