



Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 12 JANUARY 2010

Subject: Extension of time for planning application 07/04987/FU (Multi level development up to 13 storeys comprising 147 flats and gymnasium, with surface and covered car parking) at Former Bellows Engineering Site, East Street, Leeds – planning reference 10/03179/EXT.

APPLICANT	DATE VALID	TARGET DATE
Barratt Leeds	9 July 2010	8 October 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 submission of an acceptable revised Travel Plan and following completion of a Deed Of Variation of the original Section 106 Agreement to cover the following additional matters: Original 2005 Section 106 – Affordable Housing provision, provision of public space, contribution towards off site highways works including realignment of pedestrian crossings.

2007 Deed of Variation – Affordable Housing provision

Current Deed of Variation - a public transport infrastructure improvements contribution of £13.661.00, a Green Travel Plan monitoring and evaluation fee of £2735.00, a Traffic Regulations Order sum of £23,240.00, and a car club trial contribution of £3200.00.

In the circumstances where the Deed of Variation of 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 10/03179/EXT

1. Time Limit (5 years)
2. Detailed 1:20 scale working drawings shall be submitted including cross sections 1) new doorways, 2) new windows 3) eaves and soffit detail and 4) the external treatment and materials.
3. Samples of all external walling and roofing materials.
4. Samples panel of all external finishing materials.
5. Samples of all surfacing materials.
6. Boundary treatments to be approved.
7. Hard and soft landscaping details.
8. Landscaping implementation.
9. Landscaping maintenance.
10. Waste storage and disposal details, including recycling.
11. No refuse containers to be stored outside the building.
12. No external storage of plant/materials/products.
13. Extraction and ventilation details incorporating a filter.
14. Details of flue pipes.
15. Installation and operation of air conditioning.
16. Hours of delivery to be restricted to 0800-1800 Mon-Sat. No Sundays and Bank Holidays
17. Hours of construction works restricted to 0800-1800 Mon-Fri and 0900-1300 Sat. No Sundays or Bank Holidays.
18. Details of car parking layout to be submitted and agreed.
19. Details of provision of pedestrian access ramp to be submitted and agreed.
20. Details of long and short stay cycle parking spaces to be submitted and agreed.
21. Lighting details.
22. Separate systems for drainage of foul and surface water on and off site.
23. No piped discharge of surface water from the development prior to completion of approved surface water drainage works.
24. No occupation or use of the building prior to completion of approved foul drainage works.
25. Use of interceptors for surface water from vehicle parking and hardstanding areas.
26. Details of sound insulation for flats to protect against road noise and noise from gymnasium.
27. Condition Report Unexpected Contamination.
28. Dust suppression measures during construction.
29. 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 and Code for Sustainable Homes assessment.
30. Submission of details of agreed ground levels
31. Plans to be approved
32. Details of CCTV to be submitted

The following are non standard conditions which can be found in full in the Appendix 1 – 1, 18, 19, 26, 29, 30 and 33.

Reasons for approval: The application is considered to comply with policies A4, BD2, BD3, BD5, GP5, GP7, H7, CC9, CC10, CC11, N12, N13, N19, N23, SA8, T1, T2, TD2 and 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), Draft Supplementary Planning Document 'Travel Plans', Supplementary Planning Document 'Public Transport Improvements and Developer Contributions', Tall Buildings Design Guide, the Yorkshire and Humber Regional Spatial Strategy 2008, PPS1, PPS3, PPS4, PPS5 and PPG24, and having regard to all other material considerations, as such the application is recommended for approval.

1.0 INTRODUCTION:

- 1.1 The application is brought to Plans Panel to allow Members to consider whether the application to extend the time for implementing the existing planning permission for the scheme is acceptable. The submitted application seeks to extend the time limit for implementation for a further five years.
- 1.2 The local Ward Member requested that the proposal be reported to Plans Panel and a site visit be undertaken by Members, following comments he had received from local residents of Bouverie Court, and a subsequent resident's meeting attended by the Ward Member and two Local Planning Authority Officers. The resident's comments expressed are detailed in Section 6.2 below.
- 1.3 The ability to extend the time limit for implementing existing planning permissions was brought into force on 1 October 2009 via an amendment to the Town and Country Planning (General Development Procedure) (England) Order 1995. As outlined in accompanying guidance published by the Department for Communities and Local Government (DCLG) 'Greater Flexibility for Planning Permissions guidance (November 2009)' this measure was introduced in order to make it easier for developers and Local Planning Authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. Only one extension of time application is permitted for any approved application.
- 1.4 The development proposed in any extension of time application will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with the requirements of s.38(6) of the Planning and Compulsory Purchase Act 2004, namely that the application should be determined in accordance with the development plan unless material planning considerations indicate otherwise, LPAs should, in making their decisions, focus their attention on development plan policies and other material considerations which may have changed since the original grant of permission.
- 1.5 Approval was granted for 3 building blocks comprising a total of 206 residential units with 138 parking spaces in 2005 (see Section 4.0 planning history). Construction is complete on the two blocks to the north of the plot, and these are occupied. Consent was granted, under planning reference 07/04987/FU on 25 October 2007, for a multi level development up to 13 storeys comprising 147 flats and gymnasium, with surface and covered car parking which amended the southern block only (which was originally approved for 106 flats). This block remains to be implemented and would be positioned adjacent to East Street.

2.0 PROPOSAL:

- 2.1 All components of the scheme are exactly the same as the original application. As such the proposal, known as Echo City 2 (or as Block A), is for a multi level development up to 13 storeys which would house 147 flats, a lower ground floor level gymnasium and surface and basement car parking. The flats will comprise 92

one bedroom units, 54 two bedroom units, and 1 three bedroomed unit. The parking would provide 120 car spaces, including 12 spaces for disabled persons, and 147 cycle parking spaces

- 2.2 To reflect the changes in policy and in the area since the original approval in October 2007, the following documents have been updated and submitted with the current application for the extension of time.

Transport Assessment
Travel Plan

3.0 SITE AND SURROUNDINGS:

- 3.1 The site lies between East Street, Ellerby Road, Ellerby Lane and St Saviours Church, a Grade I Listed Building, and the Grade II Listed former Sunday School. This location is the site of the former Bellows Engineering Works and was cleared sometime ago to allow construction to commence on the previously approved scheme, Echo City 1. This first part of the Echo City development is complete and occupied with the buildings being named Bouverie Court. There is a hoarding positioned around the site of the current proposal's planned location.
- 3.2 The surrounding area has a broad mix of uses including residential, commercial and industrial. In respect of topography the site slopes dramatically down from Ellerby Road to East Street. The site lies adjacent to, but outside of, the eastern boundary of the Eastern Riverside Conservation Area. The site is close to but outside the boundary of the City Centre as defined by Leeds Unitary Development Plan Review 2006.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Planning approval was given for a multi level development comprising 206 flats in 3 blocks with 138 car parking spaces on 18 October 2005 (planning reference 20/437/04/FU). This is for the development of the entire site and part of the development, Echo City 1 (known as Bouverie Court) has been constructed and is occupied.
- 4.2 Planning approval was given for a multi level development up to 13 storeys comprising 147 flats and gymnasium, with surface and covered car parking on 25 October 2007 (planning reference 07/04987/FU). This is the subject of the current extension of time application.
- 4.3 Planning approval for the Echo Central development on the adjacent site was given for an outline application for new access and erection of offices and hotel/offices/residential on 21 February 2005 (planning reference 20/93/04/OT).
- 4.4 Subsequent Reserved Matters applications were granted for the Echo Central development on the adjacent site was given for a multi level development up to 15 storeys comprising 163 flats with car parking on 10 January 2006 (planning reference 20/487/05/RM), and a 9 storeys block comprising of 122 apartments with basement car parking on 18 January 2007 (planning reference 06/03516/RM). The north-western part of the Echo Central development has been constructed immediately adjacent to the site and is occupied.
- 4.5 A reserved matters application for the south eastern corner of the Echo Central development was granted consent for a 7 storey office building with ground floor car

parking on 15 October 2007 (planning reference 07/04524/FU). This part of the Echo Central development has yet to be constructed. An application for an extension of time has been submitted, which is yet to be determined (planning reference 10/04525/EXT).

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The original consent for Echo City 2 (Block A) was subject to extensive pre-application discussion from October 2006 onwards between the Developer and Officers. This resulted in the scheme being presented to Members at pre-application stage on both 1 February and 26 April 2007.
- 5.2 A resident's meeting was held by the Bouverie Court Residents Group on 4 August 2010 which was attended by the Ward Member and two Local Planning Authority Officers. A request came from the Ward Member and local residents for Members to visit the site on the day of the Plans Panel meeting to allow them to understand the extent of development and occupation. The resident's concerns expressed are detailed in their letters submitted and detailed below in Section 6.2

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was publicised via a Site Notice posted on 21 July 2010 expiring on 11 August 2010 for a Proposed 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 7 August 2010.
- 6.2 11 letters of objection have been received from residents of Bouverie Court (the built part of this development scheme) detailing the following points:
1. That the drawings submitted do not reflect the information provided in the Developer's marketing material
 2. That there are serious parking issues on the site and in the surrounding area and further provision of on site car parking is needed
 3. That landscaping for the first built phase of the development has not been completed
 4. That the boundary fencing and railings are substandard and faulty including security gates that do not lock
 5. That the hoarding produces an unattractive vista of detriment to the amenity of existing residents
 6. That CCTV are poorly sited and need to be reconsidered
 7. That there are issues of maintenance and build quality of the existing constructed first phase of the development including missing bricks in elevations, missing lighting from publicly accessible areas, demountable bollards that do not work correctly, rust on balconies, exposed pipework and ducting, exposed cables and wires, no designed access to roof spaces, non installation of promised residents cages for storage, poor signage around the site, building materials left on site, vent covers lost and not replaced, cracked paving and subsidence, rusty hoarding anchor points left in landscaped areas and car park, worn stairwell carpets, missing rubber seals on external doors and windows, lack of drains in bin store areas, damp on internal walls of some ground floor properties and no fire safety system in the bin store rooms.
 8. That the promised on site Gym has not been brought forward
 9. That property values have been affected by the state of the development
 10. That resident's feel that they are living on a building site due to the un-developed hoarded off part of the site

11. That if consent is granted then there should be sanctions and conditions and a time limit.

Response:

1. Whilst resident's frustration with this matter is understood this is not a material planning consideration and the drawings submitted for the planning application are the scheme intended by the Developer. The matter of the marketing material is to be dealt with separately by the Developer.

2. The current proposal would provide 120 surface and basement car parking spaces, as well as 147 cycle parking spaces, in addition to the existing spaces already on site. There is also requirement under the S106 for a contribution towards Traffic Regulation Orders within an 800 metre area around the site, to address wider on street parking issues.

3. The Developer has advised that the missing trees along the inside of the northern perimeter, that would complete the landscaping scheme for the first phase, are to be planted as soon as weather conditions permit. In addition one uprooted tree adjacent to the entrance bollards will be replaced.

4. The Developer has been undertaking a programme of repair and replacement of the boundary railings. Quotations have been obtained by the Management Company (Adair Paxton) for full replacement of the security gates, including their locking and closing mechanisms.

5. The hoarding has been painted to improve its appearance and Laurel bushes have been planted along its length to provide a more attractive vista.

6. The Developer is in discussions with the Bouverie Court Residents Group with regard to reconsidering the existing CCTV provision. In addition, there will be a condition applied to the extension of time application for the provision of CCTV with the Echo City 2 block.

7. Whilst resident's frustrations with these matter is understood this is not a material planning consideration and these issues are maintenance and build quality issues for the Developer to address. As such the Developer and site Management Company have an ongoing programme of works to address these matters. The Developer has advised that to date matters that have been addressed are the missing bricks in elevations, exposed cables and wires, additional signage around the site, building materials left on site are now moved behind the hoarding, lost vent covers have been replaced and rusty hoarding anchor points have been removed from landscaped areas. Other matters still await the attention of the Developer and/or the Management Company.

8. The gym forms part of the Echo City 2 portion of the wider Echo City development. Approval of the extension of time application would allow the gym to come forward as part of the development.

9. Whilst resident's frustration with this matter is understood this is not a material planning consideration and as such can not be addressed as part of the extension of time application.

10. The hoarding is required to prevent access to the cleared but unsafe area of the site where Echo City 2 is to be constructed. As such the hoarding is a necessity to ensure safety of residents and other users of the wider site. As stated above efforts have been made to improve the appearance of the hoarding via painting and planting.

11. Any approval would carry conditions as listed above on this report including a condition defining a timescale for the consent.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

British Waterways: State that they have no comments to make.

7.2 **Non-statutory:**

Public Transport Officer: States that the proposal would result in the requirement for a financial contribution of £13,661.00.

Response: This matter will be addressed via the Section 106 Legal Agreement.

Highways: State that there is a requirement for a Transport Assessment and a Travel Plan to be submitted.

Response: these documents have been submitted and the Transport Assessment is considered to be acceptable. The revised Travel Plan is being reviewed by the TravelWise Team and this matter can be reported on verbally to Members at Plans Panel.

Metro: State that they have no comments to make.

8.0 **PLANNING POLICIES:**

Development Plan -

Leeds Unitary Development Plan Review 2006

Policy A4 (Access for all)

Policy BD2 (Design and siting of new buildings)

Policy BD3 (Accessibility in new buildings)

Policy BD5 (All new buildings)

Policy GP5 (All planning considerations)

Policy GP7 (Planning obligations)

Policy H4 (unidentified residential development sites in the main and smaller urban areas)

Policy H11 (affordable housing)

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 N13 (Design of all new buildings)

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

Policy N23 (Space around new buildings)

Policy SA8 (Strategic aim to provide safe and easy access for all)

Policy T24 (Parking provision)

Regional Spatial Strategy

ENV9 (Historic Environment)

ENV5 (Energy – efficiency and renewable energies)

H1 (Provision and distribution Housing)

H4 (The Provision of Affordable Housing)

H5 (Housing mix)

T2 (Parking policy)

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

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).

Draft Supplementary Planning Document 'Travel Plans' (May 2007)

Supplementary Planning Document 'Public Transport Improvements and Developer Contributions' (adopted August 2008)

Tall Buildings Design Guide (adopted April 2010)

9.0 MAIN ISSUES

1. Extension of Time Applications
2. Unchanged policy and material considerations since the original consent
3. Changes in policy and other material considerations since the original consent
4. Conditions and section 106 obligations

10.0 APPRAISAL

10.1 1. Extension of Time Applications

The ability to extend the time limit for implementing planning permissions was introduced on 1 October 2009 via an amendment to the Town and Country Planning (General Development Procedure) (England) Order 1995. This change was introduced to allow developers greater flexibility in delivering already approved schemes during the economic downturn.

It is only possible to apply to extend a planning permission if the permission is extant on 1 October 2009, if the permission is still extant when the extension of time application is submitted, and if the development has not already commenced. The scheme meets the eligibility criteria.

As the scheme has been approved before, the principle of this development has been established. However, the current application to extend the time limit for implementation must be considered against current policy guidance and other material considerations which may have changed since the original grant of permission.

This application seeks to extend the time limit for a previously approved scheme, which has not changed. However, since the original decision there have been some changes in policy and some minor changes in material considerations. These are discussed below and were considered by the updated planning documents submitted by the applicant.

10.2 2. Unchanged policy and material considerations since the original consent

The vast majority of policies and material considerations have not changed since the original grant of consent. The detailed assessment of these policies and material considerations is set out in the original panel report (planning reference 07/04987/FU) and is considered to be appropriate to the determination of the current application (for reference, the original panel report from Plans Panel of 11 October 2007 is attached at Appendix 2).

10.3 3. Changes in policy and other material considerations since the original consent

Although most national and local policies remain unchanged, there have been some material amendments with the addition of some Supplementary Planning

Documents (SPDs) and updating the of some national planning guidance documents, since the original application was granted consent. These changes are discussed below.

10.3.1 Regional Spatial Strategy

The significant change to the development plan has been the adoption of the Regional Spatial Strategy (RSS) for Yorkshire and Humber in May 2008 as a replacement to the earlier RSS. 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.

The development will complete a planned housing scheme, will be of high quality design, appropriate to the site and respectful of the character of the surrounding area. As such the proposed scheme is considered to accord with the aims and objectives of RSS policy.

10.3.2 Draft Supplementary Planning Document 'Travel Plans' (May 2007)

The Travel Plan SPD draft was published in May 2007 and has yet to be adopted. However, this draft document has been subject to extensive consultation and is in practical use on planning applications. It therefore carries a degree of weight in the appraisal of planning proposals. As such the Applicant was required to submit a revised Travel Plan to take account of any changes on site or in the vicinity since consent was originally granted back in October 2007 on planning application 07/04987/FU. In addition, there is a requirement for a Travel Plan monitoring and evaluation fee of £2735.00 from the Applicant, which will be addressed via a S106 legal agreement.

A Travel Plan for the scheme is currently in draft and being considered by the Local Planning Authority. This Travel Plan covers the following areas: the existing conditions on site, objectives and scope for walking, cycling, motorcycling, home deliveries, public transport, personalized travel planning, communication and implementation, and city car club usage. The Travel Plan also identifies a Travel Plan Co-ordinator as well as defining overall targets and goals to encourage residents to use more sustainable modes of transport.

10.3.3 Supplementary Planning Document 5 'Public Transport Improvements and Developer Contributions' (SPD5)

This document was formally adopted in August 2008. Due to the length of time since the granting of consent for planning application 07/04987/FU an amended up to date Transport Assessment has been submitted. As such, in line with adopted SPD5, there is a requirement for a public transport infrastructure improvements contribution of £13,661.00. This matter will be addressed via the S106 legal agreement.

10.3.4 Tall Buildings Design Guide

This SPD was adopted in April 2010 and provides guidance as to where tall buildings should and should not be built. The document highlights the importance of urban design and seeks to protect the best elements already established within the city. This SPD provides further guidance regarding tall buildings but flows from,

and accords with, UDPR policy considered at the time of the original application that sets a number of urban design principles.

The site is close to but outside the area defined in the document for consideration. The site is adjacent to two recently constructed residential blocks and as such would form part of a city centre edge cluster. No key views or zones of exclusion would be adversely impacted by the addition of the development. As such the proposed building is considered to be consistent with the guidance in the adopted SPD.

10.3.5 National Planning Guidance

Planning and Climate Change (Supplement to PPS1)

This PPS on climate change supplements PPS1 and was introduced in December 2007. The document sets out how Planning should contribute to reducing emissions and stabilising climate. Planning authorities should use planning conditions or obligations to secure the provision and longer-term management and maintenance of those aspects of a development required to ensure compliance with the policies in this PPS.

The consented scheme states that the development have aspirations to meet national recognized sustainability targets. As with the previous approval, the addition of a planning condition that requires the scheme to incorporate a number of sustainability measures including BREEAM or Code for Sustainable Homes targets and will ensure the scheme is delivered in accordance with the PPS1 supplement.

10.3.6 PPS3 Housing

This PPS was published in June 2010 replacing Planning Policy Guidance 3 : Housing. This policy document seeks to ensure high quality housing that is well-designed and built to a high standard, a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural, a sufficient quantity of housing taking into account need and demand and seeking to improve choice, that housing developments is in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure and a flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.

No changes in the design, numbers or mix of the housing units are proposed as part of the extension of time submission. The proposal remains for a well designed and appropriate mix of flats in an edge of city centre location, with good access to jobs and services. In addition, the requirement for 6 affordable housing units identified on the previous consent remains valid and unchanged and will be addressed via the Section106 detailed in Section 10.4. The proposal also remains a reuse of previously developed land and as such makes effective and efficient use of available land.

10.3.7 PPS4 'Planning for Sustainable Economic Growth'

This PPS was introduced in December 2009 and consolidates national planning guidance on economic, retail and town centre development which were covered by the previous PPG4: Industrial, Commercial Development and Small Firms (November 1992) and PPS6: Planning for Town Centres (April 2006). PPS4

applies to all planning applications for economic development and seeks to achieve sustainable economic growth via policies that identify appropriate main town centre uses.

There are no material or local policy changes that would alter this view. The principle use, housing, is not viewed as a type of use restricted to town centres by PSS4 and as such remains appropriate for this location. The gymnasium is small scale (approximate floor area of 102 metres²), is ancillary to the principle use and is to be for the use of the residents of the Echo City development. As such the principle of this use would not compromise the policy approach of PSS4.

10.3.8 PPS5: Planning for the Historic Environment

This PPS was introduced in March 2010 and replaces Planning Policy Guidance Note 15 (PPG15) 'Planning and the Historic Environment' and PPG16 'Archaeology and Planning'. The policies in this PPS seek to meet the Government's aim that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

The proposed scheme and original consent considered all heritage assets (these being the Grade II Listed former Sunday School and to the north west of the site of the Grade I Listed St Saviours Church), the location and type of these assets influenced the layout, form and scale of the development, and the conditions and planning obligations within the S106. As before, the scheme is considered to deliver significant overall benefits to the area and a building of a contemporary yet respectful design to the setting of the listed buildings. Therefore the current application is considered compliant with PPS5 guidance.

10.3.9 Other material changes

Significant material changes relevant to this application have been the laying out of an area of temporary car parking on part of the site which should be soft landscaped, and the increase in on street car parking that has occurred in the surrounding area.

The temporary car parking area to the north of the hoarding has come into being due to the fact that the part of the parking allocation for residents of Bouverie Court is to come forward within the scheme for Block A (Echo City 2). Officers have asked that the hoarding be moved back as far as possible and that the edge be soft landscaped to enhance the appearance of the site. A series of Laurel bushes has been planted along part of the edge of the hoarding but the said hoarding has not been moved.

The on street parking situation is partly due to the occupation of the other recently constructed Echo residential blocks, as well as being due in part to the fact that some of the car parking spaces for existing residents of the first phase of the Echo City site, would be in this block that is currently under consideration on the extension of time application. This increase in on street car parking is resulting in a number of traffic and parking related difficulties in the surrounding area which require a response. As such there is a requirement for the Applicant to contribute to the cost of creating Traffic Regulation Orders around the site and this matter will be addressed via the Section 106 Legal Agreement as detailed below.

It should also be noted that Echo City 1 (Bouverie Court) is complete and occupied. This part of the overall scheme was completed at the time of the previous consent

(planning reference 07/04987/FU) and as such residential amenity for existing occupiers and the proximity and scale of the development in relation to Bouverie Court was considered as part of the original appraisal of the scheme.

10.4 4. Conditions and section 106 obligations

10.4.1 All relevant conditions from the previous outline consent will be applied to the extension of time application. A condition will be added to address CCTV requirements in response to concerns from local residents. A list of these conditions can be found above with non standard conditions being detailed in Appendix 1.

10.4.2 The applicant has requested a longer consent than the standard 3 year time limit. It is considered that due to the economic downturn a longer consent would improve the prospects of delivering the development, bearing in mind that there is no further opportunities for extending the permission in the future. This therefore is considered reasonable.

10.4.3 The proposal would result in the requirement for a Deed of Variation to the original Section 106 Legal Agreement which carries forward the requirements from the consented application 07/04987/FU but also introduces the following additional requirements:

Original 2005 Section 106 –

- Affordable Housing provision
- Provision of public space
- Contribution towards off site highways works including realignment of pedestrian crossings

2007 Deed of Variation -

- Affordable housing provision

Current Deed of Variation:

- A contribution of £23,240 towards traffic regulations orders in an 800 metre area around the site
- A contribution of 13, 661.00 towards public transport improvements
- A contribution of 2,735.00 towards monitoring and evaluation of a Travel Plan
- A contribution towards a car club trial of £3,200.00

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 requires that all matters to be resolved by a Section 106 planning obligation have to pass 3 statutory tests. The relevant tests are set out in regulation 122 of the Regulations and are as follows:

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

- (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.

These 5 above noted requirements 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.

With regard to the affordable housing provision as with the previous consent (07/04987/FU) the provision is for 6 units, this being 15% of the additional 41 units proposed for Building A. This was agreed on the previous application and would add to the provision of 4 units in the built blocks in Echo City 1.

11.0 CONCLUSION

This extension of time application results from the recent changes in legislation that allows the time limits of extant permissions to be extended during the economic downturn. National planning guidance provides that a positive and constructive approach should be adopted to applications such as the current application which improve the prospect of sustainable development being taken forward quickly.

However, a new planning consent would be granted and changes in policy and other material considerations since the original approval, have been examined. The proposed development has not changed since the original consent in October 2007

The updated supporting documents submitted with the application have fully considered the changes in policy and the proposed development is considered acceptable following detailed consideration against all up to date development plan policies and national guidance. A grant of consent will allow the Applicant to progress the development and therefore continue the regeneration of the East Street area. For the reasons outlined above it is requested that members agree to the extension of time application.

Background Papers:

Echo City

Planning application 20/437/05/FU

Planning application 07/0497/FU

Planning application 10/03179/EXT

Echo Central

Planning application 20/93/04/OT

Planning application 20/487/05/RM

Planning application 06/03516/RM

Planning application 07/04524/FU

Planning application 10/04525/EXT

APPENDIX I

Planning Application 10/03179/EXT Non Standard Conditions

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

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

18. No phase of the development shall be occupied or brought into use until that part of the site shown to be used by vehicles, on the approved plans, and required for the particular phase of development concerned has been laid out, drained, surfaced and sealed, as approved, and that area shall not thereafter be used for any other purpose other than the vehicle related use approved.

In the interests of the free and safe use of the highway.

19. The development shall not be occupied until details of a pedestrian access ramp to the public open space to the north of the development to allow disabled access have been submitted to and approved in writing by the Local Planning Authority. This access ramp shall be retained and maintained thereafter

In the interests of disabled people.

26. No development shall take place until details of a sound insulation scheme designed to protect the amenity of occupants of the proposed residential development from noise emitted from nearby industrial premises and road traffic has been submitted to and approved in writing by the Local Planning Authority. The use hereby approved shall not commence until the works have been completed, and as such any noise insulation shall be retained thereafter.

In the interests of residential amenity.

29. 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 4, as a minimum of the Code for Sustainable Homes.

In the interests of amenity and to promote the use of recycled material and the

implementation of sustainability measures.

30. No development shall commence until details of agreed ground levels for Block A have been submitted to and approved in writing by the Local Planning Authority. These details shall make reference to the appropriate Ordnance Survey Data for the site.

To ensure that existing ground levels are retained and in the interests of amenity.

33. Prior to the development commencing, a CCTV scheme shall be submitted in writing for approval by the Local Planning Authority. Details shall include the location, orientation, type of camera, type and location of recording equipment, monitoring equipment and protocols regarding the monitoring of the system. The scheme shall be implemented in accordance with the approved details prior to the use commencing of use, and retained thereafter for the lifetime of the development.

In the interests of amenity.

APPENDIX 2

PLANS PANEL (CITY CENTRE) 11 OCTOBER 2007

REPORT OF THE CHIEF PLANNING OFFICER

WARD: Burmantofts & Richmond Hill **Application:** 07/04987/FU
Address: Former Bellows Engineering Site, East Street, Leeds **Applicant:** Barratt Leeds
Date Valid: 14 August 2007 **Target Date:** 13 November 2007

Proposal: Multi level development up to 13 storeys comprising 147 flats and gymnasium, with surface and covered car parking.

RECOMMENDATION:

Members are recommended to approve this application in principle and defer and delegate the final decision to the Chief Planning Officer subject to specified conditions outlined below (and such other conditions as he may consider appropriate): including conditions to ensure completion of a variation of the Section 106 Agreement to cover contributions to affordable housing. Together with such ancillary clauses as the Chief Legal Officer shall consider appropriate

1. Time Limit.
2. Detailed 1:20 scale working drawings shall be submitted including cross sections 1) new doorways, 2) new windows 3) eaves and soffit detail and 4) the external treatment and materials.
3. Samples of all external finishing materials.
4. Samples panel of all external finishing materials.
5. Samples of all surfacing materials.
6. Boundary treatments to be approved.
7. Hard and soft landscaping details.
8. Landscaping implementation.
9. Landscaping maintenance.
10. Waste storage and disposal details, including recycling.
11. No refuse containers to be stored outside the building.
12. No external storage of plant/materials/products.
13. Extraction and ventilation details incorporating a filter.
14. Details of flue pipes.
15. Installation and operation of air conditioning.
16. Provision of a grease trap.
17. Hours of delivery to be restricted to 0800-1800 Mon-Sat. No Sundays and Bank Holidays
18. Hours of construction works restricted to 0800-1800 Mon-Fri and 0900-1300 Sat. No Sundays or Bank Holidays.

19. Details of car parking layout to be submitted and agreed.
20. Details of provision and layout of disabled car parking to be submitted and agreed.
21. Details of long and short stay cycle parking spaces to be submitted and agreed.
22. Details of a Green Travel Plan to be submitted and approved.
23. Lighting details.
24. Separate systems for drainage of foul and surface water on and off site.
25. No piped discharge of surface water from the development prior to completion of approved surface water drainage works.
26. No occupation or use of the building prior to completion of approved foul drainage works.
27. Use of interceptors for surface water from vehicle parking and hardstanding areas.
28. Details of sound insulation for flats to protect against road noise and noise from gymnasium.
29. Condition Report Unexpected Contamination.
30. Dust suppression measures during construction.
31. 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 and Ecohomes assessment.

Introduction and site description:

Approval was granted for 3 building blocks comprising a total of 206 residential units in 2004 (see planning history). Construction is well underway on site on the blocks to the north of the plot. The current proposal is to amend the southern block only which was originally approved for 106 flats. This block is positioned adjacent to East Street.

The site lies between East Street, Ellerby Road, Ellerby Lane and St Saviours Church, a Grade I Listed Building, and the Grade II Listed former Sunday School. This location is the site of the former Bellows Engineering Works and was cleared sometime ago to allow construction to commence on the previously approved scheme.

The surrounding area has a broad mix of uses including residential, commercial and industrial. In respect of topography the site slopes dramatically down from Ellerby Road to East Street. The site lies adjacent to the eastern boundary of the Eastern Riverside Conservation Area.

Proposal:

The revised proposal is for a multi level development up to 13 storeys comprising 147 flats and gymnasium, with surface and covered car parking. The scheme differs from the previously approved development (20/437/04/FU) in respect of an increase in maximum height from the previously approved 9 storeys to 13 storeys and provision of an additional 41 flats. In addition, whilst the position of the block remains similar to the previous approval, its appearance and form is different, with a simpler palette of materials, cleaner elevations and more ordered fenestration patterns.

The amended proposal would be for a revised Block A, housing 147 flats, a basement level gymnasium and surface and basement car parking. The flats will comprise 92 one bedroom units, 54 two bedroom units, and 1 three bedroomed unit.

The following document has been submitted in support of this proposal and these are:

A Design and Access Statement.

Relevant Planning History:

Planning approval was given for a multi level development comprising 206 flats in 3 blocks with 138 car parking spaces on 18 October 2005, under planning reference 20/437/05/FU. This is for the development of the entire site.

History of Negotiations:

The proposal has been submitted following ongoing discussions and design workshops, between the Developer, their Architects and Council Officers, since October 2006. The height and mass of the building were discussed in detail, along with the proposed palette of materials. The resulting pre-application proposal was presented to Members, for information, on 1 February 2007 and 26 April 2007. The Minutes are attached for information.

Statutory Consultations:

British Waterways: No response received.

Highways: State that they have no objections in principle, subject to details of the layout of the car and cycle parking being resolved.

Response: These matters will be controlled by the appropriate conditions.

Non Statutory Consultations:

Public Transport Officer: Initially state that the proposal would result the requirement for a financial contribution of £37,112.00 towards public transport infrastructure improvements. Subsequently the matter was reassessed by the Public Transport Officer. Due to the existing consent (20/4370/05/FU) and S106 agreement, and the fact that the number of addition residential units (41) is below the threshold for contribution, it is no longer consider appropriate to apply a financial contribution to public transport infrastructure improvements.

Public/Local Responses:

None.

Planning Policies:

National Guidance

Planning Policy Statement (PPS1): Delivering sustainable development.

Planning Policy Guidance 3 (PPG3): Housing.

Planning Policy Statement 6 (PPS6): Planning for town centres.

Planning Policy Guidance 15 (PPG15): Planning and the Historic Environment.

Planning Policy Guidance 24: Planning and noise.

Local Policy – Leeds Unitary Development Plan

Policy SA8: Strategic aim to provide safe and easy access for all.

Policy A4 (Access for all).

Policy GP5 (All planning considerations).

Policy GP7 (Planning obligations).

Policy BD2 (Design and siting of new buildings).
Policy BD3 (Accessibility in new buildings).
Policy BD5 (All new buildings).
Policy H7 (New housing).
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 N19 (New buildings and extensions within or adjacent to a conservation area).
Policy N23 (Space around new buildings).
Policy T28 (Long stay commuter car parking).

Supplementary Planning Documents

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).
Supplementary Planning Guidance 3 – SPG3 (Affordable Housing).

MAIN ISSUES

1. Impact of the proposal on the character and appearance of the site, the street, and the adjacent Conservation Area.
2. Landscaping.
3. Affordable Housing.
4. Sustainable Development.
5. Conclusion.

APPRAISAL

1. Impact of the proposal on the character and appearance of the site, the street, and the adjacent Conservation Area

The architecture of the block and its proposed materials palette aim to allow the block to sit comfortably within its surroundings, unifying the site with the different characters of the surrounding area.

The block steps down where it is sited adjacent to the Grade II Listed former Sunday School and to the south west of the Grade I Listed St Saviours Church. As such the development retains views of the church across the site and respects the scale and heights of the two listed buildings. The development steps up towards its eastern end where its maximum height of 13 storeys sits comfortably with the Echo Central development buildings.

In terms of visual appearance this block has been designed to create a calm background to the gateway buildings of the Echo Central's 3 buildings, whilst complimenting the sensitive character and visual amenity of the adjacent Listed Buildings. The palette of materials will use smooth red multi bricks with dark mortar, powder coated aluminium framing to windows and sliding doors, steel balconies and handrails, and a dark grey single ply membrane with powder coated aluminium trims to the roof. As such the materials and fenestration will be calm and subtle, bringing a contemporary yet respectful, simplicity of form to the development.

2. Landscaping

The public realm space and landscaping strategy remain an important aspect of this development, and are carried forward from the originally approved scheme. As such the aim is to minimise the visual impact of the surface car park through use of climber planting and raised planters carefully placed to screen views of the car park area. Defined pedestrian routes lead into the elevated triangular green space to the north of Block A, with the use of high quality mid-grey paving, which will also create a linked route through to St Saviours Church, adjacent to the site. A variety of trees, shrubs and grasses will be used across the landscaped areas of the site to create a cohesive soft landscaped scheme highlighted by subtle lighting features.

3. Affordable Housing

The current amendment to the original scheme would result in an increase in the number of residential units from 106 to 147 in Block A. As such there would be an additional 41 residential units. Negotiations on the original scheme resulted in there being an agreed 4 affordable housing units out of the total 206 residential units approved. Due to the improved scheme being brought forward by this current revised version of Block A, in terms of its architecture, it has been agreed to apply the affordable housing policy requirement to the additional 41 residential units only. As a result there will be an additional 6 affordable units provided on this site. This would be addressed by a variation of the existing Section 106 Agreement signed and sealed under planning application 20/437/04/FU.

4. Sustainable Development

The revised scheme has been designed with a level of sustainability in mind, such that there is an aspiration to include the following design features:

- Use of natural and replenishable materials;
- Enhanced thermal insulation to the building envelope to reduce energy requirements;
- High performance glazing systems;
- Recycling of rainwater for reuse in WC flushing;
- Lower water usage to be encouraged by provision of a sprinkler tap; and
- Recycling facilities.

To assist and encourage the developer in these aspirations a condition will be applied to the decision requiring the submission of 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 Ecohomes assessment.

5. Conclusion:

The proposal is considered to remain a high quality scheme, appropriate to the site and respectful of the character of the surrounding area. As a result Officers consider the scheme to be acceptable for the location, and Members are requested to note the above report and agree the officer recommendation.

Background Papers:

Application file for 07/04987/FU.

Pre-application for proposed revised design and height to Block A of residential scheme at Block A Echo City 2 East Street Ellerby Lane and Ellerby Road Leeds - Amendment to approved application 20/437/04/FU.

Minutes: Date 1 February 2007

Members received a report from the Chief Planning Officer setting out proposed revisions to Block A of a previously approved residential scheme and received a presentation on the proposals on behalf of the applicant.

Plans, graphics, photographs and comparative details of the two schemes were displayed at the meeting. Members had seen the site earlier in the day as part of a site visit to proposed and approved developments along the East St Corridor.

The Panel was advised that the site lay within the Burmantofts and Richmond Hill Ward, and not as stated in the submitted report.

Members were advised that the previous scheme for Block A for a residential block with low rise at the rear and high rise to the front, in a range of palettes and materials was now considered too busy, and that the revised proposals sought to provide a more simplified scheme, using brick and with the building form changing to a more curved structure from the approved rectilinear form.

Whilst the revised proposals were three storeys higher than the current consent, the scheme remained subservient to the Echo Central properties and was felt to be a bridging element between the low rise element of the approved scheme now on site and the Echo Central development.

Whilst Members welcomed revisions to the previously consented scheme, concerns were raised in respect of the following matters:

- That any proposals should not detract from the former Sunday School building.
- The need for better pedestrian connections in the area.
- The relationship between the low and high rise and whether this additional height would be detrimental to the low rise element.
- Greater detail of the car parking area and how this would be Softened.
- The need for greater detail of the colours of brick to be used and how this related to the colours already being used in the Echo Central development.
- Whether the proposed reconfiguration impacted on the landscaping proposals.

The Civic Architect, Mr Thorp, informed Members that a study was underway to consider how more crossings could be generated within this area and how they could be related to river banks and bridges. He echoed Members' comments in welcoming a rethink of this part of the proposals and queried the success of extending curved architecture into the more regular adjacent area.

The Chief Planning Officer highlighted the importance of St Saviour's Church and suggested that more work was needed to properly consider the views through in relation to this site.

RESOLVED:

- (i) To note the report, the presentation and the comments now made.
- (ii) That a workshop be set up for officers to look at the issues raised with the developers prior to a formal application being made.

Presentation of pre application for proposed revised design and height to Block A Echo City 2 East Street Ellerby Lane and Ellerby Road LS9 - Amendment to approved application 20/437/04/FU

Minutes: Date 26 April 2007

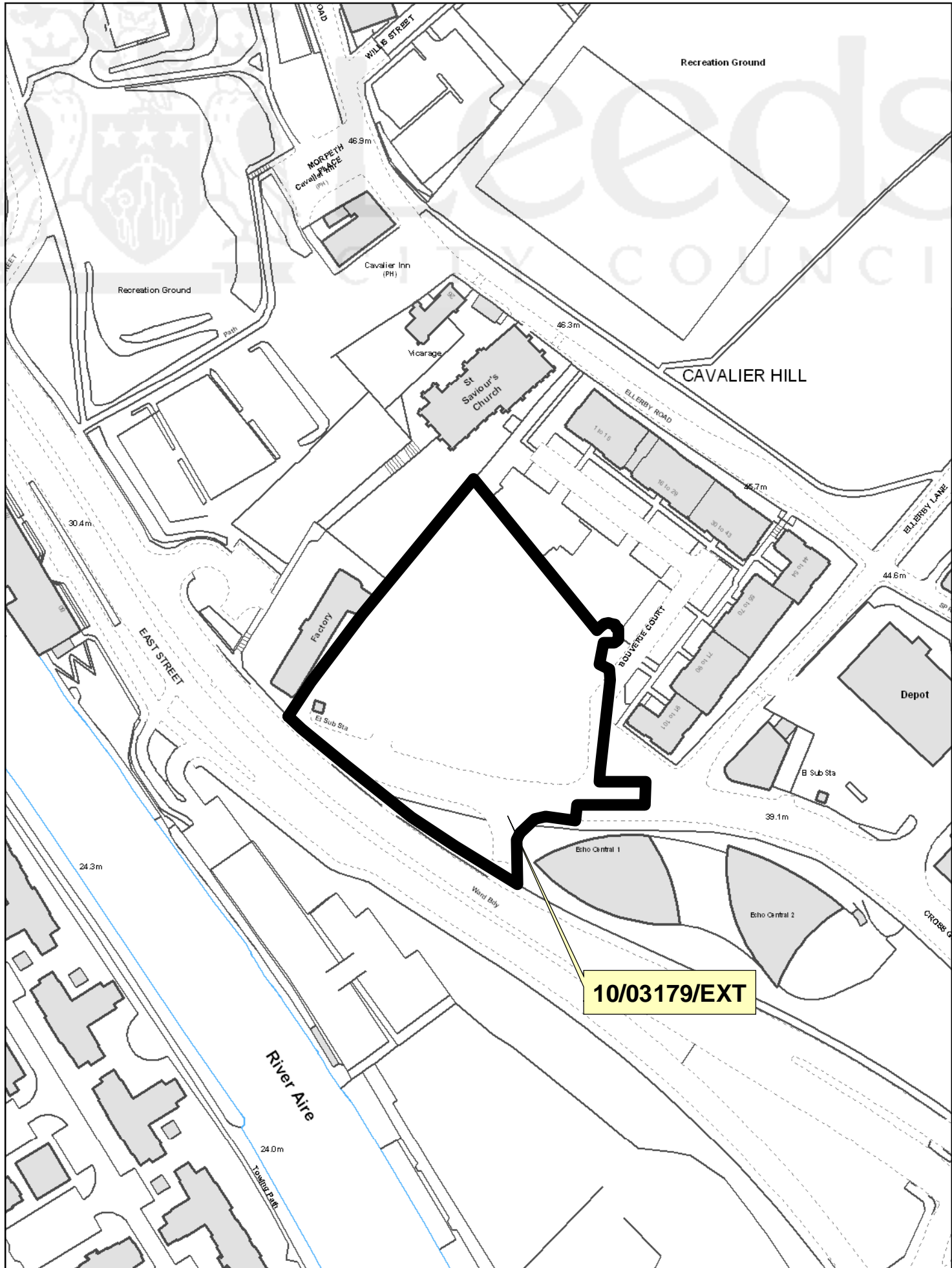
Further to minute 109 of the meeting held on 1st February 2007, Members received a report by the Chief Planning Officer and a further presentation on behalf of the applicants on the proposed revisions to the scheme.

The Panel was informed that the comments made at the previous presentation had been useful and had prompted the design of block A to be amended and inverted to create a courtyard space. There would now be stepped massing and blocks A and B were no longer overlooking. It was considered that through these amendments that Echo City 2 now related better to Echo City 1, and that by bringing in the vehicular access further to the east it enabled the public plaza on the front of the scheme to be solely for pedestrian use.

Although the scheme was larger than the original permission, the form was now more simplified and the concerns raised in relation to the visual impact on the former Sunday School building (to the west) had been addressed with the 5 storey element now being lower.

Concerns were raised about the lack of detail given for the elevation which faces towards the city and it was felt that more consideration would need to be given to address this concern.

RESOLVED: To note the report, the presentation and the comments now made.



CITY CENTRE PANEL