



Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 22nd November 2012

Subject: POSITION STATEMENT – HYBRID APPLICATION FOR FULL PERMISSION FOR 11 STOREY OFFICE BUILDING AND OUTLINE APPLICATION FOR OFFICE/HOTEL BUILDING UP TO 8 STOREYS WITH ANCILLARY GROUND FLOOR A1,A3,A4 USES (APP. REF. 12/03788/FU). SITE AT WELLINGTON ST/WHITEHALL RD LEEDS 1.

Electoral Wards Affected:

City and Hunslet

YES Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: This report is brought to Panel for information. Officers will present the current position reached in respect of this application to allow Members to consider the proposal and answer the questions set out in section 11.0.

1.0 INTRODUCTION:

1.1 This position statement is intended to inform Members of the latest position in respect of a major mixed use scheme proposed on a vacant development site between Wellington St and Whitehall Rd. This site benefits from permission for the previous 54 and 32 storey 'Lumiere' proposal which is extant due to the fact that a significant amount of ground works were carried out before construction ceased. Members are requested to make comments on the progress of this application and respond to the questions set out in section 11.0 below.

2.0 PROPOSAL

2.1 General Description

This proposal is a hybrid application for two buildings. This means that one building, fronting Whitehall Rd, is being submitted as a full application, where the design and plans form part of the application and the other, fronting Wellington St, is being submitted in outline, where a set of parameters including building footprint and

heights, are proposed in order to establish a building envelope.

2.2 Building fronting Whitehall Rd (Full Application):

This is a proposed office building with its primary elevation fronting Whitehall Rd and its main entrance at the eastern end of this elevation. The dominant element of the building is 11 storeys in height, the top 2 of which will be set back behind an exposed masonry framework feature. The height reflects those of its neighbours being located between the 7 (plus 1 roof storey) City Central building (former Wellesley Hotel) and the 13 storey West Central (former Royal Mail HQ). The proposed building would have a gross internal floor area of 16,865 sq m

- 2.3 The building has been designed to take advantage of the 30 degree shift in the street pattern which allows the creation of 2 acute angled corners at either end of the Whitehall Rd façade. The most prominent of these being to the east which is clearly visible on the approach from City Station. The architecture responds to this and will create a focal point when approaching from the east. Computer Generated Images (CGI'S) will be presented to Members at the Panel presentation where the complex 3 dimensional geometry of the form can be clearly explained.
- 2.4 The elevation has a classic base, middle and top composition with the largest element being the middle. This consists of a grid pattern within which would sit a random, vertically oriented, metal and glass arrangement of full height window openings and panels. The material will be a man-made masonry outer grid with a metal and glass infill, detailed to add depth to the elevation.
- 2.5 The lower two floors form the base and this consists of a double height glass elevation with the ground floor set back 2.7m within a colonnade treatment. The glazing will also provide lightness and visual interest to the street. The upper two floors are also set back but are contained behind an exposed vertical masonry frame. This creates a visually light-weight top but enables the outline of the building to remain intact and to turn the corner at either end with a strong angled point feature. A plant area is being created on the roof of this element, however, it has been designed to sit within a recess in the roof plane and is set back from the edge of the roof. This enables the plant area to be screened with minimal impact on the appearance of the building especially when viewed from lower levels.
- 2.6 At ground floor level a route is being created through the building which provides access to the east and City Station. The design of this route attracted negative comments at pre-application stage as, at that time, it formed part of an arrangement which proposed a continuous wall wrapping around the ground floor of both buildings which was clad in multi-coloured tiles. This has now been replaced by a wall which has been designed to act as a marker by carrying the name of the development within it and would be internally illuminated. The opening is 8m wide by 3.7m high and the prominent point of the building has been raised by one floor to open the area up further and appear less oppressive. The columns are required to provide structural stability but are circular and as slender as possible at approx 0.5m diameter. There is also natural surveillance from the primary office entrance which has full height glazing and faces directly in to the covered route. The lighting of the soffit acts as a further feature and clearly illuminates the area.
- 2.7 At pre-application stage the continuous wall feature was also visible from within the central space where it had the effect of tying the two buildings together even though, above ground floor level, they are two separate and distinct buildings. This has now been amended and the area coincident with the break in the buildings, above the car park ramp, has now been treated with a green wall set back behind an access

terrace. This will provide further greenery to the central space as well as allowing both buildings to retain their own identity.

- 2.8 As the existing footway on Whitehall Rd is only 2m wide the developer has agreed to set the building back by a further 1.2m so the effective pavement width would then be increased to 3.2m. The pavement and colonnade together would therefore give a 5.9m wide pedestrian area in which to walk with almost half of this being covered
- 2.9 At the upper floor levels, the building turns the corner at the eastern end with a solid masonry element and horizontal jointing detail. This gives way to a smaller wing which runs northwards, parallel with City Central, being the same height as its neighbour and 17m away. It is proposed to be primarily of glass with a strong external vertical framing detail which, at ground floor level, turns perpendicular to the building to act as a visual cover to the top of the service route. The roof top of this wing is to contain a small balcony area which will function as a break out space for the offices and is located in such a way that it will not enable direct views in to the neighbouring residential units. There is also to be a brown roof located on the remainder of this wing. The return elevation to the west, facing West Central, also consists of masonry with jointing detail and glass but contains a colonnade at ground level.
- 2.10 The northern elevation faces in to the central space and is to be constructed entirely of glass to maximize natural lighting. The top floor of this will be given over to plant space with some of this area being open-topped to allow for the necessary free air movement.
- 2.11 Northern building (Outline Application):
This building is being designed to a set of physical parameters in terms of heights and floor plan because, at this stage, it is not certain whether it will be used as a hotel or as offices. Either use would be acceptable, however, as there is no end user currently identified, to work up the details of the building would be premature and involve potentially abortive work. This element of the proposal is therefore being considered in outline. The applicant has provided an indicative image of the building in order to assist in the visualization of what the mass and form could look like and this will be presented to Members at Panel.
- 2.12 The shape of the envelope is informed by the dominant characteristics of the surrounding buildings. In this case it is the City Central building to the west which has a base, middle and top and a strong eaves line and dormer windowed roof form. The eaves line of the proposal is set at the height of City Central and above this there would be a further floor of accommodation set back, which relates to the prominent dormer window line. This would create a balcony/terrace facing out over Wellington Street. Above this would be a set back plant enclosure which aligns with the top of the City Central building. The double height base of City Central has also been used to set the height of the base for the proposal. The use of these reference points is considered to tie the whole southern side of Wellington St together which has looked fragmented for many years. This would complete the terrace of buildings, which rise gradually the further away from City Square they are, terminating in the West Central tower which would conveniently act as a 'book-end' to the terrace.
- 2.13 The resultant elevation for the proposal is 58m long and it is therefore proposed to use a change in the building's elevational treatment and materials, to break-up the perceived length in order to respect the more vertical emphasis in evidence on the

other buildings in the terrace. This break would coincide with a new pedestrian route through the ground floor of the building. This would improve pedestrian permeability and providing the visual interest associated with being able to view through a building to the space beyond. This building would have a gross internal floor area of 11,616 sq m if it were to be used as an office. Hotels require less headroom servicing in the floor to ceiling voids and therefore it is likely that a hotel could achieve an additional floor of accommodation within the agreed building height.

- 2.14 The plan form of the building has been designed to take in to account:
- The consistency of the existing Wellington St building line;
 - The distance away from neighbouring buildings to protect amenity (17m);
 - Standard building floor plate depths (15m-20m);
 - The need to allow sufficient space in order to create a good sized central space to the rear.

2.15 Residential Amenity

Distances to the surrounding residential buildings have been carefully considered in order to protect residential amenity through overlooking and over dominance. The buildings are 17m-20m away from both City Central and West Central. To the north across Wellington St the buildings are again approximately 20m away. It must also be taken in to account that generally, when the office building is occupied during the day, it is likely that residents will not be inside their units and in the evening this situation is likely to be reversed. In addition as the buildings are to be used for offices and a hotel, it is unlikely that these uses would generate noise levels sufficient to have a detrimental impact on the amenity of surrounding residents. The ground floor commercial units have the potential to generate noise but this may be controlled and is addressed in the appraisal section below. It is highly likely that these units would be in the control of the overall site owner and management company and it would be expected that any amenity issues would be resolved using the ground landlords legal controls/covenants.

2.16 Central Open Space Area and New Pedestrian Access Routes

A new publicly accessible open space area is proposed between the 2 buildings and would adjoin the existing north/south area of open space which is already 100m x 20m. The new square would have a tighter urban character, measuring 35m x 25m and would be open 24 hours a day. This space allows light in to the rear of the 2 buildings and would have commercial uses on its periphery to activate the space. The submitted sun-path study indicates that, in the summer months, sunlight is able to penetrate a substantial part of the ground level of the square which is clearly a positive quality. This square is an additional open space provision to that required as part of the original approval for this area and is seen as a considerable gain.

- 2.17 Due to the way these buildings will have to be constructed, explained below in para 2.20, the final landscaping scheme will be installed at the end of the whole development, otherwise it would be damaged during the construction process, as evidenced by the existing open space area which was torn up to facilitate Lumiere construction traffic. An indicative final landscaping scheme has been submitted which includes raised grass areas incorporating seating, tree planting, and public art. Final details of this will be the subject of a reserved matters application and therefore will be fully controlled through the planning process. The applicant has indicated that any interim scheme would be a simple surface treatment. This would have to be capable of withstanding high footfall across it and could act as a base for the final treatment.

2.18 This space benefits from being able to enter it from not only the existing open space, but also the 2 access points through the buildings on Whitehall Rd and Wellington. The route on Whitehall Rd is a response to the fact that this corner is visible from City Station and would therefore provide a direct link fulfilling both visual and permeability objectives. The space itself, as well as the routes to it, would be open 24 hours a day.

2.19 Servicing and Vehicle Access

All vehicle access is proposed to be along the eastern boundary of the site with a one way route heading northwards entering the site from Whitehall Rd and exiting on to Wellington St. This route would lead to a ramped access down to a single level of basement car parking for approximately 85 cars. The route has to be 6m wide to allow one service vehicle to pass another when it is parked and would be screened from the City Central site to the east by a wall. This would protect the amenity of residents from noise and direct head-light glare which could happen as vehicles travel up the ramp to exit the site. This route contains space for one large service vehicle and 2 smaller ones, or a greater number if the vehicles are smaller. The basement also contains lockable cycle parking enclosures as well as motorcycle parking areas. There are also areas of plant space as well as drainage attenuation tanks, 2 of which are located under the existing central piazza.

2.20 Development Phasing

As the proposal is for 2 buildings to be constructed above a single basement with a shared access ramp on a site which has a restricted surface area, the applicant has advised the following:

2.21 The entire basement slab has to be constructed in one procedure. This is because:

- the basement slab needs to be subject to ground water protection to avoid water seepage. This is more effectively done as one exercise as this minimises joins and thereby improves the integrity of the system. It also removes the risk of two contractors working on the damp seal and the issues of warranties for how one contractors work relates to the other. The foundations for the second building can then be constructed through the localised breakthrough of the constructed basement slab. To further complicate the situation, if the northern building is constructed last then, until it is designed, the location of column positions will be unknown. This means that the flexibility which full basement access provides, is essential.
- If only one half of the basement were to be constructed under the first building then a retaining wall would be required to hold the other half of the site in place. This would be a major construction and ultimately would be wasteful as it would need to be removed on construction of the second building. Once the first building was built there would then be no space for the ground works contractor to get to the second area of basement to excavate it, without major disruption to the occupier of the first building and existing neighbouring properties. This would also be a disincentive to the potential occupier of the first building, securing an occupier for which is critical to getting the scheme constructed in the first place.

The result of this is that there is no opportunity to provide a temporary landscape treatment to the remaining area following construction of the first building.

2.22 After the construction of the first building, the remaining site area, including the existing open space area, would be required for the location of site cabins. This avoids them having to be located on the public highway. The impact of this being

used as part of the building site would have a detrimental effect on any landscaping treatment as evidenced by the impact which the commencement of the Lumiere construction had on the original landscaping in this area. Therefore a final landscaping scheme would not be installed until both buildings have been completed.

2.23 In conclusion therefore, whichever building is constructed first, the ramp and the whole of the basement slab will have to be constructed. This means that there is no possibility of the second phase building area being temporarily landscaped as it would exist as an open topped basement. This would have to be surrounded with crash resistant hoardings in case of vehicle strike but of course the outer appearance of these could be an artistically designed solution to respect the site's prominent and sensitive location.

2.24 Sustainability

For the southern office building, a further 17% reduction in CO₂ emissions over and above those required by Part L of the Building Regulations can be achieved. Also, 9% of the predicted energy demand can be met from an onsite low carbon energy source, in the form of a micro Combined Heat and Power (CHP) source and air source heat pumps. The BREEAM pre-assessment indicates that "Very Good" can be achieved or exceeded. The northern building is clearly less well developed in terms of design as it is applied for in outline. If it were to be an office then it would follow the principles set out for the full application building and if a hotel then the system loading is very different with hot water providing the dominant load (approx 70%). This would require further consideration but a CHP could be used in this situation.

2.25 The proposal incorporates a number of other measures to reduce CO₂ emissions, improve its resilience to climate change and minimise detrimental environmental impact. These include:

- Measures to reduce solar gain via external shading and improved glazing solar performance
- Maximizing the air tightness of the building
- Developing an Energy Strategy that improves the thermal performance of the building and incorporates highly efficient systems such as ultra-efficient air conditioning systems and chillers, heat recovery and low fan powers
- The provision of sophisticated building services controls to maximise efficiency of systems and improve building user comfort
- Use of natural daylight through the inclusion of large amounts of glass in the facades.
- The selection of materials to reduce the associated embodied environmental impacts and encourage responsible sourcing
- Specification of low water use fixtures and fittings including low flush WCs, low flow taps and the incorporation of a rainwater harvesting system
- Promoting the ecological enhancement of the site with planting areas and a brown roof to promote biodiversity
- The Flood Risk Assessment includes the provision of measures to attenuate surface water run-off and accommodate climate change.

2.26 Travel Plan Measures

The site would require measures to be provided as part of a site wide Travel Plan. These include the following items:

- 3 electric vehicle charging points
- Dedicated lockable cycle facilities in the basement

- Provision of a budget to support a Travel Plan Coordinator (TPC) who will promote Bike Budi scheme, Bicycle User Group and other cycling initiatives; car sharing;
- TPC to monitor travel modes by surveying staff and to assess whether targets are being met and submit details to Leeds City Council (LCC)
- Coordinated working with LCC if targets are not being met with a range of measures to be used to try and achieve targets e.g. charging for single car occupancy, provision of pool bikes. Funding to be provided for all measures agreed with LCC.
- Publicise real time bus information
- Contribution to public transport infrastructure referred to below

2 car club spaces are also to be provided.

2.27 Public Transport Contributions

Figures for the contributions to public transport infrastructure have been calculated. The contributions for the office building full application equate to £176,011 for the office space and £11,438 for the ground floor food and drink element. As the other building could vary in terms of use and floor space the following figures are based on a formula set out in the relevant Supplementary Planning Document (SPD). These are calculated as £60,240 for the hotel (approx £85,000 if it were to be office). The commercial unit space at ground floor would be £6,524. The methodology for determining the final figures will be agreed with the applicant and included in the Section 106 Agreement but this is highly likely to be based on the approved SPD formula.

2.28 Highways and Bus Improvement Works

There are also requirements for improvements to the local highway infrastructure. These are:

- Contribution to the widening of the Northern St/Whitehall Rd junction to increase junction capacity and add a pedestrian crossing facility
- The relocation of the pedestrian crossing facility on Wellington St to the west to avoid the proposed service vehicle exit point.
- The repositioning of bus stops on Whitehall Rd to avoid entrances and the service route access junction proposed as part of this scheme.
- The provision of a lay-by on Wellington St for use as a drop-off facility if the northern building is to be used as a hotel, or a bus stop if the building is to be an office. In the event that the lay-by is not used as a bus stop (hotel development) a further bus stop will be provided on the carriageway as there is capacity to accommodate this facility within the existing width.

These will form part of a package of measure to be included in a Section 106/278 agreement.

2.29 Jobs and Skills

The applicant has agreed to the principle of using local people during both the construction and operational phases of the development. This would be included in any subsequent legal agreement.

2.30 Submitted Documents

A number of documents have been submitted in support of the proposal:

1. Heritage Statement
2. Flood Risk Statement

3. Landscaping Strategy
4. Phase I Desktop Assessment
5. Energy Strategy Statement
6. Noise Impact Assessment
7. Transport Assessment
8. Statement of Community Involvement
9. Day-lighting Assessment
10. Wind Assessment
11. Sustainability Statement
12. Travel Plan
13. Ecology survey and assessment

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located on the southern side of Wellington St and to the north of Whitehall Rd, between the refurbished former Royal Mail building to the west (West Central residential scheme) and the former Wellesley Hotel to the east (City Central residential scheme). The site has remained vacant since the original building was demolished. Behind the existing hoarding the site is roughly finished and has a visible perimeter of exposed retaining wall and column heads, a remnant of the previous Lumiere works.
- 3.2 The site is the last significant piece of the jigsaw in the area between City Sq and Northern St. To the south the area is characterised by a mix of new build offices, a hotel and residential buildings. To the north is the rigid grid-like street pattern of the office quarter which is part of the City Centre Conservation Area, although there is one residential building on the corner of Wellington St and Northern St. When seen in the context of the surrounding street pattern, the site lies at the point where the east-west pattern of streets in the Conservation Area becomes adjusted through an approximately 30 degree angle to run off to the south-west along Whitehall Rd.
- 3.3 One of the major constraints here is the number of properties surrounding the site which contain residential units whose reasonable requirements for the protection of amenity have to be taken into account. The site lies within the Prime Office Quarter as allocated in the UDP Review.

4.0 RELEVANT PLANNING HISTORY

- 4.1 This site was originally included as part of the redevelopment of the former post office building (now West Central). As part of that scheme the application site had the benefit of permission for a 10 storey office block fronting Whitehall Rd attached to a 10 storey hotel fronting Wellington St (app. ref. 20/314/00/FU). This was separated from West Central by the existing north/south oriented area of public open space. This area constituted the entirety of the provision of open space as part of that redevelopment. The proposed square is therefore over and above the originally approved quantum of open space area. The space was fully landscaped as part of the West Central refurbishment but was subsequently removed and blacktopped when the Lumiere construction works commenced.
- 4.2 An application for a single office building, 9/10 storeys in height, app. ref. 20/063/03/FU was approved in 2003.
- 4.3 The Lumiere proposal (app. ref. 06/01622/FU) was granted on 4 April 2007 for the erection of 32 storey and 54 storey development with connecting covered public winter garden, comprising 838 flats, offices, health centre, ground floor retail uses

(Class A1, A3, A4 and A5) with basement car parking. An amending application, which sought to add a further floor to each tower (app. ref. 08/01914/FU), was refused on 8 February 2010 as the applicant failed to sign the amending S106 Agreement.

5.0 HISTORY OF NEGOTIATIONS

5.1 Officers commenced pre-application discussions with the developer in March this year. A number of meetings have taken place, principally with planning, design and highways officers, to develop the layout, scale, and design of the buildings. These culminated in the pre-application presentation to Panel in June 2012 (see minutes below). Further meetings have since taken place in order to progress and refine the detail of the scheme and address the points raised by Members at the July Panel. Subsequently the current application was submitted in August.

5.2 Minutes of Panel meeting 21st June 2012:

specific reference was made to the following issues and the applicant team duly responded:-

- Clarification of the current temporary bus stops to the frontage on Wellington Street
(The applicant confirmed that bus drop off stops were currently being addressed by highways)
- Clarification of the materials to be used in relation to the public entrance through the building to the proposed public space and concerns expressed about the security issues when accessing the public space at night time
(The applicant agreed to look into this)
- Concerns about the visual impact of the wall around the base of the building and clarification of its purpose
(The applicant confirmed that the wall would act as screening in relation to the delivery of goods and services. He agreed to consider this issue further)
- Clarification about which of the two buildings would be erected first and the timescales involved
(The applicant confirmed that the proposals were speculative and the intention was to submit details in full for the southern building and outline for the northern building at this present time)
- Clarification will be needed of the restrictions/conditions relating to operation of the bandstand in the public space to avoid creating a nuisance for adjacent occupiers

5.3 At this point in the proceedings, the Chair invited a general debate from Members on those matters requiring specific consideration. Those matters being:

- were the footprints and layout of the buildings acceptable?
- were the scale and massing of the buildings acceptable?
- were the proposed materials and elevational treatments acceptable?
- were the measures employed to protect the amenity of surrounding residents e.g. distances between building facades; angles between building facades; relative heights, sufficient?
- was the provision of the additional open space area supported in this form with the new access points on to Whitehall Road and Wellington Street?

5.4 In summary, specific reference was made to the following issues:

- The need to address daylight modeling to the proposed square;

- to retrieve the bus stops and lay-bys that were lost following the works related to the Lumiere scheme
- the importance of incorporating appropriate clauses in the Section 106 to optimize opportunities for jobs and employment training for local people arising from the development

5.5 It was the consensus of the meeting that the layout, scale and massing were generally acceptable and that the provision of the open space was supported. However the Panel requested more detail on the proposed materials and elevational treatments and on the measures proposed to protect the amenity of surrounding residents.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 One letter of objection has been received from an occupier of an apartment in West Central. This makes the following points:

- As this is a densely populated area there must be a requirement for an amount of open space
- The proposal will give rise to overlooking
- The service area will be close to the property
- There will be an increase in the amount of traffic and noise

These points will be addressed in the appraisal section below.

6.2 A Statement of Community Involvement has been submitted with the application. Consultation with members of the public took place at a public exhibition at the Novotel on Whitehall Road which is immediately to the south of the application site. Publicity for the event was ensured by written letters posted to 509 addresses and an advertisement in the Yorkshire Evening Post on 24 July 2012. Members of the developer team attended to explain the scheme and answer questions. Exhibition boards were used to provide attendees with information on the proposals and feedback forms were provided to collect the views of those attending (see summary below). Of those who provided written feedback 86% (12) submitted positive comments about the development and 14% (2) submitted neutral comments/concerns about the development. The comments can be summarized as follows:

Positive comments:

- Opportunity provided by the proposals to transform the state of the current site
- Use of green/public space within the development
- Scale of the development, including light and privacy with many favouring this over the Lumiere proposal
- Height of the development
- Design of the proposal

Suggestions:

- Building should be made taller to obscure the view of West Point
- Need for more information to be made public on the plans for the maintenance and management of the green space
- Retail should be added to the ground floor
- Need to relocate the pedestrian crossing and bus stop, west and east respectively

Concerns:

- property and rental prices
- the construction phase
- outlook

General comments

- No need for more office and Hotel space in Leeds City Centre
- Need for more green/public space within Leeds City Centre
- Development to proceed as soon as possible

- 6.3 In summary the feedback shows support for the proposals, particularly with regard to bringing the site back into use, the provision of green/public space and the overall design. Some negative feedback regarding the construction phase of the development has emerged and this will need to be managed through appropriate planning conditions. Members should note that the construction phase was to be controlled by condition for the Lumiere proposal and an extensive Construction Management Plan was produced which dealt with the operating practices to be employed. Clearly the construction phase of a building such as Lumiere would be far more extensive than for this much smaller proposal but the same principles would clearly apply in terms of the method of working and the ability to control this by condition.
- 6.4 A letter has been received from the Leeds Civic Trust (LCT) who received a presentation from the developer team. They stated that this submission is very clear and should act as a model for other submissions and wish to support the proposal making the following points:
- The buildings have been arranged in a way which makes the development as permeable as possible.
 - Understand that the new space will be in shadow but that this is a result, in part, of the existing buildings and also note that the present ground floor uses are in shadow for much of the time but that these appear to operate successfully.
(Note: Half of the square is actually in direct sunshine in the height of summer – see para 2.16)
 - Small patches of grass are welcomed anywhere in the city and do get used.
 - Accept that any grass will be raised. Welcome its inclusion in the open space and wish to see this optimized
 - Have suggested that child friendly features could be included but accept that in this office quarter location, this is not a priority.
 - Service routes should be kept to a minimum and suggest that the service access be shared with City Central to the east *(Response: The applicant does not own the neighbouring land which is used as car parking for the City Central building. There is therefore no opportunity to amalgamate this with the proposed service route)*
 - Encouraged that the roof top plant has been ‘designed in’ rather than forgotten about, only to be added later.
 - Note that a wind study is being carried out. Understand that to some extent it is difficult to handle this as there is a large amount of development which is still to take place to the south-west which will have an impact on this area. Suggest that this proposal should at least be designed not to make the situation worse and possibly even ameliorate the current situation. The use of protective pedestrian barriers should be avoided if possible.
 - The elevations were presented at a time when they were still being developed. Comments made were that they were ‘a bit boring and bland’. ‘Detailed execution will be the key to satisfactory delivery of these elements’

- Feel that the Wellington St elevation fits well within the street-scape (N.B. this is despite the fact that the current elevation is indicative as it is an outline submission.)
- What consideration to pigeons using the building to roost? (*Response: It is not known at this stage whether the building would be subject to birds roosting. If it is then standard devices could be retro fit and this can be done without the requirement for planning permission*).
- Can the part of the scheme which is not built first be grassed? (see para 2.20 above)

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

Highways Agency: No objection. Conclude that this proposal will have only a minimal impact on the Strategic Road Network.

Environment Agency: No objection subject to a condition to control the method of surface water disposal.

7.2 Non-Statutory

Yorkshire Water: No objection subject to conditions regarding surface water disposal and avoidance of existing sewers on site (very minimal incursion however). State that the submitted Flood Risk Assessment is acceptable.

Metro: No objection to the principle of development. The site benefits from a range of public transport facilities. The submitted plan, which shows the relocation of bus stops in the vicinity of the site and re-provision of a stop which was removed from this location when the Lumiere construction works were commenced, is acceptable.

Highways: The number of car parking spaces being provided in the basement is reasonable in the context of the uses and this city centre core location.

Travelwise Team: At the time of writing this report the revised Travel Plan had only just been received and officers are in continuing negotiations with the applicants team to resolve all outstanding matters. Ultimately a Section 106 Agreement will be used to ensure certain items, set out in the plan, are provided.

Flood Risk management: Accept the findings of the Flood Risk Assessment and the proposed surface water drainage solutions proposed

Environmental Protection Team: The nearby residential occupiers are clearly those which need to be protected both during construction and once the buildings are occupied. No objection subject to conditions during construction controlling operating hours and the submission of a Code of Construction Practice document and on occupation, conditions controlling hours of operation and servicing/delivery and extract ventilation systems.

Environmental Studies Team: Given the presence of residential units in this area, support the mitigation measures to be employed during the construction phase. As the proposal does not include residential use the high background level of pollution in this area are not an issue. No objections

Contaminated Land: No objections

The Coal Authority: Subject to standing advice only as this site is not near to a coal referral area.

Sustainability: Achievement of BREEAM 'Very Good' is welcomed. 17% less than the Part L Building Regulations requirements for carbon emissions and 9% production of low/zero carbon energy are acceptable here. Other measures are acceptable and should be controlled by condition.

Analysis of applicants Wind Study (provided by Arup)

Background: A wind tunnel study has been undertaken to determine the pedestrian microclimate around the proposed development. A scale model of the site and surrounding area was constructed and tested. Measurements were taken at 101 locations around the development and surrounding area. This was done for both the

site and the existing surroundings and then including the various developments with planning permission in the area (generally to the west – Wellington Place).

Arup advice: The wind tunnel test methodology used by Building Research Establishment Ltd (BRE) to assess wind conditions at ground level around the proposed development is generally appropriate. Overall, the levels of windiness reported by BRE are shown to be within those expected around a development directly sheltered by the surrounding buildings from the prevailing westerly winds. Conditions are shown by BRE to be acceptable for the intended activities and this is agreed with. The wind study noted that the criteria used indicate the presence of potentially unsettling wind conditions in Winter (the worst time of year for winds) in two positions in Wellington Street and one in Whitehall Road. However, this is not unexpected considering the full exposure of the 15-storey West Central building to the prevailing winds across the empty Wellington Place site. These are as a result of the prevailing westerly wind hitting West Central. Finally the response makes it clear that eventually, the construction of buildings on Wellington Place would mitigate the wind conditions on Wellington St and Whitehall Rd as these would then be in the shadow of development. This matter is considered below in the appraisal section para. 10.21

8.0 PLANNING POLICIES:

8.1 National Planning Policy Framework (NPPF)

The NPPF includes policy guidance on sustainable development, economic growth, transport, design, and climate change. Developments that generate significant movement should be located where the need to travel is minimised and the use of sustainable transport modes can be maximised. Furthermore development should be located and designed, where practical, to:

- Accommodate the efficient delivery of goods and supplies;
- Give priority to pedestrian and cycle movements;
- Have access to high quality public transport facilities;
- Create safe and secure layouts which minimise conflict between traffic and cyclists or pedestrians and avoiding street clutter;
- Incorporating facilities for charging plug-in and other ultra-low emission vehicles;
- Consider the needs of people with disability by all modes of transport.

Section 7 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:

- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimising the potential of the site to accommodate development;
- Respond to local character and history;
- Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments; and
- Development to be visually attractive as a result of good architecture and appropriate landscaping.

8.2 Development Plan

The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review) 2006 (UDPR) along with relevant supplementary planning guidance and documents. The Local Development

Framework will eventually replace the UDPR but this is at the draft stage. The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development.

8.3 Regional Spatial Strategy (RSS) (adopted May 2008):

YH1: Spatial pattern of development and core approach.

YH2: Sustainable development.

YH4: focus development on regional cities.

YH5: Focus development on principal towns.

YH7: location of development.

LCR1: Leeds City Region sub area policy.

LCR2: regionally significant investment priorities, Leeds city region.

8.4 Leeds Unitary Development Plan (Review) 2006

Relevant policies include:

SA1: Secure the highest possible quality of environment.

SP3: New development concentrated largely within or adjoining the main urban areas.

GP5 all relevant planning considerations

GP7 planning obligations

GP11 sustainability

GP12 sustainability

BD6 all alterations

A1 improving access for all

A4 safety and security provision

N12 urban design

N13 design and new buildings

N25 boundary treatments

BD4 all mechanical plant

CC1 City Centre and planning obligations

CC3 City Centre character

CC10 public space and level of provision

CC11 streets and pedestrian corridors

CC12 public space and connectivity

CC13 public spaces and design criteria

CC19 office use supported in Prime Office Quarter

CC27 Primary Uses encourage with secondary supporting uses considered acceptable including hotels and service retailing and food and drink uses.

E14 Office development

T2 Transport provision for development

T2C Travel plans

T2D public transport provision for development

T5 pedestrian and cycle provision

T6 provision for the disabled

T7A cycle parking

T7B motorcycle parking

T24 Car parking provision

LD1 landscaping

R5 employment and training for local residents associated with the construction and subsequent use of developments

N38A development and flood risk

N38B planning applications and flood risk assessments

8.5 Relevant Supplementary Planning Guidance other guidance and emerging policy

This includes:

- SPD Designing for Community Safety
- SPG Sustainable Urban Drainage
- SPD Street Design Guide
- SPD Public Transport Improvements and Developer Contributions
- SPD Travel Plans
- SPD Sustainable Design and Construction
- SPD Building for Tomorrow Today
- City Centre Urban Design Strategy

8.6 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 7th November 2012 Executive Board approved the proposed pre-submission changes to the Publication Draft of the Leeds Development Framework Core Strategy. Executive Board also resolved to recommend that Council approve the Publication Draft Core Strategy and the sustainability report for the purposes of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Core Strategy Policy CC1B outlines the planned growth within the City Centre, including office and retail growth.

9.0 ISSUES

1. Principle of Use
2. Building Design
3. Impact on surrounding buildings
4. Landscaping and Pedestrian Permeability
5. Highways and Transportation
6. Wind
7. Flood risk
8. Sustainability
9. Planning obligations

10.0 APPRAISAL

10.1 Principal of Uses

The application site is located within the City Centre, and is part of the designated Prime Office Quarter. UDPR Policy CC19 states that office use will be supported as the principal use within the Quarter. Under Policy CC27, proposals for other uses which service the area, add variety and vitality, support the attractiveness of the area and would not prejudice its functioning, would generally be encouraged. The UDPR specifically mentions tourist accommodation/hotels, retail and catering (food and drink) as acceptable secondary uses. The commercial space to be provided at ground floor level will clearly both take advantage of and animate, the newly created central square whilst servicing passing pedestrians generated by the increased permeability. The only matter to control is the extent of A1 floorspace which should only be small scale and sell goods which support and service the area. This would be controlled by condition as part of any approval.

10.2 Building Design

Whitehall Rd building

At pre-application stage the size, location and form of the buildings were considered appropriate and these have remained unchanged. However the detailed elevations of the southern building had not been developed and the materials were still being considered. This aspect of the proposal has now been developed and the elevations and materials are as described above and will be shown in the presentation. In

respect of the Whitehall Rd elevation, a random pattern, within a structurally informed grid, has been developed and the details submitted indicate that these will give the building façade greater depth and therefore visual interest.

- 10.3 The return elevations are of greater simplicity but these are viewed obliquely from the primary highways routes which lessens their impact on long distance views. They will have the potential to provide reflected views of the buildings opposite. They will also be visible from the residential units opposite but this will be from a distance of 17m-18m.

Do Members consider that the combination of materials proposed and elevational treatment are acceptable?

- 10.4 Opening on to Whitehall Rd
One of the concerns raised by Members at pre-application stage was the pedestrian access point on Whitehall Rd. This has been developed in the manner described above with a more generous approach, better lighting, slimmer columns, improved materials and natural surveillance from the adjacent office entrance all now included. In light of the above:

Do Members consider that their concerns regarding the attractiveness and safety of the pedestrian access on to Whitehall Rd have been addressed?

- 10.5 The set back of the building and the use of a colonnade on the Whitehall Rd frontage wrapping around to the piazza elevation also means that there is a considerable amount of protected ground level space around the building which will aid pedestrian permeability and movement.

- 10.6 Wellington St Building
This building is being proposed as an envelope only, however this has been developed from a sound basis taking in to account architectural signposts from neighbouring buildings. Whilst the indicative CGI's are not for approval it does show that a building of this size and shape does look appropriate in this location. It also proposes a route through to central square which is clearly a very positive feature. If it is an office building or a hotel, any future reserved matters submission would require negotiation with officers and it would be officer's intention to bring these details to Panel for Members to comment when this arises.

- 10.7 Impact on Surrounding Buildings
The site is currently vacant and therefore the existing surrounding occupiers are benefiting from an open aspect. The study undertaken by the applicant takes in to account the impact, in terms of overshadowing, which the extant Lumiere consent would have on surrounding occupiers. Given that this proposal is for 2 much smaller buildings it is a logical conclusion that they will have a lesser impact. In this city centre location, it is reasonable to expect that there will be some overshadowing at various times of the day. The distance which the proposal is located away from the existing buildings is an important consideration and the 17m-20m proposed is considered to be sufficient to give an acceptable level of light and space to the existing residential units and to avoid unacceptable over dominance by the proposal.

- 10.8 There has been a permission for a building in this location since August 2001 and 2 further permissions since that time which are at similar distances away from the neighbouring properties with the Lumiere scheme clearly being a much taller structure. In the context of the city centre where buildings exist in proximity to each

other, close relationships will always exist. In addition, a large number of units on the eastern side of West Central have the benefit of an outlook over the central square element rather than directly out on to buildings. This would provide a pleasant aspect and additional interest.

10.9 Residential amenity in the city centre is also derived from the facilities which the city itself has to offer and the spaces which it contains. Taking in to account the context of this area, the distances to neighbouring buildings and the impact which the extant consent would have on these, officers consider that this is the best relationship which can be achieved and that the proposal is acceptable in this regard. Officers would also draw Members attention to the fact that, despite the considerable publicity surrounding this scheme, only one letter of objection has so far been received. This may infer that local residents consider the scheme to be a positive addition to the area with the benefits that would come with being in close proximity to a high quality development.

10.10 Landscaping and Pedestrian Permeability

For the reasons outlined above, the final landscaping scheme cannot be installed until both buildings have been completed and any interim landscaping treatment would be controlled by condition. The existing north/south linear open space clearly fulfils an important roll acting as a pedestrianised street equivalent in width to Briggate. The new square will provide space of a different character and together, these spaces will provide a significant amount of amenity value for the benefit of not only the occupiers of the proposal, but also the occupiers of West Central. The residents in City Central will also benefit through their ease of access to this new space due to the presence of the 2 routes through the building. This ability to access the space creates a greater level of connectivity between the station area and the office quarter. These additional routes are a very positive enhancement to the area and are welcomed by officers.

10.11 The submitted indicative landscaping scheme indicates the use of raised grass areas with perimeter seating which is a practical and effective way to introduce greenery and resting points in to the area. As the site is built above a car park the scope for significant planting is diminished however tree planting can take place in the linear space where much of it is built in to the ground making their chances of survival more likely. It will also assist in creating 2 spaces with their own distinct characters. The simple interim surface treatment to the open space, proposed after the construction of the first building, and the hoardings to be placed around the vacant site, would be controlled by conditions attached to any future permission.

10.12 The inclusion of public art in the indicative scheme is welcomed. Any external entertainment would be subject to hours of use restrictions. In this prime office area, which will experience heavy footfall and the requirement for external seating, the provision of play areas is not an essential requirement. However, this would not prevent families from using the space, the external seating provided in association with any catering uses, or enjoying any entertainments which may occur from time to time. The fact that this space experiences direct sunlight during the Summer would have a positive impact on its character and is welcomed.

10.13 Highways and Transport

The site lies within the core commuter parking area and the parking levels proposed are within the UDPR maximum parking guidelines for the site. The proposal is located within a highly accessible area, it has excellent pedestrian and cycling connectivity and is on two major bus corridors within close proximity of Leeds City Station. A secure and covered area has been made available within the basement

car park for the parking of cycles. In addition, two showers, a dry changing area and lockers will be provided to encourage walking, jogging and cycling. This will make pedestrian and cyclist journeys far more attractive, and will help to reduce the use of the private car. Within the basement electrical charging points will be available for three vehicles.

10.14 Members are reminded that the extant Lumiere permission had 3 levels of basement car parking proposed and therefore the number of vehicles now expected to use the site is considerably reduced resulting in far less pressure on the local highway network. This proposal utilises the same service route as well, and this is the best and only location for the provision of servicing on the site. As described above there is a package of highways improvements and alterations which would be secured through a legal agreement and this will make the local highway network operate more efficiently. Contributions and facilities are also being secured through the Travel Plan and this will assist in achieving a modal shift in commuting away from car-borne trips. The proposal also makes provision for the reinstatement of a bus stop on Wellington St which has been requested by Metro. The proposed package of bus stop revisions has been approved by Metro and again these would be secured by legal agreement.

10.15 Noise Impact – Construction Phase

In terms of the construction phase of the development, the applicant has already considered the types of measures which could be employed to reduce the impact on surrounding occupiers:

- any compressors brought on to site should be silenced or sound reduced models fitted with acoustic enclosures;
- all pneumatic tools should be fitted with silencers or mufflers;
- deliveries should be programmed to arrive during daytime hours only. Care should be taken when unloading vehicles to minimise noise. Delivery vehicles should be routed so as to minimise disturbance to local residents.
- Delivery vehicles should be prohibited from waiting within the site with their engines running;
- proper maintenance of plant
- local hoarding, screens or barriers should be erected as necessary to shield particularly noisy activities

10.16 The operation of the site during construction will be controlled through the requirement to submit a Construction Management Plan. This occurred for Lumiere and was worked up in close association with colleagues in Environmental Protection. A condition will be used on any permission to achieve the same outcome.

10.17 Noise impact – post construction (operational) phase.

The predictions in respect of road traffic noise indicate that the magnitude of the impact from the change in road traffic noise would be either negligible or no change, so are unlikely to be imperceptible. The proposed service yard runs along the eastern side of the site which is the same general arrangement approved as part of the Lumiere scheme. This was considered to be acceptable at that time and related to a much larger building with greater servicing demands and a much larger basement car parking capacity. The servicing area is below ground level and the area will be partially contained by a wall. The City Central development has double glazing which was approved as part of its residential conversion. This was important as there are already high levels of background noise in this city centre location. In addition, the applicant has stated that the following best practice measures will also

be applied to ensure that residential amenity is protected:

- ensure drivers switch off their engines when unloading/loading in the service yard;
- incorporate rubber matting where trollies operate and utilise quiet roll cages;
- where vehicles have refrigeration units, these should be switched off prior to arriving on site and switched back on when the vehicle is off site and away from residential areas;
- avoid the installation of an external tannoy system
- inform staff of the necessity to operate quietly and display appropriate signage.
- The service road is one-way and so reversing warning signals will not be employed other than in exceptional circumstances

10.18 Colleagues in Environmental Protection have recommended conditions restricting hours of servicing the building and these will be applied thereby further protecting the amenity of surrounding residents. As the type of external plant has not been finalised, a further condition will be used to ensure that noise generated by plant does not have an adverse effect on amenity.

10.19 Given the high background noise levels the applicant has advised that acoustic cladding will need to be used to protect the amenity of people within the application premises and for office uses thermal double glazing will be needed. For the possible hotel use, high performance acoustic glazing and mechanical ventilation will be needed. This will further protect existing residents from any potential noise emitted by the application premises.

Do Members consider that, with these safeguards in place, residential amenity has been protected both during the construction and operational phases of development?

10.20 Development Phasing

The situation in respect of development phasing has been explained in detail above. It is clear that this site is highly unusual in that it is for 2 buildings, located above a single basement car park, which is accessed by a single ramp on a physically constrained site, surrounded by existing buildings many of which contain residential units. The applicant has developed the above strategy to make the construction process as efficient as possible, thereby minimizing wasted construction resources and reducing the negative environmental effects on surrounding occupiers which would be experienced through living next to a construction site. This is a highly unusual situation, not previously encountered in the city, so it is unlikely that it would occur on a regular basis, if at all in the future.

10.21 Wind

The advice provided by the applicant has been confirmed by Arup. Whilst this makes it clear that in much of the area around the base of the building wind conditions for the intended activities would be acceptable, due largely to the fact that it is protected from the prevailing westerly winds by the larger West Central building, officers consider that the 3 locations highlighted on Wellington St and Whitehall Rd require closer consideration. Further advice will be sought on this matter and any progress will be reported to Members at Panel. Officers are, however, mindful of the fact that the windiest conditions in the area already exist to the west of the application site due to the prevailing westerly wind hitting West Central unabated as Wellington Place is not yet developed. Members should note the point made in the report and confirmed by Arup that, as Wellington Place is developed over time, it will

have a mitigating effect on existing wind conditions in this area and this is clearly a positive future outcome for this part of the city.

10.22 Flood risk

The majority of the site is located within Flood Zone 1 with the exception of the extreme south-western corner which is within Flood Zone 2. The flood risk assessment sets out recommended finished floor levels above flood levels and therefore the probability of onsite flooding from all sources is low. The south-western corner of the site is also located within the Environment Agency flood warning area and the applicant has advised that, as a precautionary measure, the site signs up to the flood warning service. As the majority of the site is within Flood Zone 1 it is considered that access and egress should not be affected by flooding. The proposed surface water strategy is for run-off to be attenuated on site for up to the 1 in 100 year plus climate change storm event. There will therefore be no off-site flooding caused by the development. The Environment Agency, Yorkshire Water and L.C.C. Flood Risk Management are all satisfied that subject to the appropriate conditions this site can be drained to an acceptable level.

10.23 Sustainability

The development is located in a highly accessible location, which will significantly reduce potential travel emissions. Measures have been incorporated to improve the energy efficiency of the building and these have been outlined above. For the office building the achievement of a 17% reduction in CO₂ emissions over Part L of the Building Regulations and the production of 9% of the predicted energy demand by onsite low carbon energy source is considered acceptable. The BREEAM pre-assessment indicates that "Very Good" can be achieved or exceeded and this is welcomed. The northern building, if used as offices, will be able to demonstrate the same efficiency savings but if used as a hotel a different energy system will be required which can handle the loading of much increased hot water usage which the submitted document indicates could be handled by a full scale Combined Heat and Power system. This aspect of the proposal would be conditioned as part of any future permission.

10.24 Nature Conservation

There are no statutory designated sites of nature conservation interest within 1km of the site. No protected species were discovered on site during the survey undertaken in the production of the submitted report. The site is subject to high levels of disturbance and offers little to no foraging opportunity for animals and is too isolated to be of potential value to breeding birds or bats. The site does not contain any habitat of intrinsic ecological value and does not include any features considered likely to be of value to notable or protected species. Therefore, it is concluded that there will be no detrimental ecological impact.

10.25 Land contamination

Much of the ground was excavated as part of the Lumiere ground works. The ground study undertaken concluded that the overall sensitivity of the site is of a moderate to low order and the conditions on site present a low risk to human health, ground water and the built environment. As this is the case, no remedial action is required. Conditions will be used to control the unlikely situation that unexpected contaminants are discovered or fresh earth is needed to make up ground levels.

10.26 Likely Heads of Terms of S106 Agreement

- Public Transport Contribution
- Travel Plan Measures
- Bus Stop relocation on Whitehall Road

- New Bus / Coach Lay-by on Wellington Street
- Contribution to other highways works and improvements at the site access and egress

11.0 CONCLUSION

11.1 Members are requested to consider all the matters raised within this report in order to provide officers with appropriate comments and/or advice on the proposal. Specifically feedback is requested from Members on:

Do Members consider that the combination of materials proposed and elevational treatment are acceptable?

Do Members consider that their concerns regarding the attractiveness of the pedestrian access on to Whitehall Rd have been addressed?

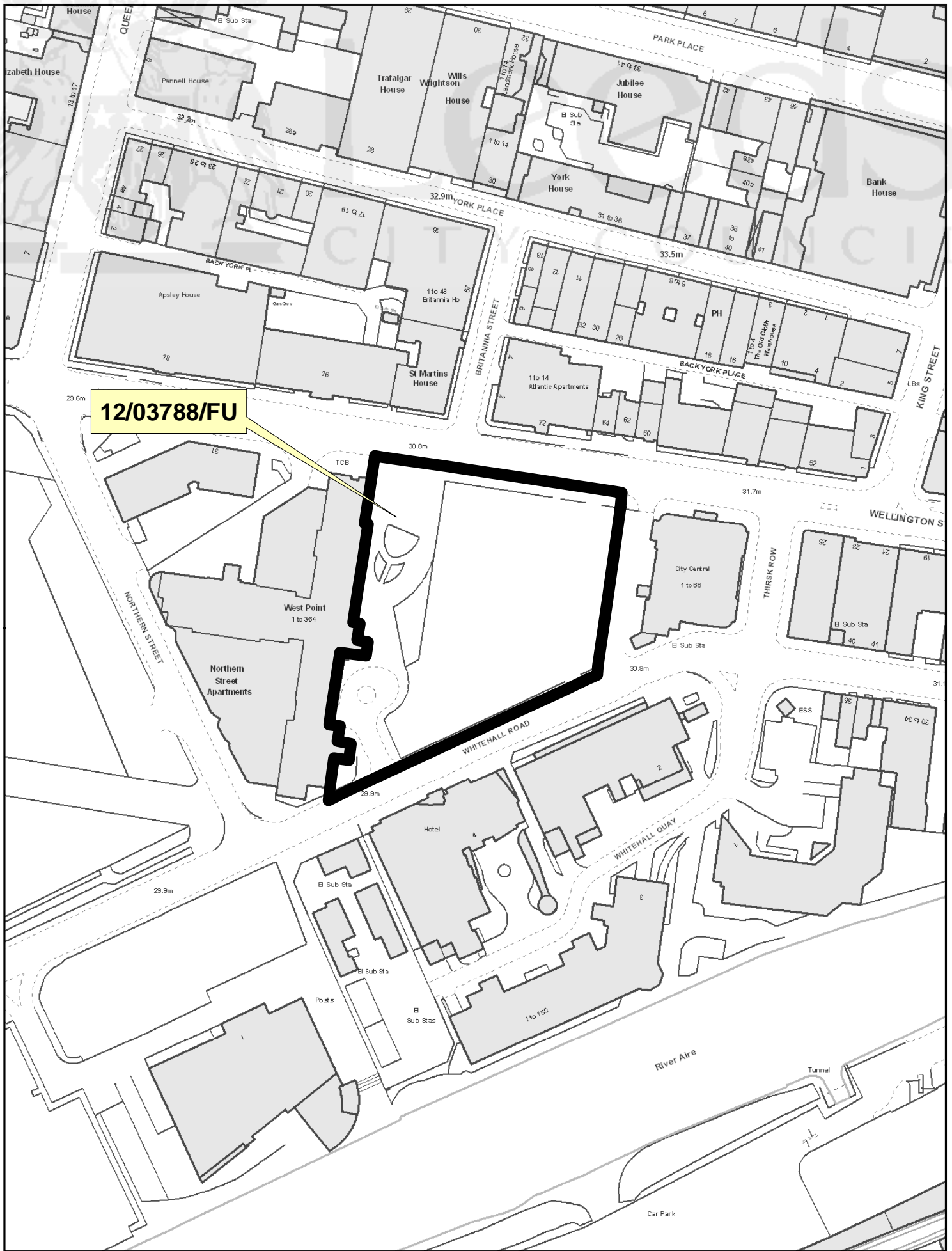
Do Members consider that with these safeguards in place residential amenity has been protected both during the construction and operational phases of development?

BACKGROUND PAPERS

Pre-application file PREAPP/12/00465 and history files 20/314/00/FU, 20/063/03/FU and 06/01622/FU.

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12/03788/FU

CITY PLANS PANEL

