



Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 7 JULY 2011

Subject: 11/01194/FU – THE DEMOLITION OF ALL BUILDINGS AND THE ERECTION OF A LOW CARBON ENERGY CENTRE, PRIMARY SUBSTATION, TRANSFORMERS AND A GAS METER UNIT; AND ASSOCIATED LANDSCAPING, MEANS OF ENCLOSURE AND HIGHWAY WORKS INCLUDING THE REALIGNMENT OF LADYBECK CLOSE AT THE FORMER PARK LANE COLLEGE BUILDING, BRIDGE STREET, 1-2 AND 27-30 LADYBECK CLOSE, LS2.

APPLICANT	DATE VALID	TARGET DATE
Hammerson UK Properties PLC	25/3/11	15/7/11

Electoral Wards Affected:

City and Hunslet

Yes Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the specified conditions (and any others which might be considered appropriate)

Conditions

1. Time limit for implementation (5 years).
2. List of plans to be approved.
3. All external materials to be agreed (sample panels will be erected on site and examined/agreed with Panel).
4. Detailed drawings at a scale no less than 1:20 of typical material junctions.
5. Details of external finished levels.
6. Full details of all excrescences.
7. Submission of an Environmental Management Plan designed to protect general amenity during construction and during the operation of the building (to include details of demolition/construction/contractors cabins/site hoardings/construction access routes, method and hours of delivery, noise management (to be at least 5dB(A) below background noise levels).
8. Pre and post construction sustainability assessment (BREEAM or similar) to be agreed.

9. The development shall be carried out in accordance with the approved Flood Risk Assessment.
10. Standard land contamination conditions (x3).
11. Submission and implementation of hard and soft landscaping.
12. Submission of a Landscape Management Plan.
13. Protection of existing trees and shrubs during construction.
14. Replacement of any trees lost within 5 years of planting.
15. Highway works to be agreed via a S278 agreement and completed prior to first use.
16. Deliveries to be restricted to vehicles no more than 9.5m in length.
17. Hatching to be introduced at the entrance to Ladybeck Close to prevent parking.

Reasons for approval: The application is considered to comply with policies GP5, BD2, BD5, T2, CC4, N12, N13, N25, N26 of the UDP Review, as well as guidance contained within The Leeds City Centre Urban Design Strategy (September 2000), Eastgate and Harewood Supplementary Planning Document (October 2005), Building for Tomorrow Today – Sustainable Design and Construction (Draft), The RSS for Yorkshire and Humber, PPS1 General Policies and Guidance, PPG13 Transport, PPS22 Renewable Energy, PPS23 Planning and Pollution Control, PPG24 Planning and Noise, PPS25 Development and Flood Risk. The application has been fully considered in respect of its sustainability benefits and the impact on amenity and, having regard to all other material considerations.

A full list of draft conditions can be found at Appendix 1.

1.0 INTRODUCTION:

- 1.1 A low carbon energy centre is proposed at Bridge Street that is intended to provide low carbon heating, cooling and power to the Eastgate Quarters development and other premises nearby. Members will recall receiving a position statement regarding the proposals at the Panel meeting on 12th May 2011. At this Panel Members made comments regarding the height and detailed design. The scheme has been amended to address the comments made and is now presented to Panel with a recommendation for approval.

2.0 PROPOSAL:

- 2.1 Full planning permission is sought for a low carbon energy centre (LCEC) at Bridge Street/Ladybeck Close. To accommodate the LCEC the existing five storey former Park Lane College building plus numbers 1-2 and 27-30 Ladybeck Close are to be demolished. Ladybeck Close will also be realigned and two trees within the site will be removed.
- 2.2 The proposed LCEC is intended to provide combined cooling, heating and power to existing and proposed buildings within the vicinity of the site with its primary purpose being to serve the proposed Eastgate Quarters development. The LCEC is to accommodate a variety of equipment including gas-fired boilers, a biomass boiler, a Combined Heat and Power (CHP) engine plus transformers in the adjoining primary substation. Further information regarding the equipment and operations is contained within the appraisal section.
- 2.3 The building's footprint is located on the back edge of the Bridge Street footway, as with the existing former college building, but extends further south and has slight kinks in its alignment. Equipment is stored on three levels but with increased floor to ceiling heights and a varied, but high parapet, the effective height of the building is

around one storey higher than the existing five storey former college building at around 21-24m in height. The primary substation is located at the northern end of the building and is around 10m in height. A chimney will extend out of the roof up to 54m above ground level.

- 2.4 The building is faced with three dimensional concrete and metal mesh panels of varying scales that will be coloured in an 'earthy' tone (a red/brown). The final colour of the building will be agreed by condition in consultation with the Panel. The three dimensional aspect of the façade varies across each elevation to respond to its specific context. At ground level a section of the Bridge Street elevation will be glazed to provide views of the machinery and give the public an indication of the role of the LCEC.
- 2.5 Vehicular access and egress will be from the realigned Ladybeck Close and adjacent to/below the Inner Ring Road (IRR). At the rear of the building will be the service route and two car parking spaces. The building will be remotely operated but visited daily by an engineer. There will be up to three deliveries of biomass (wood pellets) per week and a fortnightly collection of ash. These deliveries will be timed to avoid highway peak hours, weekends and evenings.
- 2.6 There will be a single storey gas meter enclosure beyond the access road at the rear of the site, this will be in concrete with the same 'earthy' finish as the main building. The site will be enclosed at the sides and rear by a stretched and angled metal mesh fence and gates 2.1m high.
- 2.7 New landscape planting will take place on the southern side of the realigned Ladybeck Close and along the boundary fence at the rear of the site.
- 2.8 The application has been supported by the following documents:
- Planning Statement.
 - Statement of Community Involvement.
 - Transport Statement.
 - Sustainability Statement.
 - Foul Sewerage and Utilities Assessment.
 - Design and Access Statement.
 - Environmental Statement incorporating chapters/documents relating to wind, trees, flooding, noise, air quality, visual impact, daylight and sunlight, ground conditions and water resources, ecology and heritage.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a 0.3 hectare site located in the northeast corner of the UDPR defined City Centre bound by the IRR to the north, Bridge Street to the west, Ladybeck Close to the south and the Ladybeck Hostel to the east.
- 3.2 The site is generally flat and currently comprises of the five-storey former Park Lane College building that is currently utilised by Bridge Street Pentecostal Church, the two-storey apartment building 27-30 Ladybeck Close and semi-detached dwellings at 1 and 2 Ladybeck Close. The site boundary also incorporates part of Ladybeck Close and Bridge Street.
- 3.3 There is a three-storey residential hostel to the immediate east of the site with two-storey residential properties beyond. All the residential properties within and adjacent to the site are managed by The Riverside Group Ltd, a social housing

provider. The IRR retaining wall is to the north with surface car parking across Bridge Street to the west. The area also includes a variety of commercial properties of varying scale, Department of Works and Pensions (DWP) building to the south and Bridge Street Pentecostal Church. The IRR is set 7m above the site to the north.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 11/01000/OT relates to the proposed Eastgate Quarters development currently under consideration on land to the west of the site.
- 4.2 06/03333/OT (approved 24.08.2007) and 10/01477/EXT (approved 09.07.2010) relate to the original Eastgate Quarters development that incorporated the site currently proposed to accommodate the LCEC.
- 4.3 08/01948/FU (approved 27/5/11) relates to the redevelopment of the 'Centrica' site on the northern side of the IRR. The proposals include four residential and hotel buildings ranging from 23 to 40 storeys in height.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Officers commenced discussions with the applicant in June 2008 regarding the delivery of a LCEC on St Mary's Street to the east of the application site. This site was ultimately discounted by the applicant due to its greenfield designation, highway implications and distance from developments the LCEC was intended to serve.
- 5.2 Consideration was also given to locating the LCEC at 17 Regent Street on the site of the former Homburgs fancy dress shop. However, this site was discounted by the applicant due to policy requirements seeking a retail warehouse use in this location and the distance of the site from intended customers.
- 5.3 After discounting the other available sites various options on the proposed site were examined and developed with officers. The 22/7/10 and 16/9/10 pre-application presentations to Panel regarding the Eastgate Quarters proposal highlighted the intended location of the LCEC. Members showed a general interest in the operations and intentions of the LCEC but no detailed comment was made.
- 5.4 Members were presented with a position statement at the 12th May 2011 Panel. Members supported the principle of the development and that it could serve the Eastgate development and operate as a stand alone LCEC providing combined cooling, heating and power to other non-Eastgate developments. Most Members felt the relationship to the hostel was acceptable subject to a slight reduction in height and there was majority support for the general form, design and materials. There were no highway concerns raised. Members commented on the following matters. A brief response to the comments made by Members is provided below in italics with further detail contained within the appraisal at section 10.
 - The weathering of the materials. *Response: Improved technologies in pigmenting pre-cast concrete enabled better colour retention so the materials would weather well.*
 - The colouration of the cladding; that this was not earth-toned and that the references shown of other buildings in Leeds did not relate to the colour of the proposed cladding. *The colour of the materials will be agreed via condition at a later stage. Large samples of the coloured materials will be provided at condition stage and Members will be consulted to agree the*

final colour in a similar manner to the approach taken when agreeing materials for the Arena.

- The scale of the building and whether it was necessary to be as high as being proposed. *The height of the building has been reduced.*
- That the metal cladding was reminiscent of the panelling on the Headingley Stadium with concerns that the joints would be visible, so leading to a less pleasing effect. *The mesh panels will be folded and will not incorporate a frame. Where joints are necessary these are intended to be minimal and give the impression of a creased monolithic surface. The joints will be much less visible than those on the new pavilion at Headingley Stadium.*
- That the design was at variance with surrounding buildings and was inappropriate in view of the close proximity to residential properties. *A full appraisal of the design is provided in the appraisal section. The design reflects the buildings use and also the interaction with pedestrians, residents and motorists. The height has been reduced and profile of the roof amended.*
- The fall-back position with regard to the sustainability of the Eastgate development. *The Eastgate development will achieve a BREEAM 'Very Good' rating but also aspire to achieve an 'Excellent' rating. If the LCEC is not delivered, a smaller combined heat and power system would be provided within the Eastgate development. A full appraisal of the sustainability credentials of the Eastgate scheme is provided in the Eastgate report (reference 11/01000/OT).*

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Site notices were posted on 1/4/11 and an advert placed in the Leeds Weekly News on 7/4/11 that highlighted the submission of this major application accompanied by an Environmental Statement.
- 6.2 Leeds Civic Trust supports the proposed LCEC. The Trust welcomes the commitment to a low energy development, the local generation of energy and the potential for sale of energy to other users in the city centre. The Trust appreciate the care that has gone into the design of the building and hope that this will be carried through into the detailed design, construction and operation in order to minimise the impact on neighbouring residents and other users of the city centre.
- 6.3 The operators of the social housing within Ladybeck Close, The Riverside Group Ltd, object to the proposal for the following reasons and request the application be refused (a response to each point is provided in italics):
- The proposal assumes the demolition of occupied and operational Riverside properties that will be fundamentally harmful to its operations that have been successful for many years and include hostel and associated residential 'move on' accommodation. Such a demolition would be unsustainable. *Response: The applicant is continuing negotiations with Riverside regarding appropriate re-provision and compensation for the units proposed to be demolished. A relatively small number of units are to be demolished (7 in total) with the vast majority of the social housing being retained. The loss of these buildings is accepted in principle by the adopted Eastgate and Harewood Quarter SPD and previous approvals relating to the Eastgate Quarters development. 6 of the 7 units to be demolished are intended to be*

re-provided by the applicant within Ladybeck Close with other losses forming part of the compensation agreed between the applicant and Riverside. Whereas the demolition of the existing buildings does remove structurally sound and operational buildings, the long term environmental benefits of the proposed LCEC are considered to outweigh the loss of these buildings. Demolition material will be re-used or recycled where possible.

- The lack of a robust assessment as to potential alternative locations, only three locations were discounted with one discounted on purely commercial reasons and not with regard to planning policy. Response: *Detailed discussions were held between officers and the applicant regarding the alternative sites and each of the alternatives posed some planning policy concerns. It is considered each of the sites were examined in detail and discounted for appropriate planning reasons in addition to the applicant's commercial reasons. The chosen site is appraised in full below.*
- The site chosen was based on commercial reasons to ensure improved viability of the Eastgate Quarters. Response: *See point above.*
- The scale of the proposed LCEC is not justified. Response: *The scale of the LCEC is based on current and maximum foreseen requirements and the technology available.*
- If any intensification in the use of the site was to occur there would be additional deliveries and ash collections, this has not been fully considered. Response: *The proposal has been assessed on the maximum capacity scenario therefore deliveries and collections should be no greater than specified and appraised below.*
- There will be an adverse impact on residential amenity and a perceived fear of adverse impact on human health by virtue of the nature of the proposals, the noise and general disturbance and an adverse impact on air quality therefore the site is not the Best Practicable Environmental Option (BPEO). Response: *The amenity impact and air quality is discussed in detail in the appraisal section below.*
- UDPR Policy CC24 does not normally support industrial and 'bad neighbour' uses within the City Centre. Response: *CC24 was adopted in 2001 at a time when LCECs such as that proposed were not envisaged and therefore the centralised locational requirements of LCECs not acknowledged. The policy states similar uses would 'not normally' be accepted but does not specifically exclude them. The amenity and air quality impact is examined in detail below.*

- 6.4 One letter of support has been received from a member of the public. The letter states general support for the proposed low carbon energy centre and its design that ensures it does not appear like a power station. However, it is requested that further thought be given to the design of the chimney to make it look less industrial. The letter also requests further sustainability measures (solar panels, wind turbines) be incorporated into the Eastgate Quarters development and that a small newsagent or other active unit be included along Bridge Street to enliven the streetscene. Response: *The design of the chimney is discussed in the appraisal section below. Sustainability measures are included in the Eastgate Quarters proposal and are considered under a separate application. A large glass window is to be provided in the Bridge Street elevation of the LCEC to ensure interest is provided along this side of Bridge Street, an active unit is not considered necessary in this instance or compatible with the proposed use.*

6.5 A letter has been received on behalf of the new developers of Crispin House. There is support for the general principle of the LCEC and a request made that the planning process ensures the benefits of the LCEC will be made available to non-Eastgate developments. The design, and chimney in particular, should be designed to avoid any adverse visual or residential amenity issues. *Response: The design and amenity issues are considered in detail below and are considered acceptable. The developer has stated the LCEC is intended to serve existing and proposed developments in the locality. Making the benefits of the LCEC available to other non-Eastgate developments will improve its viability and therefore commercial attractiveness. It is not considered appropriate for the planning process to determine future commercial customers/partners.*

6.6 In a letter commenting on the Eastgate application (reference 11/01000/OT), the Design Council (CABE) support the sustainability benefits the LCEC will offer the Eastgate development.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.2 Environment Agency: The proposal will be acceptable provided the measures outlined in the Flood Risk Assessment (FRA) are conditioned and implemented.

7.3 Highways: The amended highway layout is acceptable. No objections subject to conditions.

7.4 Yorkshire Water: No response received.

7.5 Non-statutory:

7.6 Contaminated Land Team: No objection subject to conditions.

7.7 Environmental Assessment Manager: Whereas extreme wind events have not been examined, no wind mitigation measures are required for the LCEC.

7.8 Environmental Health (Pollution Control/Air Quality): The concentration of particulates are within air quality objectives. A contribution towards low emission strategies should be sought. *Response: There is no adopted policy for seeking a financial contribution regarding air quality therefore such a contribution cannot be sought. As stated the LCEC is within air quality objectives.*

7.9 Mains Drainage: The conditions set out by the Environment Agency are sufficient.

7.10 Neighbourhoods and Housing: No objection subject to conditions relating to hours of use and delivery, noise and general amenity. *Response: The requested condition restricting the hours of use (no operation shall take place before 07.30 hours on weekdays and 08.00 hours on Saturdays or after 19.00 hours on weekdays and 13.00 hours on Saturdays. With no operation on Sundays or Bank Holidays) is not acceptable as the energy centre may be required to run 24 hours a day. Further consideration of the hours of use and noise implications are discussed in the appraisal section below.*

7.11 West Yorkshire Archaeological Service: No response received.

7.12 West Yorkshire Police: The building has nothing in the way of defensible space and the external finish may provide the opportunity for climbing whilst the large area of glazing at ground floor will also be tempting to vandals. There is no security strategy. *Response: The building addresses the back edge of the footway, a sought after urban design expression but is enclosed at the rear beyond the service route with a fence and gates. Anti-graffiti paint will be used at the lower levels and whereas the façade will be three dimensional it will still be difficult to climb and does not create significant concern over and above any more standard building design/form. The glazed panel will be of a necessary thickness to meet the Building Regulations. A security strategy is not a specific requirement of planning but it is considered that due consideration has been given to security and formed part of the final design.*

7.13 Yorkshire Forward: YF have no comment to make.

8.0 PLANNING POLICIES:

8.1 Regional Spatial Strategy (RSS): The RSS for Yorkshire and Humber was adopted in May 2008. The vision of the RSS is to create a world-class region, where the economic, environmental and social well-being of all people is advancing more rapidly and more sustainably than its competitors. Particular emphasis is placed on the Leeds City Region. Policy ENV5 seeks to increase energy efficiency and the production of renewable energy.

8.2 Leeds Unitary Development Plan Review (2006) Designation: The site is within the defined City Centre boundary but has no other designation.

Relevant UDPR Policies:

GP5: Proposals should resolve detailed planning considerations including amenity, danger to health or life.

BD2: New buildings should complement and enhance existing skylines, vistas and landmarks.

BD5: Seeks to ensure a satisfactory level of amenity for occupants and surroundings.

T2: Development proposals should not create new, or exacerbate existing, highway problems.

CC4: High quality design and appropriate scale at city centre gateway locations.

N12: Fundamental priorities for urban form.

N13: Requires all new buildings to be of high quality and have regard to character and appearance of surroundings.

N25: Boundaries should be appropriate to the character of the area.

N26: Where necessary, illustrative landscaping details should be provided.

8.3 Supplementary Planning Documents:
The Leeds City Centre Urban Design Strategy (September 2000)
Eastgate and Harewood Supplementary Planning Document (October 2005)
Building for Tomorrow Today – Sustainable Design and Construction (Draft)

8.4 National Planning Guidance:
PPS1 General Policies and Principles.
PPG13 Transport.
PPS22 Renewable Energy.
PPS23 Planning and Pollution Control.
PPG24 Planning and Noise.
PPS25 Development and Flood Risk

9.0 MAIN ISSUES

1. Principle of proposed LCEC.
2. Visual Amenity.
3. Residential Amenity.
4. Highway Safety.
5. Air Quality.

10.0 APPRAISAL

10.1 Principle of proposed LCEC.

10.2 The application site is a brownfield site that is unallocated in the UDPR. Whereas there would be a loss of 7 residential units, something still sought after, it is a relatively small amount of units to be demolished and the economic and environmental benefits of the proposed LCEC are considered to outweigh the retention of these units. The developer is in negotiations with the social housing provider with an intention to re-provide 6 of the 7 units within Ladybeck Close and provide compensation for the other.

10.3 The LCEC will provide combined cooling, heating and power to existing and proposed buildings within the vicinity of the site with its primary purpose being to serve the proposed Eastgate Quarters development. The LCEC is to accommodate a variety of equipment including gas-fired boilers, a biomass boiler, a Combined Heat and Power (CHP) engine plus transformers in the adjoining primary substation.

10.4 The LCEC will provide 39.5MW of heating capacity, 26 MW of cooling capacity and 2 MW of electricity generating capacity in addition to the 33kV primary substation. This production of energy will permit the reduction of energy consumption and carbon emissions in both existing and proposed developments due to its efficiency being around double that of a typical power station and create a more sustainable community in the area.

10.5 Whereas the applicant is the same as that for the Eastgate Quarters development and the developments are closely linked, the proposed LCEC is considered under a stand alone full planning application and can be delivered independent of the Eastgate Quarters and therefore still benefits the surrounding uses and the City in general. The design and access statement identifies potential users in addition to Eastgate as being the adjacent social housing, all existing and proposed developments at Quarry Hill, Kirkgate Markets, Millgarth Police Station, plus Crispin House and the major mixed use scheme recently approved at the former British Gas site on the northern side of the IRR.

10.6 For the reasons outlined above it is considered that the proposed LCEC could deliver significant carbon reduction and energy consumption benefits to the city and the principle of an LCEC in this location is considered acceptable and is supported. As stated at paragraph 5.4, Members supported the principle of the development at the 12th May 2011 Panel.

10.7 Visual Amenity

10.8 The layout, scale and form of the proposed LCEC is driven by its function and technical considerations in addition to strategies that attempt to mitigate noise, visual and daylight impact.

- 10.9 The basic rectangular layout uses a similar building line to the existing former college building whilst providing a flexible floor plate that can accommodate a variety of equipment and adapt to future changes in technology. However, to avoid a consistent building line and therefore provide interest and reduce the apparent length and height of the building, kinks have been introduced to provide the eastern and western elevations with facades at different angles.
- 10.10 Whereas equipment is only on three levels, significant floor to ceiling heights and a parapet are required to accommodate the necessary equipment and provide an acoustic screen. As such the maximum height of the building will be similar to the maximum height of the five storey former college building it replaces in the northern part of the site, but significantly greater than the two storey residential buildings on the site. To reduce the apparent scale a varied roof line is introduced to distort perceptions in addition to the angled layout mentioned above. At the 12th May 2011 Panel Members commented on the height of the building and queried whether the roof could be lowered in certain areas to reduce the impact on the hostel residents and the perceived height within the streetscene. This has been achieved. One of the highest points of the LCEC adjacent to Ladybeck Close in the southwest corner has been lowered by 1.3m whilst the parapet to the rear elevation directly facing the residents of the social housing has been lowered in part to result in a consistent parapet level to much of the rear elevation. As stated above the parapet provides an acoustic and visual screen and has been lowered to the lowest point possible whilst still retaining a varied profile to provide some interest.
- 10.11 A chimney that will extend to up to 54m above street level will be required to ensure emissions expel at an appropriate level. Historically, the Leeds skyline incorporated many large chimneys and this relatively slim functional requirement is not considered to adversely impact upon the current skyline in this area.
- 10.12 With the existing and proposed context being of other large buildings currently located on the site and across the IRR plus the multi-storey car park serving the proposed Eastgate Quarters immediately adjacent, it is considered the scale of development is appropriate in its urban context.
- 10.13 The function of the building results in there being no requirement for windows. However to give the public a view into the building and therefore appreciate the internal operations, a large window has been added to the ground floor Bridge Street elevation.
- 10.14 A number of different options have been explored for the remainder of the façade with the final design being a mix of concrete and metal mesh that ensure appropriate acoustic insulation and ventilation and easy installation of the equipment.
- 10.15 The concrete and mesh has been moulded into three dimensional triangles that vary in scale dependent upon their location on the building. Analysis took place that identified how the building would be perceived by different 'users' ie the residents, pedestrians and motorists and the scale of the mouldings reflects this. Smaller, tighter moulds are located at the lower levels closely relating to the residents and pedestrians whilst the larger mouldings are in locations primarily viewed from distance by the motorist.
- 10.16 The concrete and metal mesh are to be coloured in an 'earthy' tone intended to reflect the common finish to the red brick and Burmantoft Terracotta tile buildings

that can be found throughout Leeds and even the corten steel on Broadcasting Place and therefore appear as a complementary structure with a soft and natural visual impact. At the 12th May 2011 Panel Members queried the colour of the building shown on the presentation slides. It is still considered an 'earthy' tone would be appropriate for the building and the principle of such a finish was not objected to by Members. However, it is considered that a similar approach to that used for the Leeds Arena be taken to determining the final finish of the building. Large sample panels will be erected on site prior to construction that will give Members the opportunity to agree the final finish.

- 10.17 The building is intended to be illuminated from behind the façade to add further interest but without harming the amenities of the residents of Ladybeck Close.
- 10.18 The fence and gates to the side and rear will be in a fine metal mesh around 2.1m in height but with a varied angled form reflective of the main building. Much of the fence will be screened by retained and proposed landscaping along the eastern boundary facing the Ladybeck close residents.
- 10.19 At the last Panel presentation Members queried the detailed design of the building and stated the junctions between the materials should not be as wide as those evident on the new pavilion at Headingley Stadium. Further information on this issue has been provided and will be presented to Members. The mesh panels are folded to create the three-dimensional triangular façade. Therefore the number of joints are reduced. There will not be a frame to the panels and where there are joints they will be kept to a minimum to ensure the overall impression is that of a creased monolithic surface. The joints will be much less visible than those at the new pavilion at Headingley Stadium.
- 10.20 Detailed drawings have also been provided that show a neat finish to the parapet being proposed via the use of a metal sheet coping that will match the colour to the mesh cladding.
- 10.21 For the reasons outlined above it is considered the proposed LCEC is reflective of its context with regard to the scale of existing and proposed buildings in the area and introduces a well designed building that will enliven the area whilst also providing a façade that has a suitable interaction with passing pedestrians, nearby residents and motorists. The final coloured finish will be agreed with Members by condition but an 'earthy' tone to the colour is considered complimentary to the buildings use and existing palette in Leeds.
- 10.22 Residential Amenity
- 10.23 The proposal includes the demolition of numbers 1, 2 and 27-30 Ladybeck Close. The applicant has been in discussions with The Riverside Group Ltd, the operator of the social housing, with regard to the continued provision of the required facilities at the site following the demolition of these buildings. The applicant has stated that 6 of the 7 units demolished can be re-provided on Ladybeck Close and compensation will be issued for the other unit.
- 10.24 The main amenity impact will be on the residents of Ladybeck Close. The scale of the building (excluding the chimney) is similar to the former college building being demolished and its location is a similar distance from the hostel and residential properties. At the northern end of the site there will be some improvement on the existing relationship as this is where the 10m high primary substation is located.

- 10.25 However, the proposed building also replaces two storey residential accommodation and therefore will significantly change the impact on the residents close to this part of the site. As highlighted above the form, massing and façade design plus the proposed landscaping is intended to reduce the perception of scale and dominance and soften the impact.
- 10.26 The residents nearest to the proposed LCEC are those in the hostel building with windows 20-35m from the building (10m from the boundary fence). The hostel building is understood to have a mix of office, interview rooms, communal areas and some bedrooms on the ground floor with primarily bedrooms on the upper floors. The orientation of the hostel building results in all windows being at an angle to the LCEC either facing northwest or southwest and not directly facing the LCEC and therefore reduces the impact on the residents' amenity.
- 10.27 At the 12th May 2011 Panel Members requested officers seek a reduction in the height of the building to further reduce the impact on the amenity of residents of the hostel. The roof profile at the rear of the building has been lowered in part and simplified to reduce the impact on the residents. To ensure sufficient acoustic insulation the rear could not be lowered any further therefore it is considered an acceptable balance has been achieved with the proposed height of the building that achieves sufficient acoustic insulation without unduly dominating the residents of Ladybeck Close.
- 10.28 The two-storey residential properties elsewhere on Ladybeck Close are over 40m from the proposed building and the daylight and sunlight impact on these properties is considered to be negligible and acceptable.
- 10.29 The proposed car park to the Eastgate Quarters would also form the backdrop to the LCEC when viewed from the residents' perspective and this taller structure would reduce the impact of the proposed LCEC.
- 10.30 The blockwork structure and concrete façade provides substantial acoustic insulation and studies have highlighted substantial background noise levels in the area primarily due to the traffic on the IRR and Eastgate. A detailed noise assessment has been carried out that has confirmed that even with all machinery operating at full capacity 24 hours a day, the noise impact on the residents would be negligible. The building has been designed to house the noisier machinery at ground floor where more acoustic insulation and less ventilation can be provided whilst the majority of ventilation is located in the western elevation away from the residents. The building will operate below existing background noise levels at all times, this is controlled by condition.
- 10.31 Despite the general operation of the building having a negligible impact, the noise assessment does highlight some moderate adverse impact when the biomass deliveries take place, up to 3 times a week. To reduce noise the wood pellets will be sucked into the building rather than blown and deliveries will avoid peak periods for the highway network and evenings and weekends. As the deliveries will be limited in frequency and duration and will be at less sensitive hours, the impact is considered acceptable.
- 10.32 The applicant has committed to producing an Environmental Management Plan that will highlight methods to minimise any adverse noise (and general amenity) impact during demolition, construction, delivery times and general operating times and a condition will be added to ensure this document is formally examined and agreed.

- 10.33 There are no rear windows in the LCEC therefore no potential loss of privacy occurs.
- 10.34 Following the previous Panel presentation the rear roof profile has been lowered as a direct response to Members' comments. Taking the existing relationship into account, the city centre location plus considering all those technical and design strategies adopted in the design of the building it is considered the impact on the amenity of the adjacent residents will be acceptable.
- 10.35 Highway Safety.
- 10.36 Highways officers have been involved in the development of the scheme. The LCEC will be remotely operated therefore traffic movements are limited to a daily visit by an engineer plus up to three biomass deliveries a week and a fortnightly collection of ash. These visits are intended to be carried out outside of peak periods on the highways and can be accommodated. The service vehicles can be accommodated within the site and two parking spaces are provided for the engineer(s).
- 10.37 Prior to the construction of the Eastgate Quarters deliveries would enter the site at the northern access and exit via the realigned Ladybeck Close. However, following the construction of the Eastgate Quarters and the restriction of Bridge Street under the IRR to northbound traffic only, access would be via Ladybeck Close and egress via the northern access. Both scenarios are acceptable.
- 10.38 Forward visibility when leaving Ladybeck Close has been improved since the original application submission and is now considered acceptable. There are no highway objections.
- 10.39 Air Quality
- 10.40 The site is within close proximity to an Air Quality Management Area, primarily as a result of traffic levels adjacent to the social housing. A detailed assessment of air quality is enclosed within the Environmental Statement (ES). Whereas limit values of pollutants are controlled by non-planning legislation and due to the nature of the installation, its operations and emissions will be authorised and regulated by the Council, consideration is still given to the potential impact of the proposed LCEC at this time.
- 10.41 The assessment of air quality within the ES states that emissions are expelled through the 54m chimney and the best available technologies (filters, catalytic reduction equipment) will be used to ensure the emission levels meet any conditions of the permit. The technical assessment identifies the predicted operational impact as being 'negligible to minor adverse' at the various receptors around the site.
- 10.42 Environmental Health colleagues have stated that the concentrations of particulates are well within air quality objectives. Whereas the development will not improve the air quality, the main impact will be from the vehicle movements associated with the LCEC. These vehicle movements are still very low for the site and would probably be lower than for the existing uses currently occupying the site when they are fully occupied, Therefore no objection is raised.

11.0 CONCLUSION

- 11.1 The proposed LCEC has the potential to provide combined heat and power to nearby properties, primarily the Eastgate Quarters, and therefore permit the reduction of energy consumption and carbon emissions. The proposal has responded to Members' comments made at the 12th May 2011 Panel and is now considered to be a well-designed building appropriate for its setting and respectful of the adjacent uses and occupants. The proposal raises no highway concerns and is not considered to harm the air quality of the area. For the reasons outlined above the application is recommended for approval.

Background Papers:

Application file 11/01194/FU.

Notice has been served on Leeds City Council, Riverside Group (the owners of the adjacent hostel/residential accommodation) and Yorkshire Electricity Distribution Ltd.

APPENDIX 1 – DRAFT 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, and in recognition of the likely phased delivery of the Eastgate Quarters development, which it will primarily serve.

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

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

- 3) Before construction of any external materials, details of all materials to be used in the construction of external surfaces of the buildings and the finish to the chimney, including samples and sample panels, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

In the interests of visual amenity and in accordance with UDPR Policy N12.

- 4) Construction of the external finishing materials shall not be commenced until detailed drawings (at a scale of no less than 1:20) have been submitted to and agreed in writing by the Local Planning Authority showing all typical material junctions.

To ensure a high quality finish to the building design in accordance with Leeds UDP Review (2006) policy GP5.

- 5) Prior to the commencement of development the details of the overall height (with reference to fixed datum points within or adjacent to the site) of the building and chimney shall be submitted to and approved in writing by the Local Planning Authority with the agreed levels implemented and maintained thereafter.

To ensure an appropriate levels and scale of the building in accordance with the adopted Leeds UDP Review (2006) policy N12.

- 6) The construction of any external finishing materials shall not commence until full details of the siting, design and external appearance of any external plant, flue pipes, external vents, lighting, or other excrescences to be located on the sides of the building have been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented and retained thereafter.

To ensure a high quality finish to the building design in accordance with Leeds UDP Review (2006) policy GP5.

- 7) Prior to the commencement of works at the site (including demolition) an environmental management plan designed to protect general amenity and the free and safe use of the highway shall be submitted to and approved in writing by the Local Planning Authority. The environmental management plan shall accord with the approved Environmental Statement and include information regarding the following:

- The hours and method of demolition and construction.
- The location of contractors' cabins and parking.
- Measures to suppress dust in the air and prevent mud on the highway during demolition and construction.
- Construction and pre/post-delivery access routes and access and egress signage controls.
- Construction site hoardings.
- Hours of delivery/collection both during construction and during the operation of the LCEC.
- The method for delivering wood pellets into the building.
- A noise management plan that ensures the rating level of noise (in accordance with BS 4142) from the LCEC shall be at least 5dB(A) below the minimum monitored background noise level at the nearest Noise Sensitive Receptor at all times.

The agreed environmental management plan shall be adhered to throughout the period of demolition and construction works and operation of the building.

To ensure the protection of the general amenity of the area and the free and safe use of the highway in accordance with adopted Leeds UDP Review (2006) policies GP5 and T2.

- 8) 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 building's occupation and (iv) a BREEAM assessment (or similar assessment method agreed), 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) Within 6 months of practical completion a post-construction review statement shall be submitted by the applicant and approved in writing by the Local Planning Authority.
 - (b) The development 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.

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

- 9) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment reference 34992 ES 010 A01 dated 17.03.2011.
In the interests of flood prevention and effective surface water management in accordance with PPS25.
- 10) With the exception of demolition works, development shall not commence until a Phase II Site Investigation Report (in accordance with the recommendations in Waterman EED Report E11517-100-R-2.1.5-RT, dated December 2010) has been submitted to, and approved in writing by, the Local Planning Authority. Where remediation measures are shown to be necessary in the Phase II Report and/or where soil or soil forming material is being imported to site, development shall not commence until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site `suitable for use' in accordance with Policy GP5 of the Leeds Unitary Development Plan and Annexe 2 of PPS23.

- 11) If remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. An amended or new Remediation Statement shall be submitted to, and approved in writing by, the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Statement.

To ensure that any necessary remediation works are identified to make the site suitable for use in accordance with Policy GP5 of the Leeds Unitary Development Plan and Annexe 2 of PPS23.

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

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use in accordance with Policy GP5 of the Leeds Unitary Development Plan and Annexe 2 of PPS23.

- 13) Development shall not commence until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include
- (a) proposed finished levels and/or contours,
 - (b) boundary details and means of enclosure,
 - (c) car parking layouts,
 - (d) other vehicle and pedestrian access and circulation areas,
 - (e) hard surfacing areas,
 - (f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),
 - (g) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).
- Soft landscape works shall include
- (h) planting plans
 - (i) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
 - (j) schedules of plants noting species, planting sizes and proposed numbers/densities.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

To ensure the provision and establishment of acceptable landscape in accordance with adopted Leeds UDP Review (2006) policies GP5, N23, N25 and LD1.

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

To ensure successful aftercare of landscaping, in accordance with adopted Leeds UDP Review (2006) policies GP5 and LD1.

- 15) a) No works shall commence until all existing trees, hedges, bushes shown to be retained on the approved plans are fully safeguarded by protective fencing and ground protection in accordance with approved plans and specifications and the provisions of British Standard

5837:2005 Trees in Relation to Construction, unless otherwise agreed in writing by the Local Planning Authority. Such measures shall be retained for the duration of any demolition and/or approved works.

b) No works or development shall commence until a written arboricultural method statement for a tree care plan has been submitted to and approved in writing by the local planning authority. Works or development shall then be carried out in accordance with the approved method statement.

c) No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of any underground services, without the prior written approval of the Local Planning Authority.

d) Seven days written notice shall be given to the Local Planning Authority that the protection measures are in place prior to demolition and/or approved works, to allow inspection and approval of the works.

To ensure the protection and preservation of trees, hedges, bushes and other natural features during construction works, in accordance with adopted Leeds UDP Review (2006) policies GP5, N23 and LD1.

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

To ensure maintenance of a healthy landscape scheme, in accordance with adopted Leeds UDP Review (2006) policies GP5 and LD1

- 17) Prior to first use of the approved development, the highway works on Bridge Street and Ladybeck Close shown on the approved plans must be completed.

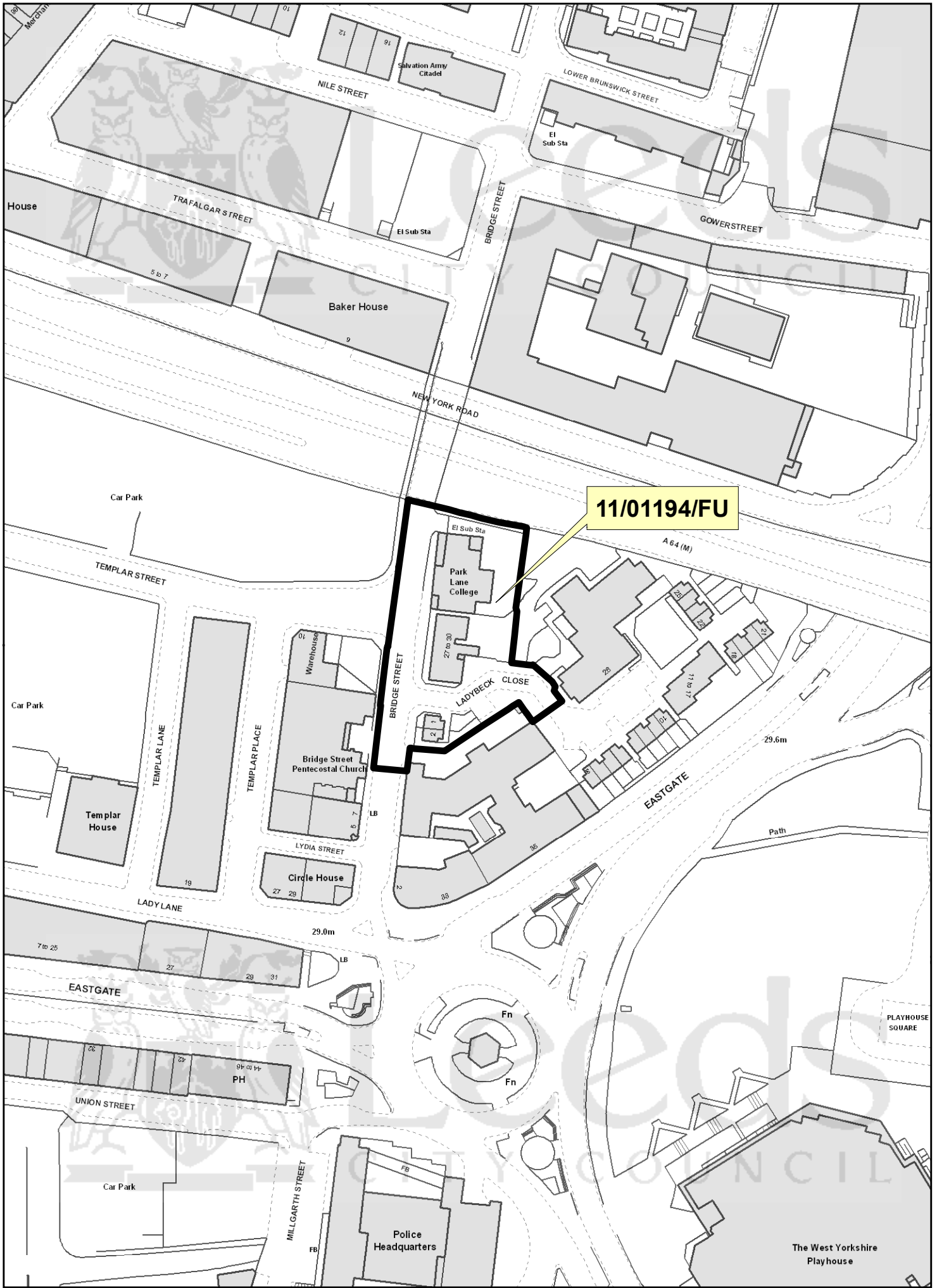
To ensure the free and safe use of the highway in accordance with the adopted Leeds UDP Review (2006) policy T2.

- 18) Site deliveries must be limited to be from vehicles of no more than 9.5m in length for the lifetime of the development unless otherwise agreed in writing with the local planning authority.

In the interests of the free and safe use of the highway in accordance with adopted Leeds UDP Review (2006) policy T2.

- 19) Notwithstanding the details shown on the approved plans, details must be agreed with the local planning authority before commencement of the development of hatching and 'No parking' markings to be located at the entrance area from Ladybeck Close into the site to protect the access from inappropriate parking. The agreed works must be implemented before first occupation.

In the interests of the free and safe use of the highway in accordance with adopted Leeds UDP Review (2006) policy T2.



11/01194/FU

CITY CENTRE PANEL

