



PLANS PANEL (CITY CENTRE)

Meeting to be held in Civic Hall, Leeds on
Thursday, 4th February, 2010
at 1.30 pm

MEMBERSHIP

Councillors

T Hanley	M Hamilton (Chair)	Mrs R Feldman	D Blackburn
J McKenna	J Monaghan	G Latty	
E Nash			

PLEASE NOTE THERE ARE NO SITE VISITS SCHEDULED THIS MONTH

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 25 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 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE 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>	

Item No	Ward	Item Not Open		Page No
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>DECLARATIONS OF INTEREST</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES</p> <p>To approve the minutes of the Plans Panel City Centre meeting held on 3rd December 2009</p> <p>(minutes attached)</p>	1 - 6
7	City and Hunslet;		<p>APPLICATION 08/01914/FU - LUMIERE DEVELOPMENT, WHITEHALL ROAD/WELLINGTON STREET, LEEDS</p> <p>To consider the report of the Chief Planning Officer setting out proposed reasons to refuse an application for the erection of a 33 storey and a 55 storey development with connecting covered public winter garden - comprising 832 flats, 120 serviced apartments, offices, health centre ground floor and mezzanine level retail uses (A1, A3, A4 and A5) and basement car parking with landscaping. This scheme is a revision to permission 06/01622/FU which was approved by Panel on 4th April 2007</p> <p>(Report attached)</p>	7 - 22

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8	City and Hunslet;		<p>APPLICATION 09/05038/OT - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF SIX STOREY OFFICE BLOCK WITH BASEMENT PARKING AT 6 QUEEN STREET AND 28A YORK PLACE, LEEDS</p> <p>To consider the report of the Chief Planning Officer on an application to demolish and replace the existing building with a six storey office block at 6 Queen Street/28a York Place</p> <p>(Report attached)</p>	23 - 36
9	City and Hunslet; Hyde Park and Woodhouse;		<p>APPLICATION 09/04815/OT - POSITION STATEMENT - DEVELOPMENT OF LEEDS ARENA BY LEEDS CITY COUNCIL AT A SITE BOUNDED BY CLAY PIT LANE/INNER RING ROAD/ WADE LANE/JACOB STREET/BRUNSWICK TERRACE, LEEDS</p> <p>To consider a position statement on the outline application to develop a multi use arena with ancillary restaurants (A3), bars (A4) and retail units (A1) and provision of public realm, laying out of new access and pedestrian footpath.</p> <p>(Report attached)</p>	37 - 66
10	All Wards;		<p>NATURAL RESOURCES AND WASTE DEVELOPMENT PLAN PANEL DOCUMENT POLICY POSITION REPORT (PREFERRED OPTION)</p> <p>To consider and comment upon a report of the Chief Planning Officer on the Natural Resources and Waste Development Plans Document Police Position Report (Preferred Options) which was released by the Council's Development Plans Panel as the basis for informal public consultation commencing 18th January 2010</p> <p>(Report attached)</p>	67 - 72

Item No	Ward	Item Not Open		Page No
11			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note the date and time of the next meeting as Thursday 4th March 2010 at 1.30pm</p> <p>PLEASE NOTE: THERE ARE <u>NO SITE VISITS</u> SCHEDULED THIS MONTH</p>	

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Agenda Item 6

Plans Panel (City Centre)

Thursday, 3rd December, 2009

PRESENT: Councillor M Hamilton in the Chair

Councillors D Blackburn, Mrs R Feldman,
T Hanley, J McKenna, J Monaghan,
E Nash and G Wilkinson

47 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves

48 Declarations of Interest

The following Members declared personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct

Applications 08/05307/FU and 08/05309/CA – 14 – 28 The Calls LS2 –
Councillors Hanley and Monaghan declared personal interests as members of Leeds Civic Trust which had commented on the proposals (minute 52 refers)

Application 09/04615/RM – Archive Building Western Campus University of Leeds Moorland Road – Councillor Hamilton declared a personal and prejudicial interest through being employed by Leeds University who were the applicants (minute 53 refers)

49 Apologies for Absence

Apologies for absence were received from Councillor Latty. The Chair welcomed Councillor Wilkinson who was substituting for Councillor Latty

50 Minutes

RESOLVED - That the minutes of the Plans Panel City Centre meeting held on 5th November 2009 be approved

51 Matters arising from the minutes

Further to minute 37 of the Plans Panel meeting held on 5th November 2009, the Head of Planning Services informed Members that following a recruitment exercise, Daljit Singh had been appointed to the post of Area Planning Manager for Central Area Team, pending a restructure within Planning Services

Members congratulated Daljit on his temporary appointment

52 Applications 08/05307/FU and 08/05309/CA - Alterations and extension to form offices and A3/A4 bar restaurant development and erection of 5 storey office block with basement car parking and public landscaped area - 14 - 28

Draft minutes to be approved at the
Meeting to be held on 4th February 2010

The Calls and Conservation Area application for demolition of the Mission Hut and 28 The Calls LS2

Further to minute 6 of the Plans Panel City Centre meeting held on 18th June 2009 where Members considered a position statement for a mixed use development, car parking and public landscaped area at 14-28 The Calls and associated Conservation Area application for the demolition of the Mission Hut and 28 The Calls, the Panel considered the formal application

Plans, photographs and graphics were displayed at the meeting

Members were informed that the applicant had submitted a letter after the agenda had been despatched raising issues about the viability of the S106 contribution. As a result Officers would need to review a financial viability statement submitted by the applicant so Panel would be unable to determine the application at the meeting. However Members' views were sought on the revisions which had been made to the scheme since it was last presented in June

For the purposes of identification of the two buildings, these would be referred to by their new names of the Warehouse Hill building and the Atkinson building

The revisions to the scheme were outlined and comprised:

- alteration of the form and extent of the overhang on the Warehouse Hill building and removal of the columns which would lead to more open views of the River Aire from The Calls
- amendments to the entrance to the Warehouse Hill building to create an improved relationship and connection with The Calls
- introduction of a stone plinth to the Warehouse Hill building which would create a strong base to the building, provide vertical emphasis and visually link the building with the riverside walkway
- reorganisation of windows to provide a vertical emphasis to the Warehouse Hill building facing the river
- clearer definition of the roof form which would be expressed by a floating façade of copper
- improved relationship to the residential units at 32 The Calls and the creation of a wider public route
- improvements to the visual link from the 'contemplative space', so reducing the possible risk of anti-social behaviour
- increased openness of the public space through remodelling the space within the Atkinson building

Officers reported that following these revisions, Leeds Civic Trust now supported the scheme but had raised minor concerns regarding:

- the importance of the detailing of the junctions from the stone plinth to the brickwork above it
- the need for increased greenery within the scheme
- that no external plant should be sited on the roof of the buildings

Leeds Civic Trust had also requested that every effort should be made to link the site across to 32 The Calls, but accepted that this area was in a different ownership

Receipt of a letter of objection was reported which raised concerns as to how the application had been dealt with and the impact of the A3/A4 uses on nearby residents' amenity

Members were of the view that the current scheme was much improved on the previous one and commented on the following matters:

- the irregular aligned windows on the Warehouse Hill building and whether this detracted from the elegance of the building
- that the side elevation of the Warehouse Hill building was uninteresting and whether this could be enlivened
- the use of blue brick, particularly on the Atkinson Building with concerns this was too harsh in this location
- whether the blue brick would be in a plain or textured finish
- the importance of the detailed setting of the stone plinth in the context of the overall design
- concerns about the accessibility of the site for people with disabilities
- concerns that only 3 disabled car parking spaces were being provided
- the impact of the scheme on the residential units at 32 The Calls and the need for Environmental Health Officers' views to be obtained in respect of possible noise and odour issues associated with the proposed A3/A4 use
- concerns about flooding, particularly to the bar/restaurant uses
- that in the past, slopes had been introduced into the area and the hope that these remained to assist with disabled access
- that railings should be provided along the riverside and that these should be elegant in design
- that possible hours of use of the restaurant/bar should be restricted to 1.00am, with no outside use after 10.30pm
- that the cast iron 'Warehouse Hill' plate on the site should be retrieved and appropriately re-sited

Officers provided the following responses:

- that the window patterns could be considered further. The Civic Architect, Mr Thorp, stated that the blue brick of the Atkinson building was picked up in the projection on the Warehouse Hill building and if this material was amended then the relationship between the two buildings would require further consideration
- that a lift and ramp were provided for disabled access, although further clarification would be sought on whether the lift would provide access to the riverside level
- that the number of disabled parking spaces would be reviewed
- that Environmental Health Officers had been consulted on the proposals and recommended conditions requiring acoustic attenuation measures to the A3/4 use and restricted hours of use in the interest of residential amenity. Whilst noting Members' concerns on this matter, Officers stated that the UDP (Review) 2006 supported leisure uses in this area and for them to spill out beyond the buildings
- that the scheme had been designed to a 1:200 year flood level with the car park being designed to prevent water ingress and the retail units being located at a higher level
- that a design guide now existed for railings along the river and that the design of any railings would be in accordance with that document

RESOLVED - To note the comments now made and that the Chief Planning Officer be asked to submit a further report in due course for determination of the application which also provided details on the viability of the public transport contributions and addressed design issues of rhythm, proportion and materiality; the

outlook from 32 The Calls; comments from Licensing and Environmental Health Officers, confirmation that the level of disabled parking was in accordance with the UDP (Review) 2006; flood risk and the provision and design of railings along the riverside

53 Application 09/04615/RM - Reserved Matters application for an archive building with associated landscaping - Western Campus University of Leeds Moorland Road LS2

Having declared a personal and prejudicial interest, Councillor Hamilton vacated the chair and withdrew from the meeting

Councillor Monaghan was nominated and elected to chair this item

Councillor Monaghan in the Chair

Further to minute 21 of the Plans Panel City Centre meeting held on 13th August 2009 where Panel agreed an outline application for the scale and position of a document archive store as part of a University development of three buildings around a collegiate-style green, Members considered a Reserved Matters application for an archive building which would be used by the University Library and by Marks and Spencer to house their archive collection which was currently sited in London

Plans, graphics, drawings and a sample panel of the proposed cladding were displayed at the meeting

Officers presented the report and informed Members that the building would align with the corner of the Charles Thackray building and be oriented to the campus green

The entrance to the building would be from the green and would feature raised planters and formal seating outside

At ground level there would be a reception and exhibition area with opportunities for reading rooms/ seminar rooms. An internal plant area together with kitchen and office facilities would also be located on this floor and there would be two stair cores; one with a lift

The next level would not be publicly accessible and would contain the Marks and Spencer strong room and archive materials. This level would also provide some library storage space for the University as would the top floor

The building was functional in design and comprised stainless steel pleated cladding which would be chemically coloured in a bronze colour. The cladding would be arranged along the building to enable the pleats to change direction and add visual interest. The highly reflective panels had been used on the Millennium Building in Cardiff and had proved to be highly weather resistant. The panels would be pre-formed and have 5mm joints which would give a seamless appearance

At ground level the proposed materials would be curtain wall glazing and brick cladding. Two wall features would extend from either end of the building which due to the land levels, would hide the plant from the sports centre at the rear and also help define the bank of trees from the formal landscaping to the front of the building

A delivery area to the east of the building would be accessed from the existing Clarendon Road and Moorland Road access and exits; three disabled parking spaces would be provided outside the entrance to the building

In terms of landscaping proposals, trees in raised planters would be situated at the front of the building and a double bank of trees was proposed around the college green area, the site of which would also be levelled out and include a diagonal footpath 3m – 6m in width

There was a requirement for roof-top plant and this had been carefully sited to ensure that views of the plant reduced from the main approaches and that only oblique views of this would be glimpsed from the northern side of the campus green

Members were informed that a speaker had registered to address the Panel and that two letters of objection had been received from local residents on the following grounds:

- the archive store would generate significant traffic to the area and no parking had been provided for visitors
- the proposed design of the building was 'ugly' and did not blend in with the conservation area character
- the building should not be lit at night
- the building would block out views of the former Grammar School buildings from Woodsley Road
- the building would result in a loss of existing greenspace and protected playing fields

Officers advised on the matters raised by the objectors as follows:

The principle of the loss of the protected greenspace, the scale and position of the archive store and the likely traffic and parking implications had been fully considered and agreed at the time of the outline planning application. It was for Members to consider the merits or otherwise of the proposed design. There were no current proposals to light the building at night time apart from security lighting to the footpaths and entrance areas

The Panel heard representations from an objector who attended the meeting, following which Members discussed the proposals and commented on the following matters:

- the comments made by the speaker as to the legality of determining the application in view of concerns raised regarding consideration of the objections received
- concerns about the species of trees to be planted and the need to avoid sycamores or field maples
- some dissatisfaction at the proposed cladding and the view that this could be improved upon particularly in this setting
- whether there was scope for the provision of a green roof
- the appropriateness of a pedestrian access across the middle of the site and whether this should be redirected

The Head of Planning Services stated that issues around the loss of the playing pitch had been dealt with previously through the outline application which had also established the principle of development. The application before Members related to design matters and could only be considered on that basis

In response to the concerns raised as to the legality of determining the application at this time, the Head of Planning Services informed Members that he was content that due process had been followed in this case and that a decision on the application could be made. It was not uncommon, due to the required timescales for the publication of the agenda, for reports to be written ahead of objections being received. In this case the issues raised had been considered and

put to Members to enable them to have regard to all the information available prior to determining the application

In response to a question from the Panel, the Legal Services representative concurred with the advice already given by the Head of Planning Services

Officers provided the following information in response to the issues raised by Members

- that a BREEAM 'excellent' rating was being sought for the development which in itself was a costly exercise. Whilst noting the comments about the provision of a green roof, Officers were of the view that such a request could not be justified
- regarding the footpath across the site, the majority of Members considered that if this was to be removed, a desire line would remain to enable the whole site to be accessed by the shortest walking route. In view of this the suggestion to relocate the diagonal footpath was not supported

RESOLVED - To approve the application in principle and to defer and delegate final approval to the Chief Planning Officer subject to resolving the detailed consultation responses and detailed matters raised in section 10 – 'Appraisal' of the submitted report

54 Date and time of next meeting

Thursday 7th January 2010 at 1.30pm in the Civic Hall, Leeds



Originator: Paul Kendall

Tel: 247 8196

Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 4th February 2010

Subject: PLANNING APPLICATION 08/01914/FU

**LUMIERE DEVELOPMENT, WHITEHALL ROAD/ WELLINGTON STREET,
LEEDS**

APPLICANT

Lumiere LP

DATE VALID

31.3.08

TARGET DATE

30.6.08

Electoral Wards Affected:

CITY AND HUNSLET

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

REFUSE for the following reasons;

1. In the absence of a completed signed S106 agreement the proposal fails to deliver any provision of affordable housing and therefore does not address, and is contrary to, the national strategic housing policy objectives outlined in paragraphs 9 and 10, 20-24, and 27-29 of PPS3 (Housing), the regional requirements in policy H4 of the adopted Regional Spatial Strategy (RSS – May 2008) and the requirements in the City as stated in policies GP7, H11 and H12 of the adopted Leeds Unitary Development Plan Review (2006) and amplified in Revised Supplementary Planning Guidance 3 (SPG3 – Feb 2003) and the Housing Need Assessment Update (SPG Annex, July 2005 - Revision April 2009).

2. In the absence of a completed signed S106 agreement, the proposed development has failed to make the necessary contributions to enhancements and improvements to public transport infrastructure required by Policy T2D of the adopted UDPR and amplified by L.C.C. Supplementary Planning Document on Public Transport Improvements and Developer Contributions such that existing traffic congestion and public transport service, accessibility and capacity problems would be aggravated by the proposal. This is contrary to the sustainability objectives of PPS1 (Delivering Sustainable Development) and PPG13

(Transport); regional advice contained in RSS policy T1; and policies GP7, CC1, T2(ii) and T2D of the adopted Leeds Unitary Development Plan Review (2006) and the SPD on Public Transport Improvements and Developer Contributions.

3. In the absence of a completed signed S106 agreement, there is no means of securing adequate levels of public access, in terms of the number of access points, routes through and the times of access to these routes, across the site. This creates the potential for this site, which is at a key point in the layout of the city centre, to be privatised, hindering easy access and connectivity through this important landmark city centre site. This would be contrary to the objectives of PPS1 (Delivering Sustainable Development) and policies GP5, GP7, CC1, CC9, CC12, CC13, BD3 and N12 of the adopted Leeds Unitary Development Plan Review (2006).

4. In the absence of a completed signed S106 agreement, the proposed development has failed to make the necessary contributions to enhancements and improvements to the local highway and footway network such that existing traffic congestion, accessibility and capacity problems would be aggravated by the proposal. This is contrary to the objectives of PPG13 (Transport); regional advice contained in the RSS, policy T1; and policies GP7, CC1, T2(i) and T2D of the adopted Leeds Unitary Development Plan Review (2006)

1.0 INTRODUCTION:

1.1 This application is being presented to Members given the history of this site, the significance of the development and its profile both locally within Leeds and on a regional and national level. Members were mindful to approve the above application when it was presented at Plans Panel on 22nd July 2008 subject to the completion of a S106 agreement. Officers have been very keen to complete this agreement and issue the permission in order to give this proposal the best possible chance of progressing. However, the applicant has gone in to administration and the Section 106 Agreement has not been signed. The Local Planning Authority cannot hold the application in abeyance indefinitely.

2.0 PROPOSAL:

2.1 This is for the erection of 2 no. towers, 33 storeys and 55 storeys in height, with a connecting covered public winter garden, comprising 832 flats, 120 serviced apartments, offices, health centre, ground floor and mezzanine level retail uses (A1,A3, A4 and A5) and basement car parking, with landscaping. (Revision to permission 06/01622/FU approved 4th April 2007). This previous approval included a S106 agreement which secured the following provisions

- Public Transport contributions
- The provision of Affordable Housing
- Provision for off-site Highway works
- Commitment to local employment
- Winter Garden provision and use
- Reinstatement of surrounding public realm (footways)

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located on the southern side of Wellington St and to the north of Whitehall Rd, between the former Royal Mail tower (West Central residential scheme) and the former Wellesley Hotel (City Central residential scheme). The site is the last significant piece of the jigsaw in the area between City Sq and Northern St. The surrounding area is characterised by a mix of new build offices, hotel and residential to the south and the rigid grid-like street pattern of the office quarter to the north which is part of the City Centre Conservation Area.
- 3.2 The most notable feature of this site when seen in the context of the surrounding street pattern is that it lies at the point where the east-west pattern of streets from Wellington St running north to The Headrow becomes adjusted through an approximate 30 degree angle to run off to the south-west along Whitehall Road.
- 3.3 Grounds works commenced on site to implement a previous consent for the Lumiere towers (see Planning History para 4.2). Work ceased on the development in July 2008. Work has recently been completed at the site to re-instate the former footways along the Wellington Street and Whitehall Road frontages. This work was carried out by the Local Highways Authority following the abandonment of the site by the developers and their unwillingness to carry out these essential highway works.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 This application was submitted to the Local Planning Authority on 31st March 2008. A presentation detailing the amendments to the development (as this application is a revised scheme of a previous approval) was presented to Members at Plans Panel on 21st May 2008. The application was then presented to Members on 22nd July 2008 with a recommendation to approve the application. Members accepted this recommendation and to defer the decision to Officers subject to the completion of a S106 agreement. The minutes of this previous panel are attached to this report.
- 4.2 The original Lumiere application was described as a 'Part 54 storey and part 32 storey mixed use development with office, residential, health centre, art display area, retail, glazed atrium/Winter Garden and basement car parking' (06/01622/FU). This application was formally approved on 4th April 2007, following a panel resolution on 20th July 2006. Construction of the foundations/ground-works commenced on site following this approval but ceased in July 2008.
- 4.3 Prior to this, an application was submitted for a single office building on the site. This was 10 storeys fronting Wellington St and Whitehall Rd with a single storey roof top plant room (ref 20/63/03).

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 There have been numerous attempts to engage with the developers to complete the S106 agreement. E-mails and letters were sent to the developers, prior to Linfoots announcing in February 2009 that they were in administration. A final letter was sent on 25th September 2009 to Fraser Properties, Linfoots joint partner in this venture, which detailed the Local Planning Authority intention to 'finally dispose' of the application due to the failure to complete and sign a S106 agreement.

5.2 A response was then received from Denton Wilde Sapte LLP on 15th October 2009 which contested the lawfulness of the Local Planning Authority ability to finally dispose of this application under Article 25(11) of the Town and Country (General Development Procedure) Order 1995. In view of this it was decided to bring the application back to Members for their consideration to make a final decision on this application. Officers responded by letter dated 24th November 2009 requesting information on what progress the applicant was willing to make to resolve the outstanding application and setting a 14 day period of response. At the time of writing this report no such response had been received.

6.0 OUTSTANDING ISSUES

6.1 In the absence of a signed and completed S106 agreement the scheme is considered unacceptable as there is no provision to mitigate the harm to highway safety as a consequence of intensification to the local highway network and public transport infrastructure this proposal would result in. Similarly there is no provision of affordable housing, contrary to the advice of both national and local planning guidance, or measures to ensure public access is available through the site and Winter Garden (which is considered a particularly important issue to ensure the connectivity of this landmark site with the adjacent highways, and to integrate the site within the city centre).

6.2 The Local Planning Authority appreciate the difficulties faced by developers, within the present market conditions of delivering major new developments, particularly with regard to high density city centre residential schemes. However the developers have not entered into any dialogue with the Local Planning Authority with regard to financial viability of this scheme and the additional financial pressures of the sought after and agreed S106 contributions, which are considered necessary.

6.3 The developers have not provided any mitigating information which could potentially highlight why they are unable in financial terms to make the full required contributions in respect of Affordable Housing and Public Transport and off-site Highway Works, in order to make the scheme financially viable and ensure public access is available through the site. The developers have not offered any reasoning or justification as to why the S106 has not, or cannot be completed and signed.

7.0 CONCLUSION

This application cannot be held indefinitely in abeyance, and as such Officers are recommending the refusal of the application due to the failure to sign and complete a S106 agreement over a 17 month period. In the absence of a completed and signed S106 agreement it is considered the proposal is contrary to PPS3 and PPG13 with regard to affordable housing and transport, PPS1 which regard to delivering quality sustainable development, and policies CC1, CC12, CC13, GP5, GP7, T2ii, T2C, T2D, BD3, H11 and H13 of the adopted Leeds Unitary Development Plan Review (2006).

Background Papers:

Original approval - 06/01622/FU

Subsequent amending application, the subject of this report - 08/01914/FU

Minutes from previous panel meeting dated 22nd July 2008.

MINUTES FROM PREVIOUS PANEL MEETING 22ND JULY 2008

Application 08/01914/FU - Erection of 33 storey and 55 storey development with connecting public winter garden, comprising 832 flats, 120 serviced apartments, offices, health centre, ground floor and mezzanine level retail uses (A1,A3,A4 & A5) & basement car parking, with landscaping (revision to permission 06/01622/FU - Lumiere development approved 4th April 2007)

Members considered a report following on from a pre-application presentation at the last meeting where the Panel commented on 3 main issues, namely housing mix, elevation design and treatment of the winter garden.

Officers addressed the recent news that works on site had ceased due to the change in the national economy and reported that discussions had begun to assess how the planning authority could assist the developer to ensure the scheme got underway. Members could be presented with a further application to alter the unit mix again if the market changed in the future. The Panel also viewed a model of the proposals at the lower levels to 10 storeys

With regards to affordable housing, Members had previously felt the increased number of units should equate to a larger commuted sum. The approved scheme had a £1.5m commuted sum. The developers had considered this and as there was a net increase in the number of units of 13.6%, were prepared to increase the commuted sum by 13.6% to £1.7 m approximately. The Panel noted this outcome was preferable to calculations using floor space, which had increased only by 2.7% and welcomed this result

Design - Members agreed the two tall towers fitted into the Leeds Tall Buildings draft strategy. The principle of the strong built urban form along Whitehall Road would cease at Lumiere Tower 1 with Tower 2 maintaining a relationship with the historic city centre core

Elevations – precedent slides of the northern Tower 2 were displayed showing the revised palette of colours and glazing to reflect reds and terracotta within the existing Park Square and Victoria Quarter. Slides showing the layering of the elevational treatment to provide a weave effect to the towers were also displayed. Previously this had been an irregular pattern providing an irregular tight weave to the lower levels and a wider pattern to the high levels. This application proposed to amend that approach to provide a more regular pattern overall. Slides of both original and current proposals were displayed for comparison. The elevations would employ clear glazing covered by fritted glazing and aluminium panels. Tower 2 would incorporate colour panels behind the glazing to produce the terracotta theme. It was felt the redesign of the elevations would provide a more elegant solution to the Towers

Height the increase in height was regarded as so small as to have an imperceptible visual impact on the street scene, and Panel noted they had previously agreed this point

Winter Garden – slides of the previously approved and amended scheme were displayed for comparison. Previously the winter garden incorporated a column and beam grid pattern support to the roof, with regular square glazed spaces. The new design proposed to use tree like supports which would in turn support a glazing

pattern which would appear lighter and create a more open feel. Members were concerned that the amendments should improve the internal experience. Officers suggested the proposals would provide an appropriate link to the glazed elevations of the towers.

Whilst one Member felt the design and treatment of the elevations of the previously approved Winter Garden had accentuated the strongly vertical towers and was more suited to the scheme, overall Members accepted the revisions, with the proviso that the colours indicated were purely for illustrative purposes for this meeting as they felt the terracotta displayed appeared as a strong red, rather than the preferred echo of red. The Panel was concerned that the red would detract from the diamond in the sky effect of the taller tower

The Panel also expressed disappointment at the reduction of the number of 2 bedroom flats but remained supportive of the overall scheme and hoped the economy would pick up sufficiently to encourage work to recommence on the iconic scheme.

RESOLVED – That the application be approved in principle and be deferred and delegated to the Chief Planning Officer for final approval subject to the resolutions of the Affordable Housing provision; resolution of highway matters; the specified conditions outlined in the submitted report (and such other conditions as he may consider appropriate), assessment of the submission regarding the micro-climate associated with the scheme and following the completion of a Section 106 Agreement (or deed of variation to the original Section 106 Agreement) to cover the following matters:

- a) Public Transport contributions**
- b) The provision of Affordable Housing contribution**
- c) Provisions for off-site Highway works**
- d) Commitment to local employment**
- e) Winter Garden provision and use**
- f) Reinstatement of surrounding public realm (footways)**

Together with such ancillary clauses as the Chief Legal Officer shall consider appropriate, plus an additional condition to control what happens to the site whilst work has ceased, so that the site is left secure and is not prejudicial to the surrounding business and area

Councillor Hamilton, having earlier declared both personal and prejudicial interests in the following matter (minute 19 refers) vacated the Chair and withdrew from the meeting. He took no part in the decision making process.

17. Details of extract ventilation systems/filters etc.
18. Provision for storage and disposal of litter.
19. Noise attenuation to be carried out in accordance with a scheme to be submitted.
20. Control over tenants ability to emit noise which could impact on other uses within the building.
21. Acoustic attenuation of all plant and equipment.
22. Details of mechanical ventilation/acu's.
23. No discharge of surface water until completion of approved drainage works.
24. Porous treatment to hard surface areas.
25. Drainage from parking to go via interceptor.
26. Submission of Green Travel Plan.
27. Details of Lighting and Public Art to be submitted.
28. No change of use from A3 or A4 to A1 by permitted development.
29. No sale of hot food for consumption off the premises for the A3 units.
30. Limit on amount of A1 retail floorspace, maximum size of individual unit and range of goods to be sold.
31. Survey of terrestrial and satellite reception to be undertaken after construction and appropriate mitigation measures to be included in a scheme which shall then be implemented.
32. Control over hours of external use from service route.
33. Inlets and outlets not to be closely located to prevent cross-contamination.
34. Duty for the development to be carried out in accordance with the following documents
 - Waste Management Strategy
 - Site Logistics Strategy Revision A (Carillion 2007)
 - Geotechnical Site Investigation (12110885-P2)
 - Additional Geotechnical Site Investigation Waste Classification Document (121111354-P2)
 - Construction Noise Assessment and Control Proposal C
 - Drainage and Flooding Statement (WSP March 2006)
35. Levels details to be submitted based on a OS data.

Introduction:

This proposal was originally approved by Members at Plans Panel on 20th July 2006. A presentation detailing the amendments, which are sought through this revised application, was presented to Members at Plans Panel on 21st May 2008.

Site and Surroundings:

The site is located on the southern side of Wellington St and to the north of Whitehall Rd, between the former Royal Mail tower (West Central residential scheme) and the former Wellesley Hotel (City Central residential scheme). The site is the last significant piece of the jigsaw in the area between City Sq and Northern St. The surrounding area is characterised by a mix of new build offices, hotel and residential to the south and the rigid grid-like street pattern of the office quarter to the north which is part of the City Centre Conservation Area.

The most notable feature of this site when seen in the context of the surrounding street pattern is that it lies at the point where the east-west pattern of streets from Wellington St running north to The Headrow becomes adjusted through an approximate 30 degree angle to run off to the south-west along Whitehall Road.

Relevant Planning History:

The original Lumiere application was described as a 'Part 54 storey and part 32 storey mixed use development with office, residential, health centre, art display area, retail, glazed atrium/Winter Garden and basement car parking'. This was formally approved on 4th April 2007, following panel resolution on 20th July 2006. Construction of the foundations/ ground works have commenced on site, which is now surrounded by hoardings.

Prior to this, an application was submitted for a single office building on the site. This was 10 storeys fronting Wellington St and Whitehall Rd with a single storey roof top plant room (ref 20/63/03).

Proposal:

The proposal is for erection of 33 storey and 55 storey development with connecting covered public winter garden, comprising 832 flats, 120 serviced apartments, offices, health centre, ground floor and mezzanine level retail uses (A1,A3, A4 and A5) and basement car parking, with landscaping. (Revision to permission 06/01622/FU approved 4th April 2007). This proposes the following amendments to the original scheme:

The External Appearance of the Towers

The amendments to the appearance of the elevations of the towers are a consequence of the changes to the patterning and colour of the shadow boxes. The materials of the towers remain the same. The buildings still remain as a fully sealed, aluminium framed, glazed curtain wall system. The towers have also increased in height. Tower 1 has increased in height by less than one metre and Tower 2 has increased by approximately 1.5m. The increases in heights relate to the need to provide an enlarged lift overrun.

Residential Mix

The proposal includes an additional floor on each tower. This represents a 2.7% increase in the number of residential floors within the entire development although due to the reduced size of the apartments 114 additional apartments are being proposed. This is a 13.6% increase in the number of apartments from that approved by the original application

The change in the number of residential units is detailed below.

	Approved	Proposed	Change
Smart Pads	102	93	-9
Studio	92	156	+64
1 Beds	332	513	+181
2 Beds	308	182	-126
Duplex	4	8	+4
	838	952	+114

The number of apartments has increased by 114 principally as a result of converting a number of 2 bed unit into 1 bed units and reducing the floor to floor heights marginally over the course of both towers to provide an additional floor in each tower.

Car Parking

The numbers of parking spaces have been reduced from 356 to 296. These spaces are still located over 3 basement levels. 15 disabled spaces are now proposed which is a proportionate reduction of 5 spaces.

Winter Garden

The approved design of the Winter Garden was previously a simple column and post structure with glazing supported by primary and secondary members but is now based on structural steel trees and a 'skin-like' structural carrier system.

The application is accompanied by a full range of supporting documents which include an Environmental Assessment, which covers the following issues;

- Visual impact.
- Historic environment.
- Archaeology.
- Wind Assessment.
- Sunlight, daylight and shadowing.
- Transport issues.
- Noise and vibration.
- Air quality.
- Ecology.
- Water resources.

- Radio and Television assessment.
- Socio-economic assessment.
- Sustainability appraisal.

Statutory Consultations:

British Waterways: No objection.

Yorkshire Water: No objection subject to conditions

Leeds Bradford Airport: No objection subject to conditions.

Coal Authority: No response received.

English Heritage: No comment,

Environment Agency: No comments received at the time of writing this report.

Yorkshire Forward: No objection, some expressed concern over size of external areas surrounding the base of the buildings and the environment of the pedestrians. Response: The footprint of the building and external areas remains unaltered in this revised application. This issue was considered through the determination on the original approval.

English Nature: No comments received at the time of writing this report.

Non-Statutory Consultations:

Highway Services: The proposals are as agreed on the previous scheme, in terms of access etc. There is no objection to the reduction in parking spaces given the location within the city centre of the application site.

Metro: No response at the time of writing this report

Sustainability – Contaminated Land: No objection subject to conditions – as the entire site is to be excavated any contaminated land will be removed from the site. These excavations have now commenced on site.

Licensing: No objections.

Neighbourhoods and Housing: Have assessed the Acoustic Report and the acoustic properties of the external skin will be required to be controlled by condition. Need to control hours of use of the external service route to protect amenity of residential uses to the east. No objections subject to conditions.

Police Architectural Liaison Officer: No objection subject to adequate security measures.

Access: Disabled persons parking is adequately supplied and all other detailed matters will be dealt with.

Leeds Civic Trust: No further comments, the previous application was supported by Leeds Civic Trust.

Responses from Members of the Public:

The application was publicised by site notices and a newspaper article. As a result of this whole procedure representations have been received from 2 members of the public, one of which is a letter of support, and one is a letter of objection. The points raised are highlighted below.

From a resident of Horsforth:

- Building is pleasing to the eye and will have a dramatic effect on the distant skyline.
- This would lead to an image of high status which is the right one for Leeds to project.
- Will assist in Leeds 'moving up a league' and achieving it's aspiration to be a European class regional city.

From a resident of the adjacent West Point development.

- The proposal will have an impact on clean and healthy environment
- Loss of a view
- Would result in over-shadowing
- Misinformed by the land owner over the true plans for this site.

Response

The amendments sought through this application have no impact on the above issues raised. Issues considering amenity and the impact of the development on adjacent occupiers living conditions were previously considered and established through the approval of the previous application. These issues raised were fully discussed and considered in the assessment of the previous scheme. The matter of being misled by the previous owner of the site with regard to the true intentions for redevelopment is not a material planning consideration.

Planning Policies:

National Planning Guidance

National guidance applicable includes:

PPG3 Housing; PPG8 Telecommunications; PPG13 Transport; PPG15 Planning and the Historic Environment

PPS1 Delivering Sustainable Development & PPS6 Town Centres and Retail Developments (refers to leisure development) are particularly relevant.

PPS1 places an emphasis on the requirement to provide sustainable developments through:

- The promotion of urban....regeneration to improve the well being of communities, improve facilities, promote high quality and safe development and create new opportunities for the people living in those communities. Policies should promote mix use developments for locations that allow the creation of linkages between different uses and can thereby create more vibrant places.
- Provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space, sport and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car....
- Focus developments that attract large numbers of people, especially retail, leisure and office development, in existing centres to promote their vitality and viability, social inclusion and more sustainable patterns of development.... whilst making the fullest use of existing public transport networks
- Promote more efficient use of land through higher densities, mixed use development and the use of suitably located previously developed land and buildings. Subject to other planning considerations, residential or office development should be encouraged as appropriate uses above ground floor retail, leisure and other facilities.
- Adverse environmental, social and economic impacts should be avoided, mitigated, or compensated for.

Design

- Design of buildings should be high quality, respond to their local context and create or reinforce local distinctiveness. They should be visually attractive as a result of good architecture and appropriate landscaping.
- Local Planning Authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on design.

PPS6 encourages a diversity of uses, paragraph 2.22 states that

- ‘Diversity of uses in centres makes an important contribution to their vitality and viability. Different but complementary uses, during the day and in the evening, can reinforce each other, making town centres more attractive to local residents, shoppers and visitors. Local planning authorities should encourage diversification of uses in the town centre as a whole, and ensure that tourism, leisure and cultural activities, which appeal to a wide range of age and social groups, are dispersed throughout the centre.’
- This approach helps to improve the health, vitality and economic potential of a town centre.

Regional Planning Guidance

Yorkshire and Humber Plan - Regional Spatial Strategy (May 2008)) sets out the priorities for the region until 2026. A number of the policies in the RSS are relevant to the proposal emphasising the role of Leeds as a regional centre, the need for a quality environment with encouragement to the reuse of previously developed land, and the role of city and town centres as the focus for retail activity.

YH1	Growth and change will be managed to achieve sustainable development
YH2	Need to reduce greenhouse gas emissions through <ul style="list-style-type: none"> • Increasing population, development and activity in cities and towns. • Encouraging better energy, resource and energy efficient buildings. • Reducing traffic growth by appropriate location of development. • Encouraging redevelopment of previously developed land.
YH4	Regional Cities and Sub Regional Cities and Towns should be the prime focus for housing, employment, shopping, leisure, education, health and cultural activities and facilities in the region,
YH7	Priority to the re-use of previously developed land and buildings
LCR1	Role of Leeds as a regional city
H2, B2	Indicates that housing development on brownfield sites should be prioritised.
T1	Identifies aims for personal travel reduction and modal shift. This is supported by Policy T2 (parking policy) and Policy T3 (public transport)

Adopted Unitary Development Plan

Policies applicable in UDP include:

- CC3: New buildings – innovative design.
- CC5: Development in setting of Conservation Areas must preserve/enhance.
- GP5: Proposals should resolve detailed planning considerations.
- N12: Seeks to achieve fundamental urban design objectives.
- N13: Seeks to achieve a high standard of building design.
- BD2: Seeks to ensure design and siting of new buildings should complement and enhance surroundings.
- BD3: Seeks to achieve access for all.
- BD4: Seeks to minimise the impact of plant and machinery.

BD5: Seeks to ensure a satisfactory level of amenity for occupants and surroundings.
LD1: Seeks to complement and enhance the quality of the existing physical environment.
T2: Development to be served by highways network/public transport/pedestrian routes.
T5: Seeks to ensure satisfactory and secure access and provision for pedestrians and cyclists.
T6: Seeks to ensure satisfactory access for disabled users.
T7A: Seeks secure cycle parking facilities in accordance with guidelines in Appendix 9 of the UDP.

Other Guidance

City Centre Urban Design Strategy (CCUDS).

Relevant planning issues:

Officers consider that the main issues for consideration are solely related to the proposed revisions, these are as follows:

- The revised height of the scheme
- The revisions to the pattern of the facades of both towers
- The principle of additional and the proposed mix of residential units
- Affordable Housing contribution
- The reduction in parking
- The revisions to the design of the Winter Garden

APPRAISAL:

Increase in Height of the Towers

The proposal seeks to increase the height of Tower 1 by 0.84m, and Tower 2 by 1.605m, which will bring the height of the towers to 171.7m and 114.5m respectively. The issues surrounding the impact of the proposal on the sky-line of Leeds was carefully considered (through CABE's and English Heritage guidance on Tall Building) through a submitted Tall Buildings Statement which considered the most important vistas and viewpoints. This revised application is again supported by a full Tall Buildings Strategy which examines this issue in full, considering the impact of the buildings height from 24 different viewpoints.

Given the total height of the towers, it is not considered this increase in height would be perceptible and consequently the proposed increase in height will have a very similar impact upon the skyline of Leeds when compared to the previously approved scheme.

Revisions to the external Appearance/ Patterning of the blocks

Within Tower 1 the patterning and colours are designed to respond to the commercial district and river to the south, in that they are visually lightweight to respond to sky, water, metal and glass. As approved the frit was based on a geometrical diagram of strips of frit which became larger as they ascended towards the sky. The frit patterning has subsequently been refined to a weave pattern where each clear unit to the vertical facades has a strip of ceramic frit. The developer has stated that the rationale for this amendment is to give the towers an increasingly stream-lined and uniform appearance to the building.

The colour of shadow boxes within Tower 2 is now entirely based on a terracotta colour and this is to respond to the colour of the facing materials of the existing buildings to the north of the site, which lie within the city centre Conservation Area.

Images illustrating the changes in the patterning between this proposal and the previously approved scheme will be available to view at Panel and will provide Members with a far clearer impression of the proposal when compared to the drawings which were presented to Members at Plans Panel in May. It is considered the revisions to the patterning of the towers does create a more uniform elevational appearance and that the building is tall enough and of a dynamic three dimensional form for the building to retain it's slenderness and visual interest.

Mix of Units

The proposal essentially sees a reduction in the number of 2-bed units, and an increase in the number of 1-bed units and smart pads. There is still a range of unit sizes within the scheme with

20% of the units containing 2 bedrooms. The applicants stated in their presentation to Members in May that the revisions to mix of unit types is a response to the take up from off-plan sales, which has demonstrated a higher demand for smaller units. There is no specific policy which controls the mix of units and in the context of this overall development, although PPS3 does encourage of mix of units sizes and types which would attract a range of residents. It is considered the revisions that the proposal still delivers a reasonable mix of unit types and sizes and land uses in general. It is also noted that the revisions to the mix of unit sizes has no impact on the external appearance of the building.

Winter Garden

The size and orientation of the glass panels on the Winter Garden have been rationalised to produce the most geometrically efficient panelling. The previous scheme was designed on a simple column and post structure but is now based on structural steel trees and a 'skin-like' structural carrier system. Within this system all members are equal in size and depth which allows the appearance of the Winter Garden to be far more structurally efficient and therefore less visually obtrusive. The result is an enhanced net like transparent structure between the two towers.

The revisions to the Winter Garden result in an elegant and transparent structure which will allow better visibility into the Winter Garden and this is considered to be an acceptable improvement and will help to tie it to the open area of Piazza between Lumiere and West Central. A model of the Winter Garden will be available to Members to view at Panel.

Affordable Housing

The original approval secured a commuted sum of £1.5million to contribute towards off-site affordable housing provision. This sum was accepted by Members due to the abnormal costs associated with building a tall building on a constrained site within an existing built urban environment. It was also considered more beneficial to accept a commuted sum than deliver affordable units on site, due to the higher than average price these units (within Lumiere) would command and thus the affordable housing contribution would provide an increased number of affordable units if it were to be spent off site.

The previous application was presented to Members at Plans panel in July 2006; since this date, construction, inflation and fuel costs have all increased substantially which further lowers the profitability of this scheme, and the scope for the applicants to make additional affordable housing contributions. This was explained to Members by the developers at the pre-application presentation on 21st May 2008.

The additional 114 units which are sought through this revised scheme represents a 13.6% increase in the number of units. The applicant have now proposed to increase the contribution and their methodology has been to increase the originally agreed sum of £1.5 million by 13.6%, which is just below £200,000. The applicants have therefore made an offer to contribute a further £200,000 towards affordable housing provision, bringing the total contribution to £1.7 million.

Given that the applicant's case for the abnormal costs associated with this tall and unique building to be taken in to account has been previously accepted, officers consider that the logic behind this methodology is reasonable and acceptable.

It is worth noting that in terms of residential floor area (sq m) the proposed additional 2 floors (one within each block) represents only a 2.7% increase in floorspace. This highlights it is the proposed changes in the mix of units which predominantly responsible for the additional units, not the increase in floor space.

Conditions

49 conditions were imposed on the approval of the previous application (08/01914/FU). A proportion of these conditions were 'pre-commencement' conditions which placed a duty on the applicant to discharge the conditions prior to development commencing on site. These conditions have been discharged and development on site has commenced. As the revisions sought through this revised application have no implications for the ground works on site, it is not considered necessary to repeat these pre-commencement conditions on the approval of this application.

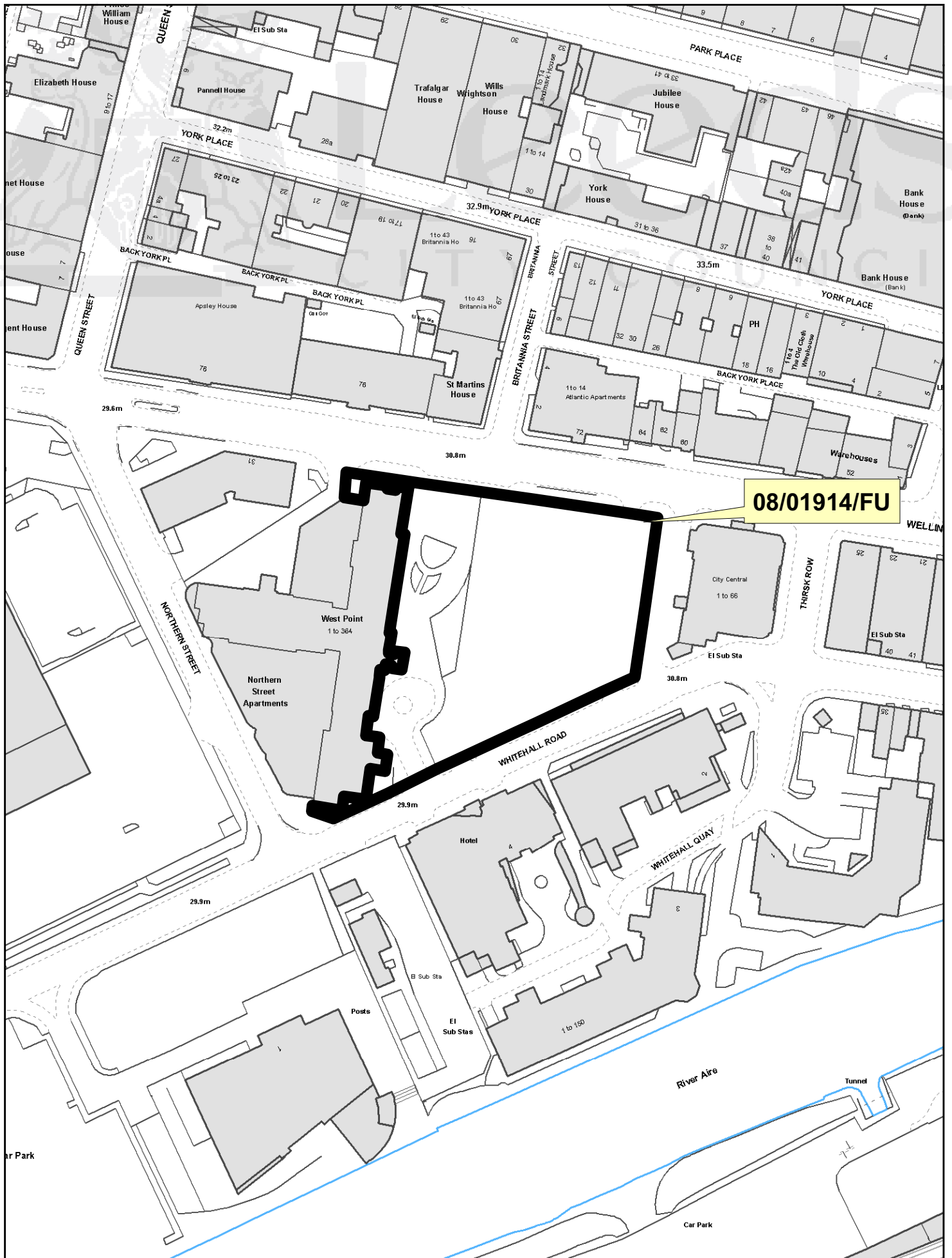
These pre-commencement conditions were concerned with issues surrounding contamination and construction methodology. A new condition will be imposed on the approval of this application to ensure compliance with the all of approved documents which have been submitted to the Local Planning Authority, in reply to the previous imposed pre-commencement conditions, to ensure they remain relevant.

Conclusion

The revisions to the towers are mainly detailed matters concerning units sizes, mix and the detailing of the tower's external elevations. Fundamental issues such as the principle of a pair of tall buildings in this location, their height, form and mix of uses have already been established.

The site is clearly in a sustainable location and will bring a large range of uses to a site which is well connected to all modes of public transport. It is of an environmentally sound and technologically advanced design and the introduction of a new covered space which also offers additional pedestrian permeability provides a feature which the city currently lacks and will increase the range of the city's offer to residents, workers and visitors alike. There is a high likelihood that this proposal will result in a greater focus of activity and investment in the area to the benefit of other parts of the existing stock of buildings.

The building will be of an exceptionally high standard in terms of both design and quality of external finish which will set a new benchmark for architectural achievement in the city and will, in turn, help move the city up a league in its desire to be recognized as a truly European city.



CITY CENTRE PANEL

Scale 1/1500

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Originator: Andrew Windress
Tel: 2478000

Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 4th February 2010

Subject: APPLICATION 09/5038/FU – DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF SIX STOREY OFFICE BLOCK WITH BASEMENT PARKING AT 6 QUEEN STREET AND 28A YORK PLACE

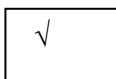
APPLICANT
West Quarter Ltd

DATE VALID
2nd December 2009

TARGET DATE
3rd March 2010

Electoral Wards Affected:

City and Hunslet



Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE approval to the Chief Planning officer subject to the acceptance of the viability appraisal, conditions specified (and any others which he might consider appropriate)and the completion of a legal agreement within 3 months from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations;

- Public transport contribution of £103,235 (or as agreed subject to viability appraisal).
- Travel Plan with monitoring fee of £4,215.
- Commitment to use reasonable endeavours to cooperate with LCC Jobs and Skills Service during and post construction regarding employment at the site and use local contractors, sub-contractors and material suppliers where appropriate (but noting that the applicant is a construction company based in Halifax and therefore already has a labour force available for construction).
- £600 monitoring fee for the public transport contribution (subject to viability appraisal).

Conditions

1. Time limit.

2. Reference to plans being approved.
3. Notification of date of commencement.
4. Requirement for a construction management plan.
5. Confirmation of site levels and building heights.
6. Sample panel of all external materials to be approved.
7. Provision of typical 1:20 detailed elevations for material joints, windows, entrances, eaves, reveals and soffits.
8. Details of any excrescences on the external walls and roof.
9. Full details of hard/soft landscaping to be submitted.
10. Implementation of hard/soft landscaping.
11. Details of storage and disposal of litter.
12. Delivery hours restricted to 0700-2300.
13. Details of any lighting.
14. Details of surface water drainage and raised area at the car park entrance.
15. Implementation of surface water drainage techniques.
16. Full details of vehicle, motor cycle and cycle parking facilities including secure locking facilities.
17. Appropriate construction of new vehicular crossings, kerbs etc.
18. Full details of design and location of drop down vehicular barriers.
19. Retention of the visibility splay of 2.4m x 33m.
20. Standard land contamination conditions relating to the recommended site investigation works.
21. Details of safety and security measures for the site including the basement car park and access to buildings to 'Secured by Design' standards.
22. Requirement to meet BREEAM 'Excellent' and consideration of RSS policy ENV5, provision of a green/brown roof, recycled material content, Site Waste Management Plan and Sustainable Drainage Systems (SUDS).
23. Requirement for a dedicated user system and window/door manifestations.
24. Parking allocation to accord with UDP standards.
25. Full details of the servicing of the building.
26. Full details of the on-street highway works to be agreed and implemented prior to occupation.

Conditions 4, 22, 23 and 26 are non standard conditions, a further explanatory note regarding these conditions can be found in the Appendix 1

Reasons for approval: The application is considered to comply with policies GP5, GP11, GP12, BD2, BD4, BD5, T2, T24, A4, SA9, SP8, CC5, CC27, BC7, N12, N13 and N19 of the UDP Review, as well as guidance contained within the City Centre Urban Design Strategy September 2000, Public Transport Improvements and Developer Contributions 2008, Sustainable Development Design Guide 1998, PPS1, 'General Policies and Guidance', PPS4 'Planning for Sustainable Economic Growth', PPG13 'Transport', PPG15 'Planning and the Historic Environment' and, having regard to all other material considerations.

1.0 INTRODUCTION:

Members will recall a pre-application presentation regarding this proposal from the 16th July 2009 Panel. At this meeting Members received a presentation from the architect and provided comment on the scheme. A summary of Members' comments is provided in section 5.0 below. Following this pre-application presentation, amendments have been made to the scheme to attempt to address Members' comments and a formal application has been submitted which is now brought to Members with a request they resolve to agree the scheme proposals and

conclusions regarding the viability appraisal (to be reported verbally) and defer and delegate the final decision to the Chief Planning Officer.

2.0 PROPOSAL:

It is proposed to demolish the existing office buildings and construct one six storey building to provide 9797m² (GIA) of B1 office accommodation with basement parking.

The building would be sited to the back of the footway on both Queen Street and York Place with the vehicular entrance at the eastern end of the building on York Place. Vehicles would turn left into the car park from the one-way York Place and into a basement that accommodates 47 car parking spaces inclusive of 2 disabled spaces, 3 'large' parking bays that can be converted into disabled bays at a later stage if the need arises, 38 cycle parking spaces and 8 motor cycle spaces. The basement also includes shower facilities (3 male, 3 female and one disabled), some plant machinery and bin stores. 5 basement car parking spaces are designated to car sharers. Access to the basement is controlled by a shutter located 5m from the back of the footway. An additional 'night time' shutter is located on the back of the footway that will be closed at night to restrict access and prevent anti-social behaviour, this shutter will be an open type that allows views through the shutter and therefore avoids introducing a totally solid frontage to this ground floor part of the building.

At ground floor there is the main pedestrian entrance on Queen Street adjacent to the fire escape door and bin store access point. A secondary pedestrian access is provided on York Place towards the vehicular entrance. The building is set in from much of the northern boundary where an external landscaped area is provided. At the corner of Queen Street and York Place the ground floor is cut back to ensure an appropriate footway width is provided. Four short stay cycle spaces are provided at the main entrance to the building on Queen Street. Servicing takes places from Queen Street adjacent to the main entrance. One of the three existing on-street parking bays outside the building on Queen St is to be converted to a car club bay.

Floors one to three provide a similar open plan office floor space to that of the ground floor until the building is set back 2m along York Place at the fourth floor where an external terrace is provided.

The fifth floor is set back a further 3.5m (5.5m in total) along York Place with a set back of 4.5m being introduced along Queen Street. Due to a covenant placed on the land regarding the height of the building in relation to the adjacent buildings, the fifth floor is significantly set in from the eastern boundary of the site therefore a large external terrace is provided. The fifth floor incorporates a plant room in addition to the open plan office space.

The building is faced with a red brick to reflect the predominant material in the area with aluminium framed windows and opaque glazing introduced to screen floor slabs and other structural features.

The York Place elevation is broken down into bays by recessing vertical strips within the brick façade to compliment the terraced approach that exists along this street. The windows are recessed into the building with some larger windows to the ground floor and greater variation to the upper floors. Again, the window rhythm seeks to reflect that found throughout York Place. The fourth floor that is set back incorporates larger areas of glazing with the fifth floor taking the form of a lightweight glass box.

The Queen Street elevation has larger window openings including a double height glazed entrance. There are smaller window openings to the set back fourth floor with the fifth and top floor being the same lightweight box found on the York Place elevation. Brise soleil are incorporated into the smaller openings on the fourth floor.

Hard and soft landscaping is provided in the ground floor courtyard area at the rear of the site.

The building will achieve BREEAM excellent and the applicant has also committed to exploring the potential for green/brown roofs and other sustainable and biodiversity approaches to enhance the sites ecological value.

The application is supported by the following documents:

- Design and Access Statement.
- Planning Statement.
- Heritage Statement.
- Utilities Assessment.
- BREEAM Assessment.
- Economic Statement.
- Drainage Statement.
- Travel Plan.
- Transport Statement.
- Noise Impact assessment.
- Land Contamination Report.

The applicant has confirmed they will enter into a S106 agreement regarding the Travel Plan and evaluation fee of £4,215. The applicant will also agree to the standard training and employment initiatives subject to consideration being given to the fact that they are a construction company based in Halifax and therefore can supply much of the labour force required for the construction. A viability appraisal has been submitted regarding the £103, 235 Public Transport Contribution and this is being examined by colleagues in Asset Management with their findings to be reported verbally to Panel.

3.0 SITE AND SURROUNDINGS:

The application relates to two buildings located adjacent to each other on York Place and Queen Street. Pannell House is a three storey office building on the corner of Queen Street and York Place. White Rose House is the adjacent 5 storey office building on York Place. The buildings are in red brick with vehicular and pedestrian accesses available from both Queen Street and York Place. Surface parking is located behind each of the existing office buildings. The buildings were constructed in the 1970s.

The site is within the Central Area Conservation Area and Prime Office Quarter. The area is characterised by primarily office accommodation but with some residential and leisure uses. The character includes a number of red brick buildings of varying ages including three storey Georgian houses on the southern side of York Place opposite the site, former Victorian warehouses and other 1970s office buildings. There are some new contemporary buildings and extensions within the Conservation Area (CA). The nearest residential properties are opposite the site on the south side of York Place.

York Place is a one way street running west to east from Queen Street to King Street. There are on-street parking bays on the southern side of York Place and on both sides of Queen Street.

4.0 RELEVANT PLANNING HISTORY:

None

5.0 HISTORY OF NEGOTIATIONS:

An initial pre-application enquiry was submitted in September 2008. Since this date regular discussions took place regarding the redevelopment of this site up to the pre-application presentation to Panel in July 2009. Prior to the Panel presentation the focus of the discussion related to the scale, form and design of the building.

At the 16th July 2009 Panel Members received a presentation from the architects and made the following comments. Where necessary a brief response to these comments is provided below with a further response provided in the appraisal section below.

- It is a shame that buildings only 20 years old are being demolished therefore the sustainability argument needs to be strong to justify this demolition. *Response:* A BREEAM Assessment has been provided that states the new building will meet BREEAM Excellent. The existing buildings have a poor environmental performance therefore there are significant long term benefits. Further details are provided in paragraph 5 of the appraisal section.
- The existing buildings fit better, the height of the proposals are OK but the rhythm is wrong. *Response:* It is considered the existing buildings are of a bland design and do not sufficiently respect the streetscene and Conservation Area. A full appraisal of the design including improvements made to the rhythm is provided in paragraph 2 of the appraisal section.
- The proposals are no more interesting than existing. *Response:* See point above and design comments in the appraisal section.
- The scheme follows the York Place design but is very big onto Queens St. The corner unglazed tower appears inappropriate and the larger windows on York Place. *Response:* The Queen Street and corner design has been amended and is discussed in detail below.
- It is a challenge to design in this area of mixed character. The sympathetic approach is acceptable but the detail has to be correct.
- One Member didn't like roof set back and requested this reflect the design of the rest of the building. *Response:* Recessed upper floors are a common feature in the locality and city centre as a whole and are considered to be an appropriate way to reduce a buildings impact on the streetscene and ensure the upper levels do not appear dominant.
- The building should be exciting. It may be preferable to have a contrasting material and not all brick. However it is accepted that all brick may be appropriate in the context of the Conservation Area. *Response:* The predominant building material in the area is red brick and to ensure the proposal reflects the character of the Conservation Area it is considered that brick should be used as the facing material to all elevations.
- In general the scale, massing and rhythm of the building to York Place was supported but not so much the corner onto Queen Street. *Response:* The corner feature has been improved and is discussed in more detail below.

6.0 PUBLIC/LOCAL RESPONSE:

Site notices were posted on 9/12/09 and an advert was placed in the Leeds Weekly News on 24/12/09. No comments received.

Within the Design and Access Statement submitted for the proposals reference was made to a public consultation exercise. The applicant sent 60 letters to local land owners, businesses, property representatives and residents informing them of a drop in session at the site when the proposed plans could be viewed. The Civic Trust were also invited to this session which took place on 28th October 2009. Nine people attended the event and six written comments were received. The comments supported the principle of the development and design of the proposals. There was one concern raised that related to the disruption to the street during demolition and construction.

7.0 CONSULTATIONS RESPONSES:

Statutory:

Highways: No objections in principle subject to minor amendments to the site layout including the setting back of the vehicle barrier, provision of 8 motorcycle spaces, vehicle tracking, dropped kerbs and visibility splays. The area of the site required to provide the appropriate visibility splay should be adopted as highway. All external doors should not swing out to the adopted highway. Conditions are required to cover the above points and to require a construction management plan and cycle locking facilities. *Response: Amended plans have been submitted that address the issues above and Highways now accept the proposals. The applicant has confirmed that the area within the visibility splay cannot be adopted as highway as the building above overhangs this point therefore a condition will be added to ensure the visibility splay is maintained. Further conditions will be added as requested.*

Mains Drainage: There are no apparent flooding issues but as a basement car park is proposed it is suggested that the vehicular entrance be raised to ensure any flood water does not enter. Conditions are required to ensure the existing drainage can cope with current drainage standards. *Response: The surface water run off from the site is to be reduced by 30% to a limit of 100 litres/ sec/ hectare by the use of a green roof or on site storage. This is to be investigated as agreed under the sustainability items. A raised strip is now noted on the ground floor plan. However it should be noted that York Place at the car park entrance falls towards Queen Street by 900mm and Queen Street then falls to Wellington Street. Conditions will be added that require full details of the surface water drainage and raised strip.*

Yorkshire Water: No comment to make.

Non-statutory:

Neighbourhoods and Housing: Due to the proximity of residential properties standard conditions have been recommended to ensure the amenity of residents is not adversely affected. *Response: The standard conditions will be added. The condition regarding the hours for deliveries will be amended from the suggested 0730-1630 Monday to Saturday (with no deliveries on Sunday or Bank Holidays) to 0700-2300 to accord with PPG24 'Planning and Noise' and Circular 11/95 (The Use of Conditions in Planning Permissions). 0700-2300 are considered the non-sensitive hours in a city centre location that includes a variety of uses including night time activity, without unduly impinging upon sleeping hours.*

Contaminated Land: The desk study identifies the site as a former timber works therefore conditions are required to ensure the necessary site investigation works take place.

West Yorkshire Police Architectural Liaison Officer: Methods to control vehicles and pedestrians entering the building should be in place to ensure offenders cannot enter. Car park lighting should be to the appropriate British Standard. *Response:* The agent has confirmed they have discussed these issues with the ALO and agreed that the shutter access to the basement car park covers the points raised and that no bollards are required. A height restrictor will be installed at the car park entrance. General access control will be introduced at the main entrance and basement core access point. All other doors are fire escape doors and will only open from the inside. Internal controls will depend on the number of tenants. The lighting requirement in the basement to BS5489 has been noted by the applicant. The BREEAM report also requires consultation with the ALO and the incorporation of their recommendations and a condition is added to ensure the building and car park accords with 'Secured by Design' standards.

Transport Policy: The Travel Plan (TP) and TP evaluation fee of £4,215 will need to be secured through a S106 agreement. Details of the proposed car club space on Queen Street should be provided and new occupants of the offices should be offered a free trial. The car parking should only be allocated to the offices in accordance with UDP standards and motorcycle, visitor cycle and car share spaces should be identified in plan. Have the Highways Agency (HA) been consulted? *Response:* The requested details have been provided and the car club space will be provided on Queen Street with a free trial offered to new occupants. Parking is in accordance with UDP standards. Due to the scale and location of the development the HA do not need to be consulted.

Public Transport Contribution: The proposed development would generate a significant number of trips and a contribution of £103,235 is required in accordance with SPD5. *Response:* The applicant has submitted a viability statement that is being considered and an update will be provided verbally at Panel.

Access: The secondary door adjacent to the revolving door should be electronically operated with a dedicated user system (or other system) to ensure access for all. Permanent manifestations should be placed on all glazed walls and doors. Two disabled spaces should be provided with three bays marked up as large bays that have the potential to be converted to disabled bay if the need arises. *Response:* The applicant has confirmed an electronically operated opening system with activation key fob system will be in place and manifestations will be provided, such measures will also be conditioned. Disabled and large bays have been provided as requested.

City Service Streetscene Services: The number of bins appears acceptable but it is not clear whether the bin stores are large enough. *Response:* The applicant has confirmed that the ground floor store is for general waste and will have 3no. 1100 litre bins. The basement store is for recycling paper and glass and will have 4 no. 1100 litre bins plus glass bin. The plans now show the bins located within the bin stores and this is acceptable. Full details of servicing and waste collection etc are required by condition.

8.0 PLANNING POLICIES: Development Plan

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

UDP:

UDP Designation: Prime Office Quarter, Conservation Area

GP5: Proposals should resolve detailed planning considerations.

GP11, GP12 (Sustainable Design).

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

BD4: Seeks to minimise impact of plant and machinery.

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

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

T24: Parking to reflect detailed UDP parking guidelines.

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

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

CC5: All development in the CA must preserve or enhance the character of the area. New buildings in the CA should respect the surrounding buildings by normally being within one storey in height.

CC27: Proposal areas within the City Centre.

BC7: Use of local materials in Conservation Areas

N12: Fundamental priorities for urban form.

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

N19: Development within or adjoining Conservation Areas should preserve/enhance the character and appearance of the Conservation Area.

Relevant Supplementary Planning Guidance

City Centre Urban Design Strategy September 2000: Seeks to reinforce the positive qualities of character areas, re-establish urban grain, provide enclosure to streets, create visual interest, encourage excellent design, improve pedestrian connections, develop a mixture of land uses, promote active frontages and promote sustainable development.

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

Sustainable Development Design Guide 1998: This SPG provides useful information for developers and designers in how the principles of sustainability can be put into practice, it will eventually be replaced by the Sustainable Design and Construction SPD once adopted.

National Planning Guidance

PPS1 General Policies and Principles

PPS4 Planning for Sustainable Economic Growth

PPG13 Transport

PPG15 Planning and the Historic Environment

PPG24 'Planning and Noise'

9.0 MAIN ISSUES

1. Principle of development.
2. Scale, form, design and impact on the Conservation Area.
3. Amenity.

4. Highways issues.
5. Sustainability.
6. S106 issues.

10.0 APPRAISAL

1. Principle of development.

The proposed office building is located within the City Centre and Prime Office Quarter therefore the principle of such a development is acceptable as it accords with UDP policy CC27 and guidance contained within PPS4. New office space will support the UDPs strategic aims regarding the development of the City Centre and those of the RSS.

2. Scale, form, design and impact on the Conservation Area.

The proposals were subject to lengthy detailed pre-application discussions with officers and a pre-application presentation to Panel. The scheme presented to Panel reflects these discussions and attempts to address all issues raised.

The scale of the building has remained unchanged from that presented to Members at pre-app when the scale was accepted. The proposed building is within the Conservation Area (CA) that, within the immediate environment, includes buildings of a variety of heights ranging from three storey Georgian properties of a domestic scale and appearance to larger six and seven storey 1960-70s buildings such as Sheldon House to the rear of the site. Due to this variety of heights the application of UDP policy CC5 that requires new buildings to normally be within one storey of adjacent buildings within the CA is difficult to strictly apply. As such it was agreed that a four storey building onto York Place would be acceptable with two floors progressively set back from York Place. This allows for the relationship to the three and four storey building on the opposite side of York Place to be considered acceptable as agreed at the pre-application presentation to Panel.

The apparent scale of the building is reduced further due to the top floor being set in 21m from the eastern boundary. The fifth floor is also set in from the Queen Street elevation by 4.5m and is designed as a light weight primarily glazed box.

The scale of buildings along Queen Street, including those on the west side of Queen Street that are outside the CA, are greater than many of the properties along York Place and are consistently four and five storeys high and include an approval at Prince William House to the northern end of Queen Street at seven storeys.

Due to the varied nature of the immediate surroundings and wider setting, plus the design features mentioned above and discussed in more detail below, it is considered that the scale of the proposed building is acceptable.

There has been a detailed study of both the York Place and Queen Street elevations to ensure the design of the building suitably reflects these rather contrasting streetscenes and wider character of the CA. The York Place streetscene has a common rhythm of mainly slender buildings with two and three bays therefore the proposed building includes recessed elements in brick that will break the building up and introduce a shadow at regular intervals and therefore respect the existing rhythm. York Place includes both large and small windows with some of the historic buildings incorporating some larger bay windows at ground/first floor and the more contemporary buildings in the area having large openings to all floors floors. The proposed York Place elevation includes both these elements by

having some large and small openings separated with varied brick panels. The deep window reveals (approx 300mm) allow the brick to dominate whilst providing depth and interest to the building that is provided by the large stone window frames on the historic buildings elsewhere within the streetscene.

The upper floors are set back and have a simpler design so as not to dominate this elevation but still respect window alignments etc. The top floor is primarily glazed with a slim frame and appears subservient.

To ensure the building aligns with the Queen Street elevation the common material of red brick is continued through the corner of the building and onto Queen Street.

At the pre-application presentation an open brick corner feature was proposed with deep recessed balconies. This dominant feature has been removed and a lighter glass tower introduced to provide an interesting feature that is supported by both brick elevations and therefore helps to link these elevations around the corner.

The Queen Street elevation also includes deep window reveals (approx 400mm) and varied window sizes but these openings are generally larger than those to York Place to reflect the more contemporary streetscene. A large presence is provided by the double height entrance and lobby area.

The building is primarily faced in red brick as this is the predominant building material in the area. The brick work and pointing will be inspected at condition discharge stage to ensure the brick reflects its surroundings. Aluminium frames to the windows are in common use within the CA and allow for the windows to have a slim frame like many of the timber framed windows in the CA. The tinted glass will subtly screen floor slabs and suspended ceilings etc without breaking the rhythm to the windows.

It is considered that the proposed building has addressed the varied scale and character of both streetscenes and the character within the CA and that outside of it. The use of traditional materials is supported and with the removal of the bland and varied architecture to the existing buildings the proposal is considered to enhance the character of the CA.

3. Amenity

Full details of the construction management are required by condition to ensure the amenity of local residents and other occupants of commercial buildings are protected.

Whereas the new office building introduces more floor space it is considered that there will be no adverse impact on the amenity of adjacent occupiers following this intensification. The relocation of the existing surface parking at the rear of the site into a basement will be an improvement on the current situation. The external terrace areas will be ancillary to the main office use and it is not considered these areas could create any significant amenity problems.

The proposed building abuts other office buildings and respects their height so as not to cause any significant overshadowing or overdominance over and above the existing. The building is to the north of the lower three-storey Georgian properties on the opposite side of York Place therefore there is no overshadowing of these properties and due to the set back of the upper floors the buildings are not considered to over dominate, as highlighted in section 2 above.

The proposed building fills more of the site than the previous and therefore introduces more windows facing toward other properties and within closer proximity. However, these windows maintain distances of between 6m and 15m and these are considered sufficient office to office window distances.

4. Highways issues.

Following minor amendments to the layout the scheme is acceptable in highways terms. The new vehicular access shows appropriate visibility splays that will be conditioned to remain clear of all obstructions, sufficient vehicle passing can be provided at the entrance and the car park provides appropriate manoeuvrability. All parking standards accord with the UDP and a condition will be added to ensure any subdivision of the office space continues to accord with UDP standards.

A total of 38 long stay cycle parking spaces and seven showers are provided to support this sustainable mode of travel.

A Travel Plan (TP) has been agreed that includes the provision of 5 car sharing spaces in the basement and a car club space being introduced outside the building on Queen Street. New occupants are offered a free trial of the car club upon occupation. A variety of other measures to promote sustainable travel are also committed to in the TP. This document will be appended to the S106.

5. Sustainability.

A BREEAM assessment has been submitted with that states the building will achieve a score of excellent. This approach is supported and highlights how sustainability issues relating to this building have been considered at an early stage with commitment to a variety of measures and targets including further investigation into the introduction of green/brown roofs and other biodiversity enhancements. A condition will be added that requires BREEAM excellent is achieved and specifically making reference to further investigations into the use of SUDS, green/brown roofs, a Site Waste Management Plan and a recycled materials content as already committed to in the BREEAM assessment. In addition the building will also be required to attempt compliance with RSS policy ENV5 that requires all major developments to achieve a minimum 10% of energy use for the development through low or zero carbon technologies. The applicant has already investigated the potential for using low carbon technologies and therefore potentially improve the BREEAM score further.

The applicant has fully investigated the sustainability potential of the building and has committed to further investigations and assessment that could result in further enhancements to the buildings sustainability. The present building have a very poor environmental performance therefore it is considered that the long term benefits of introducing a highly sustainable building will outweigh any concerns regarding the demolition of relatively young buildings.

6. Section 106 issues.

The applicant has agreed to enter into a S106 agreement regarding the Travel Plan and evaluation fee of £4,215. The applicant will also agree to the standard training and employment initiatives subject to consideration being given to the fact that they are a construction company based in Halifax and therefore can supply much of the labour force required for the construction from an existing pool of labour (including some that live in Leeds). As such the standard employment and training initiatives will be amended to reflect this.

A viability statement has been submitted regarding the £103,235 Public Transport Contribution as required by Supplementary Planning Document (SPD) 5, 'Public Transport Improvements and Developer Contributions'. This SPD and circular 5/05 'Planning Obligations' recognises that the viability of schemes can be an issue and states that 'decisions on the level of contributions should be based on negotiation with developers on the level of contribution that can be demonstrated as reasonable to be made whilst still allowing the development to take place'. The applicant has submitted a detailed viability statement and this is being examined by colleagues in Asset Management and their findings will be reported verbally to Panel.

11.0 CONCLUSION

The proposed development removes uninspiring buildings with poor environmental performance and introduces a building that respects its conservation setting and with significantly improved and well thought out sustainability credentials. There are benefits achieved through the reduction of vehicular access points at this site and introduction of car club space and a significant number of cycle spaces serving the building. Subject to the consideration of the viability statement the proposal is considered to comply with the relevant UDP policies and other guidance and will provide further high quality office accommodation in the City Centre.

Background Papers:

Application file 09/05038/FU.

Certificate of Ownership signed on behalf of the applicant.

APPENDIX 1

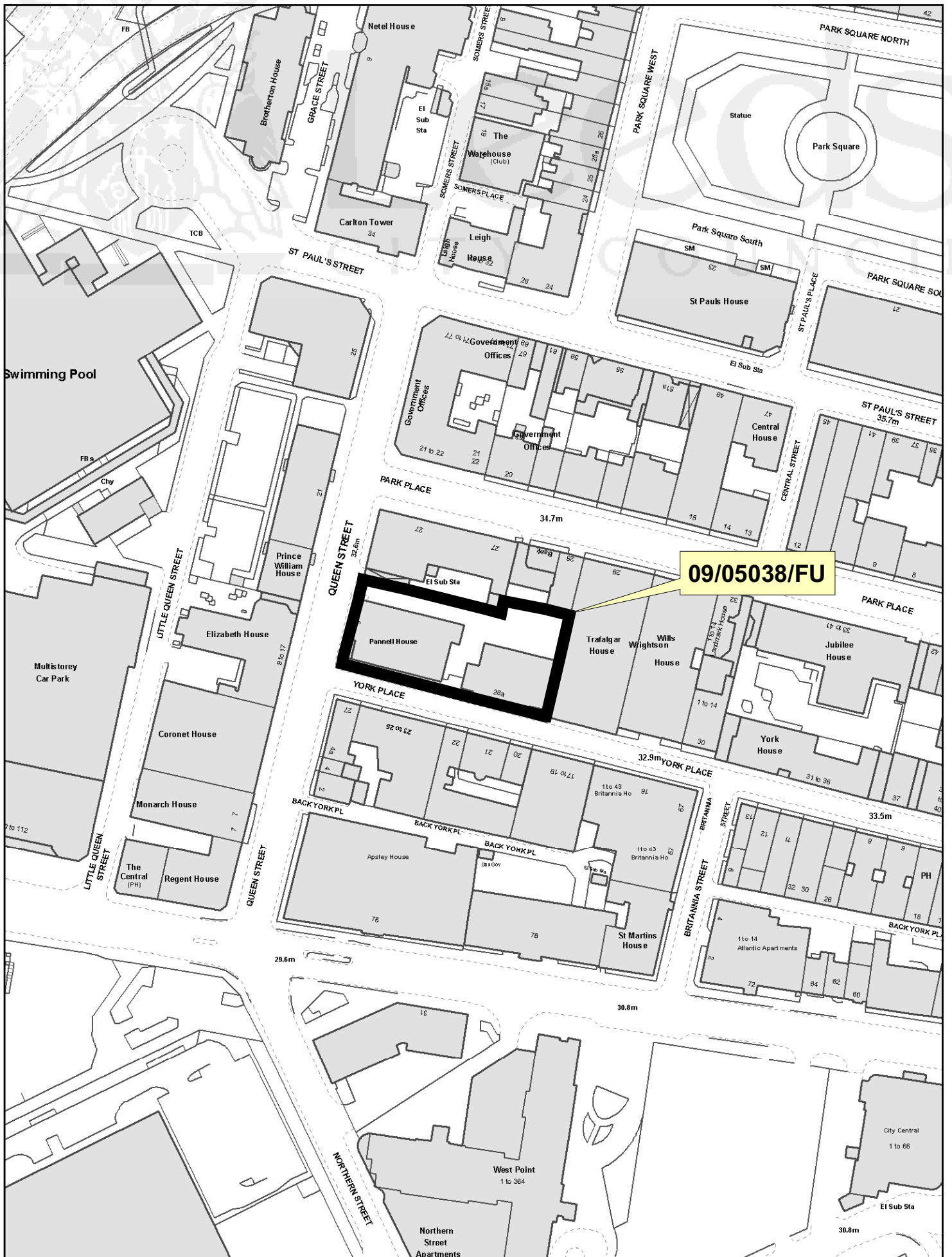
Planning Application 09/05038/FU Non Standard Conditions

4. The construction management plan will be required to include details of contractors' cabins and parking, location of site hoardings to protect passing pedestrians, contractors' vehicle routes to and from the site, location of construction access and provision of pedestrian access during construction, details of the prevention of mud/grit/dust nuisance during construction works, hours of construction and demolition and the minimising of noise during construction to protect the amenity of the area and in the interest of highway safety.

22. A special condition will require the building meets BREEAM 'Excellent' as highlighted in the submitted BREEAM Assessment but also considers those other biodiversity and sustainability measures including the RSS renewable energy policy ENV5, provision of a green/brown roof, recycled material content, Site Waste Management Plan and Sustainable Drainage Systems (SUDS).

23. As outlined by the applicant and requested by Access colleagues, this condition will ensure a suitable dedicated user system will be in place to ensure the disabled access is maintained and to ensure appropriate window/door manifestations are provided.

26. The on-street highway works include the removal of a parking space and introduction of a car club space. These works and any associated compensation for the loss of revenue from the existing parking space will need to be agreed and implemented prior to occupation.



09/05038/FU

CITY CENTRE PANEL

Scale 1/1500

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Originator: Tim Hart

Tel: 3952083

Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 4th February 2010

Subject: DEVELOPMENT OF LEEDS ARENA BY LEEDS CITY COUNCIL AT SITE BOUNDED BY CLAY PIT LANE / INNER RING ROAD / WADE LANE / JACOB STREET / BRUNSWICK TERRACE, LEEDS. APPLICATION REFERENCE 09/04815/0T

Electoral Wards Affected:

City and Hunslet, Hyde Park and Woodhouse

x

Ward Members Consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: This Position Statement is brought to Panel for information and to seek Members comments on the proposals.

1.0 Introduction:

1.1 This application is brought to the Plans Panel by virtue of the significant cultural and economic importance of the arena and due to its role in regenerating the site and the surrounding area.

1.2 Plans Panel received pre-application presentations on 18th June, following a site visit, and 8th October. In the intervening period a Member workshop took place on 13th August, and pre-application public consultation events ran through September and October.

1.3 The purpose of this report is to:

- confirm the details of the application
- identify relevant planning policy
- report initial consultation responses;
- identify outstanding issues for the application; and
- to seek Members' comments on key issues relating to the application.

2.0 Site and surroundings:

- 2.1 The application site is bounded by Clay Pit Lane to the west, the Inner Ring Road to the north, Wade Lane to the east, and Jacob Street and Brunswick Terrace to the south. The site also abuts Yorkshire Bank offices on the south-western boundary. Elmwood Road currently dissects the site. In total the area extends to approximately 2 hectares.
- 2.2 The western fringe of the site is located at a local highpoint with ground levels falling towards the north, the city centre and across the site towards the east. The Inner Ring Road sits approximately 6 metres lower than the site beyond a retaining wall.
- 2.3 Much of the site has been used for surface car parking for a considerable period. There is additional on-street parking on Elmwood Road. The former Leeds Metropolitan University Brunswick Building situated on the south-western quarter of the site was demolished in advance of the arena development. There are rows of trees on the site boundary fronting Clay Pit Lane and Brunswick Terrace, and along Elmwood Road.
- 2.4 The surrounding area is characterised by a number of large scale buildings, several of which have been recently completed. Most recently, the 37 storey Plaza tower on the west side of Clay Pit Lane and the 25 storey Opal Tower at the eastern end of the site, both contain student accommodation. Tower House and Merrion House on Merrion Way, and Hepworth House on Clay Pit Lane, are earlier blocks containing office and educational uses. To the south of the site, Yorkshire Bank and the Merrion Centre, and to the north, the HBOS building are other notable large buildings.
- 2.5 To the north/north-east of the site the areas of Little London and Lovell Park contain significant areas of housing including accommodation ranging from single storey almshouses and low-density buildings to 17 storey tower blocks. There are also areas of open space, including Lovell Park itself.
- 2.6 Queen Square Conservation Area is situated on the west side of Clay Pit Lane. Pedestrian routes in the area are fragmented by major highway infrastructure and some of the larger building plots.

3.0 The structure of the application:

- 3.1 In accordance with the approach reported to Panel in June and October 2009 the application is submitted in outline form. The application identifies details of the proposed use and access, and is supported by parameter plans and drawings identifying the proposed maximum and minimum tolerances of the arena building (section 4 below).
- 3.2 The application is supported by a range of technical documentation:
- Design and access statement.
 - Planning statement.
 - Statement of community involvement.
 - Economic statement.
 - Foul sewerage and utilities assessment.
 - Tree survey.

- Wind study.
- Sustainability statement.
- Flood risk statement.
- Transport assessment.
- Travel plan.
- Environmental Statement.

3.3 The Environmental Statement covers the following issues:

- The site, surroundings and description of proposals.
- Assessment of alternatives.
- Townscape and Visual Impact Assessment.
- Transport and Access.
- Air quality.
- Noise.
- Water resources, hydrology and drainage.
- Waste.

3.4 These chapters are summarised in the Environmental Statement non-technical document.

4.0 Proposals

4.1 The application comprises:

- The construction of up to a 12,500 seat arena. The capacity could increase up to 13,500 when seating is retracted at event floor level to create standing room. The building would have a maximum gross internal floor area of 24,500m²
- The arena building would contain related ancillary eating, drinking and retail concessions only operating when an arena event is on. There would also be a 300m² concourse restaurant within the building which would open all year round.
- The laying out of new access road and pedestrian footpath following the Inner Ring Road boundary to a new junction with Wade Lane.
- The provision of new public realm primarily between the arena building and Clay Pit Lane.

Further details are provided below.

4.2 Site arrangement

4.2.1 The proposed building is predominantly positioned towards the eastern side of the site. The location largely responds to the change in levels across the site and to servicing facilities accessed via the proposed service road from Wade Lane. Key east-west and north-south axes of the building relate to the alignment of existing development on the southern periphery of the site. The arrangement enables the area of public realm to maximise benefits from natural light and ventilation. At the same time the area of public realm relates to and links directly with pedestrian access into the arena building. The public realm responds to the space within Queen Square and produces a new pedestrian route from neighbourhoods to the north towards the city centre. The footpath on the north eastern periphery of the site creates a new convenient pedestrian route from east to west extending the existing network of footpaths leading towards New Briggate and Lovell Park.

4.2.2 The red line site boundary excludes two areas adjacent to Clay Pit Lane which would be subject of separate proposals in the future. It is intended that development of these areas would help to frame the piazza space and would assist in screening the space from traffic on Clay Pit Lane. Potential uses could include restaurants, cafes and a hotel. In the interim the areas would be landscaped.

4.3 Building use

4.3.1 The arena would have a flexible design to accommodate a range of events from music and family entertainment to sporting events. The fan shaped design reduces viewing distances and removes redundant seats behind the stage. The expected frequency of events is set out below:

Event type	Expected attendance	Annual frequency
Music events	Range up to full capacity	59
Sport events	6500	2
Boxing events	Maximum	1
Family shows	5625	22
Musical stage shows	5625	20
Exhibitions	5000	18
Other	3750	20
Total		142

4.3.2 It is likely that musical events would commence around 1900 hours and finish between 2200-2300 hours. A small number of events, such as boxing, may not finish until 0200 hours. Due to requirements for servicing and dismantling of stage equipment following events the arena would be operational 24 hours a day.

4.3.3 The arena building would contain ancillary restaurants, bars and retail concessions that would only be open at event times. There would also be a concourse restaurant that would open independently of arena opening hours. The restaurant would be situated facing the piazza so as to add vitality to the area on non-event days. Details of the scale and location of the restaurant would be finalised at detailed design stage although it will be no larger than 300m². The arena box office would be open from 1000-1800 hours on non event days and from 1000-2100 hours on event days.

4.4 Building parameters

4.4.1 The parameters of the building have been set to enable a degree of flexibility in developing the detailed design. The building would taper from the public entrance and auditorium at the western side to the covered service area at the eastern extreme of the building. Better appreciation of the potential building mass is obtained by reviewing the drawings and sections. However, the parameters identify the following dimensions:

Main arena

Maximum ground level north-south width - 120 metres at west end

Minimum ground level north-south width - 98 metres at west end

Maximum ground level north-south width - 93 metres at east end

Minimum ground level north-south width - 77 metres at east end

Maximum roof level north-south width - 125 metres at west end
Minimum roof level north-south width - 99 metres at west end

Maximum roof level north-south width - 60 metres at east end
Minimum roof level north-south width - 45 metres at east end

Maximum height 39.5 metres at west end
Minimum height 32.5 metres at west end

Maximum height 32 metres at east end
Minimum height 28 metres at east end

4.4.2 The south eastern corner of the building close to the junction of Brunswick Terrace and Jacob Street would primarily contain offices and dressing rooms. This part of the building would be a maximum of 11 metres in height (minimum of 8 metres in height).

4.4.3 To the east of the main arena building the service area would include the rear loading area and acoustic canopy. This part of the building would be both narrower and lower than the main mass of the arena building. The service yard canopy would slope down from its point adjacent to the stage area to its eastern extreme north of the Opal 3 tower. The maximum height of the canopy would be 11.5 metres (minimum height 8.5 metres) adjacent to the stage and a maximum height at the eastern end above Elmwood Road of 10.5 metres (minimum 8.5 metres).

4.4.4 Paragraph 2.4 refers to the urban context and the large scale buildings in the vicinity of the site. The Visual Impact Assessment and submitted sections illustrate how the scale of the building would be subsumed into the cityscape, particularly in medium to distant views. Closer up, the scale of the building is clearly more apparent although the magnitude of impact varies depending upon the viewpoint and sensitivity of the viewer. The Environmental Statement concludes that the effect of the completed building on nearby residents, shoppers and business users would be primarily neutral though observes limited negative impacts on residents within properties to the east of the site. It is proposed to mitigate the impact through limiting the scale of the building and providing quality landscaping.

4.4.5 Officers have raised concerns regarding the potential proximity of the building to the Brunswick Terrace and Jacob Street boundaries. The applicant is currently exploring how to accommodate an acceptable level of space between the building and edge of the site.

4.5 Design philosophy

4.5.1 It is intended to provide a building with a high quality external appearance with an integrated approach to the nature of the building and public realm. The outline design for the building has been influenced by the following design principles:

- Minimising the footprint of the arena – seeking the most efficient use of the site
- Creating clear and distinct volumetric zoning – considering the three dimensional impact of the building
- Develop banded stratification of function – identifying the differing layers of operation and visitor interaction
- Responding to the characteristics and constraints of the site

- Natural light and ventilation
- Clear pedestrian flows – providing a well-defined and signposted public realm and movements from the city centre
- Zoned servicing approach

4.5.2 These principles will be followed to develop the detailed design of the building for the reserved matters submission. The choice of materials is noted as being of central importance.

4.5.3 The Design and Access statement discusses the elevational strategy for the building. Each of the elevations will be considered in response to the scale, use and massing of neighbouring buildings and spaces.

- The Brunswick Terrace elevation will reflect the internal staff and office functions
- The west, entrance, elevation will create a sense of anticipation on arrival, animating the piazza. The elevation may be glazed to allow movement and forms within to be viewed from outside.
- Elevations viewed from the Inner Ring Road are a showcase for the city
- The “back of house” functions will be screened and the elevation will provide a high quality appearance when viewed from Wade Lane and the Inner Ring Road.
- The main bowl of the arena would be conceived as a spectacular and identifiable form that creates a unique identity for the building.

4.5.4 The elevational treatment will be developed from these sectional requirements.

4.6 Public realm and landscaping

4.6.1 The site currently contains no public realm and has limited amenity value. Reference to the location of the area of public realm was made at paragraph 4.2 above. Flexibility within the building parameters is such that the final scale of the public realm is undefined at the current time although the area would be in the region of 25-30 per cent of the site. The main piazza would be between 40-65 metres from the front entrance of the building to Clay Pit Lane. The space would extend northwards between the building and proposed development plot and open out in a southerly direction to Brunswick Terrace. Officers have commented that the likely pedestrian flows to and from the city centre suggest that Brunswick Terrace and the Clay Pit Lane frontage should also be integrated within the area of public realm.

4.6.2 The detailed design of the piazza will come forward as part of the reserved matters submission, responding to the detailed design of the building. There is a potential that on event days the public space would effectively extend into the arena entrance foyer. The piazza will incorporate a mixture of hard and soft landscaping intended to create a high quality public space and the main pedestrian gateway into the arena building. The landscaping scheme will ensure that security features are integrated into the overall design of the piazza. Level changes throughout the public realm will be minimised to encourage ease of movement.

4.6.3 The Design and Access statement identifies key landscaping principles reflecting the concept plan. It is stated that the majority of existing trees along Clay Pit Lane and Brunswick Terrace will be retained. Areas of primarily hard landscaping are proposed for areas of heavy pedestrian footfall. There would be differentiation in materiality between pedestrian and shared surface areas. Opportunities for soft

landscaping would be considered where pedestrian footfall is less intense. A potential for soft landscaping along the Clay Pit Lane frontage, and between Opal 3 and the rear of the arena is also identified. The potential for the use of a green wall and a green roof to the service area is also being explored.

4.6.4 The objectives of the soft landscaping are to:

- Provide a clear edge to the site
- Create a visual and conceptual link between the site and Queen Square
- Guide pedestrian movement through and across the arena site
- Improve the visual amenity of the area
- Soften the scale of the arena
- Provide additional biodiversity value

4.6.5 A lighting strategy will be developed as part of the reserved matters submission. It is intended that the arena will be illuminated to add to the sense of arrival and to enhance the design of the building. The lighting strategy will also consider safety requirements and respect neighbouring uses.

4.7 Access and connectivity

4.7.1 Detailed approval of access proposals are sought. This includes accessibility to and within the site for vehicles, cyclists and pedestrians in terms of the positioning and treatment of the access and circulation routes and how these fit into the surrounding access network. The application is supported by a Transport Assessment which seeks to demonstrate how the trips associated with the arena could be safely and satisfactorily accommodated. The Travel Plan identifies a number of measures intended to promote greener travel choices and to reduce reliance on the car. The Access Plan summarises physical improvements and access proposals in the vicinity of the site.

4.7.2 Pedestrian access

(a) On site

Existing pedestrian access across the site is extremely poor. The laying out of the piazza will add a new high quality north-south route. The footway alongside the Inner Ring Road would create a new route assisting east-west movement and link up with footpath networks to the east of the site.

(b) Off site

The site is located approximately 1200 metres from the bus and coach station and slightly further to the train station. Options such as taxis and commercial bus services are available for those who the walking distance would be unsuitable.

Following an audit of pedestrian routes improvements are identified in the following areas.

- New signal controlled crossing on Clay Pit Lane to replace the existing crossing close to Providence Place. The crossing would be positioned at the western edge of the piazza. Whilst the design of the crossing has not yet been developed it is envisaged that the facility would be designed to enable high volumes of pedestrians to cross Clay Pit Lane in a single movement.

- New uncontrolled crossing on Merrion Way between the Merrion Centre and Brunswick Terrace.
- Footway improvements on Merrion Way.
- Pedestrian crossing facilities on Wade Lane, to the south of the Merrion Way junction.
- Pedestrian crossing facilities would be included within the new site access junction.
- Subway improvements close to Woodhouse Lane multi-storey car park.
- Minor footway widening close to the junction of Woodhouse Lane and Clay Pit Lane (outside the former Coburg).
- Improvements to Providence Place and Queen Square Court.
- Improvements to the pedestrian access to Woodhouse Lane multi-storey car park are also envisaged which would improve safety and also accessibility to disabled persons car parking spaces.

Pedestrian access proposals would be supported by signposting between the site and key locations within the city centre, and supplemented by the production of a map to identify pedestrian routes. Travel Plan information boards will also be provided within the arena. The arena will be incorporated on the City Map.

The need for additional improvements, such as to Blenheim Terrace, Clay Pit Lane, and crossing facilities at the junction of Clay Pit Lane and Merrion Way, is currently being considered.

4.7.3 Public transport

There are several bus stops located adjacent, or close, to the proposed development providing good public transport links. In the future, the planned introduction of NGT will further enhance this provision. Bus operators have indicated that they would consider alterations to later evening services, involving relocation of services onto the Headrow, to reduce walking distances from the arena following events.

Metro have requested improvements including new shelters, live bus information displays, and raising of kerbs to several of the existing stops. Metro have also requested a live bus information display within the development. These details are currently being discussed with the applicant. Consultation will also be undertaken with Metro regarding the provision of discounted ticketing.

The level of public transport contribution generated by the Public Transport Improvements and Developer Contributions SPD is currently being discussed with the applicant.

4.7.4 Cycling

The arena is within easy cycling distance of a large part of Leeds. The arena therefore offers great potential for staff and visitors to cycle to and from the arena. The following improvements are proposed to cycling infrastructure:

- Provision of a continuous cycle lane along Clay Pit Lane to address the current break in provision
- Secure cycle parking within the arena development
- Shower, changing and locker facilities for staff
- Signposting of routes

4.7.5 Coach and taxi

A number of options for coach and taxi parking have been explored through the application process. Road safety, accessibility and amenity considerations have all been considered. It has been concluded that the most appropriate arrangement would be to locate coaches on Wade Lane, utilising existing pay and display spaces. Taxis would utilise the new access road with drop off and pick up in the turning circle close to the arena entrance. A layover area for coaches remains to be identified.

4.7.6 Vehicular access

There would be limited vehicular access to the site with provision only for disabled drivers, taxis, servicing and emergency vehicles. A new two way access road would run along the northern boundary of the site. The road would run from an improved junction with Wade Lane to the east of Opal 3 and terminate at a turning head approximately 20 metres east of Clay Pit Lane. The northern half of the road would be private.

4.7.7 Car parking

Approximately 250 long stay car parking spaces would be removed from the site as a result of the development. The arena development does not provide new car parking facilities other than some spaces for disabled people. The parking strategy for the arena is based upon the utilisation of existing city centre car parks. There are approximately 2,880 publicly available parking spaces within 400 metres of the site. Woodhouse Lane multi-storey car park would be the main arena car park with additional provision from other city centre car parks. A detailed management strategy, including variable message signing, would be required to ensure that vehicles accessed available parking facilities without unduly affecting the highway network. Works to Woodhouse Lane multi-storey car park would be required including the replacement of the existing barrier system with a pay and display arrangement.

On-street parking for arena visitors within Little London and Lovell Park permit controlled zones would be actively discouraged to protect amenity. This would be achieved by extending the hours of existing permit regulations and/or by introducing additional zones where necessary. The precise details will be determined through the Traffic Regulation Order process that would be subject to consultation.

13 disabled persons parking bays are to be laid out alongside the site access road. 5 additional bays would be provided on Tower House Street replacing existing pay and display spaces. There are existing disabled person's spaces in Brunswick Terrace (6), Belgrave Street (9) and Portland Crescent (6) which would be retained. Consequently, up to 39 spaces are currently identified. The applicant is investigating the potential for the provision of additional spaces within Queen Square and along Merrion Way. Improvements to access from Woodhouse Lane multi-storey car park would also enable additional disabled persons parking bays to be provided in that car park.

4.7.8 Travel Plan

The main objective of the Travel Plan is to reduce car trips associated with the arena, particularly single occupancy car journeys. In addition to those facilities referred to above the following potential measures for arena visitors and staff are identified in the Travel Plan to encourage trips by sustainable modes of transport:

- Travel information when purchasing tickets
- On site information for visitors
- Discounted travel tickets
- Dedicated bus services
- Flexible working hours for staff
- Teleconferencing
- Car sharing and car clubs
- Cycle and equipment purchase

The deliverability of some of these measures will be dependent upon detailed consideration by the operator and discussions between the operator and others such as Metro and artistes.

4.8 Sustainability

The Sustainability Statement documents the performance of the proposals in relation to the four key sustainable development themes:

- Environmental performance
- Natural resources
- Economic performance
- Social performance

The arena aspires to set a new benchmark for sustainable performance of arenas in the UK with a BREEAM rating of “very good”.

4.8.1 Environmental performance

The environmental performance of the arena is critical to it achieving a “very good” sustainable BREEAM rating. Priorities include minimising energy use and CO₂ emissions; utilising sustainable modes of transport; protecting and enhancing landscape and biodiversity; and operation of the site in an environmentally considerate manner.

The arena will use efficient building services to improve its environmental performance. The main boilers will use low emission technology combined with advanced control mechanisms. Heat recovery systems and chilled water units will minimise operation processes.

There will be a significant fluctuation between base and peak energy demands at the arena. High energy performance standards will minimise the requirement for heating and cooling; reduce the reliance on artificial lighting and minimise heat loss and gain.

Although the detailed energy scheme continues to be developed as part of the overall scheme the arena project has committed to produce 10% of its energy through a mixture of on-site renewable and low carbon energy sources in line with RSS Policy ENV5. A feasibility study details the low and zero carbon technologies that can be delivered. In particular, the report concludes that Combined Heat and Power will deliver the majority (8%) of low carbon energy. The CHP plant will be supported by zero carbon technologies which may include solar thermal, photovoltaics and wind turbines. Provision will also be made to link into a future District Heating and Cooling network.

4.8.2 Natural resources

The development will pursue the following objectives:

- Minimise the amount of potable water used
- Source materials from environmentally and socially responsible sources
- Reduce waste through design and maximise re-use and recycling of materials during construction and operation
- Improve the resilience to climate change

4.8.3 Economic performance

The project aim is to deliver an annual economic impact into the Leeds economy of £25.5m per annum (net cumulative GVA of £376m by 2030). Recent estimates predict the creation of 453 full time equivalent jobs directly attributable to the arena. The maximum number of construction jobs (364) would peak in 2011/12.

The Sustainability Statement refers to the wider economic benefits of the arena being the ability to attract and retain residents; an improved quality of life; the stimulation of further development and regeneration; attracting business to the city; and an improvement to the city's profile.

4.8.4 Social performance

The arena aims to raise the profile of Leeds, enhancing the northern quarter of the city and fostering civic pride. The Council has set a range of social responsibility targets through benchmarked contractual agreements. These include a target of 25 educational visits a year and 120 work experience placements. Additionally, the scheme will provide training and employment opportunities. Contractors will be required to create 100 jobs using Job Centre Plus or equivalent schemes. Preference will be given to residents in wards surrounding the arena, followed by residents of Leeds. The contractor will also be required to provide 90 apprenticeships for the construction stage of the development.

4.9 Noise

- 4.9.1 Noise emissions would arise during the construction and operational phases of the development. This has the potential to affect occupants in nearby residential accommodation. During construction the main sources of noise would be from construction plant, activities on site and the transportation of materials to and from site. During the operation of the arena noise from music, building services equipment, service yard activities, road traffic and patrons have been considered as part of the Environmental Statement.

5.0 **Statutory Consultations**

English Heritage (17.11.09)

Do not wish to offer any comments.

Environment Agency (14.12.09)

We have no objection to the scheme subject to a condition to improve the existing surface water disposal system.

Government Office for Yorkshire and the Humber

No response.

Highways Agency (2.12.09)

Extensive pre-application discussion has taken place to agree trip generation, modal split assumptions and trip distributions. Assessments show that strategic road network junctions will operate satisfactorily and no physical improvements to the junctions are necessary.

The Agency supports the use of sustainable transport modes. A small number of changes need to be made to the Travel Plan before the Agency can support the application.

Highways (10.12.09)

It is noted that both the Design and Access Statement and Transport Assessment (TA) state that existing pedestrian routes in the vicinity of the site will be improved. Available information predicts that a high proportion of people will travel by car and there will be a significant number of journeys. The larger events must be catered for as must matinee events when Clay Pit Lane will be much busier than following an evening event. Clarification of management arrangements for Woodhouse Lane car park needs to be provided. Distribution of traffic onto the strategic road network also needs further consideration. Additional modelling is currently being undertaken reviewing the impact on available capacity at several junctions.

The TA demonstrates that for evening and weekend matinee performances there is sufficient car parking available in the city centre car parks. However, there is less capacity for weekday matinees. The TA recognises the need to alter the operation of Woodhouse Lane car park to enable free flow in and out, although no consideration has been given to how other car parks will operate with arena traffic. A signage strategy needs to be developed for the car parks. The TA states that residential areas will need to be protected from parking by arena visitors and proposes to alter Traffic Regulation Orders. Appropriate levels of car parking for disabled persons in convenient locations needs to be identified. Motorcycle parking also needs to be accommodated.

Footways in the vicinity of the site need to be a suitable width to prevent pedestrians being forced to step into the road. Particular concerns relate to Merrion Way, outside the former Coburg public house, and access across Wade Lane. The maximum parameter plans also show an unacceptable narrowing of Brunswick Terrace. The TA recognises the need to improve pedestrian access around level 1 of Woodhouse Lane car park.

Further details of how a continuous cycle route along Clay Pit Lane need to be provided and further consideration given to other existing and potential cycle routes.

Some bus stops in the area need to be enhanced.

The arena proposals need to be tested against a scenario with NGT.

There needs to be appropriate provision for taxis and for up to 30 coaches. There will also be a demand for taxis, the public and private hire to drop off and pick up

close to the arena. A coach layover area and show vehicle holding area need to be identified.

Leeds Bradford International Airport (8.12.09)

There are no specific objections. Conditions regarding lighting recommended.

Natural England (27.11.09)

It is agreed that the site will not support protected species. There are records of bat activity close to the site such that lighting should be positioned to avoid lighting bat roosts. Tree removal should be outside the bird nesting season. New tree planting should utilise native species. The design of new built structures and open spaces should be informed by sustainable building techniques.

Yorkshire Forward (3.12.09)

Yorkshire Forward state that they have made a financial commitment towards the project and therefore support in broad terms the proposals put forward. The project will contribute towards the delivery of RES Objectives 6E(ii) to develop cultural assets; and welcome the intention to seek 10% of the arena's energy needs from on-site renewable and low carbon energy sources which will contribute to RES Objective 5C(ii).

Yorkshire Forward recognise that it would be difficult to achieve BREEAM Excellent and consider that BREEAM Very Good would be acceptable.

The scheme has potential to make a strong contribution towards the architecture of Leeds by providing a key landmark for the city centre. The development of the arena would make an important contribution towards the renaissance of the northern quarter of the city centre.

Yorkshire Water (4.12.09)

The layout indicates that affected sewers will be diverted or abandoned which is acceptable. The submitted Flood Risk Assessment is satisfactory. The Foul Sewerage and Utilities Assessment is satisfactory. Conditions are recommended to protect the local aquatic environment and YW infrastructure.

Non statutory consultations

Metro (17.11.09)

There is spare capacity on buses and trains at times of events. The public transport splits seem very low. If projections were higher it may justify more services. Bus promotion measures can be successful. Some services could be started at the Headrow rather than bus station after events.

Bus shelters should be provided at two bus stops at a cost of £10,000 each. Live bus information displays should be erected within the development and at 4 existing bus stops. All kerbs should be raised and bus stops built parallel to the kerbside in the area around the arena. Good pedestrian access to bus stops should be provided.

Leeds Civic Trust (30.11.09)

LCT supports the application whilst making the following observations:

- The arena will only work if it can be fully integrated into the operation of the city centre.
- As large numbers will inevitably come by car there must be a seamless transition from roads, to car parks to the arena, including comprehensive direction signage.
- Pedestrian routes must be clear, direct, suitably finished and wide enough and clearly identified.
- Consideration has been given to the way the arena will be serviced, but there are concerns should coach/taxi/drop off and parking extend into residential streets to avoid parking charges.
- The arena development must link to the wider transport strategy.
- Surrounding buildings, particularly the casino, need to be carefully considered as many were not designed as principal frontages.
- Highways around the site, such as Brunswick Terrace and Tower House Street, need to be integrated into the site.
- Clay Pit Lane will need to be calmed and more space given to pedestrians at the junction with Woodhouse Lane.
- The external appearance of the building will be a key issue for the Trust.

West Yorkshire Archaeology Advisory Service (30.11.09)

There are no apparent significant archaeological implications.

Leeds District Police Architectural Liaison Officer (17.12.09)

A condition is recommended to ensure that a security strategy is submitted.

LCC Health and Environmental Action Service (20.1.10)

The potential 24 hours a day 7 days a week use could affect nearby residents through noise disturbance from a number of sources.

Discussions with the applicant and their representatives have resulted in agreed criteria for noise from construction, entertainment, building services, and the service yard which should be satisfactory in preventing a loss of amenity to local occupants from these aspects. At the present time the likely effect of noise from patrons when leaving the premises is to be confirmed, but is not expected to be significant. However, potential noise disturbance from the use of event vehicles using the site access road, and the part of the public highway immediately beyond are issues upon which we are continuing to work.

The service yard is to the East of the arena, in close proximity to the Opal 3 flats and sheltered housing complex. The number of wagons for a typical event would be around 12, although this may be as high as 25. It is understood that show vehicles may load up and leave the site between 23.00 and 07.00. The extent of night time vehicle movements is dependant on the requirements of the event taking place and the artist involved.

The vehicles used for events will create a level of noise as they travel along the site access road and onto the public highway of Wade Lane/Lovell Park Road. The submitted information considers that the overall effects on noise levels from

increased road traffic will be negligible. However, the maximum noise levels, and the potential number of noise events, is more relevant in determining the level of disturbance local residents are likely to experience.

Discussions are continuing with the applicant to determine the extent of the disturbance from show servicing vehicles. Possible solutions to the problem are being requested and, in the absence of effective mitigation measures being forthcoming, recommendations to try and control this problem will be suggested.

LCC Land Drainage (8.12.09)

The Flood Risk Assessment outlined the issues relating to flood risk and land drainage. The proposals to deal with the small risk that surface water flows may lead to flood risk seem satisfactory at this stage. Conditions are recommended to clarify works for dealing with surface water discharges, including the feasibility of infiltration drainage methods, and to ensure that existing peak flows are reduced by a minimum of 30%.

LCC Land Contamination, Sustainable Development (14.12.09)

The submitted report indicates that the site has some low levels of contamination present. These are to be placed under hardstanding. Conditions are recommended to ensure that a brief remediation statement is submitted.

LCC Streetscene Services (23.11.09)

The refuse collection arrangements look acceptable.

LCC Entertainment Licensing (30.11.09)

Entertainment Licensing have no issues with the planning application.

7.0 Public / local response

7.1 Pre application publicity

7.1.2 Pre-application presentations were made by the developer's team to Plans Panel on 18th June and 8th October.

7.1.3 Pre-application consultation ran from 12th September to 16th October. Following extensive publicity an exhibition was displayed at the Merrion Centre (12-19.9.09), the City Museum (21-29.9.09), the Central Library (28.9-3.10.09), Leeds city station (5-9.10.09), and Little London Community Centre (13-16.10.09). Neighbouring landowners, such as Yorkshire Bank, TCS, Grosvenor Casino, HBOS and Opal, were consulted. Meetings with stakeholders including Leeds Civic Trust, Metro, the Highways Agency, Leeds Youth Council and Leeds Independent Disability Council have also taken place. A dedicated arena website was established to allow continuous engagement and updates.

7.1.4 A questionnaire was provided at the exhibitions and on the arena webpage. At the beginning of November 794 questionnaires had been returned. 93% strongly agreed or agreed that Leeds should have an arena. 88% of respondents strongly agreed or agreed that the arena would help improve the regeneration of the northern part of the city centre. 25% of respondents indicated that they would travel to the arena by car and 41% by bus. The majority of additional comments referred to the need for the

arena to have a high quality design; concerns regarding the level of car parking and potential congestion; that accessibility for disabled users was important; that it was important that the arena is well served by public transport; that jobs should go to local people; and that sustainability was a key factor in the design.

7.1.5 Full details of the consultation are included in the Statement of Community Involvement (SCI) submitted with the application.

7.1.6 Following the SCI the applicant is currently undertaking consultation with each of the following Leeds Equality Hubs: Belief or Faith; Disability; Age; BME and Carers. These are in addition to 5 sessions with the Leeds Independent Disability Council.

7.2 Application publicity

Site notices were erected around the site on 12th November. The application was advertised in the press on 26th November as a Major development, affecting the character of a conservation area and accompanied by an Environmental Statement. Additional publicity is given to the application on the Planning website.

4 representations have been received, three in support of the proposal and 1 objecting. Supporting comments suggest:

- that the arena is long overdue
- that the arena would provide a major boost to the economy and enhance the city's international reputation
- that the arena would be an important component of the regeneration strategy for this part of the city centre
- the arena would be a landmark building
- the facility would remove the need to travel to Sheffield or Manchester

Concerns raised refer to:

- traffic congestion that the development will create
- better located sites being available
- lack of certainty regarding the extent of retail floor space proposed and consequently the impact on the town centre
- lack of clarity regarding the proposed public transport mitigation proposals, having particular regard to the Public Transport and Developer Contributions SPD.

8.0 **Policy**

8.1 Detailed policy guidance is contained within Appendix 1.

9.0 **Main Issues**

9.1 The proposed arena site is within a sustainable city centre location within the heart of Leeds City Region. The Development Plan supports the provision of large scale, prestige leisure facilities within Leeds city centre. It is clear that the scheme involving redevelopment of brownfield land at a key gateway into the city is in accordance with the development plan as a whole together with other material planning guidance.

- 9.2 The development would bring forward significant economic and social benefits in terms of investment, jobs and visitor spending outlined at paragraphs 4.8.3 and 4.8.4 above. At the same time the location of the arena will act as a catalyst for regeneration of the northern quarter of the city centre. Many of the benefits should assist some of the most disadvantaged people and communities within the city surrounding the site.
- 9.3 The application was submitted in outline form to provide necessary flexibility in the design process whilst retaining project momentum. Outline applications need to demonstrate clearly that proposals have been properly considered in the light of relevant policies and the site's constraints and opportunities. As a minimum applications need to include information on use, amount of development, indicative layout, scale parameters and indicative access points, even if such matters are reserved. Applications need to be accompanied by a Design and Access statement which should include an explanation and justification of the design and access principles that will be used to develop future details of the scheme. The statement is a link between the outline permission and the consideration of reserved matters. In June 2009 Plans Panel noted that a two-stage planning application process, involving an outline application followed by a reserved matters submission identifying detailed design, would be pursued.
- 9.4 It is clear that an outline application is a legitimate procedure to use albeit the application needs to include satisfactory information. The application, as highlighted at section 2, included all the required information. However, additional information has been requested to supplement the Design and Access statement to elaborate design principles and to illustrate how the principles could be developed to achieve good design.
- 9.5 Detailed approval of access is sought. Whereas sufficient capacity exists within city centre car parks to meet demand a highway management strategy is sought which gives certainty that vehicles will be directed to the most appropriate parking location. Similarly, the extent of improvements to pedestrian connectivity to supplement a signage strategy is subject to ongoing discussion.
- 9.6 In accordance with the outline application process the potential maximum and minimum parameters of the building are identified. Detailed form and architecture would follow at Reserved Matters stage responding to the outline parameters and principles outlined in the Design and Access statement. The maximum scale of the structure fits well within its context though refinements are currently sought along the southern and eastern fringes of the building to ensure a reasonable relationship with the street, intervening space and neighbouring buildings.
- 9.7 In common with the form and design of the building detailed design of public realm will be identified at Reserved Matters stage. The basic arrangement of landscape zoning incorporating a wide piazza to the front of the building and a pedestrian route north of the building is appropriate. The public realm also extends to the north and south of the main entrance generating a space which, subject to detailed design, will create a suitable, high quality setting for the building. Likely pedestrian movements associated with the arena suggest that improvements should also be delivered between the building and Merrion Way and along the Clay Pit Lane frontage.
- 9.8 The potential for noise disturbance from a number of sources has been considered. Criteria have been agreed for many areas which should be satisfactory in preventing a loss of amenity to residents of nearby properties. Potential noise disturbance from the use of event vehicles is a continuing workstream. Surveys are due to commence

which should clarify the potential for disturbance in this area and, if so, what solutions there may be.

9.9 The key issues on which Member's views are sought at this stage are as follows:

- (i) The suitability of the site from a planning perspective for the development of an arena.
- (ii) The acceptability of the maximum building parameters, both in terms of footprint and height.
- (iii) Acceptance of the off-street car parking strategy, including controls within adjacent neighbourhoods.
- (iv) The strategy for coach, taxi and disabled parking provision including the service road location.
- (v) The suitability of pedestrian access and routes to and from the site.
- (vi) The extent of the proposed public realm required to provide a suitable setting for the building, to accommodate pedestrian flows to the arena and to deliver an integrated approach to design.
- (vii) The acceptability of the service access arrangements for vehicles on a 24 hour / 7 day a week basis.

10.0 Recommendation

10.1 Members are asked to:

- (i) Note the report
- (ii) Endorse the location of the arena
- (iii) Confirm the acceptability of the outline application process and the design approach being pursued
- (iv) Consider the issues referred to at 9.9 above
- (v) Identify any other issues to be addressed.

Background papers:

Application file 09/04815/OT

Certificate of ownership:

Signed by the agent on behalf of Leeds City Council

APPENDIX 1 - Policy Guidance

1 The Development Plan

1.1 Spatial Strategy for Yorkshire and the Humber and the Unitary Development Plan (Review 2006). Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

1.2 The Yorkshire and Humber Plan - Regional Spatial Strategy (May 2008)

1.2.1 The Regional Spatial Strategy (RSS) sets out the strategic priorities for the region until 2026. A number of the policies in the RSS are relevant to the proposal emphasising the role of Leeds as a regional centre, the need for a quality

environment with encouragement to the reuse of previously developed land, and the role of city and town centres as the focus for activity, including leisure and cultural facilities.

1.2.2 The overall approach of the RSS is set out in Policy YH1. This refers to a Spatial Vision which highlights the importance of achieving “more sustainable patterns and forms of development, investment and activity”.

1.2.3 Policy YH2 refers to climate change and resource use identifying the need to reduce greenhouse gas emissions by 20-25% by 2016 (relative to 1990 levels) by:

- Increasing population, development and activity in cities and towns.
- Encouraging better energy, resource and energy efficient buildings.
- Reducing traffic growth by appropriate location of development.
- Encouraging redevelopment of previously developed land.

1.2.4 The importance attached to the main urban areas is outlined in Policy YH4. This indicates that:

A Regional Cities and Sub Regional Cities and Towns should be the prime focus for housing, employment, shopping, leisure, education, health and cultural activities and facilities in the region.

B Regional Cities and Sub Regional Cities and Towns will be transformed into attractive, cohesive and safe places where people want to live, work, invest and spend time in. Plans, strategies, investment decisions and programmes should:

- Develop a strong sense of place with a high quality public realm and well designed buildings within a clear framework of routes and spaces (2).
- Strengthen the identity and roles of city and town centres as accessible and vibrant focal points for high trip generating uses (4).

1.2.5 Section 3 sets out the policies for the Leeds City Region. Policy LCR1 states that proposals in the Leeds City Region should develop the role of Leeds as a regional city by :

- accommodating significant growth in jobs and homes and continuing to improve the city centre’s offer of high order shops and services (A2);
- supporting the roles of Leeds and Bradford as major engines of the regional economy (B1);
- connecting disadvantaged communities to job opportunities (B4);
- maximising renewable energy generation and energy efficiency (C6); and
- ensuring strategic patterns of development maximise the opportunities to use non car modes of transport and reduce the overall need to travel (D1).

1.2.6 Policy ENV 5 promotes energy efficient buildings. The region will maximise improvements to energy efficiency and increases in renewable energy capacity by:

A Reducing greenhouse gas emissions; improving energy efficiency and maximising the efficient use of power sources. Development supported by Yorkshire Forward should meet high energy efficiency standards; and.

B Promoting greater use of decentralised and renewable or low carbon energy; for developments of more than 1000m² at least 10% of energy should be

secured from decentralised and renewable or low-carbon sources unless this is not feasible or viable.

- 1.2.7 In order to create a more successful and competitive regional economy Policy E1 encourages investment in locations where it will have the maximum benefit and secure competitive advantage (B); improve links between job opportunities, skills development, business investment and the needs of excluded communities (C); and deliver the potential of “non-business class” sectors including leisure and tourism (I).
- 1.2.8 Policy E2 indicates that the centres of Regional Cities should be the focus for leisure, entertainment, arts, culture, and tourism across the region (A). Development, environmental enhancements and accessibility improvements should take place to create a distinctive, attractive and vibrant sense of place and identity for each centre (B).
- 1.2.9 Proposals should make use of appropriately located previously developed land (E3).
- 1.2.10 Policy E6 refers to sustainable tourism. Agencies should promote, support and encourage tourism by adopting an overall approach which recognises the sustainable growth of tourism as an integral contributor to the economy (1); promotes investment to provide a high quality experience throughout the year (2); secures investment in local people (3); contributes to the quality of life (4); conserves and enhances the built environment (5) and integrates tourism activity with a viable transport infrastructure that enables a realistic choice of travel mode supported by a management regime that encourages greater use of public transport (6).
- 1.2.11 The Regional Transport Strategy forms part of the RSS. It is noted that transport is a major contributor to greenhouse gas emissions and that measures to reduce the number and length of journeys will help to reduce the growth in emissions. Policy T1 identifies aims for personal travel reduction and modal shift to modes with lower environmental impacts. This ambition is supported by Policy T2 (parking policy) and Policy T3 (public transport).
- 1.2.12 Policy T5 states that attractions that access to all main tourist destinations should be improved. Access for all groups in society should be enhanced (B1); attractions that generate high levels of visitors should be located to achieve the identified accessibility standards (B2); and tourist destinations should provide incentives for visitors to arrive by modes other than the private car (B3).

1.3 Unitary Development Plan (Review 2006)

1.3.1 The Unitary Development Plan (Review 2006) (UDPR) was adopted in July 2006 with the majority of the original UDP policies saved unchanged into the UDPR. The lifespan of many relevant policies within the UDPR was extended by the Secretary of State in September 2007.

1.3.2 Strategic policies

- Strategic Aim SA1 encourages the highest possible quality of environment throughout the District, including initiating the renewal and restoration of areas of poor environment.
- SA2 encourages development in locations that will reduce the need to travel, promote the use of public transport and other sustainable modes, and reduce journey lengths of trips made by car.

- SA4 promotes the economic base of Leeds by identification of a balanced range of sites for development, and identification of areas which will have priority for regeneration initiatives.
- SA6 encourages the provision of facilities for leisure activities and to promote tourist visits to Leeds, in ways which secure positive benefits for all sections of the community.
- SA7 promotes the physical and economic regeneration of urban land.
- SA8 seeks to ensure that all sections of the community have safe and easy access to facilities by maintaining and enhancing provision in appropriate locations.
- SA9 promotes the development of a City Centre which supports the aspiration to become one of the principal cities of Europe, maintaining and enhancing the existing distinctive character.

1.3.3 General Policy GP5 identifies the need to resolve detailed planning considerations, to promote energy conservation and the prevention of crime. Proposals should also have regard to any framework for the area.

1.3.4 Environment policies

- N12 identifies fundamental priorities for urban design.
- N13 indicates that the design of all new buildings should be of a high quality. Good contemporary design will be welcomed.
- N23 states that space around new development should be designed to provide a visually attractive setting for the development and, where appropriate, contribute to informal public recreation.

1.3.5 Transport policies

- T2 requires new development to be adequately served by highways and not to materially add to problems of safety, environment or efficiency on the highway network; be capable of being adequately served by public transport; to make adequate provision for cycling
- T2D identifies the need for developer contributions where public transport accessibility would otherwise be unacceptable.
- T5 identifies the need for satisfactory safe and secure access for pedestrians and cyclists.
- T6 requires satisfactory provision for people with mobility problems.
- T7A refers to secure cycle parking requirements.
- T7B refers to motorcycle parking requirements
- T24 refers to car parking guidelines.

1.3.6 The Local Economy

- Encouragement will be given to the establishment of new economic sectors which strengthen and diversify the economy.

1.3.7 Leisure and Tourism

- LT3 states that the creation of a wide range of new attractions and facilities will be supported.
- LT4 highlights that the City Council will pursue opportunities for the development of major cultural facilities. Locations need to be easily accessed by the regional road and public transport system.

- LT5 states that the City Council will pursue opportunities for the development of purpose built facilities for exhibitions, concerts and conferences.

1.3.8 Regeneration

- R2 refers to city centre strategies for housing and the environment which assist the process of urban regeneration.
- R5 indicates that opportunities will be sought to secure appropriate employment and training associated with construction and operation of the development.

1.3.9 Access for All

- A4 requires the design of safe and secure environments, including consideration of access arrangements, public space, servicing and maintenance, materials and lighting.

1.3.10 City Centre policies seek to encourage a more vibrant, high quality environment with an improved quantity and quality of leisure and cultural facilities within the city centre

Strategic policy SA9 is expanded to focus on the following objectives:

- Securing a high quality city centre environment;
- Reinforcing the distinctive character of the city centre which sets it apart from other cities;
- Securing a more vibrant city centre, with an improved quantity and quality of leisure facilities in which life and activity continue as much as possible throughout the 24 hour day;
- Strengthening the growth of employment uses particularly in shopping and leisure sectors;
- Promoting the main development opportunities;
- Providing the focus of accessible shopping and leisure facilities; and
- Improving safe and secure access for all to and within the city centre.

These objectives are expanded in the following policies:

- CC4 encourages development at gateway sites to reflect the importance of their location through scale and design quality.
- CC5 states that all development in conservation areas or its immediate setting must preserve or enhance the character of the area.
- CC6 indicates that proposals for high buildings outside conservation areas will be considered on their merits, taking account of the quality of design; effect on the skyline and views across the city; effect on neighbouring buildings; and their effect on micro-climate.
- CC10 requires a minimum of 20% of the developable site area of sites over 0.5 hectares to be allocated as public space.
- CC12 indicates that new public spaces must integrate with the existing pattern of streets
- CC13 requires that spaces should be imaginatively designed and complement their location.
- CC26 supports entertainment and cultural facilities.
- CC27 identifies principal use quarters, including Prestige Development Areas (PDA).
- CC29 requires mixed uses in larger developments in principal use quarters.

- CC31 identifies the range of uses, including leisure, entertainment and cultural facilities which are appropriate in PDA's. The strategy for PDA's is to promote sites for large scale prestige developments; encourage high quality developments and creation of public spaces; to achieve environmental and social benefits; and to ensure satisfactory access. Supporting uses such as small scale retail, food and drink uses and public space will be acceptable.

Clay Pit Lane/Inner Ring Road is identified as one of the four PDA's. Leisure is identified as one of the potential acceptable uses within the Proposal Area statement for Clay Pit Lane. It is stated that public space and pedestrian linkages will be required.

The Proposals Map includes various notations on the arena site : short stay car parking; proposed public space; and proposed pedestrian corridor/public space.

1.3.11 UDPR Appendices

Policies within the appendices typically elaborate policies in the main document. Policies BD2, BD3, BD4, and BD5 identify building design requirements. Policy BD15 encourages public art. LD1 sets out requirements for landscape schemes. Minimum and maximum car parking, motorcycling and cycle parking guidelines are set out in Appendix A9.

1.4 Supplementary Planning Guidance, other guidance and emerging policy

1.4.1 Vision for Leeds 2004 to 2020 (March 2004)

The Vision for Leeds 2004 to 2020 is the Council's second community strategy for improving the social, environmental and economic well-being of the city and its many communities.

1.4.2 The key aims are:

- Going up a league as a city.
- Narrowing the gap between the most disadvantaged people and communities and the rest of the city.
- Developing Leeds' role as the regional capital and contributing to the national economy as an internationally competitive city.

1.4.3 12 major projects are identified within the Vision including improving the cultural life of the city. It is recognised that Leeds needs suitable facilities to host major international events, conferences and tours. Consequently, "a new, large-scale international cultural facility, such as a concert hall, arena, exhibition or conference facility" will be developed.

1.4.4 The UDPR embraces and adopts as its own principles the strategic aspirations within the Vision for Leeds.

1.4.5 SPG 14 Leeds City Centre Urban Design Strategy (September 2000)

The proposed development falls within the North Street / Clay Pit Lane area (Study Area 6) of the design guide. Relevant key aspirations are highlighted as follows:

- Improve pedestrian links within the area and to/from other areas

- Enhance gateway images
- Encourage uses which complement the central area
- Encourage housing development
- Encourage mix of uses
- Encourage demolition of poor quality / under-developed sites
- Improve existing spaces
- Encourage more active frontages
- Improve boundary treatments

1.4.6 Public Transport Improvements and Developer Contributions SPD (August 2008)

The SPD identifies the need for, and scale of, developer contributions in order to bring forward required enhancements to strategic public transport infrastructure in accordance with PPG13, and UDPR.

1.4.7 SPG2 Leisure Developments and Other Key Town Centre Uses (October 1997)

The SPG expresses the importance of ensuring appropriate locations for town centre uses. Leisure development capable of enhancing a centre's viability is encouraged. Uses attracting large numbers of people should first be located within the city centre and town centres. The city centre should be the primary location for the development of regional facilities.

1.4.8 Emerging policy

The following draft Supplementary Planning Documents have yet to be adopted: City Centre Public Realm Contributions, Sustainability Assessments, Sustainable Design and Construction, Tall Buildings Design Guide, and Travel Plans.

1.4.9 The Local Development Framework (LDF) is the name given to the new system of Development Plans. The Local Development Framework will gradually replace the Unitary Development Plan. The Core Strategy is the principal document in the LDF and will set out the Council's vision for the future development of Leeds over the next 20 years. The Core Strategy is shaped by a range of policies, including the Vision for Leeds (Community Strategy), the Regional Spatial Strategy for Yorkshire and the Humber, and national guidance. Informal consultation on the Preferred Approach ended in December 2009. At the current time the Core Strategy carries little weight.

1.4.10 City Centre Area Action Plan (Preferred Options 2007)

The preparation of a City Centre Area Action Plan (CCAAP) is considered essential to tackle a series of development, regeneration and urban renaissance issues. However, as adoption of the CCAAP is some way off presently it can only be accorded limited weight. The key elements relevant to the scheme include the following:

- Promoting town centre uses in the city centre; encouraging the development of vacant and under-utilised areas of the city centre; and facilitate better integration of the city centre as a whole, and better connections to adjoining neighborhoods (Preferred Option PO-01).
- Acknowledging that the form and character of the city centre is rich and varied and that new development needs to be carefully designed to suit its individual context (PO-17).

- That new building needs to address climate change by incorporating appropriate waste storage, renewable energy and sustainable design technology (PO-22/23).
- Promoting provision of public space as part of major new development (PO-25).
- Ensuring new development is easily accessible to all (PO-28).
- Designating and promoting new pedestrian and cycle routes to connect the city centre with adjoining neighborhoods (PO-30).
- Promoting employment and training agreements to help link development opportunities with local unemployed and unskilled people (PO-37).

1.4.11 Elmwood Road – Brunswick Terrace Planning and Development Brief (2005)

The brief outlines general development principles which should be addressed in any planning application. These include:

- Improve connectivity to east, west and city centre
- Integration of building and spaces into existing built form and enhancement of settings
- Provision of landscaped belt to Inner Ring Road
- Creation of active frontages to buildings
- Opportunity to connect to Hepworth House site
- Closure of Elmwood Road
- The potential to introduce tall buildings to partner existing tall buildings

1.5 National planning guidance

1.5.1 Planning Policy Statement (PPS) 1 : Delivering Sustainable Development (January 2005)

PPS1 places a strong emphasis on the importance of sustainable development and encourages a positive approach to planning and development. The PPS recognises the need to protect and enhance the quality, character and amenity value of urban areas. The PPS places particular emphasis on the importance of high quality inclusive design which is seen as a key element in achieving sustainable development and community involvement which is one of the principles of sustainable development.

1.5.2 The PPS describes in more detail the four elements of sustainable development and states that “the Government is committed to promoting a strong, stable and productive economy that aims to bring jobs and prosperity for all. Planning authorities should :

- Recognise that economic development can deliver environmental and social benefits
- Recognise the wider sub-regional, regional or national benefits of economic development and consider these alongside any adverse impacts;
- Ensure that suitable locations are available for industrial, commercial, retail, public sector (e.g. health and education) tourism and leisure developments, so that the economy can prosper;
- Provide for improved productivity, choice and competition, particularly when technological and other requirements of modern business are changing rapidly;

- Recognise that all local economies are subject to change; planning authorities should be sensitive to these changes and the implications for development and growth;
- Actively promote and facilitate good quality sustainable development.

1.5.3 Supplement to PPS1 : Planning and Climate Change (December 2007)

The supplement sets out the Government's objectives to tackle climate change. New development should:

- Comply with policies for decentralised energy supply and for sustainable buildings;
- Take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption, and overall minimise carbon dioxide emissions;
- Deliver a high quality local environment;
- Provide appropriate public and private space;
- Give priority to the use of sustainable drainage systems;
- Provide for sustainable waste management; and
- Create and secure opportunities for sustainable transport.

1.5.4 Planning Policy Statement (PPS) 4: Planning for Sustainable Economic Growth (December 2009)

PPS4 integrates and streamlines policies previously contained largely with PPG4 and PPS6 which are now cancelled.

The Government's over-arching objective is sustainable economic growth. To help to achieve this, the Government's objectives for planning are to build prosperous communities; reduce the gap in economic growth rates between regions; deliver more sustainable patterns of development and respond to climate change; and to promote the vitality and viability of town and other centres as important places for communities. To do this the Government wants, among other things:

- New development of main town centre uses to be focused in existing centres, with the aim of offering a wide range of services to the communities in an attractive and safe environment and remedying deficiencies and provision in areas with poor access to facilities.
- Competition between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure, tourism and local services in town centres, which allow genuine choice to meet the needs of the entire community (particularly socially excluded groups).

The PPS sets out the Government's policy for town centres and main 'town centre uses', which include retail, leisure, offices, arts, tourism and cultural activities.

Policy EC10 states that LPA's should take a positive and constructive approach towards planning applications for economic development. Applications which secure sustainable economic growth should be treated favourably. Applications should be

assessed against the following considerations: whether the proposal would limit carbon dioxide emissions and provide resilience to climate change; accessibility by a choice of means of transport; whether the proposal secures a high quality and inclusive design; the impact on economic and physical regeneration in the area; and the impact on local employment.

1.5.5 PPG13: Transport (March 2001)

Policy guidance contained in PPG 13 promotes development in areas of good transport accessibility and aims to reduce the need for travel through mixed use development. To deliver the guidance objectives, local authorities, when considering planning applications should:

- “Actively manage the pattern of urban growth to make the fullest use of public transport, and focus major generators of travel demand in city, town and district centres and near to major public transport interchanges;
- Locate day to day facilities which need to be near their clients in local centres so that they are accessible by walking and cycling;
- Plan for increased intensity of development for both housing and other uses at locations which are highly accessible by public transport, walking and cycling;
- Ensure that development comprising jobs, shopping, leisure and services offer a realistic choice of access by public transport, walking and cycling; and
- Give priority to people over ease of traffic movement and plan to provide more road space to pedestrians, cyclists and public transport in town centres, local neighbourhoods and other areas with a mixture of land uses.” (paragraph 6)

1.5.6 Travel-intensive uses should be located in town centres or close to major transport interchanges. Local authorities should maximise the use of the most accessible sites such as those in town centres or near transport interchanges and should pro-actively promote intensive development on such sites.

1.5.7 New development should help to create places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport (paragraph 28).

1.5.8 The PPG emphasises that retail and leisure developments should be focussed in town centres, (paragraph 35). Paragraph 76 highlights the importance of walking and suggests ways in which local authorities through planning applications can promote it. These include through attention to the “design, location and access arrangements” for new developments and by promoting “high density, mixed use development in and around town centres”. Local authorities should also ensure provision for, and sympathetic design, for cycling.

1.5.9 Planning Policy Statement 22 : Renewable Energy (August 2004)

The PPS highlights the need to consider the opportunity for incorporating renewable energy projects in all new developments. Positive planning which facilitates such development would help to contribute towards all four elements of the Government’s sustainable development strategy.

1.5.10 Planning Policy Guidance 24: Planning and Noise (October 1994)

PPG24 guides local authorities in England on the use of their planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise. The PPG indicates that it will be hard to reconcile some land uses, such as housing, with activities that generate high levels of noise. Wherever practicable noise sensitive developments should be separated from major sources of noise. Noisy activities should, if possible, be sited away from noise-sensitive land uses. Where it is not possible to achieve such a separation of land uses LPA's should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise through the use of planning conditions or obligations (paragraph 2).

1.5.11 The PPG identifies a number of potential measures that could be used to control the source of, or limit exposure to, noise to ensure that development does not cause an unacceptable degree of disturbance. Such measures should be proportionate and reasonable and may include one or more of the following:

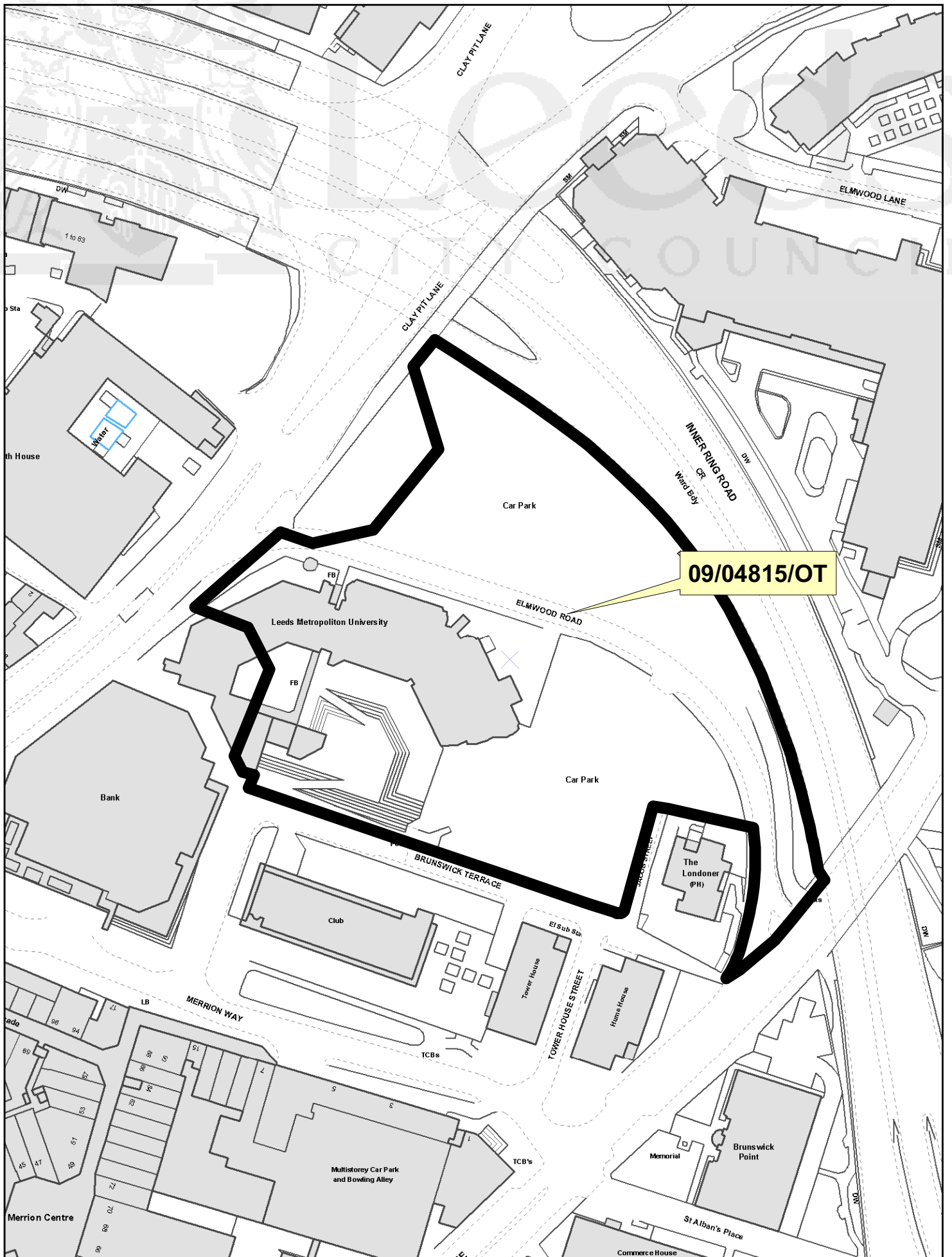
- Engineering : reduction of noise at point of generation; containment of noise through insulation; and protection of surrounding noise sensitive buildings;
- Layout : adequate distance between noise source and noise sensitive buildings and areas;
- Administrative : limiting operating time of source; restricting activities allowed on site; and specifying an acceptable noise limit.

1.5.12 There will be circumstances when it is acceptable or even desirable to meet other planning objectives to allow noise generating activities on land near noise sensitive development. In such cases LPA's should use conditions or obligations to safeguard local amenity (paragraph 18).

1.5.13 PPG25: Development and Flood Risk (December 2006)

Planning Policy Statement 25 (PPS25) sets out Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk.

1.5.14 Within Flood Risk Zone 1, the lowest level of flood risk, opportunities to reduce the overall level of flood risk in the area, and the application of appropriate sustainable drainage techniques should be sought.



CITY CENTRE PANEL

Scale 1/1500

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Originator: Helen Miller

Tel: 0113 2478132

Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 4TH FEBRUARY 2010

Subject: Natural Resources and Waste Development Plan Document Policy Position Report (Preferred Options)

APPLICANT

N/A

DATE VALID

N/A

TARGET DATE

N/A

Electoral Wards Affected:

All

x

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: To receive a presentation on the content of the Natural Resources and Waste DPD Policy Position Report and to make comments as part of the consultation process.

1.0 EXECUTIVE SUMMARY

- 1.1 Development Plan Panel Members agreed to release the Natural Resources and Waste Development Plan Document (DPD) Policy Position Report on 13th October 2009, as the basis for informal public consultation. The consultation runs for 6 weeks commencing on 18th January 2010.
- 1.2 The Natural Resources and Waste Development Plan Document (NRWDPD) is part of the new Local Development Framework. The Policy Position Report sets out the Council's preferred options for planning policies relating to minerals, renewable energy, water resources (including flood risk), air quality and waste. It aims to help us use our natural resources in a more efficient way.

2.0 PURPOSE:

- 2.1 This report and accompanying presentation are intended to brief Members of the Plans Panel on the content of the Natural Resources and Waste Development Plan Document (DPD) Policy Position Report and provide opportunity for Members to make immediate comments. In addition, the briefing should equip Members to be able to make further considered written comments during the consultation period if they so wish.

3.0 BACKGROUND:

- 3.1 The Natural Resources and Waste Development Plan Document is currently being prepared and is a significant part of the Leeds Local Development Framework (LDF). This DPD aims to provide an integrated approach to managing natural resources within Leeds, to ensure that they are used in the most efficient way and to give an indication of how Leeds will manage its waste now and in the future until 2026. This DPD (and supporting material) has been subjected to "Issues and Alternative Options" public consultation (May - June 2008). Following consideration of the comments received and further technical work, Jacobs (Strategic Design Alliance) and City Council officers (via a Technical Steering Group), have developed this 'Policy Position' report.
- 3.2 Within the context of the City Council's Statement of Community Involvement, a programme of consultation has been developed. This includes the creation of consultation and display material, the hosting of exhibitions and "drop-in-sessions", outreach contact with minority groups and the use of the City Council's web site. We are also notifying a wide range of stakeholders, neighbouring local authorities and Parish Councils.

4.0 MAIN ISSUES:

- 4.1 This DPD will set out where land is needed to enable us to manage resources, like minerals, energy, water and waste, over the next 15 years and identifies specific actions which will help us use our natural resources in a more efficient way. Planning policies are used to control and encourage development patterns to:
- Ensure responsible use of natural resources such as minerals, water and energy;
 - Predict future pressures on resources, such as climate change and increased housing growth, and plan for these by reducing flood risk, improving air quality and increasing renewable energy provision;
 - Ensure that sufficient sites are provided to enable us to manage our waste;
 - Increase waste recycling and processing so that less waste goes to landfill;
 - Encourage more use of those resources that don't run out, such as solar and wind energy.

LAND USE

- 4.2 In order to improve air quality and reduce carbon emissions we need to make the most of opportunities for alternative transport from road. To support this, where there are railway sidings and canal wharves which are, or could be, used for mineral and waste activities, it is proposed to safeguard them for that purpose. This helps to reduce the extent to which bulky materials have to be transported by road.

These sites are shown as B2 sites on the attached Maps A1 and A2

MINERALS

- 4.3 To ensure that we have sufficient mineral reserves we propose to safeguard existing mineral sites to make the most of current workings and reduce pressure for new workings. Safeguarded mineral sites are shown as B1 sites on the attached Maps A1 and A2.
- 4.4 To ensure that we have sufficient mineral resources to last for the next 15 years we propose to identify Mineral Safeguarding Areas where the land will be protected from development that would prevent future quarrying and where mineral operators will be expected to look for resources should the need arise. Mineral Safeguarding Areas are shown as B4 sites on the attached Maps A1 and A2.

WATER RESOURCES

- 4.5 We intend to require all developments to include measures to improve their water efficiency and deal with sources of wastewater. To help manage flood risk we propose planning policy that:
- Allows space for flooding by preventing most types of development in areas defined as 'functional flood plain'
 - Avoids inappropriate development in high flood risk areas wherever possible
 - Controls development in locations that could be at risk of rapid water inundation should flood defences fail
 - Requires an assessment of flood risk for any development (the assessment will be in proportion to the development size and flood risk)
 - Reduces surface water runoff in new developments.

AIR QUALITY

- 4.6 We intend to include a policy to require all new developments to include measures to improve air quality (commensurate with the scale of the development). We are investigating whether it would be beneficial to create Low Emission Zones in some areas of the District. These would be areas where the more polluting vehicles would not be permitted.

ENERGY

- 4.7 The Regional Spatial Strategy (RSS) sets targets for installed, grid-connected renewable energy provision in Leeds. We have set out how we think the RSS targets might be met from different sources of renewable energy in the District. We have included a map of wind speeds which indicates that there are areas in the District where there is potential for wind energy generation to be viable and alongside this we have included a criteria based policy which gives an indication of the factors which will be considered when wind energy applications are submitted. We have also made a commitment to the setting up of an Energy Service Company in Leeds which will act as a delivery vehicle for low carbon projects.

WASTE

- 4.8 We want Leeds to be self sufficient so that the District has sufficient waste management facilities and sites to manage all the waste it produces. This means

increasing the overall waste management capacity to meet this need (i.e. waste collection, transfer, sorting and treatment facilities). We intend to do this by safeguarding existing waste sites across the District (shown as sites C1 to C5 on Maps A1 and A2), providing a limited number of strategic sites for larger facilities in the industrial areas of the Aire Valley (shown as E sites on Maps A1 and A2) and identifying where there are existing industrial estates that have potential for more waste related activities to take place (shown as F sites on Maps A1 and A2).

5.0 NEXT STEPS:

- 5.1 Following informal consultation on the Policy Position document, a “Publication” draft of the DPD, will be prepared and this will be subjected to further consultation prior to submission to the Planning Inspectorate for Examination and then Adoption.

Background Papers:

Natural Resources and Waste DPD – Policy Position Report (and associated documents)

