

CITY PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 12th September, 2024
at 1.30 pm

MEMBERSHIP

Councillors

C Campbell
B Anderson
K Brooks
P Carlill
D Cohen
K Dye
R Finnigan
A Khan
A Maloney
J Heselwood (Chair)
J Garvani

We strive to ensure our public committee meetings are inclusive and accessible for all. If you are intending to observe a public meeting in person, please advise us in advance of any specific access requirements or if you have a Personal Emergency Evacuation Plan (PEEP) that we need to take into account by email (FacilitiesManagement@leeds.gov.uk). Please state the name, date and start time of the committee meeting you will be observing and include your full name and contact details.

Note to observers of the meeting. To remotely observe this meeting, please click on the 'View the Meeting Recording' link which will feature on the meeting's webpage (link below) ahead of the meeting. The webcast will become available at the commencement of the meeting:

[Council and democracy \(leeds.gov.uk\)](https://www.leeds.gov.uk/council-and-democracy)

Agenda compiled by:
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Civic Hall

Enquiries specific to
planning applications on
the agenda should be
directed to Panel Team;
Phone 0113 3786980
Email;
planspanel@leeds.gov.uk

A G E N D A

| Item No | Ward | Item Not Open | | Page No |
|---------|------|---------------|--|---------|
| 1 | | | <p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p> | |
| 2 | | | <p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> | |

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| 3 | | | <p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p> | |
| 4 | | | <p>DECLARATION OF INTERESTS</p> <p>To disclose or draw attention to any interests in accordance with Leeds City Council's 'Councillor Code of Conduct'.</p> | |
| 5 | | | <p>APOLOGIES FOR ABSENCE</p> | |
| 6 | | | <p>MINUTES - 16 MAY 2024</p> <p>To confirm as a correct record, the minutes of the meeting held on 16th May 2024.</p> | 7 - 16 |
| 7 | Little London and Woodhouse | | <p>APPLICATION 24/02803/RM - 71-73 MABGATE, SHEEPSCAR, LEEDS, LS9 7DR</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for reserved matters approval in relation to appearance, landscaping, layout, scale and access pursuant to planning permission 22/03514/FU for the construction of three buildings comprising apartments and ancillary space, commercial units and landscaping.</p> | 17 - 86 |
| 8 | | | <p>DATE AND TIME OF NEXT MEETING</p> <p>Thursday, 10th October 2024 at 1.30 p.m.</p> | |

Third Party Recording

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.

Use of Recordings by Third Parties– code of practice

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

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Planning Services

To all Members of City Plans Panel

Ninth Floor East
Merrion House
110 Merrion Centre
Leeds LS2 8BB

Contact: Daljit Singh
Tel: 0113 3787971
daljit.singh@leeds.gov.uk

Our ref: City Site Visits
Date: 30.08.2024

Dear Councillor

SITE VISITS – CITY PLANS PANEL – Thursday 12th September 2024

It has been agreed with the Chair of City Plans Panel to undertake site visits on the morning of the next City Plans Panel meeting.

A 16 seater minibus has been booked for the site visits. To check numbers please can Members contact PlansPanel@leeds.gov.uk as soon as possible if they wish to travel via the minibus.

For those travelling by mini-bus please meet in the **Ante-Chamber, Civic Hall at 10.55am for a prompt start at 11.00am.**

| Time | Ward | Site |
|-------------|--|---|
| 11.00 am | MINIBUS DEPARTS FROM OUTSIDE CIVIC HALL ENTRANCE | |
| 11.10-11.40 | Little London & Woodhouse | Application reference 24/02803/RM– Reserved matters application for a proposed residential development with a ground floor commercial unit at 71-73 Mabgate, Sheepscar, Leeds , LS9 7DR |

Please notify PlansPanel@leeds.gov.uk if you will be attending.

Yours sincerely

Daljit Singh
Group Manager
Planning Services

CITY PLANS PANEL

THURSDAY, 16TH MAY, 2024

PRESENT: Councillor H Bithell in the Chair

Councillors B Anderson, P Carlill, D Cohen,
K Dye, A Khan, A Maloney, J Heselwood
and J Garvani

87 Election of Chair

A nomination was made and seconded for Councillor Bithell to Chair the meeting.

RESOLVED – That Councillor Bithell be elected as Chair for the meeting.

88 Appeals Against Refusal of Inspection of Documents

There were no appeals.

89 Exempt Information - Possible Exclusion of Press and Public

There was no exempt information on the agenda.

90 Late Items

There were no late items.

91 Declaration of Interests

There were no declarations.

92 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors K Brooks and C Campbell. Councillor J Garvani was in attendance as substitute.

93 Minutes - 11 April 2024

RESOLVED – That the minutes of the meeting held on 11 April 2024 be confirmed as a correct record.

94 Applications 23/06280/FU & 23/06281LI – Springfield House, Hyde Street, Woodhouse, Leeds

The report of the Chief Planning Officer presented an application for the demolition of adjoining wings and erection of replacement buildings of

Draft minutes to be approved at the meeting
to be held on Thursday, 13th June, 2024

between 4 and 13 storeys to create purpose-built student accommodation; internal and external alterations to listed building including partial reinstatement of historic floor plan, revealment of side elevations, replacement of windows and replacement of stone steps to front entrance to facilitate level access. Hard and soft landscaping works at Springfield House, Hyde Street, Woodhouse, Leeds.

Members visited the site prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion of the application.

Further issues highlighted in relation to the application included the following:

- There had been in-depth pre-application work that had involved design and conservation officers.
- There was an objection from Historic England. The site fell within the Woodhouse/Clarendon Road conservation area. The building was Grade 2 listed and there were Grade 2 listed buildings and a Grade 2* listed building elsewhere within the university campus.
- Springfield House was originally constructed as a residential villa and was listed in the 1960s. It was converted into office use in the 1980s when the wings were added to the building.
- Plans showing the layout of the existing wings to the building and the proposed wings were displayed. The new proposals would cover a similar footprint with four and 5 storey blocks to the south west of the site and 10, 11 and 13 storeys to the north east.
- Greenspace to the south east of the site would be retained.
- Springfield House would remain at the heart of the site with the historic front door to be used as the main entrance. There would be glazed links to the new wings.
- Servicing for the building would be done from Clarendon Way and Seminary Street using existing accesses.
- The listed building would be more clearly articulated with the new proposals.
- Floor plans were displayed. Amenity, bin storage and cycle storage would be at ground floor with further amenity at first floor level. There would be cluster flats and studio flats which would provide 343 bedspace and these would meet emerging space standards.
- There would be photovoltaic panels on the roof.
- Trees to the front of the building would be retained and the area to the south would have seating and planting. There would be courtyard areas to the rear. Materials for use in landscaping and plants for soft landscaping were displayed.
- Elevation drawings were displayed. Initial proposals had seen a reduction in the height of the proposed blocks at the south west which was considered more sensitive to the conservation area. The different kinds of materials and details were also displayed.
- View of the how the proposals would appear from surrounding areas were displayed.

- There were outstanding highways issues to resolve. These included pedestrian connections to the university due to the lack of dropped kerbs and the impact on disabled access. The applicant was in discussions with the University and it was proposed to resolve these matters through delegated decision before final determination of the application.
- Wind mitigation - although there was some protection from trees there needed to be a fixed wind baffle on site for permanent wind mitigation. This would be covered by condition.
- There would be a Section 106 agreement of £155,000 for offsite pedestrian and cycle improvements.
- There had been a withdrawn objection from the owner of the Lodge building and they had now confirmed their support.
- It was considered to be a good location for student accommodation and would provide an improvement to the street. The application was recommended for approval subject to the resolution of highways matters and referral to the Secretary of State.
- Samples of materials and a scale model were made available for Members inspection.

Objectors to the application addressed the Panel. Issues highlighted included the following:

- A representative of The Faversham addressed the Panel. The Faversham was only 10 metres from the site and it was felt that their concerns had not been addressed and the proposals would be damaging to their business. The venue had 60 wedding bookings this year and the outdoor areas to the premises were integral to the running of the business. The proposals would overlook these outdoor areas and be intrusive to privacy. Lighting from the blocks would also change the landscape. The premises had operated for 21 years and these proposals would be detrimental to a business with over 30 full time employees.
- A local resident and member of the Little London & Woodhouse Community Association addressed the Panel. This was a massive development which would tower over existing buildings and impact on the grade 2 listed buildings destroying the aesthetic of this place. The proposals would also dwarf and trivialise Springfield House. Granting this application would set a precedent for further tall buildings in the area and showed contempt for the aesthetics of the area, the conservation area and Leeds.

The applicant's representatives were invited to address the Panel. Issues highlighted included the following:

- Pre-application work had been carried out on the scheme since 2022.
- It was appreciated that applications of this nature would attract concerns from neighbours and work had been carried out to address

any concerns with supporting evidence especially with regards to noise, light and views.

- It was acknowledged that there were impacts on heritage assets but many of these were positive and outweighed any negative impacts. There were many enhancements to the listed building and conservation area.
- Springfield House had previously been inward looking losing its sense of place. The proposals would address this and bring its use back into the heart of the site.
- The applicant had addressed concerns of objectors during the application process.
- In response to questions from the Panel, discussion included the following:
 - Consultation – the applicant had engaged with objectors and shown the models and designs and explained how the design would still provide them with privacy. There had also been acoustic assessments to demonstrate there would not be an issue with noise pollution.
 - Based on technical evidence there would be no loss of amenity with regard to sunlight and daylight or acoustic disturbance. The issue of overlooking had been addressed through the design of the building.
 - There had been positive dialogue with the university regarding the highways enhancements that were required.
 - There would be the removal of some undergrowth to improve visibility and surveillance at the front of the site and lighting levels and CCTV coverage would be improved.
 - There would be improvements for pedestrians crossing at Hyde Street/Clarendon Way and this would be completed under a Section 278 agreement.
 - There would be a segregated pedestrian route adjacent to the servicing area.
 - There would be the use of photovoltaics and air source heat pumps. Should the district heating scheme extend up to that part of the city, that could also be used.

In response to questions and comments from the Panel, the following was discussed:

- With regards to the objections from Historic England there were concerns regarding the taller element of the proposals but it was felt that the benefits of the scheme which improved the visibility of the listed building outweighed any harm.
- Concern that the proposals would be the start of overdevelopment in the area.
- The tallest element of the proposals had been situated at the least sensitive part of the site where there was already a context of buildings of significant mass.
- The lower level windows would not overlook The Faversham due to the change in ground levels and tree cover. The upper level windows in the

northern elevation of the tallest element would have an outlook over The Faversham grounds but an area which was to the front of the Faversham and which comprised a driveway and some greenspace which was already overlooked from the public highway on Springfield Mount. As a result officers considered that there would not be a detrimental impact on the privacy and amenities of The Faversham.

- It was requested that the Chair viewed the highways proposals prior to approval by delegated decision.
- Concern regarding the taller elements of the proposal and a suggestion that the application be deferred for further consideration.
- It was pleasing to see a purpose built student accommodation scheme to be in a more appropriate location.
- This was a good quality design and would fit in with the area.

The officer recommendation was moved and seconded.

RESOLVED – That the application be deferred and delegated to the Chief Planning Officer for approval subject to referral to the Secretary of State for Levelling Up, Housing and Communities; resolution of the outstanding Highways Matter outlined in paragraphs 153-158 of the report; the specified conditions set out in Appendix 1 (and any amendment to these and addition to others which he might consider appropriate) and the completion of a Section 106 agreement to include the following obligations:

- Travel Plan
- Leeds City Council Travel Plan Review Fee of £5,405
- Contributions for offsite cycling and walking improvements (Subject to agreement as per para 153 of the report)
- Car Club contribution £10,000
- Traffic Regulation Orders £10,000
- Wayfinding signage £12,000
- Control of student occupancy
- Provision of public access through the site
- On site greenspace provision
- Local employment and skills
- Section 106 monitoring fee

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

(At the conclusion of this item, the live stream of the meeting was stopped due to technical difficulties but the meeting remained open to the public. It was reported that the minutes would be made available to the public online).

95 Pre-application 24/00010 - Blenheim House, Duncombe Street, Leeds, LS1 4PL

The report of the Chief Planning Officer informed Members of a pre-application presentation regarding proposals for a purpose built student accommodation development including a mixed offer of cluster and studio units totalling c717 units and associated amenity spaces at Blenheim House, Duncombe Street, Leeds.

Site plans and photographs were displayed and referred to throughout the presentation. Members had visited the site prior to the meeting.

The applicant's representatives gave the Panel a presentation. The following was highlighted:

- The proposals were still at the early design stage. The wider setting of the area had been taken into account with regards to listed buildings, conservation area and the local Neighbourhood Forum.
- Proximity to the universities and safe walking routes.
- There had been detailed dialogue with Planning Officers during the development of the proposals.
- There would be amenity provision in excess of guidance at ground floor level.
- The main entrance would be set back from the street and all access would be security controlled and have CCTV.
- Details of the upper floor accommodation and examples of typical room layouts.
- Rooms would have floor to ceiling windows to maximise daylight.
- Analysis undertaken had shown that there would be no impact to key views from the site.
- Design and materials – further design work had been undertaken and inspiration was taken from historic buildings and other developments in the area.
- There would be green roofs and roof terraces. The development would use air source heat pumps and have photovoltaic panels.
- There would be an area of public realm on Marlborough Street which would provide opportunities for social interaction. There would be softer landscaping on Duncombe Street with opportunities for a pocket park and formal play area. There would also be soft and hard landscaping in an external courtyard to the building.
- Views from the approaches to the site were displayed.
- The proposals would provide a sustainable, high quality scheme with enhanced landscaping in a gateway position.

In response to questions and comments from the Panel, discussion included the following:

- Concerns regarding the loss of existing trees. It was confirmed that 15 of the 19 trees on the site would be removed. There would be mitigation planting in the courtyard and an enhanced public realm.
- The current building on site was not suitable for re-use. The proposed footprint for the new building would enable the public realm

improvements and there were other technical considerations including the positioning of sewerage pipes.

- The proposed new building would be set back further from Duncombe Street and closer to the A58. This would enable further space for public realm works.
- The proposed building would improve surveillance in the area.
- The proposals were at an early design stage and the relation of the development to nearby residential properties was explained with regards to levels and how the building would be stepped back.
- The new public realm space would include areas to the Duncombe Street side. This would be achieved by having the building closer to the A58.
- The building would be exclusively for student use.
- Concerns regarding another student accommodation development on the fringe of the city centre and what impacts this may have on other facilities due to students only being there for part of the year.
- The scale of the proposals seemed appropriate but there was concern regarding the loss of trees.
- In response to questions set out in the report, the following was discussed:
 - Subject to confirmation of detailed proposals, most Members supported the end use of the site for Purpose Built Student Accommodation.
 - With regard to the emerging appearance, scale and setting to the proposed building, there was some concern regarding the impact on Marlborough Grange and it was queried whether the proposals at that side could be scaled down as well as set back. It was reported that proposals were still subject to wind testing before final details were confirmed.
 - Members supported the emerging relationship to the existing residential premises to the north subject to the comments above about the potential to further lower the building height.
 - Members had concern regarding the loss of trees to facilitate the proposed development. While the loss of the U graded trees was felt acceptable it was felt that these should be replaced on site.

RESOLVED – That the report and presentation be noted.

96 Pre-application 24/00053 - Wellington Road and Armley Road, Leeds

The report of the Chief Planning Officer informed Members of a pre-application presentation regarding proposals for a multi-storey residential development with ground floor commercial uses (Class E), internal and external amenity spaces, integral cycle storage and accessible car parking provision at a site at Wellington Road and Armley Road, Leeds.

Site plans and photographs were displayed and referred to throughout the presentation. Members had visited the site prior to the meeting.

The applicant's representatives gave the Panel a presentation. The following was highlighted:

- The proposals would create a new sustainable urban community.
- The proposals were for a 325 unit Build to Rent model with high quality amenities and on site management.
- This would be a car free development with an emphasis on the safety of pedestrians and cyclists.
- Green spaces would be delivered for residents and the public.
- The site was less than a mile from the City Station and was part of a wider area of growth and regeneration.
- There had been previous outline consent for the site and the new proposals offered a more sustainable development with more green space. There would be a plaza and courtyards as well as commercial spaces.
- Floor Plans were displayed. There would be plant, bin storage and cycle storage at ground floor as well as the three commercial units.
- There would be large provision of 3 bedroom units.
- Materials – these would be primarily red brick to reflect the heritage character of the area.
- Façade treatments – there would be some balconies and apartments would have floor to ceiling windows.
- CGI images of the proposed buildings and open spaces were displayed.

In response to questions and comments from Members, the following was discussed:

- There were planned pedestrian and cycle route improvements in the vicinity and past the site at Armley Road and the nearby Gyrotory and improved pedestrian connections to the City Centre had been delivered through the nearby "Junction" development .
- The commercial properties would be small but suitable for uses such as convenience stores or cafes.
- There would be further discussion with transport operators with regards to bus provision.
- There was six schools within one mile distance of the site.
- There would be provision of accessible roof terraces and some green roofs.
- The building design would help to achieve a balance between maximising daylight provision and preventing overheating
- The site was currently unkempt with self seeded trees. There would be some tree loss at the site, but there would be significant planting.
- Potential use of the commercial units for health provision.
- Some concerns regarding pedestrian accessibility and public transport access to day to day facilities.
- The need for security gate features on children's play areas.
- In response to questions outlined in the report, the following was discussed:

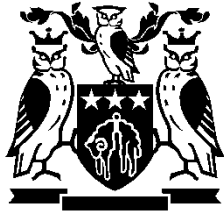
- Members considered that the proposed use of the site for residential with ground floor commercial uses was appropriate in principle.
- Members supported the emerging scale and layout of the development.
- Members supported the emerging landscaping of the site.
- With regard to the proposed approach to car parking, there was some support for a car free development but some concern regarding the lack of public transport accessibility. It was felt that further information on bus services and pedestrian accessibility was required.

RESOLVED – That the report and presentation be noted.

97 Date and Time of Next Meeting

Thursday, 13 June 2024 at 1.30 p.m.

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Leeds

CITY COUNCIL

Originator: Andrew Perkins

Tel: 0113 3787974

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 12th September 2024

Subject: 24/02803/RM – Reserved matters approval in relation to appearance, landscaping, layout, scale and access pursuant to planning permission 22/03514/FU for the construction of three buildings comprising apartments and ancillary space, commercial units and landscaping at 71 - 73 Mabgate, Sheepscar, LS9 7DR

APPLICANT
MY DevCo Ltd

DATE VALID
23rd May 2024

TARGET DATE
22nd August 2024

Electoral Wards Affected:

Little London & Woodhouse

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 **RESERVED MATTERS APPROVAL**, subject to the conditions at Appendix 1 (and any amendment to or addition of others which the Chief Planning Officer considers appropriate).

Introduction:

1. The proposal is put before City Plans Panel, in accordance with the Officer Delegation Scheme 1(d) as the Chair in conjunction with the Chief Planning Officer considers that the application should be referred to the relevant Plans Panel for determination because of the sensitivity of the proposal and controversial nature in that the Council have received a Barrister's Legal Opinion which questions the various aspects of the original application.

Site History:

2. The Hybrid Planning Permission (HPP) was approved in October 2023. The hybrid planning application sought full application for demolition of buildings and ground engineering, including site remediation, ground remodelling and temporary drainage works; external alterations to the northern elevation of the Hope Foundry Entrance Range to remediate the elevation post the demolition of the adjoining building; temporary hoardings around the site and Outline application for construction of residential buildings (Use Class C3) with ground floor commercial, business uses.
3. The HPP approved the principle and maximum floorspaces of uses, site accesses, and (all matters reserved except for access) for a phased mixed use development comprising demolition of existing buildings, up to 310 residential units (C3), and 350sqm of commercial space to be used as a public house, wine bar, or drinking establishment or within Use Class E(a,b,c,d,e or ,g) or F1(b or e) or F2(b)) of the Town and Country Planning (Use Classes) Order 1987 (as amended)
4. As part of the HPP an indicative layout and scale of buildings and spaces around were approved in a Design Code and as part of the Parameter Plans, which demonstrated two principal buildings located on a podium. However, due to updated fire safety requirements which now require buildings to have 2 stair cores for safe exit and to provide safe access in case of a fire, a non material amendment (NMA) (24/9/00104/MOD) was submitted and approved, which linked the buildings together and also consisted of minor changes to the positions of the building, this change also moved the development further into the site.
5. For reference the indicative development maximum and minimum height parameters in metres (m) would range from 9.4m to 32.8m

Proposal:

6. This Reserved Matters Application (RMA) seeks approval of layout, scale, appearance, landscaping and access comprising of the construction of three buildings of apartments, ancillary space, commercial units and landscaping, pursuant to HPP 22/03514/FU (as amended). This RMA is in accordance with the

use floorspace, parameter plans, and Design Strategy approved as part of the HPP and subsequent NMA.

7. The development would provide a total of 302 Build to Rent (BtR) apartments through three Buildings A, B and C, and includes affordable rented housing comprising 20% of the total units to be let at 80% of local market rents which was secured in the S106 Agreement of the HPP. 315 sqm of flexible commercial floorspace and supporting infrastructure (car parking, cycle parking, bin stores, plant and equipment) is also proposed. The following mix of housing is proposed:

| Number of Bedrooms: | Total no. | Mix | Internal ranges |
|----------------------------|------------------|------------|---------------------------|
| 1 Bedroom Apartment | 157 | 52% | 42.3 – 51.1m ² |
| 2 Bedroom Apartment | 116 | 38% | 62.4 – 71.8m ² |
| 3 Bedroom Apartment | 29 | 10% | 86.1 – 86.4m ² |

8. The buildings would provide the following facilities of which conditions 26 and 29 secured on the HPP would provide the final details:
- A total of 17 car parking spaces, including 2 accessible spaces.
 - 6 Motorcycle spaces
 - 212 long stay cycle spaces
9. The buildings would be predominantly constructed of brick and would range from 9.4m to 32.8m high. The buildings would feature active frontages facing towards Mabgate and external amenity spaces noted as 'The Yard' and 'The Garden'. The Yard would be a courtyard space formed by the buildings and is the principal arrival space for residents. Residents will then cross this space to their own building entrances. The Garden is situated to the North end of the site and will become a softer, greener landscape space that looks to provide a quiet corner and a route through from the Millwright development which will be time restricted 8am to 8pm (to match the consented Millwright development). These two spaces would be connected through the materiality of paving and the visual permeability through the planting of which these two elements will organically guide both residents and members of the public through the yard and into the garden, without the need for formal signage.
10. Externally, Building A and the primary street-facing elevation would follow the principles established in the approved Design Code, with brick 'mill' blocks

connected by recessed link elements. The ground floor would feature active uses with glazed bricks above these windows. Building B would provide the enclosure to the courtyard and would feature a variety of materials in the form of projecting metal window frames and sawtooth brickwork detail to the piers. The top floor of the building would feature metal cladding set in from brickwork and the ground floor would feature recessed colonnades. The articulated stair tower to Building B also reflects the approved Design Code and the introduction of the winter gardens, which will be enclosed balconies, which will be additional space for the flats facing Hope Foundry courtyard and are designed to provide a noise buffer between the existing neighbouring use and the main residential space within the flats. Building C will continue the 'mill block' aesthetic, with interest created through brickwork detailing and the soldier course above windows in contrasting brick. Building C would also feature Juliet balconies. In addition, and adding to the creative character of Mabgate, artwork will also be incorporated into the courtyard, drawing people into the space and onward along the Lady Beck and into the neighbouring Millwright development.

11. Vehicular access will be provided from Mabgate which leads into a covered car park of 17 spaces of which all spaces will be equipped with 'passive' electric vehicle charging points. During the HPP it was agreed that at least 50% of spaces are to be provided with charging points which are required from occupation, which will then be monitored annually through the Travel Plan thereafter. As noted, an indicative pedestrian and cycling route was secured in the legal agreement for the HPP providing a link from Mabgate through the site towards the northern boundary, which was time limited (8am – 8pm). This route would eventually go through the consented development to the north (former Leeds College of Building site) which would then lead to Millwright Street and Skinner Lane.
12. The application submission is supported by the following documents which also relate to conditions attached to the HPP:
 - Scaled Plans including revisions
 - Design And Access Statement
 - Compliance Report
 - Daylight and Sunlight Amenity Impact Assessment
 - Internal Daylight and Sunlight Amenity Conditions Report
 - Energy Statement
 - Heritage Statement
 - Housing Needs Assessment
 - Noise Impact Assessment
 - Stage 2 Ventilation Statement
 - Stage 2 Water Efficiency Note
 - Transport Statement
 - Arboricultural Impact Assessment

Site and Surroundings:

13. The site is located on the western side of Mabgate and consists of a total site area of 0.68 Hectares. Mabgate was traditionally an employment and manufacturing area but has seen a number of new build residential developments and conversions in recent years. The existing buildings on site are of a low scale and consist of three interconnected former light industrial and warehouse buildings comprising the main warehouse to the south, an additional warehouse to the north and an ancillary building connecting the two. Nearby land uses include residential uses within Mertensia House to the east and vacant commercial uses to the far east across Mabgate (first phase of development on site for an education campus with supporting office and service support, sports facilities, theatre, ancillary facilities and a shop; residential accommodation or student accommodation). To the south of this site there is an existing residential use within the former Black Horse Public House (PH) located directly to the east of Hope Foundry and Hope House. Hope Foundry and Hope House are together listed Grade II, and are located to the south of the application site which are occupied by Music and Arts Production Leeds (MAP Charity). Working with young people from under-represented or under privileged backgrounds to engage through the arts and music, MAP hosts various cultural events including 'Cosmic Slop'. To the west of the site, Byron Steet Mills is located (consented but not implemented development for a change of use with ground floor commercial and upper floor residential). Byron Street Mills also includes the 'Temple of Boom' nightclub and a mixture of other commercial uses exist. To the far north of this site Ahlux House is located which is a residential apartment block.
14. The surrounding area is characterised by industrial buildings and mills, some of which are still in operation whilst others have been converted to alternative uses, including residential, such as Mertensia House. Given the historic character and closeness of buildings there are effectively instances where buildings overlook in close proximity to others such as Ahlux House, Ahlux Court and Mabgate House, which defines the historical character of Mabgate.
15. The site is located outside of the defined City Centre boundary and is not allocated for a specific use within the Site Allocation Plan (SAP). The site is within Flood Risk Zone 3 due to the open section of Lady Beck watercourse, which runs to the west and north west of the site. The site also lies within Mabgate Conservation Area (MCA) and in the conservation area character appraisal the application site (former Cohen and Wilks) is noted as neutral/negative in its impact.
16. Mabgate is formed of a narrowed carriageway, one way traffic (except for cyclists) and wider footways which removes the dominance of the motor vehicle on Mabgate to improve the overall local environment for pedestrians and cyclists.

Relevant Planning History in relation to the HPP

17. 24/03391/LI – Listed Building application for demolition of Aquatite House and external works to the northern elevation of the Hope Foundry Entrance Range, including making good those parts of the elevation affected by the demolition of the adjoining unlisted building and to remove reference to Wintertree Software Inc from Listed Building Consent (LBC) 22/03515/LI – Approved – 26.07.2024
18. 24/9/00118/MOD - Hybrid application comprising full application for demolition of buildings and ground engineering, including site remediation, ground remodelling and temporary drainage works; external alterations to the northern elevation of the Hope Foundry Entrance Range to remediate the elevation post the demolition of the adjoining building; temporary hoardings around the site and Outline application for construction of residential buildings (Use Class C3) with ground floor commercial, business and service unit (Use Class or Sui Generis or E(a,b,c,d,e or ,g) or F1(b or e) or F2(b)), car parking, landscaping, access (vehicular and pedestrian) and servicing, with all matters reserved for future consideration. NON MATERIAL AMENDMENT to 22/03514/FU to remove reference to Winterfree Software inc in condition 45 NON MATERIAL AMENDMENT to 22/03514/FU to remove reference to Winterfree Software inc in condition 45 – Approved – 04.06.2024
19. 24/9/00104/MOD - Hybrid application comprising full application for demolition of buildings and ground engineering, including site remediation, ground remodelling and temporary drainage works; external alterations to the northern elevation of the Hope Foundry Entrance Range to remediate the elevation post the demolition of the adjoining building; temporary hoardings around the site and Outline application for construction of residential buildings (Use Class C3) with ground floor commercial, business and service unit (Use Class or Sui Generis or E(a,b,c,d,e or ,g) or F1(b or e) or F2(b)), car parking, landscaping, access (vehicular and pedestrian) and servicing, with all matters reserved for future consideration. - NON MATERIAL AMENDMENT TO 22/03514/FU - Modification to conditions 2 and 7 of planning application reference 22/03514/FU – Approved 15.05.2024
20. 24/9/00045/MOD - Hybrid application comprising full application for demolition of buildings and ground engineering, including site remediation, ground remodelling and temporary drainage works; external alterations to the northern elevation of the Hope Foundry Entrance Range to remediate the elevation post the demolition of the adjoining building; temporary hoardings around the site and Outline application for construction of residential buildings (Use Class C3) with ground floor commercial, business and service unit (Use Class or Sui Generis or E(a,b,c,d,e or ,g) or F1(b or e) or F2(b)), car parking, landscaping, access (vehicular and pedestrian) and servicing, with all matters reserved for future consideration. NON MATERIAL AMENDMENT to 22/03514/FU Modify condition 56 of 22/03514/FU, condition 56 can be updated to permit CFD modelling as an alternative to wind tunnel modelling where the vertical façade of any building does not exceed 30m

and where it does then wind modelling must be undertaken. – Approved 02.02.2024

21. 22/03515/LI - Listed Building application for demolition of Aquatite House and external works to the northern elevation of the Hope Foundry Entrance Range, including making good those parts of the elevation affected by the demolition of the adjoining unlisted building – Approved – 02.10.2023
22. 22/03514/FU – Hybrid application comprising full application for demolition of buildings and ground engineering, including site remediation, ground remodelling and temporary drainage works; external alterations to the northern elevation of the Hope Foundry Entrance Range to remediate the elevation post the demolition of the adjoining building; temporary hoardings around the site and Outline application for construction of residential buildings (Use Class C3) with ground floor commercial, business and service unit (Use Class E(a,b,c,d,e or ,g) or F1(b or e) or F2(b)) or public house, wine bar, or drinking establishment (sui generis), car parking, landscaping, access (vehicular and pedestrian) and servicing, with all matters reserved for future consideration– Approved 02.10.2023.

History of Negotiations

23. At pre-application stage numerous meetings for this site took place with officers and the applicants earlier this year, which was regarding the subsequent RMA and related to the materials, landscape treatment and relationship the development would have with surrounding uses.
24. It has also been stated in the submission documents that the applicants also undertook further engagement with MAP Charity prior to the submission of this application which comprised of virtual and in person meetings to present the proposals and particularly to discuss the proposed elevational treatment of the Building B's southern façade and how this interacts with MAP's courtyard. As far as officers are aware, the applicant has therefore undertaken a reasonable level of consultation with the neighbouring establishment most closely affected to ensure its views and concerns are understood, mitigation provided, and the new development can integrate effectively within its surroundings.

Public/Local Response:

25. Planning application publicity consisted of:
 - a. Leeds City Council Public Access website posted 23.05.2024
 - b. Site Notices posted along Millwright Street and Mabgate on 04.06.2024
 - c. Press Notice published in Yorkshire Evening Post (YEP) on 07.06.2024
 - d. Ward Members consulted on 30.05.2024

To date 68 letters of objection have been received of which some of these comments are generic. Another 161 anonymous comments have also been received which have not been verified with full addresses and have been sent via

a petition website (Action Network). 1 letter of general comment has also been received. A further petition signed by 53 people who attended an event at MAP Charity has also been received. The comments received are summarised as follows:

Objection comments:

- The adverse effect of the proposal upon the setting and significance of the Grade II Listed Hope Foundry
- The adverse impact of the proposed development upon the ongoing operation of Hope Foundry and the charity as a whole.
- The adequacy of the noise survey carried out as part of the outline application.
- The impact planned future operations of Hope Foundry would have upon the living conditions of new residents to the application site.
- The impact of the proposals upon the safeguarding of people using Hope Foundry
- Concern that the proposal could impact on event nights held at Hope Foundry and lead to their closure
- The potential loss of a cultural asset at Hope Foundry
- A request that the developer should sign a Deed of Easement allowing the MAP venue to make noise during certain times and up to certain decibels
- A brick wall should be proposed facing the courtyard, not balconies
- The location of the proposed flats could increase noise complaints.

In addition, a Barrister's Legal Opinion has also been received instructed by MAP which questions the various aspects of the HPP. The points raised are summarised below:

Criticism of how the original HPP was assessed and determined including the following concerns:

- Why the HPP was a delegated decision
- The noise impact assessment has not factored in that MAP has a premises license for a DJ and dance music use
- There is no mention in the HPP officer report of the "agent of change" principle set out in the National Planning Policy Framework
- Winter gardens are not an ideal solution
- The Council and developer should be consulting with MAP on all development issues
- The further Environmental Health comment is not available to view on public access
- There has been inadequate consideration of the impact of the proposals on heritage impact and no mention of the relevant sections of the planning legislation
- There has been no flood risk exceptions test and vulnerability classification assessment

- The public sector equality duty to protect vulnerable adults and young people using MAP has not been exercised

General comments:

- Support the idea of a mural on the south side of Building C.
- Concerned about the extent of sunlight and daylight in the courtyards.
- Brickwork colours on the Mabgate frontage would benefit from greater contrasts.
- Disagree with the suggestion that the arches should be in the same brick as the main elevations

Consultation Responses

26. Health and Safety Executive (HSE)
Content with the fire safety design as set out in the project description and following the proposed amendments, to the extent it affects land use planning considerations.
27. Leeds City Council (LCC) Transport Development Services
No objection, subject to conditions. The Section 106 should be updated to reflect the change in Car Club locations.
28. LCC Conservation
The proposed scheme is largely consistent with the indicative massing form and design of the outline consent. The adjustments to the consented outline parameters, notably the slight increase in ridge and eaves heights, are minimal and would not cause additional harm to the setting of the adjoining listed building, the character and appearance of the conservation area and the settings of non-designated heritage assets.
- The detailing of the elevations is restrained and consistent, relying on simple geometric forms as opposed to intricate features. The materiality is "monolithic" relying on the tonal variation of two brick types to allow interest to be created across the scheme and to reference Mabgate Mills where arches over doors and windows are highlighted through the use of a brighter brick. Suffice to say, the quality of brickwork, including mortar selection, will be critical to integrating the development into its context as will the depth of the window reveals (shown as a brick's depth in the D&A) statement) and it is suggested that a full size mock up of a window bay is secured by condition.
29. Environment Agency
No comments to make.
30. West Yorkshire Archaeology Advisory Service
This reserved matters application deals only with the above ground heritage impacts of the development. The buried archaeological potential of the site is

recognised by condition 45 of 22/03515/LI. This will require archaeological excavation to understand the development of the Hope Mills complex and historic water management features which are buried below the current site before construction commences.

31. Historic England
Do not wish to offer any comments and suggest that the LPA seeks the views of its specialist conservation and archaeological advisers, as relevant.
32. Yorkshire Water
No objections
33. LCC Design
Initial comments raised regarding one of the proposed brick colours, gates into courtyard need to be accessible to emergencies and should automatically open, details regarding any security measures (shutters) to the ground floors, details of Juliet balconies through 1:20 (scaled plans), arches should be in the same brick colour, details of overhanging roof, upper floor should be set back, details of reveal depth and details on gutter and downpipe materials. A subsequent meeting was held to discuss these matters of which clarification was provided and revisions followed with no further comments raised.
34. LCC Landscape
Broadly the approach to Landscape design is supported. It is a particularly positive change from the HPP to omit the podium so that level access is now provided from Mabgate to the Courtyard space with improved legibility and opportunity for tree planting in-ground.

The route between the Yard and the Garden is quite narrow (approx. 4m wide, 15m length) with limited inter-visibility between these spaces and implications for safety and legibility. It is proposed for the Building C bike store to be accessed through this space, which has benefits for additional use and activity, but it is questioned how comfortable this will feel to use at night. Details requested regarding tree planting.
35. LCC Contaminated Land
No additional information relating to land contamination has been provided. The Landscape drawings and Level G and M floor plans submitted do not indicate any disparity with the proposals assessed in the previously submitted documents at HPP.
36. LCC Climate and Energy
The two strategies for policy compliance are found reasonable. However, one of the two needs to be finalised and presented along with relevant evidence, at the time of discharging condition 54 of the HPP.

37. LCC District Heating
In response to Energy Statement dated 23 May, the Leeds PIPES team recognises the reason for strategy 4 being discounted in favour of reducing costs associated with a wet heating system.
- We will continue to work with the applicant to develop costs/commercial terms, in addition to firming up design for a connection to the network.
38. LCC Flood Risk Management
Have reviewed the information submitted with the application and we have no comments to make.
39. LCC Access Officer
Confirmation required regarding seating and the use of self-bound gravel details.
40. Natural England
No comments to make on this application.
41. LCC Environmental Studies (Transport Strategy)
Agree with the methodology and findings of the Noise Impact Assessment in relation to road traffic noise and concur that by installing the recommended glazing specification in conjunction with the proposed mechanical ventilation system, then internal noise levels should meet those recommended within BS 8233.
42. West Yorkshire Police
No objection in principle. The Architectural Liaison Officer has offered the applicants advice on the following detailed crime and design matters such as natural surveillance, external lighting, CCTV, landscaping, and access controls. Details would be controlled by planning condition attached to the HPP and via a specific condition attached to this permission.
43. LCC Environmental Health Services
Having previously fed into the acoustic requirements for this scheme at HPP stage, the updated acoustic report confirms the necessary measures to achieve our noise criteria for dwellings. As discussed in the report, a combination of acoustic glazing, mechanical ventilation and cooling is outlined and is acceptable to address external environmental and entertainment noise affecting the development site.

Re-consultation

Whilst we have previously confirmed our satisfaction with the acoustic assessment and proposed mitigation measures regarding music events at the MAP, in response to objections we comment further to confirm our position.

The applicant's noise consultant undertook measurements during an event at Music and Arts Production (MAP) in consultation with this section and a

representative of MAP to ensure that the survey gathered a sufficient understanding of the noise levels created during a typical event.

The survey of MAP events comprised of attended spot measurements at various locations and a long-term fixed sound level meter position. The worst case 15 minute period between midnight and 4am was taken from the long term measurement position to inform a 3-dimensional sound model and calculations of internal sound levels.

Significant levels of noise from patrons and music break-out was measured in the yard on the elevation overlooking MAP and a package of mitigation measures comprising of internal layout and sound control engineering options set out.

Calculations of external to internal sound levels via winter gardens and acoustic glazing with mechanical ventilation achieve our criteria for living spaces.

We are therefore content that the acoustic design presented achieves our noise criteria and aligns with the aims of the NPPF and NPSE to avoid significant adverse impacts and mitigate adverse impacts.

44. **LCC Local Plans**

The applicant has provided a Housing Needs Assessment in support of the application of which the deficiency of 3-bed units may be appropriate given the context provided in the Housing Needs Assessment. Affordable Housing was secured in the HPP and will consist of 20% affordable units on site. Based on the amount of public greenspace on site it is likely that a commuted sum would be required for additional off site green space which would equate to (approximately) £298,005.14. The exact figure is secured in the legal agreement attached to the HPP.

Relevant Planning Policies:

Statutory Context

45. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that for the purpose of any determination with regards to a planning application, the determination must be made in accordance with the development plan, unless material considerations indicate otherwise. For the purposes of decision-making for this proposal, the development plan currently comprises the adopted Local Development Framework Core Strategy as amended (2019), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP), the Aire Valley Leeds Area Action Plan (2017), the Natural Resources and Waste Local Plan (2013), the Site Allocations Plan (2019, as amended 2024) and any made Neighbourhood plan. No made Neighbourhood Plans are applicable in this instance.

Development Plan

46. **Leeds Core Strategy (as amended 2019)** sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. Relevant Core Strategy policies to this Reserved Matters proposal are

- Policy SP1 - Delivery of spatial development strategy.
- Policy SP4 - Regeneration Priority Areas
- Policy SP6 - Housing Requirement and Allocation of Housing Land
- Policy SP8 - Provision and safeguarding of land to match employment needs and opportunities for B class uses;
- Policy SP9 - Employment
- Policy SP11 - Transport infrastructure investment priorities such as pedestrian improvements
- Policy CC3 - Improving connectivity between the City Centre and Neighbouring Communities.
- Policy EC3 - Safeguarding existing employment land and industrial areas.
- Policy H2 - New housing development on non-allocated land
- Policy H3 - Density of Development
- Policy H4 - Housing Mix
- Policy H5 - Affordable Housing
- Policy H9 - Space Standards
- Policy H10 - Accessible Standards
- Policy P4 - Retail Serving Local Neighbourhoods and Communities
- Policy P8 - Sequential and Impact Assessments for Main Town Centre uses
- Policy P9 - Community Facilities And Other Services
- Policy P10 - Good design that is appropriate to its location, scale and function.
- Policy P11 - Conservation
- Policy P12 - Landscape
- Policy G4 - Green Space Improvement and New Green Space Provision
- Policy G9 - Biodiversity Improvements
- Policy T1 - Transport Management
- Policy T2 - New development should be located in accessible locations
- Policy EN1 - Carbon Dioxide reductions for major developments.
- Policy EN2 - Sustainable design and construction.
- Policy EN4 - District Heating
- Policy EN5 - Seeks to manage and mitigate flood risk.
- Policy EN6 - Strategic Waste Management
- Policy EN8 - Electric vehicle charging
- Policy ID2 - Section 106 planning obligations will be required as part of a planning permission where this is necessary, directly related to the development, and reasonably related in scale and kind

47. Relevant Saved Policies from the **Leeds Unitary Development Plan** (UDP) are:

Policy GP5 - All planning considerations

Policy BD2 - Design and siting of new buildings

Policy BD4 - Mechanical plant and servicing for new developments

Policy BD5 - Residential amenity

Policy N19 - Requires new buildings adjacent to conservation areas to preserve or enhance the character or appearance of the relevant areas.

Policy N39B - Culverting or canalisation of watercourses within or related to development sites will not normally be permitted unless there are public safety considerations or development could not be achieved in any other way. The city council will promote actively re-opening culverts and restoration of canalised watercourses to a more natural state.

Policy LD1 - Landscaping

48. The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013 with revised policies Minerals 13 and 14 (Adopted September 2015). The plan sets out where land is needed to enable the City to manage resources, like trees, minerals, energy, waste and water and identifies specific actions which will help use natural resources in a more efficient way. Relevant policies include:

GENERAL POLICY1 – Presumption in favour of sustainable development.

WATER1: New developments should improve overall water efficiency

WATER 2: Protection of water quality

WATER 4: Development in flood risk areas

WATER 6: Flood risk assessments

WATER7: No increase in surface water run-off, incorporate SUDs.

LAND1: Land contamination to be dealt with.

LAND 2: New tree planting as a way to create high quality living and working environments and to enhance the public realm.

AIR 1: Air quality considerations

MINERALS 3: Coal

49. The following Supplementary Planning Guidance / Documents are also considered to be of relevance:

SPD Building for Tomorrow Today: Sustainable Design and Construction

SPD Transport

SPD Accessible Leeds

SPD Tall Buildings Design Guide

SPG City Centre Urban Design Strategy

SPG Sustainable Drainage in Leeds

SPD Draft Wind & Micro-climate Toolkit for Leeds

SPG Neighbourhoods for Living

SPG Neighbourhoods For Living (including Memorandum August 2015)
Minimum Development Control Standards for Flood Risk (MDCSFR)
Cycle Infrastructure Design Local Transport Note 1/20 July 2020
Mabgate Conservation Area Appraisal and Management Plan – February 2022

50. **Mabgate Development Framework (MDF) SPG**

The Mabgate Development Framework was adopted in 2007 following public consultation as informal Supplementary Planning Guidance (SPG) for development management purposes. The following objectives are relevant:

- New buildings should be both contemporary as well as respectful of their setting
- The colour and type of materials should make reference to the historic stock with a limited palette used – Brick with stone dressing is advocated in Mabgate.
- Elevations should have a vertical emphasis with solid dominating over window
- Residential development is acceptable as part of mixed use schemes
- Active ground floor uses are encouraged

51. The National Planning Policy Framework (NPPF), was updated in December 2023 and sets out the Government's planning policies for England and how these should be applied (para 1) and is a material consideration in planning decisions (para 2). It states that the purpose of the planning system is to contribute to the achievement of sustainable development (para 7). So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paras 10-11). It states that decision makers at every level should seek to approve applications for sustainable development where possible (para 38). The Framework sets policies on the following issues which are relevant to this planning application proposal (including section numbers):

2 Achieving sustainable development (paras 7, 8, 10, 11, 12)

4 Decision making (paras 38, 39, 40, 41, 43, 47, 48, 55, 56, 57, 58)

5 Delivering a sufficient supply of homes (paras 60, 62, 63, 64, 65, 66)

6 Building a strong competitive economy (para 85)

7 Ensuring the vitality of town centres (paras 90, 91)

8 Promoting healthy and safe communities (paras 96, 97,99,101, 102)

9 Promoting sustainable transport (paras 108, 116, 117)

11 Making effective use of land (paras 123, 124, 128,129, 130)

12 Achieving well designed places (paras 131,135,136,137,139,140)

14 Meeting the challenge of climate change and flooding (paras 159, 162, 164, 165,167,168,169,170,171,173,175)

15 Conserving and enhancing the natural environment (including ground conditions (paras 180, 186, 180, 189, 190, 191, 192, 193)

16 Conserving and enhancing the historic environment (paras 200,201,203,205,206,213,214)

52. National Planning Practice Guidance (NPPG) offers guidance in addition to the NPPF. The NPPG (paragraph 6) advises that reserved matters are those aspects of a proposed development which an applicant can choose not to submit details

of with an outline planning application (i.e. that can be 'reserved' for later determination). These reserved matters are defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as:

- 'Access' – covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site.
- 'Appearance' – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- 'Landscaping' – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- 'Layout' – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 'Scale' – the height, width and length of each building proposed within the development in relation to its surroundings.

53. For the current application, the applicant is seeking the determination of the following reserved matters; 'appearance' 'landscaping' 'layout' 'scale' and 'access'. Members are asked to consider these matters only as the principle of development already has the benefit of planning permission (22/03514/FU).

Other Relevant Matters:

54. Climate Change - The Council declared a climate change emergency on 27th of March 2019 in response to the UN's report on Climate Change.

The Planning Act 2008 alongside the Climate Change Act 2008 sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.

As part of the Council's Best City Ambition, the Council seeks to deliver a low-carbon and affordable transport network, as well as protecting nature and

enhancing habitats for wildlife. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

55. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise, with respect to any buildings or other land in a conservation area of any functions under the Planning Acts, that special attention shall be had to the desirability of preserving or enhancing the character or appearance of that area.
56. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works the local planning shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Further, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:"General duty as respects listed buildings in exercise of planning functions. In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or,as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." As a consequence, the desirability of preservation must be given considerable importance and weight in the decision-making process.
57. Public Sector Equality Duty - The Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty. Taking into account all known factors and considerations, the requirement to consider, and have due regard to, the needs of diverse groups to eliminate discrimination, advance equality of opportunity and access, and foster good relations between different groups in the community has been fully taken into account in the consideration of the planning application to date and at the time of making the recommendation in this report.

MAIN ISSUES

Hybrid Planning Permission (HPP)

Heritage and Townscape Impact including scale, layout and appearance

Impact on Neighbouring Amenities

Landscaping

Access

Other Matters

- Noise (condition 33)
- Housing Mix (condition 9)
- Affordable Housing (S106)
- Greenspace (S106)
- Internal Space Standards (condition 10)
- Accessible Housing (conditions 11 and 12)

- Inclusivity
- Climate Change, Sustainable Design and Air Pollution (condition 54)
- Wind (Condition 56)
- Flood risk and Drainage (Conditions 13, 14, 15,16,17,18,19, and 60)
- CIL
- Representations

APPRAISAL

Hybrid Planning Permission

58. Members are reminded that the principle of development was established by virtue of the HPP, 22/03514/FU, approved October 2023. Development of the site for housing has therefore been approved, with this application seeking reserved matters approval for the detailed appearance, landscaping, layout, access and scale in accordance with condition 4 of the HPP. The conditions listed to this HPP required compliance and some require formal discharge and for completeness the list of these conditions can be found in Appendix 2 of this report.
59. A S106 Legal Agreement also secured the following contributions;
- Affordable Housing provision on site BtR (20% of all homes at a Discount Market Rent)
 - Employment and training of local people
 - Publicly accessible areas from points A to B and the lower garden area
 - Approval and implementation of Travel Plan
 - Travel Plan Review fee - £4,795
 - The provision of 2 no. Leeds City Council Car Club parking spaces at Mabgate Green
 - Compensation for loss of Pay & Display Parking Bays to Mabgate Green - £10,230
 - A contribution towards highway improvements to Regent Street – £93,000
 - Residential Travel Plan Fund – £79,282.50
 - Retrofit of Traffic Regulation Orders - £20,000
 - Off site green space contribution in accordance with Policy G4 based on Housing Mix at RMA.
 - S106 Monitoring Fee
60. It is important that the detailed reserved matters now being considered will allow compliance with the conditions and obligations listed above. It is considered that this will be the case.

61. The principle of bringing the site forward for housing and the maximum parameters of the development have already been accepted through the approval of the HPP at the site.

Heritage and Townscape Impact including scale, layout and appearance

62. Objection comments raised to date raise concerns regarding the massing of the development and impact upon nearby heritage assets. As part of the HPP extensive discussions were held with the developer and LCC Conservation and Design colleagues regarding the indicative layout and scale of the buildings, which undertook extensive view testing.
63. The Mabgate Conservation Area Appraisal and Management Plan (MCAAMP) identifies the former Cohen and Wilks site as containing negative buildings which make no contribution to the historic character of the Mabgate Conservation Area (MCA). The guidance in the MCAAMP regarding new development is relevant to the proposals: *'Where proposed buildings would be substantially taller than their surroundings or have the potential to affect important views or the dominance of landmarks due to their height, proposals will need to demonstrate that they preserve or enhance the special interest of the conservation area...It is essential that new development respects the current scale and massing of historic buildings unless it can be demonstrated that exceeding those heights would not dominate the neighbouring buildings and the wider character areas in key views'*
64. During the course of the HPP the applicant undertook extensive key view studies as part of this process which demonstrated that the development would not dominate the lower heritage buildings i.e. the incorporated single storey link element to the side of Hope House helps with height transition and retains the prominence of Hope House in views northwards; the buildings are set on the back edge of the highway and are treated with a vertical emphasis and pitched roofs which reflect the historic character; the views from the higher ground to the east demonstrated that the greater height of the proposed development would sit comfortably within the backdrop of larger scale buildings in the wider city centre area. This is assisted by stepping the height of the buildings from the frontage to Mabgate which are two stories lower than the buildings behind in the centre of the site.
65. For these reasons and although the height of the proposed buildings in parts exceed the broad range of building heights of adjacent buildings, it is considered that they would not dominate Hope Foundry and Hope House or nearby non-designated heritage assets. In addition, Hope Foundry although not as high as the proposed building has a prominent corner position on the street and takes up a wide footprint. Also, the relative heights of the proposed building and Hope Foundry along with the single storey step down between the two mean that in the

street views Hope Foundry would still retain its prominent street impact and would not be subsumed by the adjacent development.

66. The layout and scale of the development would be in accordance with the approved outline parameters for the maximum building height and plot boundary extents (controlled by Condition 2 & 7 of the HPP). Additionally, the development of the site is also subject to an approved detailed Design Code which provides the development framework on the proposed buildings articulation, roofscape and materiality, to ensure the development is of high quality and forms a positive contribution to this area of Mabgate. It is acknowledged that the development of this site and the adjacent development to the east of Mabgate would close the perceived gap between the two sites, due to the scale proposed. However the development's proposed and under construction to these sites follow the established character of Mabgate in which buildings are located to the back edge of the footpath, which is evidenced with all the other buildings already located along Mabgate. It was considered during the HPP that setting the development back into the site would not respect the surrounding historical character.
67. The layout of the development is controlled by the parameter plans of the HPP which sets out the maximum extent of the area proposed for built development across the site. This RMA scheme accords with these extents, with the build line along Mabgate and adjacent to Byron Street Mills and the Lady Beck Culvert maintained. The previously outlined "podium" approach has been omitted in order to provide fire service access into the courtyard, which in turn now improves pedestrian connectivity and permeability from Mabgate into the development. Minor changes have also been made to step the buildings further into the site to meet the fire access strategy, rather than building up to the maximum outer building lines. Consequently, the footprint of the proposals (3,400 sqm) does not exceed the maximum permitted footprint (3,463 sqm) set by the HPP.
68. One of the changes involved the buildings adjacent to Byron Street Mills and to the rear of Hope House which are now connected to form Block B as they will be served by a joint core. As a result, Block B steps further away from Hope House boundary by 1.8m and would retain a gap of between 6.8m to 21m to the rear elevation of the building, providing additional relief to the listed building and further distance between the two. Block A steps away from Mertensia House to create space for the external service area. These changes to the parametre plans were regularised via an NMA (24/9/00104/MOD).
69. In terms of the individual scale of the buildings, Building A is located at the eastern end of the site and would provide a continuous frontage to Mabgate alongside the Hope Foundry Entrance Range and Hope House. The building would be broken down into two main volumes, a seven storey element to the north and a six storey element to the south, connected by a flat roofed linking range of two bays. At its southern end, Building A steps down to a single storey element to adjoin the northern elevation of the Hope Foundry Entrance Range. The ground floor of the

building is proposed to accommodate commercial units fronting the eastern elevation (to Mabgate) which will incorporate a series of glazed active frontages, decorated with glazed brickwork and which the MDF promotes within new developments.

70. Building B lies to the west of Building A and on the opposite side of the proposed internal courtyard. It is in a roughly L-shape configuration and is comprised of two main volumes of eight and seven storeys, connected by a seven storey linking range. Building B is intended to be experienced as a slight departure from the style of Buildings A and C and includes a flat roof, part of which will be used as a roof terrace, an expressed upper storey (in metal cladding), an expressed stair core in the likeness of a brick chimney and a recessed ground floor colonnade to the courtyard elevation. The northernmost volume would also be the only building within the site to be formed primarily in the lighter of the two brick tones, to provide visual contrast.
71. Finally, Building C is located at the northern end of the site, with the southern gable of this building completing the enclosure of the courtyard. This elevation is proposed to be decorated with original artwork to add visual interest and distinction to the development. Building C would be ten storeys in height and expressed as two perpendicular volumes joined by a flat roofed linking range. The longer of the two volumes would run perpendicular with Mabgate, though set back behind an open service area and vehicular access point. The ground floor of the building is proposed to be utilised for car parking.
72. The key views have illustrated how the development would retain a strong and consistent building line to Mabgate while introducing active frontages at ground level of which the MDF recommends through new development. The proposed shopfronts are also of a height and scale which responds to the classical entrance to the adjacent Hope Foundry while maintaining subordination. This impression is reinforced by the simple and consistent detailing of the elevation which contrasts with the elaborate character of the entrance range and would ensure that the decorative entrance of Hope Foundry remains a prominent feature within the streetscene.
73. In response to earlier feedback from the Landscape Officer, the ground floor layout has also been amended to provide greater natural surveillance into the Garden. This includes an additional access to the northern cycle store via the car park, relocation of the management space and the introduction of Juliet balconies to Building C. In addition, further amendments have also been carried out regarding the ground floor amenity space which would now feature opening doors, to improve the visual connection between the buildings and amenity spaces. In addition, a similar approach has also been proposed to the ground floor terrace area of

Building B which would allow the activity from the amenity spaces to spill out towards the courtyard.

74. The HPP was accompanied with a Design Code which was to provide detailed guidance to inform the design of the residential-led development proposed for the site. The predominant architectural character of Mabgate is a varied collection of building types, heights and roof forms but with unifying elements such as the predominant use of traditional building materials such as red brick and the siting of buildings on the back edge of the pavement and building plots which reflect past industrial uses.
75. In terms of appearance the proposal is broken down into a series of 'primary' mill-style blocks, which is considered characteristic of the area. In keeping with the 'mill' typology proposed for the primary massing, a pitched roofscape is proposed to reflect the industrial heritage of the area. The secondary link blocks will have contrasting flat roofs, giving a clear visual separation between the elements. It may also be possible to articulate circulation cores as expressed vertical elements, forming a relationship with the chimneys characteristic of the Mabgate area. External rainwater pipes from the pitched roofs will also be used to add rhythm to the facades and create a strong vertical emphasis across the overall fenestration.
76. In terms of the proposed elevational design, the rhythmical and ordered fenestration and the resulting solid to void ratio is in direct response to the characteristics of key former industrial buildings in the character area, including Hope Foundry, Mertensia House and Mabgate Mills. This is paired with restrained, geometric architectural detailing including soldier course headers, brick banding and sawtooth brickwork which, in addition to the varied depths of the window reveals (one full brick for windows and two full bricks for shopfronts), adds visual interest to the elevations while maintaining an overall sense of functionality and order.
77. The highest elements of massing are located towards the north of the site set away from the local streetscape, with the lower portions respecting the neighbouring buildings around Mabgate. Of particular importance is the physical interface to Hope Foundry, where a single storey link is proposed to allow the 'gateway' character of the listed building to be preserved and enhanced.
78. The overall materials proposed for the building will be secured via conditions attached to the HPP, to ensure a high quality development will be delivered.
79. Comments raised from LCC Design officer have been noted and a subsequent meeting was held to discuss these matters of which clarification was provided and comments from the applicant are in italics below. Revisions followed this meeting and no further comments were raised.

One of the proposed brick colours appears too orange - *The comments are noted and the project team will be happy to agree brick choice through planning condition 47 to the HPP.*

Gates into courtyard need to be accessible to emergencies and should automatically open, - *The gates into the courtyard from Mabgate will allow full access to – and escape from – the site in the event of a fire. In addition, the proposed operating model proposes a 24/7 security monitoring service with a 16-hour concierge service on any given day.*

Any security measures (shutters) to the ground floors - *No externally fixed shutters are proposed. Security at ground floor will be maintained through passive surveillance, lighting, security monitoring including CCTV, and concierge staff. If shutters are required by commercial tenants these would be installed internally.*

Details of Juliet balconies through 1:20 (scaled plans) - *We will be happy to provide details of these balconies through planning condition 46 to the HPP.*

Arches should be in the same brick colour - *At pre-application stage LCC highlighted that in the local context, buildings often used a contrasting brick for certain features such as arches and window heads. The proposed scheme reflects this local character*

Details of overhanging roof - *The roof profile does overhang the brickwork at the eaves by approximately 240mm, This is as much as can be achieved without oversailing the site ownership boundary.*

Upper floor should be set back - *Where possible, the change of material from brick to metal cladding is matched by a horizontal change of plane, for instance at the link block over the main entrance and between buildings, where the recess is at least 450mm deep.*

Details of reveal depth - *The proposed reveal depth is c.205mm for typical upper floor windows (i.e. one full brick), increasing to c.412mm along the ground floor frontages to Mabgate (i.e. two full bricks). In both cases the exact depth will be subject to construction details, which we will be happy to provide through condition 46 of the HPP.*

Details on gutter and downpipe materials - *Proposed gutters will be in metal not plastic, and coloured grey to match the window and curtain wall frames. Further details can be provided through the relevant planning condition 46 of the HPP.*

80. It is considered on balance that the proposal would preserve the setting and significance of nearby non-designated heritage assets, and the Grade II listed Hope Foundry as well as Mabgate Conservation Area, in accordance with Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990,

paragraphs 200, 201, 203, 205, 206, 209 of the NPPF, Core Strategy Policies P10 and P11, Saved UDPR Policy BD2, and the Mabgate Development Framework (MDF).

Impact on Neighbouring Amenities

81. The development would be surrounded by a mixture of uses of which some of these are residential uses 58/60 Mabgate (Former Black Horse PH) to the south east of the site, Ahlux House, to the west of the site, Mertensia House to the east of the site and the consented but not yet implemented Byron Street Mills to the west of the site. In addition, the application site is also in proximity to two other consented residential use developments. The Leeds College of building site is currently under construction to the east of the site across from Mabgate and the development to the north of the site which is planning approved, but construction has not yet commenced on the former Millwright building, adjacent to Millwright Street.
82. Neighbourhoods for Living (NFL) provides general guidance on traditional minimum distances when based in a suburban area, which range from 21m for main living uses to other main living uses and 15m from secondary uses to secondary uses. The explanatory text within NFL also states that these distances are a guide and do not take into account the local context. Given the site is located within a dense area on the border of Leeds City Centre boundary with an existing predominant historical character of buildings in close proximity to each other which comprises of a tight urban grain of streets and gaps between buildings, the suburban 21m and 15m separation distances which are referenced in the NFL are not appropriate on this site given the context and density of the neighbouring area. There is no specific guidance on minimum distances between buildings within the context highlighted above and officer judgement is based on a contextual approach and assessment.
83. The potentially most sensitive consideration of the proposal is the relationship of Building B with Byron Street Mills (consented for residential use in 2023, development not commenced yet) and Building C to Ahlux House. Building B would provide a gap of between 9m and 19m to Byron Street Mills and a gap of between 23m to 25m would be retained from Building C to Ahlux House.
84. In order to consider the development proposed in relation to neighbouring existing and consented residential buildings, a Daylight and Sunlight Assessment has been submitted and is based upon the methodologies set out in Building Research Establishment (BRE) report 'Site layout planning for daylight' and which are guidelines only for assessing a property's sunlight/daylight conditions. The BRE Guidance seeks to assess the potential impact of development on the daylight and sunlight received by neighbouring buildings of residential use; it highlights the

consideration of daylight and sunlight to living rooms and daylight to bedrooms and family kitchens. In summary, the submitted daylight sunlight assessment has concluded that the proposed development would not cause any materially unacceptable effects in terms of neighbouring properties existing or proposed' ambient daylight conditions when compared to the available industry guidance.

85. It should be noted the BRE guidelines also indicate that, in interpreting the results of an assessment, a degree of flexibility is required, especially in a dense urban environment where neighbouring properties are located within narrow streetscapes and with design obstructions restricting the availability of daylight or sunlight. The BRE tests are also based on a typical (two storey) suburban model of development and it is reasonable to assume that expectations of levels of daylight sunlight will be different in developing larger properties such as this. This is noted in the guide itself. Lastly the existing balconies and recessed windows to the adjacent properties severely affect the results presented in this report (as recognised by the BRE guide).
86. As a result and notwithstanding the findings of the submitted daylight assessment, in view of the limitations of applying the BRE assessment method in a dense urban context officers have also made a qualitative judgement of the likely impact of the development on neighbouring residential uses. It is considered that, given the relatively low rise nature of the existing building on the site, the neighbouring receptors, both current and future, benefit from high levels of daylight and sunlight uncommon to the wider Mabgate environment which is characterised by a tight urban grain derived from historic industrial uses. The combination of the tight, historic urban grain – to be maintained as a key feature of Mabgate's heritage and character - and uplift in density resulting from the redevelopment of both the site and wider area, means that there will be some worsening of existing daylight and sunlight amenity of neighbouring buildings but that this needs to be balanced against the benefits of making an efficient use of a brownfield site and supporting regeneration which reflects the denser character of the wider Mabgate area .
87. Representations have also been received from local landowners regarding an impact of dominance created by the proposal, this RMA is within the approved parameters of the HPP and due to the existing relatively low rise commercial nature of the site and scale of buildings, means that neighbouring properties have benefited from high levels of unrestricted views, daylight and sunlight, which is uncharacteristically generous given the wider context which is characterised by a tight urban grain, derived from historical industrial uses. The combination of the historic tight urban grain of Mabgate, which is a key feature in its character, and the uplift in density resulting from the redevelopment of this site means that some impacts on daylight, sunlight and views from existing uses would be unavoidable.
88. Officers have assessed comparable separation distances between multi-storey buildings within the nearby context. These range between, 10m between Mabgate Mills and Twenty Twenty to the junction of Mabgate and Skinner Lane and 13m

between Leylands House and Mabgate House. In addition, the development of the outline planning permission to Leeds City College site (Mabgate) highlights separation distances of between 10 and 12.5m. It is considered that the separation distance of between 9m and 19m between Byron Street Mills and the Building B and 23 to 25m from Building C to Ahlux House are compatible within the existing context. The distances demonstrated and density/scale of development proposed is considered appropriate given the brownfield nature of the site and highly sustainable location, in which similar built forms can be found on nearby sites. In addition, and to mitigate an adverse impact windows proposed within Building B are offset in height across the Lady Beck due to the site topography and differences in design between the existing Byron Street Mills and the proposed buildings.

89. In terms of impact upon future amenity of residents of the development the distance retained from the side elevation of Building A to Building B would equate to 13m of which given the historical context this relationship is considered acceptable. In addition, and to mitigate any overlooking from future living room windows these have been offset from each other across the courtyard to mitigate overlooking. A condition is also recommended preventing the use of the external roof top area from 11pm to 7am, 7 days a week, given the evolving character to this area of the city and to protect future residential amenity.
90. Comments raised in representations received relate to the distance from the proposal to the northern elevation of Hope Foundry (MAP). The proposed Building B has been set in by 1.8m from the southern boundary which would result in the southern elevation of Building B retaining at closest 6.8m and at furthest 21m to the northern elevation of Hope Foundry. The distance retained to the boundary of the car park of Hope Foundry would be 1.8m. The applicant has proposed Winter Gardens to all 16 apartments along this southern elevation of Block B, which are designed as enclosed balconies providing additional space for the flats facing MAP and would also provide a visual and acoustic buffer between the residents and users of Hope Foundry. These spaces are designed to direct views upwards and outwards rather than downwards into the car park below. The stair core is positioned in the south east corner at the closest point between Hope Foundry and the proposed building. The roof terrace of Block B is also proposed to be positioned inwards to prevent views down into Hope Foundry. It is acknowledged that whilst there would be a degree of overlooking from lines of sight over neighbouring premises this is part of the established character of this dense historic urban context and can't be avoided in their entirety, and the relationship proposed is similar to those which exist within the surrounding context and therefore considered acceptable.
91. In summary, it is considered that the proposed building layout offers satisfactory privacy relationships with nearby buildings, outlook, daylight, circulation and juxtaposition of living functions within and around the building in the context of the existing dense Mabgate character. It is considered that the scheme would on

balance meet the residential amenity objectives of Core Strategy Policy P10 and Saved UDPR Policies GP5 and BD5.

Landscaping

92. As noted earlier in this report a podium design was suggested as part of the HPP. However, the podium design is no longer proposed. It is considered that this amendment would improve the visual and pedestrian permeability through the site, courtyard spaces will now directly be accessible from the street, the public route runs through the heart of the scheme, there would also be an improved connection with amenity and commercial spaces and a greater flexibility in landscaping. The landscaping will feature a public time limited route through the development site into two specific areas the 'Yard' and 'Garden' which pedestrians will then be led into an ongoing connection towards Skinner Lane (subject to the development site to north being commenced and completed)
93. Comments have been raised that the proposed external spaces may appear dark and uninviting. The Yard is designed as an intimate courtyard space formed by the buildings and is the principal arrival space for residents. Residents will then cross the yard to their own building entrances. An impactful courtyard, allowing dwelling spaces as well as through routes which will feature lush vegetation including multi stem trees, play mounds amenity planting with hedge planting. A variety of seating will also be provided and a feature pergola and an outdoor chess board to allow people to dwell, relax and play. This space is also considered appropriate to its setting which will mirror the historical context of the wider area.
94. The Garden is situated to the North end of the site and will become a softer, greener landscape space that looks to provide a quiet corner and a route through from the Millwright development. It's flowing character becomes a 'palimpsest' of the culverted Lady Beck i.e. a reminder of the water flowing underneath. Within the garden natural play features will also be included within to provide a variety of functions in the form of a living willow play dome, play sculpture, play mounds and woodland trial feature boulders. The area will feature tree planting with amenity planting and hedge planting.
95. The two spaces will be accessed from Mabgate which will be time restricted to link into the Millwright Street development 8am – 8pm, which mirrors the time restriction secured on the Millwright Street development. The two spaces will be connected through the materiality of paving and the visual permeability through the planting. These two elements will help guide both residents and members of the public through the yard and into the garden, without the need for formal signage.

96. The roof garden to the sixth floor of the building creates a private amenity space for the residents. The space will feature a mixture of soft and hard landscaping with feature planters and multi stem trees, hard landscaping will consist of raised planters with seating, timber benches and a pergola. This space will provide opportunities for recreation, gathering, socialising and potential group activities.
97. With regards to Biodiversity, as part of the HPP a Baseline of 0.02 Habitat Biodiversity Units was recorded and through the landscaping proposed there would be approx.. 0.08 Habitat Biodiversity Units delivered on-site (achieving above 10% net gain, which was not a mandatory requirement until after this application was determined). This was considered adequate and would provide a substantial net gain for biodiversity which would be delivered solely on-site through the landscaping proposals highlighted above.
98. Overall the landscaping proposals will provide for a good quality landscape setting and an overall enhancement in respect of biodiversity. Subject therefore to the conditions on the HPP being fully resolved and those included as part of this recommendation officers consider the landscape matters can be fully resolved whilst also respecting the general comments made at the hybrid application stage. In summary, the siting of the buildings, provision of public realm, balance of hard and soft landscaping, enhancement to pedestrian routes, would be appropriate to create a sense of place. It is therefore considered that the proposal would be on balance in accordance with Saved UPDR Policies LD1 and N39B, and Core Strategy Policies CC3, P10, P12, G4 and G9 as well as Policy LAND2 from the Natural Resources and Waste Local Plan

Access

99. The principle of the development was accepted at HPP stage and the application was subject of a Transport Assessment and a Travel Plan. A number of conditions relate to the details of servicing and deliveries, cycle parking, electric vehicle charging points and off-site highways works which were attached to the HPP.
100. The pedestrian route through the site to the Millwright site has been maintained and is in accordance with the Section 106 Agreement for planning approved ref.: 22/03514/FU and 18/01805/FU which states that this route will be maintained and open between 8am to 8pm daily to provide a safe and alternative route away from roads.
101. The applicant has confirmed that a dropped kerb will be provided at the proposed pedestrian and emergency access. The applicant has also confirmed that the pedestrian access will be used by pedestrian/cyclists and emergency vehicles only and to prevent unauthorised vehicles using this route a plan showing a retractable bollard has been provided, which is acceptable. Servicing and deliveries will not

use this access. The proposed gate on the eastern access has been set back 5m and a refuse vehicle swept path analysis has also been provided which demonstrates access and egress for a 9.5m long refuse vehicle. The applicant has also provided evidence confirming that the refuse collection will be undertaken by a private refuse collection company who has confirmed refuse vehicles will not exceed 9m in length. These proposed arrangements are also acceptable.

102. The revised vehicle tracking plans also show a loading area. The Car Park and Servicing Management Plan conditioned under Condition 29 of the HPP shall ensure that deliveries and servicing do not occur at the same time as there is not sufficient space within the proposed courtyard area. Details about how this will be managed will be controlled as part of the Car Park and Servicing Management Plan.
103. The applicant has advised that details of the tree to the side of the vehicular access will be provided as part of Condition 50 of planning approved ref: 22/03514/FU. But they have stated that the proposed tree will have a minimum clearstem of 2m, which is acceptable.
104. It has been agreed that the developer will initially provide cycle parking for 70% of the units and increasing the quantity when required, this has been approved elsewhere within the city centre fringe. As part of the Travel Plan this provision will be monitored and if an increase in demand is identified additional cycle spaces will be provided. The developer has advised that additional cycle parking could be provided within the back of house space in Building C, increasing the amount of two-tier racking, increasing refuse collection frequency to reduce bins and use some of the space for cycle parking. Full details will be provided as part of Condition 26 of the HPP.
105. 17 Car parking spaces including 2 accessible spaces will be provided within the site which the allocation will be controlled via the Car Park and Servicing Management Plan (condition 29 of the HPP), it has been stated that these spaces will likely be only allocated to resident use only. The 17 spaces will be equipped with 'passive' electric vehicle charging points. During the HPP it was agreed that at least 50% of spaces are to be provided with charging points are required from occupation, which will then be monitored annually through the Travel Plan thereafter.
106. The amount of parking proposed was secured and accepted as part of the HPP in a bid to reduce car borne journeys. The application site is situated in a highly accessible location with ready access to quality sustainable transport infrastructure and frequent public transport services. The accessible and sustainable location, allied with a reduced number of car parking spaces within the development, will encourage the use of active and sustainable modes by residents as an alternative to owning a car of which car club bays, Travel Plan measures and cycle parking

were all secured as part of the HPP, in order to promote other sustainable methods of travel.

107. As part of the development and as secured in the HPP two car club spaces would be provided, one along Mabgate Green and one along Mabgate. The impact of the development was also assessed through the HPP and the developer is going to contribute £93,000 through the Section 106 agreement towards the Regent Street improvement works.
108. Subject to the resolution of detailed matters by planning condition attached to the HPP, it is considered that the proposal would be accessible, promote more sustainable means of travel, and not lead to adverse road safety or amenity concerns. In summary, it is considered that subject to the additional planning conditions and those secured at HPP the application proposal would not lead to highways safety or amenity problems, in accordance with Leeds Core Strategy Policies P10 and T2, Saved UDPR Policy GP5, the Transport SPD.

Other Matters

109. Further assessment on a number of issues is also provided under individual headings on the basis that the submitted details are pertinent to various matters which are required under specific conditions or the S106 Agreement associated with the HPP.

Noise (condition 33)

110. Comments raised relate to how the original application was considered and the determination process. From the outset the Council has taken into consideration the 'agent of change' principle (in National Planning Policy Framework), as is the case with all relevant planning decision-making undertaken by local planning authorities. This principle (enunciated at paragraph 193 of the NPPF) states: *"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."*

111. Accordingly, the proposal respects the existing uses in the adjacent MAP building for music, seeking to avoid any disruption to or restrictions on this, while also being designed (with appropriate mitigation) to ensure that any significant adverse effects on the new development are avoided from surrounding existing businesses / facilities, which may otherwise harm residential amenity. The aim being to protect the MAP courtyard and avoid issues from future residents, whilst recognising that this is an area of change capable of delivering significant number of new homes within a sustainable location as part of a mixed-use community. It is also acknowledged that a number of sensitive uses exist around the current operational site of MAP in which Environmental Health Officers (EHO) have confirmed that no noise complaints have been received by these current residents, in regard to any events which have been held at MAP or the noise generated. These existing sensitive uses are a similar distance to the development under consideration.
112. As part of the consideration process of the HPP officers considered the potential of the development and any impact on the use of MAP. During this consideration, the applicant's noise consultant undertook measurements during an event at MAP in consultation with this section and a representative of MAP to ensure that the survey gathered a sufficient understanding of the noise levels created during a typical event. The survey of MAP events comprised of attended spot measurements at various locations and a long-term fixed sound level meter position. The worst case 15 minute period between midnight and 4am was taken from the long term measurement position to inform a 3-dimensional sound model and calculations of internal sound levels.
113. Significant levels of noise from patrons and music break-out was measured in the yard on the elevation overlooking MAP and a package of mitigation measures comprising of internal layout and sound control engineering options were set out. Calculations of external to internal sound levels via winter gardens and acoustic glazing with mechanical ventilation achieve our criteria for living spaces.
114. Given the noise survey carried out officers were content that any potential noise concerns for future residents could be mitigated through design and layout and the details of sound insulation measures, and a condition was attached to control the detailed aspects of these matters.
115. The following condition (33) was secured on the HPP:

'Prior to the commencement of above ground works to any building in a relevant phase full details of a sound insulation scheme with mechanical ventilation system designed to protect the amenity of future occupants of the development from noise emitted from nearby or proposed noise sources shall be submitted to and approved in writing by the Local Planning Authority. The use hereby approved shall not commence until the works have been completed and any such noise insulations as may be approved shall be retained thereafter.'

116. The concerns raised by objectors have been noted and a further review by Environmental Health has been undertaken on the noise survey referred to in paragraph 112 above. The survey was carried out originally as part of the HPP and undertaken during one of MAPs charity nights, Cosmic Slop, in September 2022, of which the methodology was agreed between the EHO and MAP to ensure all parties were comfortable. During this event significant levels of noise from patrons and music break-out was also measured in the yard on the elevation overlooking MAP and a package of mitigation measures comprising of internal layout and sound control engineering options were set out and have been incorporated into the design:
- Winter gardens on the southern façade of Building B which create visual and acoustic buffer between apartments and Hope Foundry.
 - No glazing or ducted ventilation to apartments across the eastern façade of Building B, or southern facade of Building A.
117. The results demonstrated that by adopting these mitigation measures, MAP activities can continue to operate in their current form, under their premises license which restricts all licensable activities (dance, music performances etc) to indoors use only and until 04:00. While the existence of the premises licence under the Licensing Act 2003 for MAP is a factor that has been taken into account, the Council's licensing approach – which takes its lead from national guidance regarding implementation of licensing legislation – is that planning permission, building control approval and licensing regimes are properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa. The use of the car park/courtyard area is not included in this existing premises license and this would be subject to a separate license of which the evolving mixed use nature of the area would need to be considered.
118. The noise survey carried out demonstrated that events at MAP could continue while retaining suitable internal acoustic amenity at the future development. The windows to the winter gardens are designed so that they can be opened and closed by residents as and when they wish. When they are closed, additional ventilation is provided for cooling. It would be the resident's choice if they wished to open these windows and be disturbed by any noise created by adjacent uses as the development has demonstrated that suitable ventilation could be provided without the need for opening these windows to prevent any potential noise disturbance. In addition, the Council's EHO has concurred both as part of the HPP and twice as part of the reserved matters application that the acoustic design methods would appropriately protect the residents' amenity and, therefore, residential accommodation facing into Hope House was appropriate.
119. It is acknowledged by officers that concerns may arise in the planning process over proposed residential development which may be affected by the operation of

existing licensed premises. The question arises whether the effect on future residents of neighbouring licensed premises is a material consideration in planning decisions. It is clear that it is, but noise should not be looked at in isolation – it is a question of balance. This has been considered and acknowledged in case law, such as *Pauline Forster v Secretary of State for Communities and Local Government*

120. The National Planning Policy Framework (Paragraph 191) and the National Policy Statement for England (footnoted in NPPF 191) contain three bullet points. One of these may be seen to apply both to noise affecting the proposed development and noise arising from the proposed development: *Planning policies and decisions should also ensure that new development is appropriate for its location...In doing so they should (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”*
121. While noise is a consideration therefore, neither the Noise Policy Statement for England nor the National Planning Policy Framework (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development. Hence why the appropriate mitigation proposed by the developer here, alongside a full consideration of other dimensions and benefits of the proposed development as being given in the decision-making on this application, are appropriate and necessary when considering whether the scheme should be approved.
122. The objections received also includes a request for the developer to be required to enter a “deed of easement” with MAP which would require future residents of the development to accept a certain level of noise impact. This would have to be controlled by planning condition if it was to be imposed on the developer and it is assumed would have to be ultimately agreed with MAP as a party to the deed. However it is considered that in the context of the above noise impact assessments and proposed design and mitigation measures that such a restriction is not necessary. It would also effectively place power to deliver an implementable planning permission in the hands of a third party which is considered unreasonable, with the potential to adversely impact (and indeed nullify) the applicant’s ability to successfully deliver the outline permission which has already been granted. For these reasons such a condition would fail the tests set by planning legislation for attaching conditions.
123. Objection comments also received have suggested that a welcome pack should be provided to any residents alerting them to the mixed-use nature and neighbouring uses in the vicinity of the site. The applicant has now agreed to a planning condition which requires a welcome handbook to be agreed with LCC prior to occupation of the development. In addition, the development is BtR which will be formally managed by the applicant who would be able to manage any matters arising and with the inclusion of the handbook anyone renting the

apartments would be fully aware of the existing mixed use character and nature of neighbouring uses.

124. Lastly in order to ensure the proposed mitigation measures are built out correctly a validation testing of the glazing (winter gardens) and ventilation package would be secured via condition to ensure the noise levels secured as part of the HPP are the levels achieved within any of the proposed apartments which face towards the courtyard of MAP. The testing would be in accordance with an approved method statement and would demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the mitigation works thus far approved, a further scheme of works capable of achieving the specified noise levels would be required.

Housing Mix (condition 9)

125. The proposed mix would comprise of 100% flats with a range of 1-3 bedroom properties in the following mix:

| Type | Policy H4 Max % | Policy H4 Min % | Policy H4 Target % | Proposed |
|--------------|-----------------|-----------------|--------------------|-------------------------|
| Size | | | | |
| 1 bed | 50 | 0 | 10 | 52% (157 units) |
| 2 bed | 80 | 30 | 50 | 38% (116 units) |
| 3 bed | 70 | 20 | 30 | 10% (29 units) |
| Total | | | | 100% (302 units) |

126. The supporting text to this policy in Paragraph 5.2.11 states: ‘The form of development and character of area should be taken into account too. For example, a scheme of 100% flats may be appropriate in a particular urban context’. With this in mind the provision of 100% flats is deemed acceptable in principle due to the close proximity to the city centre boundary and the character of nearby residential sites.
127. The proposed mix of unit sizes would not fall within the parameters set out within the maximum and minimum ranges, identified in the explanatory text of Policy H4 for 1 and 3 bedroom units. However the policy recognises that the mix of sizes

may differ depending on the nature of the local area and demand and can be justified by a housing needs assessment. The planning application is therefore supported by a Housing Needs Assessment (HNA) to address Core Strategy Policy H4.

128. The development refers to BtR which are designed and built specifically for the rental market. They are owned by a single entity and focused on delivering a high quality tenant experience. The BtR model often comprises:

Quality – apartments provide modern, well-equipped living spaces, as well as communal areas such as gyms, green spaces, workspaces and roof terraces to enhance the living experience.

Facilities – BtR providers innovate in service delivery. Many are offering superfast broadband, helpful concierges, storage lockers and bike parking, and additional services such as car hire, dry cleaning and childcare.

On-site Management – The facilities are typically maintained to a high standard by building management and most have staff on-site on a 24 hours basis to offer security and support.

Community Spirit – BtR developments are designed to foster a sense of community. The shared communal spaces offer a place for people to make new connections, and events or activities may be hosted to bring renters together.

129. The unique approach to housing and lifestyle makes BtR attractive to younger cohabitating couples and single people who are attracted by the communal lifestyle and quick access into the City Centre

130. The 2017 Strategic Housing Market Assessment (SHMA) contains information on housing need. The SHMA reviewed project population change from 2017 to 2033 (the end of the Local Plan period). It forecasts an increasing population size overall of 9.2%, with a projected increase in the 15-29 years age cohort, those who are most likely to reside in the City Centre based on historic data, of 9.3%.

131. Of the 3,744 households presently residing in Leeds City Centre, 80% comprise one person households and married or cohabiting couples with no children. Only 5.86% contain children. The remainder comprise students and those aged over 66 years. Consequently, the households form predominantly 1 or 2 bed properties, as shown in line with the demand from young singles or couples. The majority of these are in flats (80%), with the remainder in converted accommodation, shared houses or above shops.

132. The application site is located just outside of the eastern boundary of the City Centre. It is a creative arts quarter and is experiencing major regeneration, with cultural, housing and training and education sectors evolving. Recently approved

nearby developments have consisted of the following mix of accommodation of which are a comparable scale to the development proposed:

| Scheme | 1 Bed | 2 Bed | 3 Bed |
|--|-------|-------|-------|
| Leylands and Mabgate House (17/04312/FU) | 34% | 57% | 9% |
| Junction Of Regent Street and Skinner Lane (21/07268/FU) | 55% | 41% | 4% |

133. The proposals would provide 29no (10%) 3 bed apartments. This provision is greater than the 3 bedroom units which have been secured on neighbouring sites in Mabgate. This level of larger units and the slight overprovision of 1 bedroom units 157no (52%) is considered acceptable given the analysis of the SHMA which forecasts an increasing population 15-29 year old age cohort and given the nature of the proposed BTR use which is usually more attractive to younger cohabitating couples and single people who are attracted by the communal lifestyle and quick access into the City Centre. In addition, it has also been stated by the applicant in their HNA that *'the proposals will deliver a mix of housing in a location identified for regeneration by LCC and Government, meeting the demand of properties most in need, i.e. one and two bed properties. Nonetheless, it does include a proportion of 3-bedroom homes, allowing for families who may choose to live in the City Centre or for those wishing to rent in larger groups.'*
134. On balance it is therefore considered that the proposed housing mix is appropriate in this case in line with the requirements of Policy H4.

Affordable Housing (S106)

135. Policy H5 of the Core Strategy (as amended) sets out the requirement for BtR development with regards to Affordable Housing and in this case the applicant confirmed that they wish to provide Affordable Housing on-site, according to national policy advice, currently 20% Affordable Private Rent dwellings at 80% of local market rents which will be administered by a management company with appropriate arrangements for identifying households in need, including Council nomination rights, which apply in perpetuity. These details are secured in the Section 106 Agreement attached to the HPP.

Greenspace (S106)

136. Given that all matters were reserved at the HPP including the number of units/housing mix, Policy G4 of the Core Strategy (as amended) requires that residential developments of 10 dwellings or more are required to provide a quantity of onsite publically accessible green space per residential unit or where this quantity of green space is unachievable or inappropriate on-site, equivalent off-site provision would be sought. Due to this the S106 Agreement of the HPP included a formula for a calculation which relates to the amount of greenspace to be provided on-site or via a commuted sum which is based on the number of units and housing mix.
137. In accordance with Policy G4 and based on a site area of 0.68 hectares and the proposal of 302 apartments (mix of housing proposed under para 125), this requires an overall greenspace requirement of 8715sqm. The policy recognises that for high density developments on city centre sites that not all the required greenspace may be practicable to be delivered on site. It therefore advises that at least 20% of the site area should be provided as public space with a contribution to be provided in lieu of the remaining to be put forward to off-site greenspace enhancements. In this case a total amount of 1800sqm open green space will be provided on site (26% of the site area). This is considered to provide an appropriate balance between enhancing on-site amenities and contributing to the local green and public realm infrastructure whilst reflecting the denser built character surrounding the site. The remaining 6972sqm would be provided as a commuted sum, which equates to £298,005.14 and would be spent on the creation, maintenance and/or improvement of green space within the Little London and Woodhouse ward or adjacent wards as the council considers appropriate. As mentioned the details of this are secured within the S106 of the HPP.

Internal Space Standards (condition 10)

138. The dwellings fully comply with Policy H9 of the Core Strategy with regard to space standards. Which range from 42.3 sqm for a one person/one bedroom apartment to 86.4sqm for a five person/three bedroom apartment.

Accessible Housing (conditions 11 and 12)

139. In terms of accessibility of the properties themselves, the development would meet the requirements of Policy H10 as level access is to be provided throughout the site and 53.3% (161 units) would be M4(2) compliant (the policy requirement is 30%). In respect of M4(3) wheelchair adaptable, 2% (6 units) would be provided.

The Access Officer is content with the application and accordingly the application is considered to satisfy the relevant policy and condition No. 11 on the HPP and certification will be required by condition 12 of the HPP.

Inclusivity

140. The Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty. Taking into account all known factors and considerations, the requirement to consider, and have due regard to, the needs of diverse groups to eliminate discrimination, advance equality of opportunity and access, and foster good relations between different groups in the community has been fully taken into account in the consideration of the planning application to date and at the time of making the recommendation in this report.
141. In this instance, representation comments have been raised regarding concerns vis-a-vis safeguarding of users of MAP. Comments taken from MAPs website states that it offers *'BTEC qualifications in Creative Media and Art & Design, alongside Maths and English, to 11-16 year olds.'* The objector has stated that the proposal would overlook over MAPs core external operations space, which could have a harmful effect upon their ability to effectively safeguard young people.
142. From the officer's site visit the external space referenced above is clearly currently used as a car park and servicing area. The area is not currently an area for people to congregate. In addition, the design of the 16 winter gardens creates a solid lower element with glazing above. This design will restrict direct views over to MAP from the main living areas of these apartments and when sat in the winter garden the views will be across and towards the sky with the design ensuring views into the existing courtyard/car park are limited. The distance from the south elevation of the development to the rear of Hope Foundry are also considered proportionate and reflect the character of the area as set out in the report above. Therefore it is considered the development would not pose an increased risk in regard to safeguarding for users of the MAP site. From a Planning perspective the measures proposed as part of the development are considered to be appropriate in addressing the issues which have been raised in respect of the Council's duties under the Equalities Act 2010. It is therefore considered that the proposal does not raise any specific implications in these respects and therefore it is not considered that a full Equality, Diversity, Cohesion and Integration Impact Assessment (EDCI) is required.
143. Comments raised from LCC Access officer relate to confirmation required regarding seating and the use of self-bound gravel details. The applicant has confirmed that 50% of seating will be accessible and that seating details will be provided at the next stage, as required by Condition 50 of the HPP. Self binding gravel is not proposed to be used on 'access routes' and will be limited to a small

number of secondary and tertiary spaces only, to help soften the character of the garden spaces. In addition the engineer designed build-ups in the next stage mean that the ground / build-ups will be well drained giving the unbonded gravel areas the best chance of retaining a hard and even surface. The areas where self-binding gravel is being used will be flat also. The final details of all surfacing is required by Condition 50 of the HPP.

144. There will level access into the site and lifts running throughout the building would provide access to all floors. It is considered that the development would meet the aims of the Accessible Leeds SPD, Core Strategy Policy P10 and would also comply with The Equality Act 2010.

Climate Change, Sustainable Design and Air Pollution (condition 54)

145. Leeds City Council has declared a Climate Change Emergency. Existing planning policies seek to address the issue of climate change by ensuring that development proposals incorporate measures to reduce the impact on non-renewable resources and carbon dioxide emissions.

146. The following condition (54) was secured on the hybrid planning permission:

'Prior to commencement of any relevant phase of development given outline planning permission, details of the design must be submitted to and approved in writing by the Local Planning Authority covering the following policy requirements of the Core Strategy as amended by the Core Strategy Selective Review (2019):

Policy EN1(i) - To achieve at least a 20% reduction in total predicted carbon dioxide emissions in the Building Regulations Target Emission Rate Part L 2013.

Policy EN1(ii) - To incorporate Low and Zero Carbon technologies to produce a minimum of 10% of the total energy demand.

Policy EN2 (residential) the water target to be met - To achieve a low water usage target of 110 litres per person per day.

Policy EN4 evidence for one of the four policy options needs to be provided - To propose a heating system in accordance with the hierarchy.

Policy EN6 strategic waste management - To demonstrate measures to reduce and re-use waste both during construction and throughout the lifetime of the development, and provide sufficient space within the development to enable separation, storage and collection of recyclable materials to take place.

Prior to first occupation of any relevant phase a report shall be submitted to and approved in writing by the Local Planning Authority comparing the values of the design details with values of the as-built development.'

147. While there is a lack of detail provided at this stage, the provision of further details is ultimately secured by conditions attached to the HPP. Officers can therefore regulate this element of the development and are not in a position to insist these details be provided as part of this RMA.
148. It is further noted that the additional tree planting, greater accessibility and the introduction of electric vehicle charging points within the car parking areas of the site, will also assist in tackling climate change and air pollution in line with wider Council objectives and assist in encouraging more sustainable travel choices.

Wind (Condition 56)

149. The following condition was secured on the hybrid planning permission:

'Prior to the approval of any Reserved Matters Application(s), a wind report shall be submitted to and approved in writing by the Local Planning Authority. This shall include CFD modelling only where the vertical façade (i.e. excluding any pitched roof or roof top plant) of any building does not exceed 30 meters (and the pitched roof or roof top plant no more than a further 3 meters), and wind tunnel modelling shall be carried out in all other cases. That modelling shall include of existing and future surrounds and the testing/optimisation of any necessary wind mitigation measures. If any necessary wind mitigation works are required, works shall be carried out in accordance with the approved specifications prior to first occupation of the development and retained and maintained as such thereafter.'

150. This development has been subject to a qualitative desk-top wind assessment of which the applicant's consultant has confirmed that the proposal would not lead to wind conditions that are unsuitable for their intended use i.e. sitting or lead to safety/distress conditions for pedestrian, cyclist or vehicular safety issues. Tobermory has carried out a peer review on behalf of the Council and have confirmed that applicants wind consultant's conclusions are reasonable. Therefore Condition 56 has been formally discharged.

Flood risk and Drainage (Conditions 13, 14, 15,16,17,18,19, and 60)

151. The site is located with an open section of Lady Beck running to the east of the site. As a consequence, it is a proposal which is classed as 'more vulnerable' under the flood risk vulnerability classification in Annex 3 of the NPPF. As part of

the HPP the development was required to satisfy the flood risk exceptions test - the development satisfied Part A of the exception test, the flood risk sequential test which was tested on the MFA, which was considered acceptable because it reflected the ambitions of the Council for regeneration in that area. Alternative sites were considered in the report and it is explained why none of those would provide an alternative site for this development. In recognition of the flood risk classification of the site and the proposal for a more vulnerable residential use the following mitigation measures were agreed in the Flood Risk Assessment (FRA) which ensures compliance with Part B

152. The FRA in the HPP stated that the most residential inhabitable (sleeping) space is on first floor level and the minimum floor level would be set at 32.33mAOD. The commercial floor space and service areas for the residential uses are considered less vulnerable and will have a minimum level of 32.0mAOD dropping down to 31.5mAOD. Therefore these floor levels achieved the recommended flood safe freeboards against a 1:100 year flood event plus climate change
153. The implementation of the scheme in accordance with the approved FRA (condition 60) and the preparation of a flood warning and evacuation plan required under conditions 15 and 18 of the HPP secured compliance with Part B of the NPPF and were agreed in consultation with the Environment Agency and LCC Flood Risk Management (FRM).
154. Full surface water drainage details are subject to agreement with FRM officers under conditions 14, 16 and 17 attached to the HPP. Council officers will proceed to discharge all relevant conditions based on the submission of appropriate material and analysis, paying due regard to its statutory functions in this regard, alongside both national and local policy and guidance pertaining to flood risk.

CIL

155. The application site would generate a figure of £5 per square metre. The sum calculated at application stage is £142,981.80. Consideration of where any Strategic Fund CIL money is spent rests with the Council's Executive Board and will be decided with reference to the Infrastructure Funding Statement at the time that decision is made. This is for information only and is not a material planning consideration.

Representations

156. As is summarised in paragraph 25 of this report a number of representations have been received in relation to the application. All those considerations raised relevant

to the determination of the application have been addressed in the above appraisal.

157. Many issues raised by the objections received are not relevant to this Reserved Matters application. The principle and parameters of this application have already been established through the granting of HPP, and therefore is not a consideration of this application.

158. As noted above in this report a Barrister's Legal Opinion has also been received instructed by MAP which questions the various aspects of the HPP. The points raised are responded to below, either with a further response in *italics* or highlighting the relevant paragraph(s) these comments are addressed in:

- The noise impact assessment has not factored in that MAP has a premises license for a DJ and dance music use.

These matters are covered in paragraphs 110 to 124

- There is no mention in the HPP officer report of the “agent of change” principle set out in the National Planning Policy Framework.

This matter is covered in paragraphs 110 to 124

- Winter gardens not being an all-round ideal solution

This matter is covered in paragraphs 110 to 124 and through the inclusion of conditions 4 & 5 as referenced in Appendix 1.

- The Council and developer should be consulting with MAP on all development issues.

The Council followed their statutory requirement in that the correct publicity was carried out at both the HPP stage and also as part of this RMA via site notices erected around the site and advertising the proposal within the newspaper. As part of the initial pre application the Council encouraged the applicant to engage with all landowners as part of our Statement of Community Engagement of which this was undertaken and evidenced in that MAP were consulted on the methodology of the noise assessment which was undertaken as part of the HPP. In addition, and as part of this RMA the applicant has stated that they have also engaged with MAP prior to the submission of this application. It would not be appropriate for the Council to seek to engage with MAP's view on all aspects of the development proposal. MAP have had appropriate opportunity to comment on the emerging proposals and those comments have been addressed in this report. It is only the Council in its role as the Local Planning Authority that is able to determine planning applications and ensure they are assessed in accordance with the development plan and with any relevant material planning considerations taken into account.

- The further Environmental Health comment is not available to view on public access.

All consultation responses are noted in paragraphs 26 to 43 of this report and furthermore all these consultation comments are viewable via public access.

- There has been inadequate consideration of the impact of the proposals on heritage impact and no mention of the relevant sections of the planning legislation

A full impact of nearby heritage assets was undertaken as part of the HPP and is also undertaken in paragraphs 62 to 80.

- There has been no flood risk exceptions test and vulnerability classification assessment.

These matters are covered in paragraphs 151 to 154

- The public sector equality duty to protect vulnerable adults and young people using MAP has not been exercised.

This matter is covered in paragraphs 140 to 142

- Why the HPP was a delegated decision.

The Council's officer delegation scheme allows the Chief Planning Officer to determine all planning applications except in certain circumstances as set out in appendix 1 (The extract of the delegation agreement can be found within Appendix 3 of this report). When the HPP application was submitted and considered although there were objections raised by MAP and other 3rd parties these were not considered to trigger any of the exceptions scenarios set out in the delegation agreement and the HPP application was determined under delegated powers in consultation with the Chair of City Plans Panel. Since the submission of the reserved matters application not only have MAP written to all City Plans Panel Members but they have forwarded on a barrister opinion alleging that the planning proposals for the site have not been properly considered in the context of the statutory requirements and have threatened court action against any future planning decisions on the site. As a result upon further consideration with the Chief Planning Officer and the Chair of City Plans Panel it has been concluded that due to the potential sensitivity of the proposal that the reserved matters application will be reported to City Plans Panel for determination in line with exception 1 (d) of the officer delegation scheme.

CONCLUSION

159. Members are asked to remember that in determining the current reserved matters application it is important to note that the hybrid planning permission (HPP) consent forms the basis for relevant considerations. The hybrid consent established the wider principle of the development and also secured the maximum parameters of the site. The hybrid consent also attached a number of planning conditions and planning obligations by way of S106 Agreement to control the full details of the development and secure compliance with relevant adopted policies.
160. This development has balanced the needs of existing and prospective future occupants into a highly sustainable part of the City. It will help to regenerate an underused site whilst not impinging on the ability of current neighbouring uses to continue their operations. Indeed, taking into account the various mitigation measures proposed and the nature of the development overall, officers consider that the new development can be integrated effectively within existing businesses, community facilities and into the Mabgate area itself in a way that takes into account its unique historical, urban character.
161. In terms of the matters under consideration as part of this reserved matters application, it is considered that the Appearance and Scale of the development would be visually attractive and sympathetic to the character and appearance of this part of Mabgate and also complement the regeneration which has already taken place.
162. As for Layout matters, the details submitted would create a development which relates well to neighbouring uses and would also improve connectivity in this area of Mabgate by creating a new footpath link through the site and towards Millwright Street and Skinner Lane (subject to the development at Millwright Street being commenced and completed), this in turn would help promote health and wellbeing and, car free journeys. No highway safety issues are identified either.
163. With respect to Landscaping, it is noted conditions attached to the HPP are yet to be resolved but remain fully applicable and the basic principles set out in this submission for compliance can be supported.
164. Officers have also sought to address the concerns raised by local land users and the general public in the consideration of the original HPP and during the course of this application, taking into account all relevant factors, including representations against the development. Overall, the benefits of the scheme are considered to outweigh any harm created and therefore the planning balance weighs heavily in favour of granting planning permission.
165. As outlined above the development accords with those policies of the Development Plan relevant to the consideration of the reserved matters. Members are asked to

support the officer recommendation and to grant reserved matters approval subject to conditions stated above, amendment to the same as may be deemed necessary, and the addition of any other conditions considered necessary, relevant, enforceable, precise and reasonable in all other respects.

Background Papers:

Planning application file. 24/02803/RM & 22/03514/FU

Ownership Certificate: Signed by applicant.

Appendix 1

- 1) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans and Specifications above.

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

- 2) No mural shall be painted to any external wall of the development until full details have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and retained/ maintained in perpetuity.

In the interest of visual amenity.

- 3) No speakers for the playing of amplified music or sound shall be installed on the roof terraces and there shall be no use of the roof terrace after 11pm until 7am 7 days a week (including public and bank holidays).

In the interests of amenity

- 4) Prior to occupation of the development details from a proposed residents welcome pack shall be submitted comprising details of how the applicant will make future residents aware of their neighbours and how the apartments which benefit from winter gardens shall be operated in that connection. These details shall be submitted and approved in writing to the Local Planning Authority prior to first occupation of the development. No unit shall be occupied until the residents welcome pack, including the approved details, has been provided to residents.

In the interest of amenity and not prejudicing existing neighbouring users

- 5) Prior to occupation of any apartment in Building B which faces towards the courtyard of Hope Foundry, validation testing of the façade sound insulation shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such validation testing shall:
 - a) Be carried out in accordance with an approved method statement, which shall be submitted to the Local Planning Authority prior to testing using loudspeakers in the application site calibrated to measurements made in the baseline survey (Section 6, Mabgate Noise Impact Assessment 0050185 dated 24 November 2022 Revision P03) to measure the difference outside to inside.
 - b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the mitigation works thus far approved, a further scheme of works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority

before occupation of any of the apartments which faces towards the courtyard of Hope Foundry. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before first occupation of any these apartments and shall thereafter be retained.

The specified sound levels are as follows:

Bedrooms overlooking Hope Foundry: NR 15 at 63Hz and 125Hz and NR20 in all other octave bands over a 15 minute period during music events at Hope House (2300 to 0700 hours);

Bedrooms during non-MAP events: LAeq (8 hour) - 30dB (0700 to 2300 hours);

Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);

Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);

Bedrooms: LAFmax - 45dB (2300 to 0700 hours).

Where the above noise criteria cannot be achieved with windows partially open, measurements shall be made with the mechanical ventilation system in operation.

In the interest of amenity and not prejudicing existing neighbouring users

- 6) The development hereby approved shall not be occupied until 50% of the vehicular parking spaces have been fitted with Electric Vehicle Charging Points, the remaining 50% of spaces must be cable enabled spaces. In the 5 years thereafter 10% of parking spaces must be fitted with Electric Vehicle Charging Points until all bays have a charger by the end of year 5. The facilities shall thereafter be retained and maintained as approved for the lifetime of the development.

In the interest of promoting low carbon transport.

- 7) Prior to occupation of the development, the off-site highway works comprising a new vehicular access, dropped kerbs, and reinstatement of the footway on Mabgate shall be fully delivered. Alterations to TROs are required on Mabgate to alter the time limited waiting bays and on Mabgate and Mabgate Green are also required to form Car Club bays.

To ensure the free and safe use of the highway.

Appendix 2

- 1) The development hereby given full planning permission shall be begun before the expiration of three 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 and Specifications above.

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

- 3) No works shall commence until details of a phasing plan has been submitted to and approved in writing by the Local Planning Authority. Details for each relevant condition shall then be submitted for each phase as per the phasing plan. Any subsequent changes to the phasing schedule shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be built out in accordance with the approved phasing plan.

In order that the Local Planning Authority is informed of the phasing so that the relevant sections of the conditions may be discharged.

- 4) Development shall not commence on any relevant phase of the outline part of the development until approval of the following details (hereinafter referred to as the reserved matters) have been obtained from the Local Planning Authority,

- a. Appearance
- b. Landscaping
- c. Layout
- d. Scale
- e. Access

Plans and particulars of the reserved matters shall be submitted utilising a planning application form and shall be carried out as approved.

As only outline details have been submitted of the reserved matters, they are reserved for subsequent approval by the Local Planning Authority.

- 5) Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three 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

- 6) The outline part of the development hereby permitted shall be implemented either before the expiration of five years from the date of this permission, or before the expiration of three years from the date of approval of the reserved matters to be agreed whichever is the later.

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.

- 7) The reserved matters shall be submitted in accordance with the approved parameter plans Building Plots (1175-CDL-XX-XX-DR-A-PL-100 Rev P02, received 18th May 2023) Building Heights (1175-CDL-XX-XX-DR-A-PL-101 Rev P03, received 6th July 2023) and Site Access (1175-CDL-XX-XX-DR-A-PL-102 Rev P03, received 27th January 2023)

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

- 8) The development hereby approved shall not exceed 310 apartments (C3) and 350sqm of commercial space to be used as a public house, wine bar, or drinking establishment or within Use Class E(a,b,c,d,e or ,g) or F1(b or e) or F2(b)) of the Town and Country Planning (Use Classes) Order 1987 (as amended)

In order to ensure that the developed scheme does not exceed the floor spaces which have been used to assess the impact which this proposal will have on its surroundings, including the neighbouring buildings, and the local highway network.

- 9) The proposed mix of residential accommodation shall be set proportionally in accordance with the guidance of Core Strategy (as amended by the Core Strategy Selective Review 2019) Policy H4 and further to information set out in a submitted Housing Needs Assessment unless otherwise agreed in writing at Reserved Matters stage. Details of this should be set out clearly in the Reserved Matters phases for submission and thereafter implemented as approved.

In the interests of providing a sustainable development and an appropriate housing mix.

- 10) The proposed residential accommodation should be designed in accordance with the space standards guidance of Core Strategy (as amended by the Core Strategy Selective Review 2019) Policy H9. Details of this should be set out clearly in the Reserved Matters submission and thereafter implemented as approved.

In the interests of providing a sustainable development in accordance with policy H9 of the Core Strategy

- 11) The reserved matters application shall be accompanied by details of the proposed number and mix of accessible (adaptable and adapted) units for the outline phase of development. This shall be provided in accordance with Core Strategy (as amended by the Core Strategy Selective Review 2019) Policy H10 unless otherwise agreed in writing, and thereafter implemented as approved.

In the interests of equality for disabled people and access for all

- 12) Prior to first occupation of any relevant phase of the development and at completion of the development a post-construction Accessible Housing Certification Table containing confirmation of the full details of the matters below shall be submitted to and approved in writing by the Local Planning Authority;
 - Which and how many dwellings within the relevant phase of development have satisfied M4(2)* accessible and adaptable dwellings standards
 - Which and how many dwellings within the relevant phase of development have satisfied M4(3)* wheelchair adaptable dwellings standards

*contained within Part M Volume 1 of the Building Regulations. The accessible dwellings shall be implemented and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

In the interests of disabled people and access for all

- 13) Upon completion of the demolition works, the applicant will undertake a CCTV survey of all existing and retained drainage systems within the site and provide a plan showing those sewers and outfalls to be retained and the proposed protection measures during the construction of the development including how access for maintenance to existing outfalls into Lady Beck will be maintained. The results of the survey and protection measures shall be submitted and approved by the Local Planning Authority and no works commenced on the future development until written approval is issued.

To ensure adequate access is available to existing drainage infrastructure.

- 14) Development shall not commence on any relevant phase until details and a method statement for interim and temporary drainage measures during the demolition and construction phases based on those set out within Section 4 and appendix J of the Curtins Outline Drainage Assessment ref 077313-CUR-00-XXRP-C-92001 Rev 04 dated 01/11/2022 have been submitted to and approved in writing by the Local Planning Authority. In addition, details shall also be provided, where relevant, to ensure that any existing overland flood paths are maintained during the demolition and construction phases or temporarily modified and such proposals agreed with the Local Planning Authority to ensure no increase to the flood risk to adjacent properties. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained

to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. Where temporary discharges to a sewer are proposed, written confirmation from the sewer owner that these have been accepted shall be provided. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority

To prevent flooding and pollution offsite in accordance with the NPPF

- 15) The demolition works shall not commence until a suitable Flood Evacuation Plan (FEP) has been submitted and approved by the Local Planning Authority. The Flood Evacuation Plan shall be based on the latest Environment Agency guidance and the ADEPT/EA document titled Flood Risk Emergency Plans for New Development dated Sept 2019 downloadable

<https://www.adeptnet.org.uk/system/files/documents/ADEPT%20%26%20EA%20Flood%20risk%20emergency%20plans%20for%20new%20development%20September%202019....pdf> from here and include the following:

- a) Details of advanced flood warning measures;
- b) Advanced site preparation measures to be undertaken in the event of a flood warning
- c) Site evacuation measures;
- e) Details of how the FEP will be monitored during all operational hours of the development, the responsibility for flood safety measures in accordance with emergency flood management plan.
- f) Confirmation that details of the FEP will be relayed to all site users and shall be implemented for the life of the development and to any future owners.

To ensure a safe building environment for the lifetime of the development.

- 16) Before development on any relevant phase commences, the detailed SUDS based Drainage Scheme based on the principles of The SUDS Manual (C753) with design criteria as set out within the Councils Minimum Development Control Standards for Flood Risk should be submitted and approved in writing by the Local Planning Authority. The application should provide suitable drainage drawings, summary calculations and results of all investigations detailing the surface water drainage works as set out below. The maximum rate of discharge, off-site, shall not exceed 47.12 l/s and be in line with the drainage strategy as set out within Curtins Outline Drainage Assessment ref 077313-CUR-00-XXRP-C-92001 Rev 04 dated 01/11/2022 or shall be consistent with the councils Minimum Development Control Standards for Flood Risk and the LLFAs requirements for Major Development unless otherwise agreed with the LPA. 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.

The detailed design drawings, calculations and supporting information shall include the following:

1. A drawing showing the existing and proposed impermeable areas, suitably annotated.
2. Calculations and any supporting survey/record drawings and investigations to justify and demonstrate the existing and proposed discharge rate. Note if the existing brownfield discharge rate suitably reduced is to be adopted, then this shall be supported by an existing drainage survey.
3. Drainage Plan showing drainage layout, manholes including cover and invert levels, proposed levels, pipe sizes and gradients, all on 'line controls, on and off line storage structures and outfall details.
4. Plan showing overland exceedance routes in the event of a failure of the drainage system or storm event in excess of the 1 in 100 + 40% CC storm event.
5. Model Information (Micro Drainage or similar approved) to include a plan showing pipework model numbering and network details,
6. Results: Summary of Results showing all the modelling criteria and summary network results for critical 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% CC storm events showing maximum water level, flow and velocity and details of any surface flooding anticipated.
7. Demonstrating that adequate water quality of the off site surface water flows in accordance with the Simplified Index Approach as set out within Section 26 of the SUDS Manual (C753) can be achieved during all phases of the development.
8. Where SUDs are only proposed in part or not at all, then a full justification statement shall be provided to demonstrate why it is not considered appropriate or reasonable.
9. Written confirmation from Yorkshire Water as to acceptance and agreed point of connection to the public sewer system for the proposed foul and surface water flows.
10. Details of how and by whom the common non adopted drainage system elements will be maintained and include an Inspection and maintenance schedule.
11. A timetable for implementation of the drainage works including an assessment of any phasing of the development.
12. Written agreement from Yorkshire Water or any other relevant third party in respect to diversion of any existing public or private sewers.
13. Summary Drainage Report setting out the proposed Drainage Strategy and to include all relevant drawings, assessments, surveys and calculations demonstrating compliance with the above.

To ensure sustainable drainage and flood prevention

- 17) There shall be no discharges of foul water from any relevant phase of the development until a foul drainage scheme including details of provision for its future maintenance (e.g. adoption by the Water Company) has been implemented in accordance with the details that have been previously submitted to and approved in writing by the Local Planning Authority.

To ensure satisfactory drainage and pollution prevention.

- 18) No relevant phase of the development shall be brought into use until a suitable Flood Evacuation Plan (FEP) has been submitted and approved by the Local Planning Authority. The Flood Evacuation Plan shall be based on the latest Environment Agency guidance and the ADEPT/EA document titled Flood Risk Emergency Plans for New Development dated Sept 2019 downloadable <https://www.adeptnet.org.uk/system/files/documents/ADEPT%20%26%20EA%20Flood%20risk%20emergency%20plans%20for%20new%20development%20September%202019....pdf> from here and include the following:
- a) Details of advanced flood warning measures;
 - b) Advanced site preparation measures to be undertaken in the event of a flood warning
 - c) Site evacuation measures;
 - e) Details of how the FEP will be monitored during all operational hours of the development, the responsibility for flood safety measures in accordance with emergency flood management plan.
 - f) Confirmation that details of the FEP will be relayed to all site users and shall be implemented for the life of the development and to any future owners.

To ensure a safe building environment for the lifetime of the development.

- 19) The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed. (In the interest of satisfactory and sustainable drainage) There shall be no piped discharge of surface water from any relevant phase of the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-
- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
 - b) evidence of existing positive drainage to public sewer and the current points of connection; and
 - c) the means of restricting the discharge to public sewer to the existing rate not to exceed 12.65 litres per second.

To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

- 20) A Fire Statement must be submitted to and approved in writing by the Local Planning Authority with any relevant reserved matters application. The relevant phase of any reserved matters shall not commence until the Fire Statement is approved by the Local Planning Authority.

In the interests of fire safety

- 21) The approved Phase I Desk Study report indicates that a Phase II Site Investigation is necessary, and therefore development (excluding demolition) of any relevant phase shall not commence until a Phase II Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority. Where remediation measures are shown to be necessary in the Phase II Report and/or where soil or soil forming material is being imported to site, development (excluding demolition) of any relevant phase shall not commence until a Remediation Strategy demonstrating how that part of 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 Strategy shall include a programme for all works and for the provision of Verification Reports.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

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' with respect to land contamination.

- 22) If remediation is unable to proceed in accordance with the approved Remediation Strategy, or where significant unexpected contamination is encountered, or where soil or soil forming material is being imported to site, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. The affected part of the site shall be agreed with the Local Planning Authority in writing. An amended or new Remediation Strategy and/or Soil Importation Strategy 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 Strategy. Prior to the site being brought into use, where significant unexpected contamination is not encountered, the Local Planning Authority shall be notified in writing of such.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

To ensure that any necessary remediation works are identified to make the site 'suitable for use' with respect to land contamination.

- 23) Remediation works for any relevant phase shall be carried out in accordance with the approved Remediation Strategy. On completion of those works, the Verification Report(s) for each phase shall be submitted to the Local Planning Authority in accordance with the approved programme. No phase of development shall be brought into use until such time as all verification information for the relevant phase has been approved in writing by the Local Planning Authority.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be 'suitable for use' with respect to land contamination.

- 24) Prior to the first occupation of any relevant phase of development the Systra Travel Plan -GB01T21F16-004 - VERSION 5 shall be implemented. The plan shall not be varied without the prior written approval of the Local Planning Authority.

In the interests of sustainable travel and in reducing the traffic impact of the development on the road network.

- 25) Development shall not commence on any relevant phase until a survey of the condition of Hope Road or Argyle Road onto Mabgate, and Mabgate onto Skinner Lane or Lincoln Green Road has been submitted to and approved in writing by the Local Planning Authority . Upon completion of the development (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage caused by the construction of the development to the highway identified between the two surveys. The approved mitigation works shall be fully implemented within 6 months of the remedial works being agreed with the Local Planning Authority. In the event that a defect is identified during other routine inspections of the highway that has been caused by the construction of the development and is considered to be a danger to the public it must be immediately made safe and repaired within 24hours from the applicant being notified by the Local Planning Authority.

Traffic associated with the carrying out of the development may have a deleterious effect on the condition of the highway that could compromise the free and safe use of the highway

- 26) No relevant phase of development shall be occupied until full details of cycle/motorcycle parking and facilities have been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate how the facilities will be made secure. The approved cycle/motorcycle parking and facilities shall be provided prior to first occupation of the relevant phase and retained thereafter for the lifetime of the development.

In the interests of highway safety and promoting sustainable travel opportunities.

- 27) No relevant phase of development shall be occupied until all areas shown on the approved plans to be used by vehicles, including roads, footpaths, cycle tracks, loading and servicing areas and vehicle parking space have been fully laid out, surfaced and drained such that loose materials and 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.

- 28) Prior to the installation of any car park access controls, details of the access controls to the car park shall be submitted to and approved in writing by the Local Planning Authority. Any gates or roller shutter shall be set back at least 5m from the back of the highway/footway and shall be a fast action roller shutter and any gates shall open inwards. There shall be no encroachment to the adopted highway/footway by the development at any point for the lifetime of the development. No part of the development shall be occupied until the approved details have been installed and they shall be retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

To ensure the free and safe use of the highway

- 29) No relevant phase of development shall be occupied until a Car Park and Servicing Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of all vehicle parking and turning areas, manage of refuse collection, delivery requirements and hours, servicing, loading, un-loading areas, movement strategy and on-site servicing controls for residential and commercial uses. The car parking spaces shall only be allocated to residential or commercial tenants based at this site, or their visitors. The plan shall be fully implemented, and the development thereafter operated in accordance with the approved timescales.

To ensure the free and safe use of the highway.

- 30) No works shall commence on any relevant phase of development until a Statement of Construction Practice for that phase has been submitted to and approved in writing by the Local Planning Authority. The Statement of Construction Practice shall include full details of:
- a) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved (e.g. jet/wheel washing, provision of water cubes);
 - b) measures to control the emissions of dust and dirt during construction;
 - c) location of site compound and plant equipment/storage;
 - d) construction vehicle routing;
 - e) the means of access, location of site compound, storage and parking/holding areas (including workforce parking), means of loading and unloading of all contractor's plant, equipment, materials and vehicles and associated traffic management measures; and
 - f) how this Statement of Construction Practice will be made publicly available by the developer.

The approved details shall be implemented upon the commencement of work on any relevant phase and shall thereafter be retained and employed until completion of works on site. The Statement of Construction Practice shall be made publicly available for the lifetime of the construction phase of the development in accordance with the approved method of publicity.

The carrying out of the development could result in significant harm to the amenities of local residents and/or highway safety and accordingly details of construction practice is required to be agreed prior to the commencement of works in order to protect such interests.

- 31) Prior to the occupation of any relevant phase of development details of Electric Vehicle Charging Points shall have been provided in accordance with a scheme that shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained for the lifetime of the development.

In the interest of promoting low carbon transport.

- 32) Prior to first occupation of the development, the off-site highway works shown in version 5 of the Travel Plan comprising the Car Club bays on Mabgate Green shall be fully delivered.

To ensure the free and safe use of the highway.

- 33) Prior to the commencement of above ground works to any building in a relevant phase full details of a sound insulation scheme with mechanical ventilation system designed to protect the amenity of future occupants of the development from noise emitted from nearby or proposed noise sources shall be submitted to and approved in writing by the Local Planning Authority. The use hereby approved shall not commence until the works have been completed and any such noise insulations as may be approved shall be retained thereafter.

In the interests of residential amenity.

- 34) Plant and machinery operated from the site shall limit noise to a level no higher than the existing background noise level (L90) when measured at noise sensitive premises, with the measurements and assessment made in accordance with BS4142:2014. The rating level shall include the addition of any character corrections as appropriate. If the character is unknown at the design stage or cannot be evidenced, then a penalty of 5dB should be applied to take into account of potential corrections.

In the interests of residential amenity.

- 35) Prior to the installation of residential and commercial bin stores for each phase full details for the provision of bin stores (including siting, materials and means of enclosure) and (where applicable) storage of wastes and access for their collection shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full for that phase of development before the use commences and shall thereafter be retained and maintained as such in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. There shall be no storage of refuse outside the areas agreed for refuse storage .

In the interests of amenity and to ensure adequate measures for the storage and collection of wastes are put in place.

- 36) The hours of construction (including any demolition, remediation works and deliveries) shall be restricted to 08.00 - 18:00 hours Monday to Friday and 09:00 - 13:00 hours on a Saturday, with no works on Sundays or Bank Holidays, unless agreed in writing with the Local Planning Authority.

In the interests of nearby amenity

- 37) Commercial deliveries to and from the premises including loading and unloading and refuse collection (excluding from Leeds City Council waste services), shall be restricted to 08.00 to 20.00 hours Monday to Saturday and 09.00 to 18.00 hours on Sundays and Bank Holidays,. unless agreed in writing with the Local Planning Authority.

In the interests of amenity and due to the mixed use of the area.

- 38) No use of the commercial units as an entertainment or bar use (Use Class Sui Generis) shall commence unless a scheme to control noise emitted from the premises has been approved in writing by the Local Planning Authority and installed as approved. The scheme shall provide that the LAeq of entertainment noise does not exceed the representative background noise level LA90 (without entertainment noise), and the LAeq of entertainment noise will be at least 3dB below the background noise level LA90 (without entertainment noise) in octaves between 63 and 125Hz when measured at the nearest noise sensitive premises. The approved scheme shall be retained thereafter.

In the interests of residential amenity

- 39) The opening hours of the ground floor commercial units shall be restricted to 7:00 hours to 23:00 hours Monday to Sunday, including Bank Holidays.

In the interests of residential amenity.

- 40) Prior to the occupation of any ground floor commercial unit, details of a signage/window manifestation strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall set out signage zones on the building and shall at no time be solidly obscured or screened to prevent vision into and through the windows

In the interest of ensuring active frontages and natural surveillance are maintained.

- 41) Prior to the commencement of a use providing food and/or drink for consumption on the premises in the unit(s), details of the provision of an accessible toilet in the relevant unit(s) shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details prior to the occupation of a food and / or drink use at the premises and retained as such for the duration of that type of use in the unit(s).

In the interests of accessibility for all.

- 42) The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made and submitted to the Local Planning Authority.

To avoid the creation of derelict sites to the detriment of the setting of the adjacent listed building.

- 43) Prior to commencement of any demolition works to Aquatite House a detailed method statement of this demolition shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details.

To ensure the demolition is controlled in a way that preserves the listed building

- 44) Prior to commencement of any works of cosmetic repairs to the revealed party wall of Hope Foundry, details of the methodology and sample panels for works proposed to the said party wall including details of repointing, cleaning, and any stone and/or brick replacement shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details.

In the interests of the character and visual amenity of the adjacent listed building.

- 45) No demolition beyond slab level shall take place until a written scheme of archaeological investigation (WSI) has been [submitted to and] approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI., which shall include the statement of significance and research objectives,

and - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI. "

In the interest of the character and the proper recording of historic and architectural details.

- 46) Development of the building superstructure of each phase shall not commence until typical detailed 1:20 scale (or other appropriate scale) working drawings of the following features have been submitted to and approved in writing by the Local Planning Authority:
- (a) ground level entrances and external doors;
 - (b) soffits;
 - (c) glazing, including framing and curtain walling;
 - (d) windows including heads, cills, reveals and perforated screens and vents;
 - (f) material junctions;
 - (g) parapet detail, rooftop balustrades and rooftop equipment;

The works shall be constructed in accordance with the approved details. For the avoidance of doubt, reveal depths shall be a minimum of 200mm.

In the interest of visual amenity and in providing a high quality design.

- 47) Prior to the installation of any external facing material, roofing and glazing types on site for any relevant phase of the development, full details including a sample panel of the relevant external facing materials, roofing and glazing types for that phase to be used shall be constructed on-site (or in an agreed location) and approved in writing by the Local Planning Authority. The external materials, roofing and glazing materials shall be constructed in strict accordance with the sample panel(s). The sample panel(s) shall not be demolished prior to the completion of the development, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity.

- 48) Prior to the commencement of any building for any relevant phase, a plan shall be submitted to and approved in writing by the Local Planning Authority of: integral bat roosting and bird nesting features (for species such as House Sparrow and Swift) within buildings and within or immediately adjacent to the covered section of the Lady Beck. The agreed Plan shall show the number, specification of the bird nesting and bat roosting features and where they will be located, together with a timetable for implementation and commitment to being installed under the

instruction of an appropriately qualified bat consultant. All approved features shall be installed prior to first occupation of the dwelling on which they are located and retained thereafter.

To maintain and enhance biodiversity.

- 49) Prior to the installation of any soft or hard landscaping for any relevant phase, a Lighting Design Strategy For Bats shall be produced by an appropriately qualified ecological consultant and submitted to and approved in writing by the Local Planning Authority. The Strategy shall:

a) Identify those areas/features on site that are "particularly sensitive for commuting and foraging bats" - using an appropriately scaled map to show where these areas are

b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb commuting and foraging bats. All external lighting shall be installed in accordance with the specifications and locations set out in the Strategy, and shall be maintained thereafter in accordance with the Strategy. No additional external lighting be installed without prior consent from the Local Planning Authority in the areas identified in the Strategy as "particularly sensitive for commuting and foraging bats".

To safeguard a protected species (bats)

- 50) Prior to the commencement of any hard and soft landscape works for any relevant phase details of these works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

(a) proposed finished levels and/or contours,

(b) boundary details, means of enclosure and retaining structures,

(c) road/pedestrian/cycling paving areas, steps and ramps

(d) CCTV (covering the whole building including all entrance and exists points including fire escapes and, access to the car parking area.

(e) access control (with full video and phone QR access codes)

(f) minor artefacts and structures (eg, tree pits in hard paving, raised planting beds, flush planting beds, refuse/cycle storage units, screening, seating, play features, interpretation features, bins, bollards, lights, paved service covers, linear drainage covers, etc.)

(g) proposed and existing functional services above and below ground (eg. drainage, sewers, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).

Soft landscape works shall include:

- (h) planting plans;
- (i) written specifications (including cultivation and other operations associated with plant and grass establishment);
- (j) tree pit and planter details;
- (k) schedules of plants noting species, planting sizes and proposed numbers/densities;
- (l) implementation programme

All Soft Landscaping works to be carried out in accordance with Planting checklist (leeds.gov.uk). Hard and Soft works shall be carried out in accordance with the approved details; approved implementation programme and 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 landscaping.

- 51) Hard and soft landscaping works shall be fully carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations and BS 8300:2009 +A1:2010 Design of buildings and their approaches to meet the needs of disabled people. The developer shall complete the approved landscaping works within the relevant phase 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 and accessible landscaping.

- 52) No relevant phase of development shall be occupied until a plan, schedule and specification for landscape management for the lifetime of the relevant phase of development has been submitted to, and approved in writing by, the Local Planning Authority. The Management Plan must be a standalone, self-contained document that is not reliant on cross referencing additional information/site plans. The document must therefore include copies of all approved landscape plans and specifications as appendices and also references to planting, hard landscaped areas, including paving, seating and other features. All in accordance with Planning Guidance No. 2 LANDSCAPE MANAGEMENT PLANS. Ref: <https://www.leeds.gov.uk/docs/Landscape%20management%20plans%20guidance.pdf>. The landscape management plan shall identify the frequency of operations for each type of landscape asset and reflect the enhanced maintenance requirement of planted areas.

To ensure successful establishment and aftercare of the completed landscape scheme.

- 53) If, within a period of five years from the planting of any trees or plants, those trees or plants or any trees or plants planted in replacement for them is removed, uprooted, destroyed or dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective another tree or plant of the same species and size as that originally planted shall be planted at the same place in the first available planting season, unless the Local Planning Authority gives its written consent to a variation. If such replacements die within twelve months from planting these too shall be replaced, until such time as the Local Planning Authority agrees in writing that the survival rates are satisfactory.

To ensure the maintenance of a healthy landscape scheme.

- 54) Prior to commencement of any relevant phase of development given outline planning permission, details of the design must be submitted to and approved in writing by the Local Planning Authority covering the following policy requirements of the Core Strategy as amended by the Core Strategy Selective Review (2019):

Policy EN1(i) - To achieve at least a 20% reduction in total predicted carbon dioxide emissions in the Building Regulations Target Emission Rate Part L 2013.

Policy EN1(ii) - To incorporate Low and Zero Carbon technologies to produce a minimum of 10% of the total energy demand.

Policy EN2 (residential) the water target to be met - To achieve a low water usage target of 110 litres per person per day.

Policy EN4 evidence for one of the four policy options needs to be provided - To propose a heating system in accordance with the hierarchy.

Policy EN6 strategic waste management - To demonstrate measures to reduce and re-use waste both during construction and throughout the lifetime of the development, and provide sufficient space within the development to enable separation, storage and collection of recyclable materials to take place.

Prior to first occupation of any relevant phase a report shall be submitted to and approved in writing by the Local Planning Authority comparing the values of the design details with values of the as-built development.

To ensure the outline element of the development is designed and constructed to environmental policy standards

- 55) Within 6 months of the first occupation of any relevant phase of the development a post-construction review statement of that phase shall be submitted to and approved in writing by the Local Planning Authority demonstrating compliance with Core Strategy policies EN1, EN2, EN4 & EN6.

The development shall thereafter be maintained and any repairs shall be carried out all in accordance with the approved detailed scheme and post-completion review statement or statements.

To maintain the agreed sustainability of the development

- 56) Prior to the approval of any Reserved Matters Application(s), a wind report shall be submitted to and approved in writing by the Local Planning Authority. This shall include CFD modelling only where the vertical façade (i.e. excluding any pitched roof or roof top plant) of any building does not exceed 30 meters (and the pitched roof or roof top plant no more than a further 3 meters), and wind tunnel modelling shall be carried out in all other cases. That modelling shall include of existing and future surrounds and the testing/optimisation of any necessary wind mitigation measures. If any necessary wind mitigation works are required, works shall be carried out in accordance with the approved specifications prior to first occupation of the development and retained and maintained as such thereafter.

In the interests of wind safety and comfort.

- 57) No tree planting shall take place on any relevant phase until full details for all tree planting of that phase have been submitted to and approved in writing by the Local Planning Authority (LPA). Details shall be fully in accordance with LCC guidance on urban tree planting (available on the Landscape Planning website).

Details for the tree planting in podiums shall include:

- Planting plans showing tree locations and species;
- Soil depths;
- Soil volumes labelled on plans;
- Tree planting details (including sections);
- Specification of topsoil;
- Means of anchoring root balls.

Works shall then be carried out in accordance with the approved details and retained as such.

To ensure the provision of suitable rooting environments for the long-term health of new trees.

- 58) The commercial ground floor uses shall be used as Class E(a), Class E(b) Class E(c)(i), Class E(c)(ii), Class E(c)(iii) E(c) ,Class E(d), Class E(e), Class E(f) and Class E(g)(i), Class F1(b), Class F1(e), Class F2(b) and uses as a public house, wine bar, or drinking establishment (Sui Generis) and shall not be used for any other purposes within Class E or other Use Classes of the Schedule of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020,or

in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification.

In order that the Local Planning Authority can retain control over uses which could be harmful to the vitality and viability of the city centre and to ensure any new uses accord with the requirements of the Core Strategy (as amended 2019).

- 59) The layout and mix of the housing including flat sizes and bedroom sizes, any supporting communal area sizes, and window arrangements, shall be submitted to and approved in writing to the Local Planning Authority prior to the grant of the relevant Reserved Matters Application, and thereafter implemented as approved.

In the interests of residential amenity including functionality, space, privacy, outlook and daylight.

- 60) The development shall be carried out in accordance with the submitted flood risk assessment (titled "Mabgate Yard, Leeds", ref. "077313-CUR-00-XX-RP-C-001", Rev. 03, dated 07 October 2022, compiled by Curtins) and the following mitigation measures it details:

- There shall be no ground level raising as a result of the demolition and ground engineering works, as shown in drawing INTERIM SITE CONDITION, ref. 11755 CDL XX XX DR A PL-103, rev _02, dated Jan 2022, included in this FRA.

- The bund shall follow the external boundary of the buildings to be demolished, as shown in drawing INTERIM SITE CONDITION, ref. 11755 CDL XX XX DR A PL-103, rev _02, dated Jan 2022, included in this FRA.

- Finished floor levels shall be set no lower than 32.33 metres Above Ordnance Datum (mAOD) for the residential areas and 31.5 mAOD for the commercial and service areas, as per paragraph 5.8 in the submitted FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

To prevent flooding elsewhere and to reduce the risk of flooding to the proposed development and future occupants.

- 61) No development shall take place until a plan for the protection and enhancement of habitat for White Clawed Crayfish (WCC), both during construction works and once the development is complete, has been submitted to and approved in writing by the local planning authority. The WCC protection plan shall be carried out in accordance with a timetable for implementation as approved.

The scheme shall include the following elements:

- o Site Survey for WCC
- o Assessment of any impacts associated with infrastructure which will be required in the watercourse as part of the development (such as surface water outfalls).
- o Enhancement for WCC

Lady Beck is designated as a wildlife corridor under the Leeds Habitat Network and it is a regionally significant site for WCC conservation. Policy G9 of Leeds core strategy requires developers to provide enhancement as well as mitigation for wildlife. Especially in relation to the Leeds Habitat Network and river corridors.

In the interest of biodiversity conservation

Appendix 3 - Officer Delegation Scheme (Council (non-executive) functions)

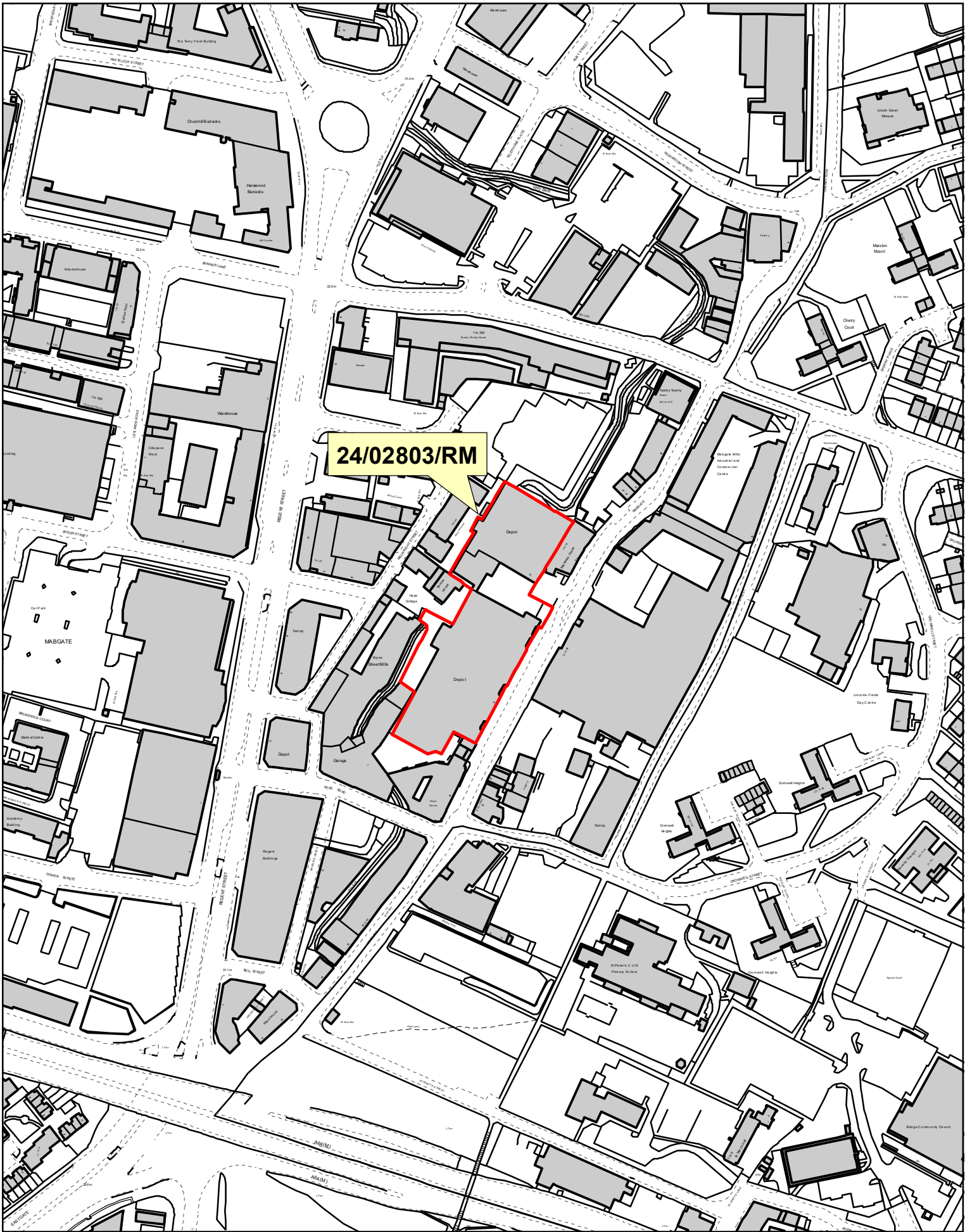
Officer Delegation Scheme (Council (non-executive) functions)

Exceptions:

The Chief Planning Officer is not authorised⁶ to discharge the following functions:

1 Town and Country Planning and Development Control

| | |
|-----|--|
| (a) | the determination of applications following a written request ⁷ to the Chief Planning Officer by a Ward Member <ul style="list-style-type: none"> • concerning an application within the Ward he/she represents, or • concerning an application within a neighbouring Ward where that Ward Member considers that the development would have a significant effect on the ward he/she represents that an application be referred to the relevant Plans Panel; |
| (b) | the determination of applications for development that would constitute a significant departure from the Development Plan, including a significant departure from any Local Development Framework currently in force; |
| (c) | the determination of applications for development that would be materially different from any supplementary planning guidance or planning brief approved by or on behalf of the Council; |
| (d) | the determination of applications for major development ⁸ which the Chair ⁹ considers are sensitive, controversial or would have significant impacts on local communities; |
| (e) | the approval of applications, where approval would reverse a previous decision taken by Plans Panel; |
| (f) | the approval of applications, where approval would conflict with an objection raised by a statutory technical consultee; |
| (g) | where the Chair ¹⁰ considers that the application should be referred to the relevant Plans Panel for determination because of the significance, impact or sensitivity of the proposal; |
| (h) | the determination of applications submitted in a personal capacity by or on behalf of Members, Directors or any other officer who carries out development management functions. |



CITY PLANS PANEL



