



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 9th May 2013

Subject: APPLICATION 12/03459/FU – MULTI-LEVEL DEVELOPMENT UP TO 17 STOREYS WITH 609 RESIDENTIAL APARTMENTS, COMMERCIAL UNITS (CLASS A1 TO A5, B1, D1 AND D2), CAR PARKING, ASSOCIATED ACCESS, ENGINEERING WORKS, LANDSCAPE AND PUBLIC AMENITY SPACE ON LAND AT WHITEHALL ROAD AND GLOBE ROAD, LEEDS, LS12

APPLICANT

Globe Road Ltd

DATE VALID

17/8/12

TARGET DATE

22/2/13

Electoral Wards Affected:

City & Hunslet

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions at Appendix 1 (and any others which he might consider appropriate) and the completion of a Section 106 agreement to cover the following:

- A contribution of £568,000 to be spent on affordable housing, education, public transport and/or public realm improvements as considered appropriate with £100,000 set aside to assist in the delivery of a bridge over the canal.
- 30 units in phase one provided as assisted purchase units.
- If the development is not implemented within 18 months of approval the scheme is to be financially re-appraised at the time of implementation and if viable, a further affordable housing contribution shall be provided in accordance with the level of viability and affordable housing policy at that time.
- An assessment of profit at 85% occupation. If the developer's profit exceeds 25% an additional affordable housing contribution of 50% of the excess profits will be made up to the level required by the affordable housing policy at that time.

- **Landing area for the canal footbridge.**
- **Travel Plan measures and monitoring fee of £5,125.**
- **Car club contribution of £21,500.**
- **Local employment and training clause.**
- **Public access to public open space.**

In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

1.0 INTRODUCTION:

1.1 This application was presented to Plans Panel on 17th January 2013 and 11th April 2013. At the 17th January Panel Members agreed to approve the development subject to an appropriate section 106 package that included an improved offer regarding the provision of affordable housing and an education contribution. At the 11th April Panel Members accepted the viability appraisal and much of the S106 offer. However, Members requested further S106 clauses that required £100,000 of the £568,000 contribution to be put towards delivering a bridge over the canal and that the potential for affordable housing contributions be reassessed later in the development phases. Officers have negotiated an improved offer that is considered appropriate in the circumstances therefore the application is presented again with a recommendation Members defer and delegate approval to the Chief Planning Officer. The previous Panel reports are attached at Appendix 2 and 3 to provide the background. This report only provides an update on the S106 offer following the April meeting. For completeness, the confidential report relating to the viability appraisal discussed at the 11th April Panel is provided at Appendix 4.

2.0 MAIN ISSUE

- Revised S106 offer

3.0 APPRAISAL

3.1 There were two outstanding issues from the April 11th Panel; Members requested that £100,000 of the £568,000 contribution be set aside to help deliver the bridge over the canal and that a mechanism be in place to review profits at various stages to identify whether an increased affordable housing contribution can be made.

3.2 The applicant has agreed that £100,000 can be set aside to assist in the delivery of the bridge over the canal.

3.3 In response to the discussions at the 11th April Panel and as per similar developments elsewhere in the city that incorporate a phased delivery, officers sought to introduce a review mechanism at all phases of the development that would examine the viability of the scheme at that time and if profits permitted, require further affordable housing contributions for those phases in accordance with the adopted policy at that time. However, the applicant was not willing to accept this citing the significant up-front costs involved in the development.

3.4 The applicant states that there are significant site wide infrastructure costs triggered by the first phase therefore the carrying cost of the scheme is high and profit is not realised until towards the end of the development. The applicant states profit will be realised until month 52 of the construction programme therefore a review at each

phase will only continue to highlight a deficit therefore it would be of no benefit to the Council. It should be noted that the first phases (as currently envisaged) includes the main public open space.

- 3.5 After further negotiations officers have agreed that a review of profit can take place upon 85% occupation of the scheme and therefore be at a time when profits will have been realised or at least further understood.
- 3.6 As previously agreed, an appropriate level of profit for a scheme such as this is 25%. The review at 85% occupation would require the developer to provide a further affordable housing contribution if excess profit is to be achieved (ie profit over 25%). The Council would receive 50% of any excess profit up to the level required by the adopted affordable housing policy at that time.
- 3.7 It is considered this offer represents a fair balance, in conjunction with the other S106 contributions, between the current position that identifies the scheme to be unviable whilst still safeguarding the Council's position with regard to any future up turn in the market and the long term phased delivery of this scheme.
- 3.8 For reference Table 1 below provides a summary of the S106 requirements and offers at the key stages of negotiation.

3.9 Table 1: Summary of negotiable S106 requirements and offers.

S106 Clause	Policy Requirement	Offer at 17/1/13 Panel	Offer at 11/4/13 Panel	Offer at 9/5/13 Panel
Affordable Housing	5% (31 units)	None	30 units provided as 'assisted purchase' in phase 1	30 units provided as 'assisted purchase' in phase 1
Education Contribution	£238,190.78	None	None	None
Financial Contributions	£133,631 PTC and £434,400 HUV contribution (total £568,031)	None	£568,000 (to be available to spend on education, AH or other matters)	£568,000 (to be available to spend on education, AH or other matters) with £100,000 set aside to for the delivery of a bridge over the canal.
Provision of bridge over the canal	The HUV RPF aspires to the delivery of a bridge of the canal to be paid for by HUV contributions generated by various developments	The applicant proposed to deliver the bridge in lieu of their HUV and PTC	The applicant will reserve a landing point for the bridge.	The applicant will reserve a landing point for the bridge and make a contribution of £100,000 to the delivery as referenced above. The Council will have 15 years to spend the contribution.
Overage Payment	N/A	If the developer's profits exceed 25% gross development value, the Council will receive 50% of the additional profits up to £4.4m.	If the scheme is not implemented within 18 months from decision, the viability of the scheme is reappraised and if found to be viable, a financial contribution will be provided for affordable housing in accordance with the affordable housing policy at that time.	As per 11/4/13 offer plus after 85% occupation a review of the profits will be made. If the profits exceed 25% the Council will receive an affordable housing contribution of 50% of the excess profit up to the level sought by the adopted affordable housing policy at that time.

4.0 CONCLUSION

- 4.1 Members have previously agreed the scale, form, layout and design of the development. A viability appraisal has also been accepted and in light of the lack of viability it is now considered appropriate S106 heads of terms have been offered that will allow for the significant regeneration benefits from developing this site to be achieved whilst also providing for improvements to be made to affordable housing and education provision in the area plus assisting in the delivery of a bridge over the canal.

APPENDIX 1 – Conditions

- 1) The development hereby permitted shall be begun before the expiration of two 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.

- 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) Prior to the commencement of development a phasing plan identifying the construction programme of the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be adhered to thereafter unless otherwise agreed in writing by the Local Planning Authority.

To ensure the site is developed in an acceptable manner in accordance with adopted UDPR policy GP5.

- 4) Prior to the commencement of development of each phase, a plan showing the temporary works to be carried out across the site shall be submitted to and agreed in writing by the Local Planning Authority. The temporary works shall include landscaping to the Whitehall Road and Globe Road frontages, hoardings to enclose the non-developed parts of the site and pedestrian and cycle paths.

To ensure the undeveloped parts of the site remain attractive throughout the development in accordance with adopted UDPR policy GP5.

- 5) No demolition or development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

To ensure appropriate recording of the site in accordance with adopted UDPR policy GP5.

- 6) Prior to the commencement of development a Biodiversity Protection & Enhancement Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Plan shall include details of the creation of: brown/green roofs for wildlife; other planting to benefit wildlife; details of

protection and provision to be made for hibernating/roosting bats within the built structures; and provision of bird boxes for species such as house sparrow, starling, and swift as part of the development. The Plan shall include a timetable of planned activities and a programme for monitoring.

To provide local biodiversity enhancements in accordance with adopted UDPR policy GP5 and N50.

- 7) Development of a phase shall not commence until a scheme detailing foul and surface water drainage works for that phase, including details of any balancing works and off-site works, has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.

To ensure sustainable drainage and flood prevention in accordance with policies GP5, N39A of the adopted Leeds UDP Review (2006) and the National Planning Portal Framework.

- 8) The development shall not be occupied until details of the proposed method of closing off and making good all existing redundant accesses to the development site have been submitted to and approved in writing by the local planning authority. The approved works shall be completed before the development is occupied.

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

- 9) Notwithstanding the approved details, before the development of a phase is commenced full details of cycle/motorcycle parking and facilities for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved cycle/motorcycle parking and facilities have been provided. The facilities shall thereafter be retained for the lifetime of the development.

In order to meet the aims of adopted Leeds UDP Review (2006) policy T2 and T7A

- 10) Development of a phase shall not be occupied until all areas shown on the approved plans to be used by vehicles for that phase have been fully laid out, surfaced and drained such that surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

To ensure the free and safe use of the highway in accordance with adopted Leeds UDP Review (2006) policy T2 and Street Design Guide SPD (2009).

- 11) Development shall not commence until details of those works identified on White Young Green plan A074879 SK003 P6 that includes the widening of Whitehall Road to allow for an outbound cycle lane, the introduction of a 10m kerb radius at the junction of Globe Road / Whitehall Road, relocation of bus stop, creation of access points, two zebra crossings on Globe Road and the provision of associated lining and signing have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be fully implemented prior to occupation.

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

- 12) Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 6 (six) metres either side of the centre line of the 1500mm public combined sewer or the 1448mm public combined sewer, which cross the site.

In order to allow sufficient access for maintenance and repair work at all times in accordance with adopted UDPR policy GP5.

- 13) Landscaping works for a phase shall not commence until full details of both hard and soft landscape works for that phase, 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 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.).
- (h) lighting (to ensure there is no adverse impact on the flight path to Leeds Bradford airport and no detriment to otters and bats)

Soft landscape works shall include

- (i) planting plans
- (j) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- (k) 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 for each phase, 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 relevant phase of 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) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) 10 February 2012 and the following mitigation measures detailed within the FRA:
 1. Managing the surface water run off in accordance with the Leeds City Council's 'Minimum Development Control Standards for Flood Risk' document.
 2. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
 3. Finished floor levels are set as stated in Section 7.1 of the submitted FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with adopted UDPR policy GP5.

- 16) Development shall not commence until a Phase I Desk Study has been submitted to, and approved in writing by, the Local Planning Authority and:
 - (a) Where the approved Phase I Desk Study indicates that intrusive investigation is necessary, development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority,
 - (b) Where remediation measures are shown to be necessary in the Phase I/Phase II Reports 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 national and Leeds City Council's planning guidance.

- 17) 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 national and Leeds City Council's planning guidance.

- 18) 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 national and Leeds City Council's planning guidance.

- 19) Prior to the commencement of construction of a phase of development an updated Sustainability Statement for that phase shall be submitted which will include a detailed scheme comprising (i) a proposal to use the Waste and Resources Programme's (WRAP) Net Waste Tool kit and a Site Waste Management Plan (SWMP), (ii) a pre-assessment for each phase of development using the BREEAM and Code for Sustainable Homes (CfSH) assessment methods to a minimum of BREEAM 'Excellent' and CfSH `Level 4` standards (iii) an energy plan showing the percentage of on-site energy produced by Low and Zero Carbon (LZC) technologies to a minimum of 10% of the site's energy demand and a carbon

reduction target and plan for the development to ensure that there is a minimum 20% reduction on carbon emissions against 2012 Building Regulations requirements (iv) the operation of a gas-fired combined heat and power (CHP) unit producing a minimum of 245kW and approved by the Local Planning Authority and the development shall be carried out in accordance with the detailed scheme; and

(a) Prior to the occupation of each phase of the development a post-construction review statement for that phase shall be submitted by the applicant including a BRE certified BREEAM and CfSH final assessment and associated paper work to the agreed standards and approved in writing by the Local Planning Authority

(b) The development and buildings comprised therein shall be maintained and any repairs shall be carried out all in accordance with the approved detailed scheme and post-completion review statement or statements unless otherwise agreed in writing by the Local Planning Authority.

To ensure the adoption of appropriate sustainable design principles in accordance with Policies GP5, GP11 and GP12 of the Unitary Development Plan, the Regional Spatial Strategy Policy ENV 5, the draft Core Strategy, and in accordance with NPPF.

- 20) Prior to the commencement of development of the 17 storey building, details of the proposed demolition/excavations/earth removal/foundations to be undertaken shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

To ensure the demolition, excavation, earth removal and/or construction of foundations do not adversely impact on the integrity of the waterway infrastructure in accordance with adopted UDPR policy GP5.

- 21) 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.

- 22) Prior to the commencement of development of a phase, full details of the sound insulation and management measures to be incorporated into that phase shall be submitted to and agreed in writing by the Local Planning Authority. The details shall highlight how future occupiers of that phase will be protected from noise from other occupiers within the phase, adjacent developments and from external traffic noise. The agreed details shall be implemented prior to first occupation and be retained and maintained thereafter.

In the interests of amenity in accordance with adopted UDPR policy GP5.

- 23) Prior to the occupation of any class A1, A5, D1 or D2 use as detailed in the Town and Country Planning (Use Classes) Order 2010 (or any Order revoking or re-enacting that Order with or without modification), the hours of opening for that use shall be submitted to and agreed in writing by the Local Planning Authority. The use shall operate in accordance with the agreed details thereafter.

In the interests of amenity in accordance with adopted UDPR policy GP5.

- 24) Prior to the occupation of any phase, the hours of delivery to and from the commercial premises within that phase, together with loading and unloading within the premises shall be submitted to and agreed in writing by the Local Planning Authority. The uses within that phase shall operate in accordance with the agreed details thereafter.

In the interests of amenity in accordance with adopted UDPR policy GP5.

- 25) No mechanical ventilation or air conditioning system or any other plant machinery shall be installed or operated until details of the installation and operation of the system have been submitted to and approved in writing by the Local Planning Authority. The system shall thereafter only be installed and operated in accordance with the approved details.

In the interests of amenity in accordance with adopted UDPR policy GP5.

- 26) Prior to the commencement of development of a phase, details of any extract ventilation system for that phase, including details of a filter to remove odour, and the methods of treatment of the emissions, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall not be occupied until the works approved in accordance with this condition have been completed. Such works shall thereafter be retained.

In the interests of amenity and visual amenity in accordance with adopted UDPR policy GP5.

- 27) Prior to the occupation of a phase, a scheme detailing the method of storage and disposal of litter and waste materials, including recycling facilities for that phase, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a description of the facilities to be provided including, where appropriate, lockable containers and details for how the recyclable materials will be collected from the site with timescales for collection. The approved scheme shall be implemented before the development hereby permitted is brought into use and no waste or litter shall be stored or disposed of other than in accordance with the approved scheme.

In the interests of amenity and to promote recycling in accordance with adopted UDPR policy GP5.

- 28) The construction of external facing materials for each phase shall not take place until details and samples of all external walling, window, door, balcony and roofing materials for that phase have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

In the interests of visual amenity in accordance with adopted UDPR policy N13 and GP5.

- 29) Typical detailed 1:20 scale (or other appropriate scale) working drawings of the following elevational features shall be submitted to and approved in writing by the Local Planning Authority prior to their construction on a phase:
- (a) Sections through external windows and door reveals;
 - (b) External entrance areas at ground floor level;
 - (c) Junctions of materials;
 - (d) Changes in plane to the building elevations; and
 - (e) Details of roof parapets, eaves line and soffits to the buildings.

The works shall be implemented as thereby agreed.

In the interests of visual amenity and providing a high quality design in accordance with adopted UDPR policy N13.

- 30) No building works for each phase shall take place until details and samples of all surfacing materials for that phase have been submitted to and approved in writing by the Local Planning Authority. The surfacing works shall be constructed from the materials thereby approved.

In the interests of visual amenity in accordance with adopted UDPR policy GP5.

- 31) No works shall take place on a phase until full details of provision to be made for the storage, parking, loading and unloading of contractors' plant, equipment and materials, and the parking of vehicles of the workforce for that phase, has been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided for the duration of the development works for that phase.

In the interests of the free and safe use of the highway in accordance with adopted UDPR policies T2 and GP5.

- 32) No works shall begin on a phase until full details of the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development of that phase, have been submitted for the approval in writing of the Local Planning Authority. The methods thereby approved shall be implemented at the commencement of work on site, and shall thereafter be retained and employed until completion of works on site.

To ensure that mud is not deposited on the road in accordance with adopted UDPR policy GP5.

- 33) Dust generated by vehicles on roads, haul routes and circulation areas within the site in dry weather conditions shall be suppressed by the use of equipment able to deliver sufficient volumes of water and provided on site for this purpose. Immediate preventative action, including the suspension of operations shall be taken if dust generated by machinery on site becomes airborne and can be seen being carried by the wind beyond the site boundary.

In the interests of general amenity and the amenity of occupants of nearby premises in accordance with adopted UDPR policy GP5.

- 34) The construction of any external finishing materials for a phase shall not commence until full details of the siting, design and external appearance of all external plant, flue pipes, external vents, roller shutters, lighting or other excrescences to be located on the roof or sides of the buildings within that phase have been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented and retained thereafter.

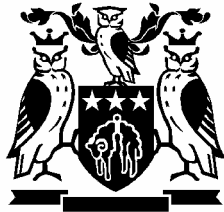
In the interest of visual amenity in accordance with adopted UDPR policies GP5 and N13.

- 35) Prior to the commencement of each phase, a report to demonstrate that the opportunity to recover any coal present within each phase boundary has been considered, shall be submitted to and approved in writing by the Local Planning Authority. The report shall set out whether any coal present should be removed prior to or during development unless:
- a. it can be shown that it is not economically viable to do so, or
 - b. it is not environmentally acceptable to do so, or
 - c. the need for the development outweighs the need to extract the coal, or
 - d. The coal will not be sterilised by the development.

If the approved report recommends that coal is present and should be removed, an implementation strategy shall be submitted to and approved in writing by the Local Planning Authority. Subsequent actions or works shall then be carried out in accordance with the approved implementation strategy.

In order to accord with Leeds Natural Resources and Waste DPD Policies Minerals 3 and 9, and the NPPF.

APPENDIX 2 – Report to the 17th January City Plans Panel regarding
12/03459/FU



Leeds
CITY COUNCIL

Originator: Andrew Windress

Tel: 3951247

Report of the Chief Planning Officer -

CITY PLANS PANEL

Date: 17th January 2013

Subject: APPLICATION 12/03459/FU – MULTI-LEVEL DEVELOPMENT UP TO 17 STOREYS WITH 609 RESIDENTIAL APARTMENTS, COMMERCIAL UNITS (CLASS A1 TO A5, B1, D1 AND D2), CAR PARKING, ASSOCIATED ACCESS, ENGINEERING WORKS, LANDSCAPE AND PUBLIC AMENITY SPACE ON LAND AT WHITEHALL ROAD AND GLOBE ROAD, LEEDS, LS12

APPLICANT

Globe Road Ltd

DATE VALID

17/8/12

TARGET DATE

22/2/13

Electoral Wards Affected:

City & Hunslet

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions at Appendix 1 (and any others which he might consider appropriate) and the completion of a Section 106 agreement to cover the following:

- **Delivery of the bridge over the canal.**
- **Commitment of the delivery of the first phase of development within two years and review of profits on completion of each phase.**
- **Travel Plan and monitoring fee of £5,125.**
- **Car club contribution of £21,500.**
- **Local employment and training clause.**
- **Public access to public open space.**

In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

1.0 INTRODUCTION:

1.1 A position statement relating to this application was presented to Plans Panel on 22nd November 2012 as it is a significant major application for primarily residential development in the City Centre. Members made comments relating to the design and provision of play space and were informed that there were still outstanding matters relating to the wind assessment and viability of the scheme/S106 provisions. The scheme has been revised to accord with Members' comments and those other matters progressed therefore the application is presented again with a recommendation Members defer and delegate approval to the Chief Planning Officer.

2.0 PROPOSAL:

2.1 The proposed scheme is for 609 residential units, ground floor commercial units, associated parking and landscaping across a development of up to 17 storeys. The scheme includes a mix of 179 one bed apartments, 8 one bed duplexes, 353 two bed, 19 two bed duplexes and 49 three bed apartments and 1 three bed duplex. The different apartment sizes are spread across the site. The duplex units are located on the ground floor and help create 'mews streets'. There would be small commercial units on the ground floor of buildings fronting Whitehall Road and the building on the land adjacent to the canal. 439 parking spaces will be provided under or adjacent to individual buildings and in a three storey car park that runs along the boundary of the site adjacent to the railway lines.

2.2 Three buildings of 10 storeys are located on Whitehall Road and three buildings of eight storeys on Globe Road. Behind these

buildings that front the main roads, the scale of the buildings steps down to six and then four storeys. On the separate piece of land to the east of Globe Road and adjacent to the canal is a 17 storey building. The 3 storey car park along the southern/railway boundary adjoins the adjacent residential buildings.

- 2.3 The car park and 4-10 storey residential buildings in the main part of the site bounded by Whitehall Road, Globe Road and the railway are in red brick and have a common design approach of a brickwork frame with defined base, middle and top with punched and recessed window openings. The common design unites the buildings but differing designs to the balconies provide some distinction to individual blocks. The 17 storey building located on the parcel of land between Globe Road and the canal has a similar design approach but is finished in a black brick. The car park elevations will incorporate a growing 'green' wall of climbing plants.
- 2.4 Vehicular access is from both Whitehall Road and Globe Road. The proposed level of parking would provide a space for every 3 bed unit, a space for 65% of the 2 bed units and for 55% of the 1 bed units.
- 2.5 An area of public open space is located within the centre of the site primarily accessed from Globe Road. A smaller area of public open space will also be located adjacent to the canal. The total public open space equates to less than 10% of the site area. Open space for residents is provided in communal courtyards on top of single storey car park decks within the site and on the roof of the three storey car park.
- 2.6 The adopted Holbeck Urban Village Revised Planning Framework identifies a possible bridge link across the canal adjacent to the proposed 17 storey building. This bridge would help link Holbeck Urban Village and other communities to the city centre and train station in particular. The developer sees this bridge link as being integral to the success of their scheme and proposes to fund and procure the bridge that will provide important pedestrian and cycle links.
- 2.7 The application is supported by the following documents:
 - Planning Statement.
 - Design and Access Statement.
 - Transport Assessment.
 - Travel Plan.
 - Sustainability Statement.
 - Energy Demand Statement.
 - Wind Assessment.
 - Daylight and sunlight Report.
 - Drainage Assessment.

- Flood Risk assessment including Sequential and Exception Test.
 - Contamination Report.
 - Habitat Survey.
 - Acoustics Report.
 - S106 Heads of Terms.
 - Financial Viability Appraisal.
- 2.8 The sequential test has examined the potential for developing alternative less vulnerable sites but these have been discounted for various reasons, the sequential test has been accepted.
- 2.9 The scheme will be delivered on a phased, building by building basis. The applicant has committed to submitting a phasing and temporary works plan by condition that will identify how the site will be delivered and the temporary works (landscaping, pedestrian/cycle routes, hoardings) that will be carried out on those parts of the site to be delivered in a later phase.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is almost 2.26 hectares and is currently in use as an unauthorised long stay commuter car park, one of those refused at the March 15th 2012 Panel. The part of the site to the north east of Globe Road houses a temporary building that formerly acted as a marketing suite but now provides office accommodation.
- 3.2 The site lies within the south-western edge of the defined Leeds City Centre. It is bounded by Whitehall Road to the west, by the railway line and viaduct to the south and Globe Road and the river and canal to the north. Most of the site is separated from the river/canal by Globe Road but a small portion abuts the canal side.
- 3.3 The site is within the City Centre but otherwise is unallocated within the UDPR, with the exception of the part of the site to the north east of Globe Road which forms part of Holbeck Urban Village.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Application 20/499/04/FU proposed a multi level predominantly residential development up to 31 storeys with 833 flats, commercial units, car parking and landscaping; this was approved 22nd September 2005 after being agreed at Panel 28th April 2005. A subsequent extension of time application, 10/01670/EXT, was approved 17th November 2010.
- 4.2 Application 07/00018/FU amended 20/499/04/FU by increasing the height of the tallest element to 33 storeys; this was approved 25th April 2007. A subsequent extension of time application, 10/01666/EXT was approved 18th November 2010.

5.0 HISTORY OF NEGOTIATIONS:

5.1 As can be seen above, the site benefits from a history of planning approval for large scale residential developments. Officers commenced discussions with the developer on a revised scheme in July 2011. A number of meetings took place with planning, design and highways officers to develop the layout, scale, massing and general aspirations for the site. The scheme was presented as a pre-application proposal to Plans Panel City Centre on 12th April 2012. The minutes of this meeting are attached to this report at Appendix 2. Officers continued to negotiate the scheme and a position statement was presented to the 22nd November 2012 Panel when Members requested changes to the design of the 17 storey building and improvements to the provision of children's play space. The minutes of this meeting are attached at Appendix 3 and discussed in the appraisal section below.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Ward members were notified of the application on 21/8/12, no comments have been received.

6.2 Site notices were posted 31/8/12 and an advert was placed in the Yorkshire Evening Post 13/9/12.

6.3 Leeds Civic Trust state they have had the benefit of a presentation from the developer, elements are supported but many of the issues raised at the presentation have not been addressed. The Trust believe the scheme has many benefits including its overall concept, the public space, green wall to the car park plus the mix of apartment sizes. Comments are made regarding the potential overshadowing of the canal, light and wind to the courtyards and need to ensure the bridge is attractive and responsive to desire lines. The Trust feel the tower is too dark and 'stumpy' and would benefit from a lighter and more slender appearance, the buildings are 'monolithic' and should include more variation, the buildings have a significant impact on some of the key views and some of the CGIs are not accurate. Overall, the Trust would like to support the scheme but feel they must object as they believe the design has significant flaws.

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

7.2 Highways: No objection to the principle of the development, the development impact on the local network is acceptable, subject to off-site highway works and the parking numbers and access locations are appropriate.

- 7.3 Highways Agency: There will be no adverse impact on the Strategic Highway Network and the revised travel plan is acceptable.
- 7.4 Environment Agency: No objection subject to the development being carried out in accordance with the Flood Risk Assessment.
- 7.5 Non-statutory:
- 7.6 Licensing: Premises licences would be required for the A3-A5 uses.
- 7.7 Streetscene Services: The collection arrangements appear acceptable.
- 7.8 West Yorkshire Archaeological Advisory Service: No objection subject to a condition requiring archaeological recording.
- 7.9 Natural England: The proposal does not affect any statutorily protected sites or landscapes. Further bat surveys were requested (and have been carried out) and biodiversity enhancement and mitigation should be provided.
- 7.10 Network Rail: No objection.
- 7.11 Flood risk Management: No objection subject to conditions.
- 7.11 Yorkshire Water: No objection subject to conditions.
- 7.12 Leeds Bradford International Airport: No objection provided any lighting is positioned to avoid causing glare or dazzle to pilots.
- 7.13 Travelwise: The revised travel plan is acceptable, the section 106 should secure the travel plan, monitoring fee, provision of two car club spaces and a free trial membership package for the car club.
- 7.14 Metro: Following confirmation that 'super shelters' on Whitehall Road are delivered via the planning approval on the former Doncaster Monkbridge site on the northern side of Whitehall Road, there is no objection in principle provided a public transport contribution is provided.
- 7.15 Public Transport Contribution Officer: A contribution of £137,142 should be sought.
- 7.16 Children's Services: The three bed apartments are considered to be family units and there is a high demand for school places at the nearest schools therefore the full contribution to both primary and secondary provision. For 50 three bed units this equates to £238,190.78.
- 7.17 Contaminated Land Team: No objection subject to conditions.

- 7.18 Wind Consultant: Further information and final comments are still outstanding and will be reported verbally to the Panel.
- 7.19 Police Architectural Liaison Officer: Secured By Design principles should be adopted and controls should be in place to ensure unauthorised access is prevented into buildings and parking areas.
- 7.20 Affordable Housing Officer: 5% affordable units (31 units) should be delivered and spread across the site.
- 7.21 Canal and River Trust: No objection.

8.0 PLANNING POLICIES:

8.1 Development Plan Policies

8.2 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. There are no RSS policies of particular relevance; all issues are covered by the UDPR policies identified below.

8.3 Unitary Development Plan (Review 2006) (UDPR): The whole site is located within the City Centre and the parcel of land adjacent to the canal is within Holbeck Urban Village. The Leeds Liverpool Canal is adjacent to this parcel of land and is a Site of Ecological or Geological Importance (SEGI).

GP5: Proposals should resolve detailed planning considerations.

GP11, GP12: Sustainable Design.

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

BD4: Seeks to minimise impact of plant and machinery.

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.

T5: Satisfactory provision for pedestrians and cyclists.

T6: Satisfactory disabled access.

T24: Parking to reflect detailed UDP parking guidelines.

A4: Development and refurbishment proposals should be designed to secure a safe and secure environment, including proper consideration of access arrangements.

SA9, SP8: Promote development of City Centre role and status.

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

CC10: Sites over 0.5ha require 20% public open space.

LD1: Landscape proposals should allow sufficient space around buildings to retain existing trees in healthy condition & allow new trees to grow to maturity.

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.

N50: Development will not be permitted that would seriously harm a SEGI.

8.4 Relevant Supplementary Planning Guidance.

8.5 Tall Buildings Design Guide (Adopted April 2010): This Supplementary Planning Document (SPD) provides guidance as to where tall buildings should and should not be built. The document highlights the importance of design and urban design and seeks to protect the best elements already established within the city.

8.6 Public Transport Improvements and Developer Contributions (2008): Developments that have a significant local travel impact will be subject to a requirement for paying a contribution towards public transport improvements.

8.7 Holbeck Urban Village Revised Planning Framework (2006) (HUVRPF): The HUVRPF seeks delivery of a footbridge over the canal landing on the parcel of land where the 17 storey tower is proposed.

8.8 Neighbourhoods for Living – A Guide for Residential Design in Leeds (2003): This SPD provides guidance regarding the themes and principles of residential design; the character and essence of Leeds and the submission requirements and analysis based process.

8.9 Building for Tomorrow Today – Sustainable Design and Construction (2011): Sustainability criteria is set out including a requirement to meet BREEAM standards.

8.10 National Planning Guidance

8.11 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. The NPPF states that unless material considerations indicate otherwise development proposals which accord with the Development Plan should be approved. The framework, which includes guidance regarding building a strong, competitive economy, ensuring the vitality of town centres, promoting sustainable transport, and conserving the historic environment, is a material consideration.

8.12 Emerging Policy

- 8.13 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. 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 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.
- 8.14 As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

9.0 MAIN ISSUES

- Design approach and amendments to the design of the 17 storey tower.
- Improvements to the provision of child-friendly play spaces and increase in green areas/reduction in hard surfacing.
- Wind.
- Section 106 and viability.
- Highways
- Sustainability.

10.0 APPRAISAL

- 10.1 Design approach and amendments to the design of the 17 storey tower.
- 10.2 The design proudly takes its cue from the brickwork industrial heritage of Leeds and the design clearly acknowledges the solid environmental context of Leeds. An enthusiastic design it is clearly a project designed to be for this site, and for Leeds, rather than an anonymous visual offering that could be encountered in any British city.
- 10.3 Notably the design only uses the brick as the underlying primary organisation tool of the visual aesthetic to provide a solid optical cohesion so necessary in larger scale works such as this. The 'tripartite' organisation of the elevations also offers an interesting feature and further enhances the visual unity of the scheme.

- 10.4 The design then cleverly encapsulates its true modernity in the secondary elements of the windows and balconies with modern materials and colour. These secondary visual elements then provide strong visual interest with the deep reveals and the coloured panels which exploit the light and shadow to give visual interest and activity. The larger openings within the overall brickwork frame also clearly mark this scheme in the modern style whilst acknowledging its local cultural and environmental context. The larger balcony and window openings are also a skilful tool to avoid a cacophony of domestic scale openings which would be swamped and distracting in a scheme of this size.
- 10.5 It is interesting, and a clue to the modernity of the scheme, that the brickwork is actually not the dominant material element of the scheme. It is the larger openings containing the activity of the balconies and window elements that are in the majority thereby avoiding a hard visual conclusion.
- 10.6 Although cleverly acknowledging the brickwork context of Leeds it is a contemporary design for the modern age providing a sound offering to the Leeds townscape.
- 10.7 In response to Member's comments the 17 storey tower has been revised and reduced in width at its western end. The number of bays in this elevation has been reduced from 6 to 5 and has therefore reduced the width of this part of the tower by approximately 4m. This design change reduces the visual impact of the tower when viewed from Whitehall Road and 'upstream' and made the tower appear more slender and less 'blocky'.
- 10.8 This change has resulted in a reduction in the number of apartments in this building from 112 to 96 with all 16 three bed apartments being removed, a reduction in the number of one bed apartments and an increase in the number of two bed apartments.
- 10.9 In addition, the windows in the top two floors of the northern elevation facing the canal have been recessed to reflect the recessed windows in this part of the eastern and western elevations. This has the effect of reducing the dominance of this longer elevation and therefore further ensuring the building has a lighter and slender appearance.
- 10.10 The reduction in the width of the tower and recessing of the windows also helps to emphasise the gentle curve of the building that was not evident on the images presented at the previous Panel. The footprint of the tower follows the gentle curve of the canal and therefore provides a subtle but important softening of the tower in this sensitive location.

- 10.11 A number of additional images of the tower will be presented to Members that will highlight the important design detail of the tower including the varying planes of the brickwork, recessed windows and the white mortar. The varying planes and recesses give the building distinction and interest whilst the white mortar will actually make up around 20% of the total façade treatment and therefore lighten and further soften the building.
- 10.12 Improved images will also be presented for the red brick element of the proposal on the land bounded by Whitehall Road, Globe Road and the railway lines. These images will also show the detailing of the buildings in greater clarity to emphasise the quality of the design.
- 10.13 The design changes highlighted above are subtle but considered to significantly improve the appearance of the tower in response to Members' comments. The tower is a bold architectural statement that is considered to complement other bold statements at Granary Wharf such as Candle House and Waterman's Place. Members will be shown a number of additional and enhanced images that will provide greater clarity and highlight the architectural quality of the scheme that is considered to significantly enhance this gateway location.
- 10.14 Improvements to the provision of child-friendly play spaces and increase in green areas/reduction in hard surfacing.
- 10.15 The development has a significant number of three bed apartments and Members were keen to ensure there was an appropriate provision of play space for children that may reside in the development. In response to this the developer has increased the green/play space in the public open space at ground level, introduced a play area at this level and provided a 250m² artificial beach with play sand on the open space on the roof of the car park.
- 10.16 The level of hard surfacing within the public open space has been significantly reduced whilst still maintaining the necessary pedestrian desire lines/footpaths serving entrances. Additional grassed areas have been provided and a play area with play equipment has been introduced. This play area includes a variety of play equipment (rocking equipment, inclusive see-saw and spinners) intended primarily for younger children below school age but also providing for children up to 8 years old. The surface to the play area will be a mix of rubber safety matting with grass and wetpour rubber crump safety surface.
- 10.17 The stone block seats proposed in and around the public open space/play areas now incorporate timber slat tops to provide a softer appearance and therefore provide for a more appealing place to sit and play.

- 10.18 The one-way service road adjacent to the play space is a shared surface providing service access, access to the six on-street disabled spaces and two car club spaces plus access to the 18 space car park under block A. It is expected that this road will be a lightly used route therefore the road has a shared surface. The road is at a slightly higher level than the open/play space and is separated by the bioswale therefore there are no safety concerns regarding the relationship between the road and open space.
- 10.19 A 250m² artificial beach is to be located within the amenity space provided for residents on the roof of the car park. This creates opportunities for residents' to bring their children to this space and play and provide a private retreat in what would be a sunny aspect of the site. To complement this play space and the fruit trees proposed in the amenity space, raised planters have been introduced that will allow residents to grow their own fruit, vegetables and herbs and therefore ensure this communal amenity space is well used by all.
- 10.20 The changes to the provision of green space, play space and communal beach is considered to provide attractive and varied opportunities for residents' children to play within the site. Older children would also benefit from the site being located adjacent to more formal recreational activities associated with the canal and river (walking, cycling and biodiversity opportunities) and the pocket park at the former Doncaster Monkbridge site across Whitehall Road.
- 10.21 Wind
- 10.22 A computer modelling analysis of the local wind environment around the Globe Road development, Leeds has been carried out, this study has been independently examined by a wind consultant appointed by the Council. The wind conditions are predicted to be very comfortable and no areas fall outside the recommended safety criteria, with only one monitoring point falling outside of acceptable and into tolerable. In terms of pedestrian safety, overall, the wind conditions are predicted to be safe for the general public at all monitoring points, as such, mitigation measures are not required.
- 10.23 The highest local wind speeds are experienced at the Globe Road and Whitehall Road junction. A combination of funnelling and corner effects for most wind directions leads to relatively high wind speeds in this area. However, these speeds are still within the comfort and safety criteria and are not sufficient to warrant mitigation measures.
- 10.24 The tallest building to the east of the site is responsible for causing the most notable air flow features for most wind directions. These mainly consist of downwash and the associated corner effects and the complex re-circulating flows in the wake or leeward side. However, the downwash is not predicted to be particularly strong and therefore is not predicted to be problematic. A reason for this is that

the building has a relatively small footprint, which reduces the blockage it creates, particularly in the east-west direction. An additional reason for much of the predicted low wind speed is that much of the interior of the design for the proposal consists of highly sheltered internal courtyard type areas. In general, the passage ways between buildings within the proposal are not predicted to cause significant funnelling.

10.25 The wind study does not fully consider gusting winds and does not fully explore the impact on cyclists and vehicles. These issues have been raised with the applicant and further comment and updates will be provided verbally at Panel.

10.26 Section 106 and viability

10.27 The scheme generates a requirement for the following S106 clauses/contributions:

- Affordable housing at 5% (31 units) for phases implemented within two years or a percentage as per the affordable housing policy at the time of implementation.
- Public transport contribution of £133,631.
- Holbeck Urban Village public realm contribution of £434,400.
- Education contribution of £238,190.78.
- Travel Plan and monitoring fee of £5,125.
- Car club contribution of £21,500.
- Local employment and training clause.
- Public access to public open space.

10.28 The applicant has accepted the clauses relating to the travel plan, monitoring fee, car club, local employment and training initiatives and public access. The applicant has also confirmed they are willing to deliver the bridge across the canal in lieu of the public transport and HUV contributions and the shortfall of public open space on site (approximately 8% public open space is provided on site against the policy requirement of 20%). Officers and Members have previously confirmed support for this approach that ensures the delivery of the bridge earlier than the Council may have been able to achieve delivery. The bridge is estimated to have a cost similar to the total public transport and Holbeck Urban Village contributions (£568,031). Both parties are committed to delivering the bridge in the early phases of development and an update on these negotiations will be provided verbally at Panel.

10.29 A viability assessment has been submitted that shows the scheme to be unviable therefore the applicant has stated they are unable to deliver the affordable housing provision or the education contribution. Further details on the viability assessment are contained within a supplementary report. The information contained in this supplementary report is confidential as it relates to the financial or

business affairs of the applicant. It is considered that it is not in the public interest to disclose this information as it would be likely to prejudice the affairs of the applicant. It is therefore considered that Appendix 1 of the report should be treated as exempt under Access to Information Procedure Rule 10.4 (3).

10.30 Highways

10.31 The scheme provides 439 parking spaces for the 609 apartments, equating to 70% provision. This provision includes 33 disabled, 6 visitor and 2 car club spaces. 45 motorcycle and 632 cycle parking spaces are also provided. The car parking provision is acceptable in policy terms and corresponds to other residential city centre developments. The extant scheme has an 80% provision but it is understood the current take up of parking spaces at Granary Wharf equates to only 38%. At the pre-application presentation Members did have concerns regarding a potential lack of parking but as the proposal is in line with policy requirements, similar to other city centre developments, is within close proximity to the train station and good bus services, provides significant cycle parking and car club spaces (in addition to current market forces/demand), a 70% provision is considered acceptable and was accepted by Members and the November Panel.

10.32 The highways works associated with the scheme include the widening of Whitehall Road to accommodate an outbound cycle lane.

10.33 Sustainability

10.34 The sustainability statement for this application is considered to be a generally thorough, comprehensive and well presented document and represents a significant amount of consideration and work on this matters. However, there is not sufficient information to clearly show how the development will achieve the defined Code for Sustainable Homes Level 3 and BREEAM 'Very Good' rating. It is also not clear how the 10% renewable/low carbon energy generation is to be achieved therefore further information will be conditioned. To accord with the targets set out in the adopted SPD for 2013, the applicant will be requested to endeavour to achieve ratings of BREEAM 'excellent' and Code for Sustainable Homes Level 4.

11.0 CONCLUSION

11.1 This is a key regeneration site in an area of the city that is both prominent to those arriving by train and car. The proposed development is considered to be a well designed scheme that will significantly enhance the arrival into Leeds at this gateway location. The scheme reflects the cities industrial past and the character of other historic and contemporary buildings within the Holbeck Urban Village area. The development delivers on site play space to meet

the needs of the anticipated resident demographic and will deliver a much needed pedestrian connection across the canal toward the railway station. Whereas the scheme has been identified as unviable in the current market, the developer is keen to develop the site and therefore achieve a return on their investment to date. Negotiations are ongoing regarding the viability and deliverability of the scheme and this will be discussed further at Panel.

12.0 BACKGROUND PAPERS

12.1 Application file 12/03459/FU and history files 20/499/04/FU, 07/00018/FU, 10/01666/EXT and 10/01670/EXT.

12.2 Certificate of Ownership signed by the agent.



Originator: Andrew Windress

Tel: 3951247

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 11th April 2013

Subject: APPLICATION 12/03459/FU – MULTI-LEVEL DEVELOPMENT UP TO 17 STOREYS WITH 609 RESIDENTIAL APARTMENTS, COMMERCIAL UNITS (CLASS A1 TO A5, B1, D1 AND D2), CAR PARKING, ASSOCIATED ACCESS, ENGINEERING WORKS, LANDSCAPE AND PUBLIC AMENITY SPACE ON LAND AT WHITEHALL ROAD AND GLOBE ROAD, LEEDS, LS12

APPLICANT
Globe Road Ltd

DATE VALID
17/8/12

TARGET DATE
22/2/13

Electoral Wards Affected:

City & Hunslet

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions at Appendix 1 (and any others which he might consider appropriate) and the completion of a Section 106 agreement to cover the following:

- A contribution of £568,000 to be spent on affordable housing, education, public transport and/or public realm improvements as considered appropriate.
- 30 units in phase one provided as assisted purchase units.
- If the development is not implemented within 18 months of approval the scheme is to be financially re-appraised at the time of implementation and if viable, a further affordable housing contribution shall be provided in accordance with the level of viability and affordable housing policy at that time.
- Landing area for the canal footbridge.

- **Travel Plan measures and monitoring fee of £5,125.**
- **Car club contribution of £21,500.**
- **Local employment and training clause.**
- **Public access to public open space.**

In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

1.0 INTRODUCTION:

1.1 This application was presented to Plans Panel on 17th January 2013 as it is a significant major application for primarily residential development in the City Centre. Members agreed to approve the development subject to an appropriate section 106 package that included an improved offer regarding the provision of affordable housing and an education contribution. The previous Panel report is attached and this report only provides an update on the outstanding issues following the January meeting. Officers have negotiated an improved offer that is considered appropriate in the circumstances therefore the application is presented again with a recommendation Members defer and delegate approval to the Chief Planning Officer. This report also clarifies the wind issue reported verbally at the 17th January 2013 Panel and highlights an objection letter received after the January Panel.

2.0 PROPOSAL:

2.1 The proposed scheme is for 609 residential units, ground floor commercial units, associated parking and landscaping across a development of up to 17 storeys. The scheme includes a mix of 179 one bed apartments, 8 one bed duplexes, 353 two bed, 19 two bed duplexes and 49 three bed apartments and 1 three bed duplex. The different apartment sizes are spread across the site. The duplex units are located on the ground floor and help create 'mews streets'. There would be small commercial units on the ground floor of buildings fronting Whitehall Road and the building on the land adjacent to the canal. 439 parking spaces will be provided under or adjacent to individual buildings and in a three storey car park that runs along the boundary of the site adjacent to the railway lines.

2.2 Three buildings of 10 storeys are located on Whitehall Road and three buildings of eight storeys on Globe Road. Behind these buildings that front the main roads, the scale of the buildings steps down to six and then four storeys. On the separate piece of land to the east of Globe Road and adjacent to the canal is a 17 storey building. The 3 storey car park along the southern/railway boundary adjoins the adjacent residential buildings.

2.3 The car park and 4-10 storey residential buildings in the main part of the site bounded by Whitehall Road, Globe Road and the railway are in red brick and have a common design approach of a brickwork frame with defined base, middle and top with punched and recessed window openings. The common design unites the buildings but differing designs to the balconies provide some distinction to individual blocks. The 17 storey building located on the parcel of land between Globe Road and the canal has a similar design approach but is finished in a black brick. The car park elevations will incorporate a growing 'green' wall of climbing plants.

- 2.4 Vehicular access is from both Whitehall Road and Globe Road. The proposed level of parking would provide a space for every 3 bed unit, a space for 65% of the 2 bed units and for 55% of the 1 bed units.
- 2.5 An area of public open space is located within the centre of the site primarily accessed from Globe Road. A smaller area of public open space will also be located adjacent to the canal. The total public open space equates to less than 10% of the site area. Open space for residents is provided in communal courtyards on top of single storey car park decks within the site and on the roof of the three storey car park.
- 2.6 The adopted Holbeck Urban Village Revised Planning Framework identifies a possible bridge link across the canal adjacent to the proposed 17 storey building. This bridge would help link Holbeck Urban Village and other communities to the city centre and train station in particular. The developer sees this bridge link as being integral to the success of their scheme and proposes to fund and procure the bridge that will provide important pedestrian and cycle links.
- 2.7 The application is supported by the following documents:
- Planning Statement.
 - Design and Access Statement.
 - Transport Assessment.
 - Travel Plan.
 - Sustainability Statement.
 - Energy Demand Statement.
 - Wind Assessment.
 - Daylight and sunlight Report.
 - Drainage Assessment.
 - Flood Risk assessment including Sequential and Exception Test.
 - Contamination Report.
 - Habitat Survey.
 - Acoustics Report.
 - S106 Heads of Terms.
 - Financial Viability Appraisal.
- 2.8 The sequential test has examined the potential for developing alternative less vulnerable sites but these have been discounted for various reasons, the sequential test has been accepted.
- 2.9 The scheme will be delivered on a phased, building by building basis. The applicant has committed to submitting a phasing and temporary works plan by condition that will identify how the site will be delivered and the temporary works (landscaping, pedestrian/cycle routes, hoardings) that will be carried out on those parts of the site to be delivered in a later phase.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is almost 2.26 hectares and is currently in use as an unauthorised long stay commuter car park, one of those refused at the March 15th 2012 Panel. The part of the site to the north east of Globe Road houses a temporary building that formerly acted as a marketing suite but now provides office accommodation.

3.2 The site lies within the south-western edge of the defined Leeds City Centre. It is bounded by Whitehall Road to the west, by the railway line and viaduct to the south and Globe Road and the river and canal to the north. Most of the site is separated from the river/canal by Globe Road but a small portion abuts the canal side.

3.3 The site is within the City Centre but otherwise is unallocated within the UDPR, with the exception of the part of the site to the north east of Globe Road which forms part of Holbeck Urban Village.

4.0 RELEVANT PLANNING HISTORY:

4.1 Application 20/499/04/FU proposed a multi level predominantly residential development up to 31 storeys with 833 flats, commercial units, car parking and landscaping; this was approved 22nd September 2005 after being agreed at Panel 28th April 2005. A subsequent extension of time application, 10/01670/EXT, was approved 17th November 2010.

4.2 Application 07/00018/FU amended 20/499/04/FU by increasing the height of the tallest element to 33 storeys; this was approved 25th April 2007. A subsequent extension of time application, 10/01666/EXT was approved 18th November 2010.

5.0 HISTORY OF NEGOTIATIONS:

5.1 As can be seen above, the site benefits from a history of planning approval for large scale residential developments. Officers commenced discussions with the developer on a revised scheme in July 2011. A number of meetings took place with planning, design and highways officers to develop the layout, scale, massing and general aspirations for the site. The scheme was presented as a pre-application proposal to Plans Panel City Centre on 12th April 2012. The minutes of this meeting are attached to this report at Appendix 2. Officers continued to negotiate the scheme and a position statement was presented to the 22nd November 2012 Panel when Members requested changes to the design of the 17 storey building and improvements to the provision of children's play space. The minutes of this meeting are attached at Appendix 3 and discussed in the appraisal section below.

5.2 The application was presented for determination at the 17th January 2013 City Plans Panel. Members agreed to approve the development subject to an appropriate section 106 package that included an improved offer regarding the provision of affordable housing and an education contribution. The minutes of this meeting are attached at Appendix 4 and the report is attached at Appendix 5.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Ward members were notified of the application on 21/8/12, no comments have been received.

6.2 Site notices were posted 31/8/12 and an advert was placed in the Yorkshire Evening Post 13/9/12.

6.3 Leeds Civic Trust state they have had the benefit of a presentation from the developer, elements are supported but many of the issues raised at the presentation have not been addressed. The Trust believe the scheme has many benefits including its overall concept, the public space, green wall to the car park plus the mix of apartment sizes. Comments are made regarding the potential overshadowing of the canal, light and wind to the courtyards and need to ensure the

bridge is attractive and responsive to desire lines. The Trust feel the tower is too dark and 'stumpy' and would benefit from a lighter and more slender appearance, the buildings are 'monolithic' and should include more variation, the buildings have a significant impact on some of the key views and some of the CGIs are not accurate. Overall, the Trust would like to support the scheme but feel they must object as they believe the design has significant flaws.

- 6.4 Since the 17th January 2013 Panel a letter of objection has been received from a resident of Skipton who worked as the project engineer on the previous scheme proposed on this site. The objector raises concerns regarding the design and believes the previous scheme to be much better.

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

7.2 Highways: No objection to the principle of the development, the development impact on the local network is acceptable, subject to off-site highway works and the parking numbers and access locations are appropriate.

7.3 Highways Agency: There will be no adverse impact on the Strategic Highway Network and the revised travel plan is acceptable.

7.4 Environment Agency: No objection subject to the development being carried out in accordance with the Flood Risk Assessment.

7.5 Non-statutory:

7.6 Licensing: Premises licences would be required for the A3-A5 uses.

7.7 Streetscene Services: The collection arrangements appear acceptable.

7.8 West Yorkshire Archaeological Advisory Service: No objection subject to a condition requiring archaeological recording.

7.9 Natural England: The proposal does not affect any statutorily protected sites or landscapes. Further bat surveys were requested (and have been carried out) and biodiversity enhancement and mitigation should be provided.

7.10 Network Rail: No objection.

7.11 Flood risk Management: No objection subject to conditions.

7.11 Yorkshire Water: No objection subject to conditions.

7.12 Leeds Bradford International Airport: No objection provided any lighting is positioned to avoid causing glare or dazzle to pilots.

7.13 Travelwise: The revised travel plan is acceptable, the section 106 should secure the travel plan, monitoring fee, provision of two car club spaces and a free trial membership package for the car club.

7.14 Metro: Following confirmation that 'super shelters' on Whitehall Road are delivered via the planning approval on the former Doncaster Monkbridge site on the northern

side of Whitehall Road, there is no objection in principle provided a public transport contribution is provided.

- 7.15 Public Transport Contribution Officer: A contribution of £137,142 should be sought.
- 7.16 Children's Services: The three bed apartments are considered to be family units and there is a high demand for school places at the nearest schools therefore the full contribution to both primary and secondary provision. For 50 three bed units this equates to £238,190.78.
- 7.17 Contaminated Land Team: No objection subject to conditions.
- 7.18 Wind Consultant: The applicant's wind assessment is acceptable and there are no concerns with the proposed development.
- 7.19 Police Architectural Liaison Officer: Secured By Design principles should be adopted and controls should be in place to ensure unauthorised access is prevented into buildings and parking areas.
- 7.20 Affordable Housing Officer: 5% affordable units (31 units) should be delivered and spread across the site.
- 7.21 Canal and River Trust: No objection.

8.0 PLANNING POLICIES:

8.1 Development Plan

8.2 Unitary Development Plan (Review 2006) (UDPR): The whole site is located within the City Centre and the parcel of land adjacent to the canal is within Holbeck Urban Village. The Leeds Liverpool Canal is adjacent to this parcel of land and is a Site of Ecological or Geological Importance (SEGI).

GP5: Proposals should resolve detailed planning considerations.

GP11, GP12: Sustainable Design.

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

BD4: Seeks to minimise impact of plant and machinery.

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.

T5: Satisfactory provision for pedestrians and cyclists.

T6: Satisfactory disabled access.

T24: Parking to reflect detailed UDP parking guidelines.

A4: Development and refurbishment proposals should be designed to secure a safe and secure environment, including proper consideration of access arrangements.

SA9, SP8: Promote development of City Centre role and status.

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

CC10: Sites over 0.5ha require 20% public open space.

LD1: Landscape proposals should allow sufficient space around buildings to retain existing trees in healthy condition & allow new trees to grow to maturity.

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.

N50: Development will not be permitted that would seriously harm a SEGI.

- 8.3 Natural Resources and Waste Development Plan Document (2013): Developments should consider the location of redundant mine shafts and the extract of coal prior to construction.
- 8.4 Relevant Supplementary Planning Guidance.
- 8.5 Tall Buildings Design Guide (Adopted April 2010): This Supplementary Planning Document (SPD) provides guidance as to where tall buildings should and should not be built. The document highlights the importance of design and urban design and seeks to protect the best elements already established within the city.
- 8.6 Public Transport Improvements and Developer Contributions (2008): Developments that have a significant local travel impact will be subject to a requirement for paying a contribution towards public transport improvements.
- 8.7 Holbeck Urban Village Revised Planning Framework (2006) (HUVVRF): The HUVVRF seeks delivery of a footbridge over the canal landing on the parcel of land where the 17 storey tower is proposed.
- 8.8 Neighbourhoods for Living – A Guide for Residential Design in Leeds (2003): This SPD provides guidance regarding the themes and principles of residential design; the character and essence of Leeds and the submission requirements and analysis based process.
- 8.9 Building for Tomorrow Today – Sustainable Design and Construction (2011): Sustainability criteria is set out including a requirement to meet BREEAM standards.
- 8.10 National Planning Guidance
- 8.11 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. The NPPF states that unless material considerations indicate otherwise development proposals which accord with the Development Plan should be approved.
- 8.12 Emerging Policy
- 8.13 The Submission Draft of 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. The Core Strategy is likely to be submitted to the Secretary of State for independent examination in April 2013.
- 8.14 In line with the NPPF the Council may attach some weight to the document and its contents. The Core Strategy sets out a need for 70,000 new homes up to 2028 and identifies the main urban area as the prime focus for these homes alongside sustainable urban extensions and delivery in major and smaller settlements.
- 8.15 From the 27th March 2013 the policies in the development plan must accord with the NPPF. Whilst the Core Strategy is at an advanced stage it is intended to carry forward a number of the UDPR policies which are in conformity with the NPPF.

9.0 MAIN ISSUES

- Design, scale, form and layout.

- Section 106 and viability.
- Wind.
- Letter of representation.

10.0 APPRAISAL

10.1 Design, scale, form and layout

10.2 The design, scale, form and layout was agreed at the 17th January 2013 Panel pursuant to the report attached at Appendix 5 which appraised the key issues in this respect.

10.3 Section 106 and viability

10.4 The scheme generates a requirement for the following S106 clauses/contributions:

- Affordable housing at 5% (31 units) for phases implemented within two years or a percentage as per the affordable housing policy at the time of implementation.
- Public transport contribution (PTC) of £133,631.
- Holbeck Urban Village (HUV) public realm contribution of £434,400.
- Education contribution of £238,190.78.
- Travel Plan measures and monitoring fee of £5,125.
- Car club contribution of £21,500.
- Local employment and training clause.
- Public access to public open space.

10.5 The applicant has agreed to the clauses relating to the travel plan measures, travel plan monitoring fee, car club, local employment and training initiatives and public access. All other clauses have been subject to negotiation and viability testing.

10.6 A viability assessment has been submitted that shows the scheme to be unviable with the full S106 requirements therefore the applicant has stated they are unable to deliver the affordable housing provision and financial contributions in full. Officers have accepted the findings of this viability assessment and therefore have been willing to accept a reduced S106 offer from the applicant. Further details on the viability assessment are contained within a supplementary report. The information contained in this supplementary report is confidential as it relates to the financial or business affairs of the applicant. It is considered that it is not in the public interest to disclose this information as it would be likely to prejudice the affairs of the applicant. It is therefore considered that the supplementary report should be treated as exempt under Access to Information Procedure Rule 10.4 (3).

10.7 The applicant S106 offer considered at the 17th January 2013 Panel was to deliver a bridge over the canal in lieu of their PTC and HUV contribution and therefore deliver one of the important pieces of infrastructure sought by the HUV RPF. The applicant also offered an overage payment of up to £4.4m if the profits of the completed scheme exceeded those identified in the viability appraisal. However, Members stressed that their preference was to ensure the S106 included the delivery of affordable housing and an education contribution instead of the bridge. Members also wanted some assurances that the scheme would be delivered in the next couple of years so the regeneration benefits could be achieved as soon as possible. As such the applicant has reconsidered their S106 offer and provided information on the phasing of the development.

- 10.8 The current offer, and one that officers believe to be acceptable, is to provide 30 units as 'assisted purchase' units, a financial contribution of £568,000, reserve a landing point for the bridge and to re-assess viability if the scheme is not implemented within 18 months from decision, if the re-assessment shows the scheme to be more viable, an affordable housing contribution would be provided. A phasing plan indicates phase 1 being the two blocks facing Whitehall Road, phase 2 being those blocks fronting Globe Road and phase 3 being the tall building on the detached site adjacent to the canal. The current offer is expanded on below and Table 1 at 10.16 summarises the previous and current offer.
- 10.9 The 30 'assisted purchase' units will comprise of 10 units to be made available as shared ownership properties and 20 units provided via the Government First Buy or Help to Buy schemes. All assisted purchase units will be provided in the first phase of development.
- 10.10 The shared ownership properties are acquired from the developer by a registered Provider who then on sells to individual purchasers. The purchaser acquires a percentage of the property, usual between 25%-75% with the option to acquire more in future years. The purchaser pays rent on the remaining equity with the maximum rent set at 2.8% of the value of the retained equity. The landlord has responsibility for maintaining the external fabric of the building with the purchaser responsible for the internal maintenance.
- 10.11 The First Buy and Help to Buy schemes are Government schemes that allows purchasers to provide just a 5% deposit with up to 20% of the cost of the home funded by a shared equity loan, which will be interest-free for the first five years.
- 10.12 The financial contribution of £568,000 relates to the sum of the PTC (£133,631) and HUV contribution (434,400). This contribution can be spent on affordable housing, education, public transport and/or public realm improvements as considered appropriate. The £568,000 will be paid in instalments with £200,000 paid prior to exceeding occupation of 50% of phase 1, £200,000 paid prior to exceeding occupation of 50% of phase 2 and £168,000 paid prior to occupation of 50% of phase 3. All payments would be index linked.
- 10.13 The applicant will reserve a landing area for the bridge sought by the HUV RPF on the land to the north of Globe Road. The Council will then have the opportunity to deliver this important piece of infrastructure.
- 10.14 Officers and Members have been very keen to see the development delivered in the near future and therefore experience the regeneration benefits it brings. A further commitment from the developer states that if the development is not implemented within 18 months from the date of permission, the viability will be re-examined prior to the date of commencement. If the re-appraised scheme is found to be more viable and the 25% profit is to be exceeded, the applicant will provide a further affordable housing contribution that accords with the affordable housing policy adopted at that time. This re-appraisal and contribution would be in addition to all the other clauses highlighted above.
- 10.15 The previous S106 offer considered at the 17th January Panel and current S106 offer relating to affordable housing and the financial contributions are summarised in the table below.
- 10.16 Table 1: Summary of negotiable S106 requirements and offers.

S106 Clause	Policy Requirement	Offer at 17/1/13 Panel	Offer at 11/4/13 Panel
Affordable Housing	5% (31 units)	None	30 units provided as 'assisted purchase' in phase 1
Education Contribution	£238,190.78	None	None
Financial Contributions	£133,631 PTC and £434,400 HUV contribution (total £568,031)	None	£568,000 (to be available to spend on education, AH or other matters)
Provision of bridge over the canal	The HUVRPF aspires to the delivery of a bridge of the canal to be paid for by HUV contributions generated by various developments	The applicant proposed to deliver the bridge in lieu of their HUV and PTC	The applicant will reserve a landing point for the bridge.
Overage Payment	N/A	If the developer's profits exceed 25% gross development value, the Council will receive 50% of the additional profits up to £4.4m.	If the scheme is not implemented within 18 months from decision, the viability of the scheme is reappraised and if found to be viable, a financial contribution will be provided for affordable housing in accordance with the affordable housing policy at that time.

- 10.17 As highlighted above, the viability appraisal for the site shows the development to be unviable and therefore unable to afford any S106 contributions. However, the applicant has offered a package of measures that officers consider appropriate in the circumstances and in respect of Members' comments at the 17th January 2013 Panel.
- 10.18 The 10 shared ownership units are a positive aspect and are supported. However, it is acknowledged that the offer of the First Buy/Help to Buy is less attractive. The applicant, Taylor Wimpey, are committed to delivering a number of First Buy and right to Buy units in Leeds across a number of sites therefore this offer simply ensures a certain number of units are provided on this site. The 'assisted purchase' offer is supplemented by a contribution of £568,000 that can also be used for affordable housing provision and/or be put towards improving education provision in the area. It is considered this offer is reasonable in light of the schemes lack of viability.
- 10.19 As Members were keen to see early delivery of the scheme, the applicant has introduced an incentive for an early start on site. If the development does not commence within 18 months of the date of permission, the applicant will re-appraise the scheme and if the viability has improved, provide a further affordable housing contribution in line with policy at the time.

10.20 Officers consider the overall offer relating to affordable housing and education to be acceptable and appropriate in this instance. In addition to the other measures relating to the reservation of a bridge landing and a commitment to a strong travel plan, local employment initiatives and public open space, the S106 heads of terms are considered acceptable.

10.21 Wind

10.22 As reported at the 17th January 2013 Panel, the Council's wind consultant has accepted the findings of the applicant's wind study that states the development is acceptable with regard to the impact of wind. Members accepted this when verbally updated in January.

10.23 Letter of representation

10.24 Members have already agreed the scale, form and design of the building and it is not intended to revisit this issue. The letter does not raise any issues that have not been considered previously by Members or officers. The objectors preference for the previous scheme is not relevant when considering the current scheme.

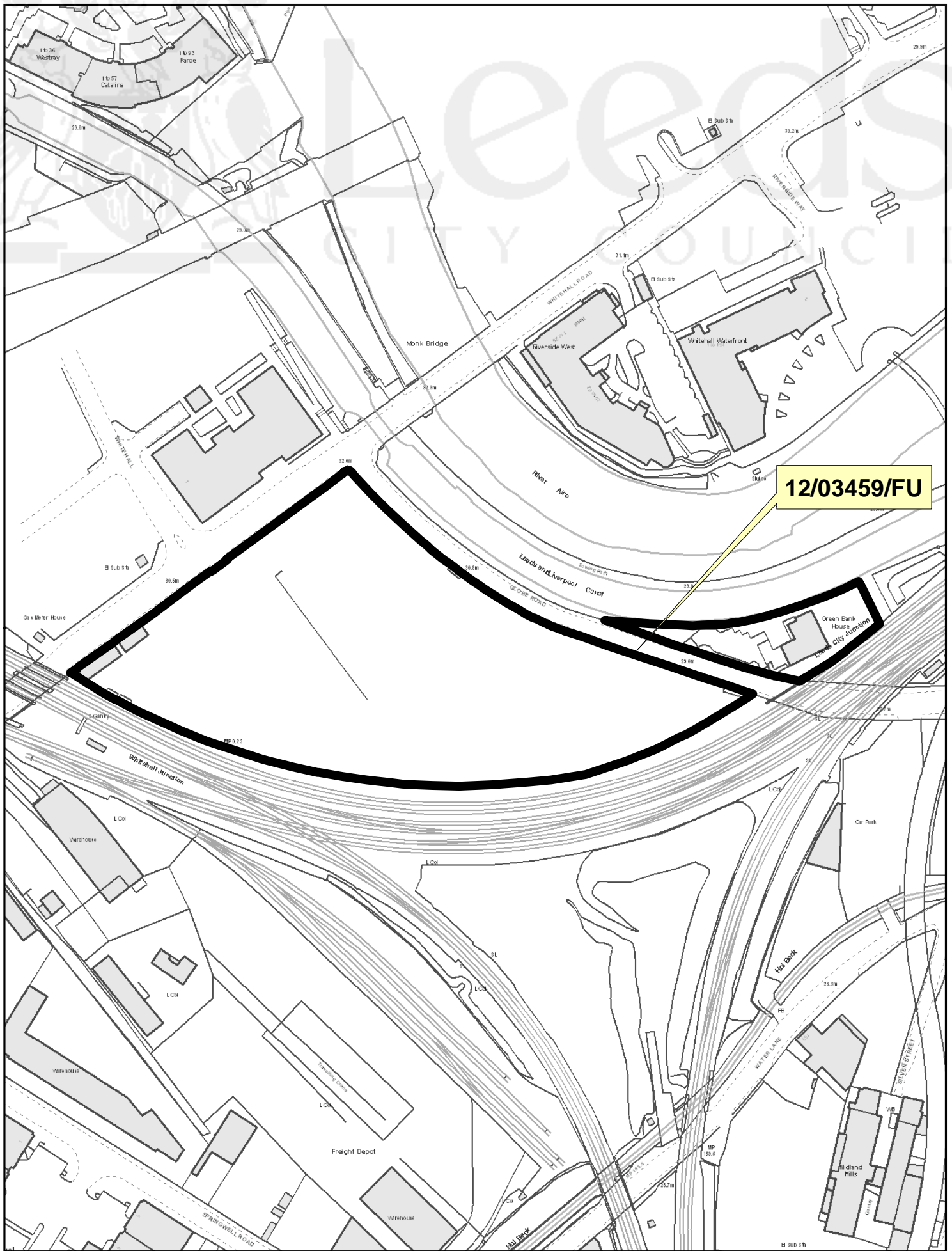
11.0 CONCLUSION

11.1 Members have previously agreed the scale, form, layout and design of the development. A viability appraisal has been accepted by officers and in light of the lack of viability it is now considered appropriate S106 heads of terms have been offered that will allow for the significant regeneration benefits from developing this site can be achieved whilst also providing for improvements to be made to affordable housing and education provision in the area.

12.0 BACKGROUND PAPERS

12.1 Application file 12/03459/FU and history files 20/499/04/FU, 07/00018/FU, 10/01666/EXT and 10/01670/EXT.

12.2 Certificate of Ownership signed by the agent.



12/03459/FU

CITY PLANS PANEL

