



PLANS PANEL (CITY CENTRE)

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

MEMBERSHIP

Councillors

T Hanley
J McKenna
E Nash

M Hamilton
(Chair)
J Monaghan

Mrs R Feldman
G Latty

D Blackburn

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 4th February 2010</p> <p>(minutes attached)</p>	9 - 22
7	City and Hunslet;		<p>APPLICATION 09/03230/FU - ST PETER'S CHURCH BUILDINGS AND CHANTRELL HOUSE LEEDS PARISH CHURCH KIRKGATE LS2</p> <p>To consider a position statement of the Chief Planning Officer on an application for change of use including refurbishment and extensions to two church buildings with two flats, to form offices and 20 flats and erect part four, part five storey block comprising office and 31 flats with car parking</p> <p>(report attached)</p>	23 - 36

Item No	Ward	Item Not Open		Page No
8	City and Hunslet;		<p>APPLICATION 09/04625/FU - CITY STATION NEW STATION STREET LS1</p> <p>To consider a report of the Chief Planning Officer on an application for the addition of a new southern entrance with access walkway and new footbridges to railway station</p> <p>(report attached)</p>	37 - 56
9	Burmantofts and Richmond Hill;		<p>APPLICATION 09/05605/FU - LIVING HOPE CHURCH - FORMER ALTON CARS - SAXTON LANE LS9</p> <p>To consider a report of the Chief Planning Officer on a retrospective application for change of use from garage to place of worship (D1 use)</p> <p>(report attached)</p>	57 - 64
10			<p>DATE AND TIME OF NEXT MEETINGS</p> <p>Monday 22nd March 2010 at 2.00pm in the Civic Hall, Leeds</p> <p>Thursday 1st April 2010 at 1.30pm in the Civic Hall, Leeds</p>	



To:
Plans Panel City Centre Members
and appropriate Ward Members

Chief Executive's Department
Governance Services
4th Floor West
Civic Hall
Leeds LS1 1UR

Contact: Angela Bloor
Tel: 0113 247 4754
Fax: 0113 395 1599
angela.bloor@leeds.gov.uk
Your reference:
Our reference: ccpp/sitevisit/
24th February 2010

Dear Councillor

PLANS PANEL CITY CENTRE – THURSDAY 4TH MARCH 2010

Prior to the meeting on Thursday 4th March 2010 there will be two site visits, and I set out below the details:

Depart Civic Hall Ante Chamber at 10.00am to walk to Leeds City Railway Station for 10.15am, followed by a walk to St Peter's Church, Kirkgate and arriving back at the Civic Hall at approximately 12.30pm

Please could you let Daljit Singh know (2478010) if you will be attending the site visits and assemble in the Ante Chamber at 9.55am.

Following agenda item 9 there will be a pre-application presentation on the Trinity Development Scheme, Trinity West Leeds Shopping Plaza Albion Street and I attach a copy of the report to this letter.

Yours sincerely

Angela M Bloor
Governance Officer



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Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 4 MARCH 2010

Subject: PRE-APPLICATION PREAPP/10/00035 - Pre-application presentation for alterations and amendments to the approved Trinity Development scheme.

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:

This scheme is brought to Plans Panel for information. The developer will be asked to present the emerging scheme to allow Members to consider and comment on the proposals.

1.0 Introduction:

The developer has requested the proposal be brought back to Panel for Members to comment on the latest set of revisions to the scheme. During the marketing process a number of future tenants, some of them key to the scheme's potential success, have requested that revisions to the units which they wish to occupy are made. Additionally, when reviewing the scheme, the developers themselves have noticed several weak points which they would now like to design out. Officers have been working alongside the project architects to ensure that all of the changes produce what they consider to be an improved overall scheme and it is now felt to be the time to present these revisions to members to give them an opportunity to make comments on them.

2.0 History:

Planning Permission for Trinity East was granted in 2004 and a Compulsory Purchase Order to assemble the site for redevelopment was made by Leeds City Council in 2005. This was confirmed by the Secretary of State in November 2006 following a Public Inquiry.

In 2007, the site was acquired by new owners who entered into a Partnership (known as Trinity Quarter Developments Ltd - TQDL) with the owners of the Plaza Shopping Centre (Trinity West) that has enabled its integration with Trinity East and the comprehensive redevelopment and improvement of the site.

The Partnership has completed site clearance in relation to Trinity East. The Local Planning Authority has now discharged all planning conditions attached to the 2004 permission which were required to enable those site clearance works to commence. A Section 73 planning application was approved in January of 2008 to vary conditions on the original scheme to allow the development to be phased.

Subsequent to this alterations to the scheme for the reconfiguration of shop units and realignment of shop fronts at all levels, changes to internal vertical circulation, elevational improvements and realignment of building frontages, design changes to the roof and replacement of proposed office element with a leisure component, landscaping and associated works, were submitted under planning application ref. no. 08/05281/FU and approved in December 2008.

In parallel, detailed proposals for the Plaza Shopping Centre (Trinity West) including build-outs on Albion St and a redevelopment of the bridge were approved in principle by Members in July 2009 (app. Ref. no. 09/01742/FU), although they cannot be formally determined until the Section 106 is completed.

3.0 Site and surroundings:

This is the land bounded by Boar Lane, Briggate, Commercial Street and Lower Basinghall St with Albion Street running through the centre and sections of Trinity St and Bank Street both entering off Commercial St. The buildings, which have now been demolished, were a complex built in the 1970s made up of two levels of shopping units and ancillary accommodation over basement servicing. The site was characterised by a very poor built environment, weak pedestrian flows, inadequate linkages to the surrounding city centre and retail units that were constrained in both width and depth and failed to meet the requirements of modern retailers.

4.0 Brief policy background:

The site is set within the Prime Shopping Quarter, as defined by the UDPR 2006, and has Primary Shopping Frontages on Boar Lane, Albion St (north of the northern bridge) and Bond St. Sections of the internal mall areas of Leeds Shopping Plaza are designated as existing pedestrian corridor/public space.

5.0 Proposals:

The proposed alterations and amendments are as follows:

Trinity East

1. The removal of the at grade link along Bank Street and the creation of a new restaurant unit approximately 20m from Commercial St and accessed from the north. The units within Trinity would then be reconfigured to make larger retail units.
2. New frontage at 42-44 Briggate (the Topshop/Topman unit to the north of the proposed main entrance) involving the removal of the existing facade and its replacement with a design to complement the overall Briggate elevation composition.

3. Briggate elevation south of the proposed main entrance: glazed oriel windows at the first floor of the façade of this unit increased in width and height but will remain within the limits of the stone 'goal posts'. The glazing system at ground floor level is to be altered and a single central door retained due to the amalgamation of this unit to form a single unit. At the upper level, the balustrade to the restaurant terrace is proposed as glass rather than metal. The depth of projection will remain consistent with the approval. (A mezzanine floor is proposed between Levels 2 and 3 of this unit which will accommodate storage and staff welfare facilities).
4. The glazed screen above the main entrance on to Briggate has been set back from the building line to enhance the prominence of this entrance.
5. Removal of internal unit walls on Levels 1, 2, 3 and 4 at various areas of the scheme, to create a number of larger retail units to accommodate key tenants. This flexibility was always envisaged when the scheme was originally considered. The presentation will make reference to unit numbers and this referencing system is used in the following paragraphs:

Level 1 - partition walls between Units 2.23, 2.24 and 2.38 is removed in order to create one trading floor.

Level 2 – (a) A partition wall between Unit 2.23 and MSU17 is removed in order to create one trading floor. (b) Units 2.29, 2.30 and 2.31 have been reconfigured and their internal walls repositioned. (c) The partition wall between Units 2.13 and 2.14 is removed to create one larger unit – Unit 2.13A. (d) The partition wall between Units 2.15 and 2.16 is removed to create one larger unit – Unit 2.15A.

Level 3 - partition wall between Unit 2.23 and MSU17 is removed in order to create one trading floor. Units 3.34, 3.35, 3.36, 3.37 and part 6-24 Albion Street have been combined to form one floor of MSU3A at Level 3 and to accommodate the new vertical access created from Level 2.

Level 4 - Units 4.17, 4.18, 4.19 and 4.20 have been combined to form one floor of MSU3A.

In addition there will be a new roof plant associated with a new restaurant that has been created as a result of the division of one restaurant unit into two restaurants at Level 4 (Unit R5 becomes R5A and R5B). New vertical access between Levels 2 and 3 associated with one new tenant (Unit MSU3A). One change in floor slab level to create a step down from the Level 3 arcade into one of the adjacent units (Units 2.23 and MSU17), however this does not result in a reduction in height of the arcade below. Two internal north-facing bays at Level 2 finished in stone rather than glazed.

6. There are four link bridges in the Trinity East scheme; three at Commercial Street (Level 3) and one at Trinity Walk (Level 4). It is proposed that the western bridge at Level 3 be re-aligned and widened from 3.8m to 5.2m. In tandem with proposed increases in width, a revised bridge design - to make the leading edge appear more lightweight and to introduce mesh / lighting to create a bright soffit will be proposed and the design of the three other bridges will be revisited to ensure a consistent design approach.
7. The use of an area beneath the escalators in the main open space area at the centre of the scheme as a café with curved full height glazed façade which would better utilise the visually poor and unusable 'wedge' shape space which would otherwise exist.

8. Additional space for staff welfare accommodation is required to be located at Roof (Level 5) above the Wilkinson's unit at 6-24 Albion St in the south western corner of the site and would be accessed by a new internal lift and staircase from Level 4. Extra plant room space will also be installed at Level 5, partly on the roof. As a consequence of creating additional space at Level 5, the plant screen location will be altered but will be recessed from the building line. Change of use of Level 4 of 6-24 Albion Street from D2 to A1 is also required.
9. A restaurant unit (R8) at roof level in the area of the building behind the Holy Trinity Church. This requires a new glazed external lift to be located on the wall behind the church which would be visible between the apse of the church and the rear of the listed 71 Boar Lane. The hard and soft landscaping between Holy Trinity Church and 71 Boar Lane which leads to the lift will also be reconsidered. The form of the new restaurant would be glazed and stepped away from the primary elevations. This would create high-level external terraces which would be publicly accessible and offer views out over the church and the new Trinity roof.
10. The re-grading of the main north/south route from Commercial St/Lands Lane into Trinity and passing along Turk's Head Yard leading to the entrance to Whitelocks public house. This would remove the 1:14 gradient which presently exists on the existing north/south route and would mean that all routes would be at a gradient of no greater than 1:20.

Trinity West

11. Work has been undertaken with Metro and their highways consultants regarding the relocation of the bus stops from the undercroft on Boar Lane. A scheme has been developed and is considered to satisfy the requirements of Metro, Highways Services and the highway consultants working on the NGT project. Officers will make Members aware of the nature and extent of these works as part of the presentation. As a consequence of this, the applicant is now proposing the extension of retailing into the undercroft on Boar Lane and the re-elevation of this facade.
12. At this time the only works proposed to Lower Basinghall Street are as part of the works to the corner treatment on Boar Lane. The applicant is very well aware of the importance of the entrance to the scheme on Lower Basinghall St which is clearly visible from City Sq. However, given the changes that are likely to take place as part of the public transport improvements in City Sq and the fact that the route from the square to Trinity is across land outside the control of TQDL, they consider that a long term and more comprehensive approach needs to be taken to the whole of this area and will work up proposals for this in due course.
13. The atrium will be redesigned to form an oval or 'eye' plan form as a response to the realignment of the units around it. This new form will translate to the roof-light which will become more sculptural and responsive to the roof structure approved at Trinity East.
14. The width of the main entrance adjacent to Boots on the Commercial St/Albion St corner is to be increased to generate improved visibility and prominence. There are also proposed changes to vertical circulation and the conversion of retail floorspace to an additional mall link.

6.0 Issues:

All except one of these revisions is considered to complement the currently approved scheme and enhance it rather than dilute it or reduce its quality. Government advice is to make the best use of land by intensifying the floor space on the land available, and as the uses being proposed here are clearly appropriate, the revisions are considered to be in line with that advice.

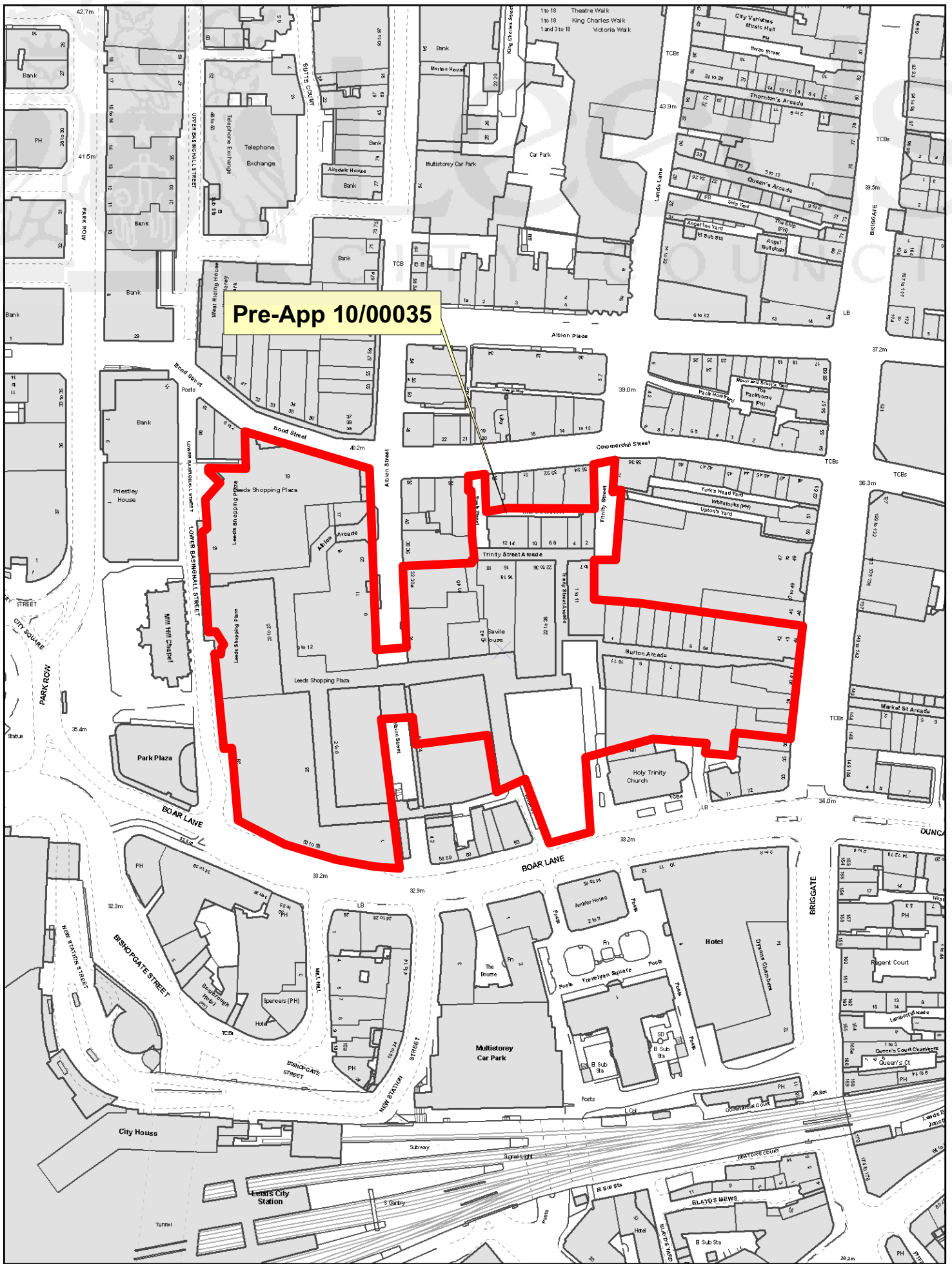
The one exception, where officers do not consider that the scheme is enhanced, is the closure of Bank St referred to in point 1 above. At the time of the CPO inquiry evidence produced by officers very much supported the recreation of a greater length of Bank St along its historic line and the additional at grade pedestrian linkage which this created. The Inspector's report and the Secretary of State's decision letter supported the move to greater permeability and legibility. This remains the only aspect of the proposal over which there is a differing view between officers and the developer. At the time of writing this report this was the current position, however, design workshops continue to evolve the scheme and the results of subsequent negotiations will be included in the presentation.

The key issues Members will have to consider include the following:

1. Do Members consider that the loss of the Bank St link (point 1) is of such detriment to the proposal that they would be minded to refuse an application for this revision?
2. Is the extent of the enhancements to Lower Basinghall St (point 11) acceptable?
3. Are each of the other individual revisions outlined above acceptable?
4. Which of the revisions detailed above do Members consider can be determined by the powers of decision delegated to the Chief Planning Officer? (provided those elements remain substantially unaltered from those presented)

7.0 Background papers:

Planning Application 20/149/03/FU
Planning Application 20/497/05/FU
Planning Application 07/06793/FU
Planning Application 08/05500/FU
Planning Application 08/05201/FU
Planning Application 08/05203/FU



CITY CENTRE PANEL

Scale 1/2000

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Plans Panel (City Centre)

Thursday, 4th February, 2010

PRESENT: Councillor M Hamilton in the Chair

Councillors D Blackburn, T Hanley, G Latty,
J McKenna, J Monaghan and E Nash

55 **Declarations of Interest**

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

Councillor E Nash – Application 08/01914/FU Lumiere Building – declared both personal and prejudicial interests as a member of the Co-operative Group. Councillor Nash had been elected to the Group since the pre-application presentation and the Co-Op had premises very close to the application site (minute 58 refers)

Councillor T Hanley – Application 09/04815/OT Leeds Arena - declared a personal interest as a member of Leeds Civic Trust. The Civic Trust had commented on the application (minute 60 refers)

Councillor J Monaghan – Application 09/04815/OT Leeds Arena - declared a personal interest as a member of Leeds Civic Trust and a member of the North Street and Regent Street Residents' Association as both organisations had submitted comments on the proposals (minute 60 refers)

56 **Apologies for Absence**

No apologies for absence were received

57 **Minutes**

RESOLVED – That the minutes of the previous meeting held on 3rd December 2009 be approved as a correct record

Councillor Nash, having earlier declared a personal and prejudicial interest in the following matter, withdrew from the meeting and took no part in the decision making process

58 **Application 08/01914/FU - Lumiere Development, Whitehall Road/Wellington Street, Leeds**

The Panel considered a report by the Chief Planning Officer on the current position with regards to the Lumiere development and setting out four proposed reasons to refuse application 08/1914/FU (which set out revisions to Application 06/01622/FU approved in April 2007) relating to the scheme.

The Panel was aware of the planning history of the site. Panel had delegated authority to grant permission for Application 08/1914/FU for the revised scheme to officers on 22 July 2008 subject to completion of a Section 106 Agreement (S106).

The report before Panel today outlined the lack of progress of the scheme and the attempts made to encourage the developer to complete and sign the S106 necessary for the final grant of the permission. A copy of the July 2008 report and minutes of that meeting were included for reference.

Development works on site ceased in July 2008. KW Linfoot, joint developer of the scheme, went into Administration in February 2009, following which the Local Planning Authority (LPA) contacted Fraser Properties as the partner developer to seek to finally dispose of the application due to the failure to complete and sign the 106 Agreement.

The Head of Planning Services reported that the agent for the application had responded just prior to the meeting stating their agreement to the matter being presented to Panel for determination. In essence this report sought approval to move the application from Part 1 of the Planning Register (current schemes) to Part 2 (Historical schemes). The Panel was assured that this would not represent the end of the Lumiere development as the 2007 permission remained extant and could be completed. Mechanisms existed for developers to seek an extension on the time limit of permissions and this could be done in this case.

The Panel was advised that there were 62 similar schemes in the city centre where there was an extant permission where an extension of time could be applied for.

The Panel discussed problems reported generally with developers being able to deliver contributions detailed within S106 Agreements, particularly having regard to the current economic climate. The Head of Planning Services reported on government advice that encouraged LPA's take a flexible approach in such cases, such as reviewing the date of contributions payments, if that would assist the delivery of the overall scheme. Additionally, a developer could make an application to vary the terms of a S106 attached to permission, however he emphasised the need for developers to remain in contact with the LPA particularly about any changes in circumstances as failure to deliver the S106 would be an enforcement matter.

Members expressed regret that the scheme had not been progressed. The Panel whilst supporting the officers' recommendation contained within the report also sought to emphasise their continued support for the Lumiere development and remained keen to see the 2007 permission implemented

RESOLVED – To refuse the application for the following reasons:

1) In the absence of a completed signed Section 106 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 Section 106 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 LCC. 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 Section 106 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 Section 106 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)

Councillor Nash resumed her seat in the meeting

59 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

Members considered the report of the Chief Planning Officer setting out proposals for an office block development with basement car parking at 6 Queen Street/28A York Place.

Plans and architects drawings of the proposals were displayed along with photographs of the existing building, streetscene and photo montages showing the proposed building in-situ.

The Panel had received a pre-application presentation on early proposals for the development in July 2009. Since then the applicant had responded to comments made at that presentation and the subsequent amendments were highlighted within the report. The Panel viewed slides showing the earlier proposals with the revised scheme for comparison and noted the following in particular:

York Place elevation – the window patterns gave a vertical emphasis, creating the form of terrace properties to the street frontage. The windows were set in deep reveals with brick settings. Larger windows were to the ground floor in keeping with the style of the surrounding area but more glazing in smaller windows were located to the upper floor with the 5th floor set back to lessen the impact of the height

Queen Street elevation – the architects' drawings showed the use of brick, with brise soleil added to the upper floor and the vertical influence of the windows. Windows were again set in deep recesses and the 5th floor was set further back, appearing as a glazed box

Corner feature - more glazing had been introduced which provided a lighter touch to the treatment of the corner, whilst still linking the two elevations and retaining the vertical feel.

Officers reported the contents of a letter received from Leeds Civic Trust since the despatch of the agenda which broadly welcomed the improvements made to the Queen Street elevation but did comment on the deletion of the use of Portland Stone from the York Place elevation. Officers responded that the use of brick better reflected materials in the area and was more appropriate. The Civic Trust reiterated its concern as to why relatively modern buildings required demolition and officers responded they were relatively poor performers in terms of BREEAM standards and the new build would achieve the "excellent" standard.

Officers reported the contents of the comments now received from METRO regarding the development being well situated in terms of public transport but querying whether the number of car parking spaces could be reduced.

Officers highlighted the request for a 5 year time limit on the permission, rather than the usual 3 years, and explained the current occupiers of the building had a lease until 2012. A 5 year permission would allow the developers time to gain possession of the building.

Additionally, a query had been raised regarding financial viability and the terms of the Section 106 Agreement. A Viability Assessment had been completed and revealed that if the Local Planning Authority sought the public transport infrastructure contributions the whole scheme would not be viable. Officers had responded to this approach by suggesting that the viability could be reconsidered when the scheme commences as part of the Section 106 agreement.

The Panel discussed the following:

Heights – Members noted a comment made that, although it was accepted that pedestrians would not see it, the 5th floor was one storey too high for this development and prevented the new building sitting in the streetscene. Officers responded there were varying top floor heights in the locality, some at 7 storeys. This development had regard to Policy which suggested new development be kept to “within a one floor limit”

Elevations – Panel generally felt the scheme had improved although there was one comment made that the revised elevation on Queen Street was the least successful

Sustainability – Members queried the wording of the condition and suggested a more robust approach be taken to sustainability to ensure the developers had to meet RSS policy and provide those matters detailed in Condition 22, rather than “consider” their provision.

Officers responded that the BREEAM report submitted showed this new building would meet the BREEAM excellent standard. The condition required the developer to investigate the matters listed (green roofs, SUDS etc) and if these could not be provided, the developer would have to provide the LPA with technical analysis of why these measures could not be implemented.

Corner feature – welcomed the revisions to the corner elevation which previously was felt not to marry the two street elevations. A comment regarding the views through the glass feature up the staircase was noted.

Viability – the Panel were not convinced over the present viability of the scheme given the capital cost of the scheme and noted it would not commence until at least 2012. Members discussed the proposed amount for public transport contributions which they did not consider to be a large sum in comparison to the cost of the scheme and expressed concern that this would only be agreed subject to acceptance of the Viability Appraisal (VA)

Public transport infrastructure – The Panel reiterated their concerns that although this new office accommodation would house more staff no contributions to the public transport infrastructure were immediately proposed to support the anticipated additional public transport journeys. Officers were recommending the LPA look again at the level of contributions prior to commencement of development works by which time the market was expected to recover and anticipated yields from the scheme would be higher. If the contribution expected by the LPA was stated now, the figure could be incorporated into the developers’ build costs.

Courtyard space – noted this would be a north facing and enclosed area and likely to be cold, hard space. Members commented on the type of landscaping proposed

Materials and colour – The Panel commented on the slides representing the intended materials and particularly the colour of the bricks to be used as this

was different between the representations of the previous and current proposals.

The Civic Architect addressed the Panel with regards to -

Design - noted the comment about design quality, however he felt this had to be balanced against the alternative view of this being a simple design

Bricks - noting the comment about colour of bricks he acknowledged the slides showed differing colours, stating the brick to be used was likely to have more orange textures than red and there was no reason why the new build could not match the reference building at 27 York Place

Corner feature - the architects new drawing had just been submitted, and he felt the image showed the panels to cover the floor plates to be too light in colour - a gun metal grey colour would be less visible within the glass corner feature. The Panel agreed with this approach and suggested the colour of the frame supporting the glazing on the upper floors be revised to match.

The Head of Planning Services highlighted the requirement to provide 1:20 detailed drawings which would ensure the LPA was provided with sufficient detail of the quality of the scheme and concluded the discussion by outlining amendments to the proposed recommendation as

- the public transport contribution to be fixed at this stage and index linked
- the treatment of the panels within the glass corner and upper floor glazing to be addressed
- condition 16 should also require the provision and retention of shower facilities in the basement

RESOLVED - That determination of the application be deferred and final approval be delegated to the Chief Planning officer subject to:

- (a) the conditions specified in the report (and any others which he might consider appropriate)
- (b) an amendment to Condition 16 to include the provision and retention of shower facilities
- (c) the resolution of the treatment of the panels within the glass corner feature and upper floor glazing
- (d) and the completion of a Section 106 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 index linked
 - 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

(Under the provisions of Council Procedure Rule 16:5 it should be noted that Councillor Latty abstained from voting on the above matter)

60 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

The Chief Planning Officer submitted a position statement on the development proposals for the Leeds Arena. The Panel had previously visited the site and had received a pre-application presentation on 8th October 2009.

Members noted receipt of comments from both statutory and non statutory consultees and were aware of recent comments in the press from the Commission for Architecture and the Built Environment (CABE) regarding the design of the Arena.

Mr P Crabtree, the Chief Planning Officer, addressed the meeting and acknowledged the comments made by CABE and in response, he clarified that CABE had accepted the site was suitable for the Arena development but had queried the approach adopted to the planning process. Mr Crabtree explained that securing Outline permission would provide assurance that the principle of the development was agreed in the first instance, and allow the necessary contracts and road closure orders to be progressed. Mr Crabtree stressed the importance of this development to the city and its aspirations and that it would have a significant regenerating impact on the northern part of the city centre.

The Principal Planning Officer then explained that Outline permission would provide the developer with flexibility in the design process whilst keeping overall momentum in the planning process.

The contents of an additional letter of representation received from the North Street and Regent Street Residents Association were reported regarding residents' parking controls and improved pedestrian links, particularly through the site to the Lovell Park area.

Plans and aerial photographs of the site were displayed at the meeting. Photos showing views to and across the site from various vantage points, including photo montages with the proposed Arena in-situ, were also displayed. Officers reported their view the Arena sat well within the site however the developer was aware the Brunswick Street elevation required further consideration.

The Principal Planning Officer explained that the proposal was supported by national and local policy and would deliver sustainable economic benefit. He highlighted the benefit of this site being close to the city centre and good transport infrastructure/pedestrian links and went onto outline the following matters:

Bus stops – to be improved within the immediate locality with an NGT stop proposed on Woodhouse Lane

Pedestrian access – the piazza will provide a new north-south route and a new northern footpath will link with the eastern network and provide through routes towards Eastgate/Harewood Quarter

Junctions – a new crossing will be provided on Clay Pit Lane designed to accommodate high volumes of pedestrians; the Merrion Way/Brunswick Terrace junction will be improved to include a raised plateau to assist pedestrian movement around the Arena and the Clay Pit Lane junction at The Coburg public house will also be improved

Car parking – there were an estimated 2,900 car parking spaces within 400m of the site and on-street parking will be discouraged in residential areas. Existing Traffic Regulation Orders (TRO's) and Residents Parking Permit areas will be improved and extended. Parking spaces for disabled people would be provided on the access road, Tower House Street, Merrion Way and possibly in Queen Square.

The application is supported by a Travel Plan designed to reduce single car occupancy. The applicant had also confirmed that a public transport contribution would be paid in accordance with the SPD.

Service access road – this road will incorporate a turning head and provide a drop-off/pick-up point for taxis. Coaches would drop-off at Wade Lane; a “lay-over point” for coaches for the duration of events was yet to be identified. The Principal Planning Officer indicated that potential noise disturbance from the late night movement of event vehicles is an issue upon which there is continuing work

Amenity – the highest part of the Arena was designed to project away from the Opal 3 residential student block.

Mr J Thorp, the Civic Architect, briefly outlined the motivation for the design process and confirmed his support for the “fan-like” shape of the Arena itself within this site and the proposed access arrangements. He reported on the current challenges presented to the design team as being:

- Public realm – the need to ensure this is a viable space and can accommodate the movement of patrons attending when there is a full capacity event at the Arena
- Access – the need to ensure there are both detailed considerations of access to the Arena and general access to the site from various points across the city

The Principal Highways Officer outlined the balance of priorities between patrons arriving in the city centre to attend an Arena event at the same time as commuters leaving the city centre. Additional traffic and footfall would also be generated for matinee events during the weekends. This would require careful management. The traffic modelling undertaken so far confirmed that the highway network could accommodate the additional traffic generated by the Arena with some alteration to signal timings.

The report sought to identify planning policies relevant to the arena development, confirm the details of the planning application and identify outstanding issues; to update Members on the outcome of the initial consultations and to seek the Panel's comments on a number of key issues as highlighted in the report at paragraph 9.9.

The Panel acknowledged the importance of the Arena development to the vitality and economy of the city and went on to discuss the following matters with officers:

Queens Square – contained a public park and some residential property. Patrons should be discouraged from using this site as a short-cut to the arena.

- Officers responded that the applicant had conducted a pedestrian movement study and this was not one of the preferred routes. Signage could be used to discourage its use and highlighted the new pedestrian initiatives and footway along Providence Place which would encourage patrons away from this area

Merrion Centre Car park – the entrance requires careful controls to balance pedestrian and vehicle priorities

Disabled access/transport – Panel members were in receipt of an e-mail from a representative of the Access Committee for Leeds. Members discussed whether the 35 space taxi rank on the service road would provide sufficient space for pick-up/drop-off for wheelchair accessible vehicles as some of these required extra space for manoeuvring and whether the road could incorporate an area designated specifically for such vehicles. Members also commented that the population generally was aging, and there would be a subsequent increase in the numbers of people with mobility issues who would require the use of taxis/private hire vehicles to transport them closer to the Arena. The Panel noted a query why the service road could not be a through-road.

- The Principal Highways Officer confirmed there would be sufficient space for all the necessary vehicle movements and time required for all passengers to disembark. The service road arrangements were being discussed with LCC Taxi and Private Hire Section and representatives of the taxi trade.
- It was reported that creation of a through-road onto Clay Pit Lane would conflict with pedestrian priorities, level changes and incur more costs. A new junction there could not, in any event, provide a right-turn facility as there was not enough space on Clay Pit Lane for stacking turning vehicles prior to the Inner Ring Road junction signals. All traffic would have to go left and back into the city centre, there would not be any advantage in terms of traffic routing and there would be concern that this would conflict with pedestrian movements across Clay Pit Lane towards the car park and increase U-turns at the bottom of Clay Pit Lane.
- Officers highlighted the fact that not all 142 events per year suggested for the Arena would be capacity events, or evening events and officers were confident that the existing city centre car parks could cope with the additional visitors subject to the careful signage, management and control of the visiting traffic.

Noise impact – Panel expressed concern over possible noise impact on the residents of Opal 3 and the Harrison Potter Homes nearby; especially as the Arena could be in use 24 hours a day, 7 days a week. A suggestion was made to restrict the use of the Arena to cease at 00:00 midnight, whilst

acknowledging the service road would still be in use after this time whilst events were dismantled.

- Officers responded that restricting the hours of use would adversely affect the use of the Arena and restricting the hours for stage clearance would not be acceptable

Clay Pit Lane development sites - Panel discussed the two proposed development sites and the impact the Arena would have on any future proposals here, and similarly the impact of any high rise development on these two sites. Members suggested that the sites could be utilised as pick-up/drop-off points for the Arena until their development commenced.

- The Civic Architect responded stating the LPA did not envisage the 2 sites to be suitable for “tall building” development.

Public realm – the two proposed development plots appeared to reduce the available public realm space and Members were keen to ensure that LCC provided a high quality landscaping scheme and that the pedestrian routes made proper links with existing routes and the city centre.

- The Civic Architect reported on current consideration of making a defined edge for the site at Claypit Lane, and rather than using temporary landscaping whilst the development took place, to use better quality, but ultimately “sacrificial landscaping” instead

Pedestrian access – any proposals must include routes through to Lovell Park and those routes must be carefully considered in terms of safety and amenity

- Officers agreed to ensure that this would be addressed through the evolution of the scheme.

Car Parking – the Panel sought more detail of the off street strategy particularly on which areas would be included. The Panel were concerned that patrons, who did not wish to pay to use the car parks, would park in residential areas such as the Lovell’s or Hyde Park, or on North Street, and walk to the site.

A suggestion to utilise the derelict nearby Caspar site as a car park was made but officers reported this was not within the gift of LCC as it was not an LCC owned site

Members added that there were existing businesses on North Street which flourished due to the car parking available through the day and evening, any arena users parking there would have a negative impact on those businesses. Members also highlighted the fact that Leeds already benefited from a strong night time economy and visitors already made use of the existing city centre car parks during the evenings. Members were keen to ensure that the car parking and highways strategy could manage the conflicting visitor priorities.

- The Principal Highways Officer reported that the adjacent residential areas were covered by Residents car permits schemes largely to prevent daytime commuter parking and these schemes would be extended to address night –time parking too.

Coaches – further detail of the “layover area” was required and the Panel was keen to ensure this was not on Woodhouse Moor which was regarded as a sensitive area

(Councillor Hanley withdrew from the meeting for short time at this point)

The Panel then went onto discuss the issues highlighted in the report as recommendations to consider and:

- considered the location of the arena and agreed to endorse the preferred location
- agreed to confirm the acceptability of the outline application process and the design approach being pursued

With regards to the issues at 9.9 of the report, the Head of Planning Services, in agreement with Panel, summarised the main areas for future consideration as:

Suitability of the site – noted the Panel agreed the preferred location but key issues were whether the site would cope with the projected people and vehicular movements and the impact of the Arena on the existing residents. Assurances were sought on the future of the two development plots and how the Arena site works

Building parameters – the scale, footprint, height and “fan shape” of the proposals were broadly accepted, but further information on the two adjacent development blocks was required

The off-street car parking strategy – more detail on the overall strategy (including controls in the adjacent neighbourhoods) was required especially to cover the night time economy particularly

- How will visitors be directed to available spaces
- How the impact on local communities will be managed
- Details of existing controls and those proposed with the application

Service road provision – details to include the taxi/disabled parking provision (including the lay-over site) and how the cul-de-sac arrangement will work

Pedestrian access and suitability of the routes to and from the site – further consideration of the Lovell Park area was required and more detail of proper links through and to the site required (to include Merrion Street, Merrion car park and Queens Square)

The public realm – the two development plots and how they work in the future will be a key issue for Members to consider. In the short term these were vacant spaces but in the long term would be developed and impact on the arena and the space about the site available for patrons

The 24/7 service arrangements – more detail of the noise implications was required

Finally the Panel noted the aspiration to present the Outline application to the March meeting, but due to the number of issues identified, the submission timetable may have to be revised

RESOLVED – That the contents of the Position Statement and the comments of the Panel be noted

Councillors Hanley; Latty and J McKenna withdrew from the meeting at this point. Councillor Nash withdrew for a short time before the Panel moved onto the next item of business

61 Natural Resources and Waste Development Plan Panel Document Policy Position Report (Preferred Option)

The Chief Planning Officer submitted a report in support of a presentation to Panel on the Natural Resources and Waste Development Plan Document (NRWDPD). The Development Plan Panel had considered the Policy Position Report on 13th October 2009 and referred the matter to each of the Plans Panels as part of the wider public consultation process taking place between 18 January and 1 March 2010.

An Officer from the Strategy and Policy Section within City Development Department presented the report and tabled a copy of the Policy Position Report Summary at the meeting. The Summary was now being distributed as part of the consultation process and available to the public at the consultation road shows. The main points of the document were outlined relating to:
Land use – the need for efficient use of previously developed land, particularly contaminated land and the need to safeguard existing rail sidings and canal wharfs in order to promote less use of the road networks for haulage. Holbeck sidings and Marsh Lane had been identified within the City Centre Plans Panel area

Minerals – existing mineral sites to be safeguarded from building development to ensure continued reserves. None identified within this Plans Panel area.

Water resources – space for floodwater should be created by protecting areas of functional floodplain and by ensuring that developments in flood risk areas provided space for flood water. Developers should be required to take measures to reduce the rate of surface water run-off and include water efficiency measures within their development proposals. A particular issue for city centre developments would be discouraging applicants from regarding the whole of the site to the boundary line as a developable area.

Air quality – Developers to be requested to include measures for improving air quality commensurate to the size of the development and investigate the benefits of low emission zones.

Energy – significant encouragement to be given to greater use of renewable energy generation. A map was displayed showing the areas of Leeds most suitable for wind power generation and attention was drawn to the map showing the location of the four possible new strategic waste sites. The importance of reducing, re-using and recycling waste was highlighted and the need to generate energy from waste.

Members commented that every new dwelling should be issued with a water butt and discussed the reliability of wind power for general energy generation compared to traditional fossil fuelled power. The Panel broadly supported the promotion of haulage movements by water rather than road, and noted a suggestion to actively encourage LEZ's around the Ring Road in order to tie in with and protect the future of the use of low emission buses in Leeds.

RESOLVED - That the contents of the report and the presentation and the comments made by the Panel be noted

62 Date and time of next meeting

RESOLVED – To note the date and time of the next meeting as Thursday 4th March 2010 at 1.30 pm

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Originator: Sarah McMahon

Tel: 2478171

Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 4 MARCH 2010

Subject: POSITION STATEMENT FOR APPLICATIONS 09/03230/FU - Change of use including refurbishment and extensions to 2 church buildings with 2 flats, to form offices and 20 flats and erect a part 4 part 5 storey block comprising office and 31 flats, with car parking, 09/03280/CA – Conservation Area application to demolish the Chantrell House office building, and 09/03397/LI – Listed Building Application for partial demolition and making good of boundary wall, at St Peters Church And Church Buildings, and Chantrell House, Leeds Parish Church, Kirkgate, Leeds, LS2 7DJ.

APPLICANT	DATE VALID	TARGET DATE
Yelcon Ltd - S Holman	6 January 2010	7 April 2010

Electoral Wards Affected:

City & Hunslet

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Members are requested to note the contents of this position statement and are invited to comment in relation to the questions raised in bold type in the Issues section (section 10) of the report.

1.0 INTRODUCTION:

The scheme is presented to Members at an early stage for their consideration and comment on the key issues raised by the proposal. It relates to the redevelopment of properties within the setting of a nationally important, grade I listed, Anglican Church (significant for the quality of its architecture and fine interior).

2.0 PROPOSAL:

The proposal is to change the use of the site to a mixed use of 51 residential flats (30 x 1-bed, 18 x 2-bed and 3 x 3-bed units) and 445 sqm. of gross office space. This would involve the partial demolition and subsequent refurbishment of and extensions to St Peters Hall and St Peters House to create extended 4 and 5 storey buildings. These would both house office space at ground floor level with residential above. A total of 20 flats are proposed within these two buildings. In addition, it is proposed to demolish the existing 3 storey Chantrell House office block. This would be replaced with a 5 storey block comprising office use to part of the ground floor (fronting The Calls) and 31 flats, with undercroft car parking. To create a flood risk emergency escape route it is also proposed to partially demolish and make good a Grade II listed boundary wall to St Peters (Leeds Parish Church).

Consideration has been given to the appearance and design of the buildings in respect of their context of Leeds Parish Church (St Peters) and The Calls and the relationships to nearby buildings.

A visual inspection has shown that the site currently provides potential for approximately 23 parking spaces in two parking courts on either side of Chantrell House. The proposal would result in a total of 32 car parking spaces on site.

A number of documents have been submitted in support of this proposal and these are:

- Planning Statement
- Design and Access Statement
- Heritage Assessment Statement
- Sustainability Statement
- Low Carbon and Renewable Technologies Report
- Code for Sustainable Homes Pre-Assessment
- Biodiversity Statement
- Bat Survey
- Green Travel Plan
- Transport Assessment
- Flood Risk Assessment
- PPS25 Sequential and Exceptions Test Assessment
- Affordable Housing Support Statement
- Utilities Assessment
- Drainage Statement
- Noise Survey and PPS24 Assessment
- Phase 1 Land Contamination Report

3.0 SITE AND SURROUNDINGS:

The site is a City Centre location set within the Riverside Area, as defined by Leeds Unitary Development Plan Review 2006. Three buildings exist on the site, St Peters Hall and St Peters House, which are red brick Victorian/Edwardian 4 storey buildings and Chantrell House a red brick 1980s 3-storey office block. St.Peters Hall and House provide limited residential accommodation (2 flats) but for the most part are vacant and in a state of disrepair. The site also includes part of the landscaped church grounds and the parking area accessed off Maude Street to the east of Chantrell House.

The site is within the boundary of the City Centre Conservation Area, adjacent to the Grade I listed St Peters (Leeds Parish Church) and its Grade II boundary wall (to the north). To the south the site fronts onto The Calls and to the east is Maude Street. Both streets are characterised by former warehousing buildings fronting the back edge of the footpath of heights varying around 3 to 5 storeys. Adjacent to the site to the east and also fronting The Calls is the 3 storey residential development, Chantrell Court.

4.0 RELEVANT PLANNING HISTORY:

None

5.0 HISTORY OF NEGOTIATIONS:

The proposal has been the subject of pre-application discussions between the Developers, their Architects and Local Authority Officers since May 2007. These discussions have focused on the proposed use of the site for a mix of office and residential uses, the level of affordable housing required, the numbers of car parking spaces, the position of the blocks in relation to other existing and proposed buildings, the height, form and scale of the blocks, details of the elevational design and materials, key views, pedestrian routes and connectivity through the site and links to the wider area, the sustainability credentials of the proposal, and the proposed hard and soft landscaping scheme.

6.0 PUBLIC/LOCAL RESPONSE:

The application was publicised via a Site Notice posted on 13 January 2010 expiring on 3 February 2010 for a Major Development Which Affects the Setting of a Listed Building and the Character of a Conservation Area, and in the Leeds Weekly news edition printed the week of 23 January 2010.

5 Letters were received from residents of Chantrell Court, and one letter from the Rt Hon Hilary Benn MP for Leeds Central, with the following comments:

1. That the plans do not make it easy to assess the impact of the proposals from the Chantrell Court viewpoint
2. That the Chantrell Court flats would be 'hemmed-in' by the new building block and this could affect them in a major flood, and there appears to be no escape route for existing residents.
3. That due to the proposal's height it would overshadow the Chantrell Court flats resulting in a lack of light and are too close to the church and churchyard
4. That the proposal looks out of place so close to the church and the Palace public house.
5. That there will be more noise pollution from cars and people.
6. That the existing landscaping and trees will be destroyed and not replaced adversely affecting diversity, the provision of green landscaping and flood risk
7. That the existing thriving bat and bird populations will be adversely affected.
8. That emergency services and refuse collectors will not be able to access the Chantrell Court flats.
9. That there has been no public consultation on this proposal
10. That the historic church wall should not have part of it demolished for this scheme.
11. That the proposal would block views of the church from Chantrell Court flats.
12. That access to the shared car parking area, the gated route to Maud Street will be destroyed and vehicle movements will be hampered.

13. That due to the proposal's height it would result in a loss of privacy for the occupants of Chantrell Court flats.
 14. Consideration of the main full planning application (09/03230/FU) should be linked to consideration of the listed building application for part demolition of the boundary wall (09/03397/LI) as they are irrevocably linked
 15. That it is important to distinguish between the wall between St Peters House and Chantrell House and the wall to the churchyard boundary, in respect of the age of wall, its historical importance, heritage and materials.
 16. That there are already a number of empty apartments in the area so why build more
 17. That the demolition of Chantrell House, which is structurally sound and a building in use would not be sustainable and would be a waste of resources
 18. That the building of blocks A/B/C are on land previously not developed
 19. That the proximity of the site to the City Centre and transport links should negate the need for car parking provision.
 20. That the appearance of the building (its elevations) should be sympathetic to its context within the conservation area close to the listed St Peters Church.
- Response: Points 2, 3, 4, 6, 8, 10, 12, 13, 14, 15, 17, 18, 19 and 20 will be addressed as part of the Issues section below.

With regard to Point 1 the submitted plans are of an acceptable scale, format and type to allow the planning application to be appraised. CGI visualisations of views of the proposed scheme have also been provided as part of the planning application submission.

With regard to Point 5 the end uses are residential and office neither of which are high noise producing uses. In addition the increase in car parking numbers (9 spaces) is relatively low and as such there should be no significant increase in traffic movements

With regard to Point 7 it has been identified in the Biodiversity Statement and the initial Bat Survey that there is a bat roost present on site. As such there will be a requirement for the applicant to agree appropriate mitigation measures to provide for its replacement and the full details can be controlled by planning conditions.

With regard to Point 9 the Applicants advise that as well as presenting the scheme to Leeds Civic Trust, the details of the scheme were also put on display in St Peters (Leeds Parish Church).

With regard to Point 11 whilst it is understandable that there would be concern regarding the loss of the view of St Peters, there is no legal right to a view, and as such this matter can not be considered as a material planning consideration.

In response to Point 16, the location is a previously developed Brownfield site. Whilst there are a number of other existing residential developments in the area there is no defined cap in the Leeds Unitary Development Plan Review 2006, on the numbers of apartments allowed in the area.

7.0 CONSULTATIONS RESPONSES:

Statutory:

British Waterways: State that they have no objections to the proposal.

Yorkshire Water: State that should the proposal be approved then conditions to cover the following matters should be applied: not building within 3 metres of a water main, separate systems for foul and surface water, the means for disposal of foul and surface water, no piped discharge of surface water.

Response: These matters will be addressed under appropriate conditions.

Highways: State that the decision should be conditioned to address details of cycle and motorcycle parking including the numbers allocated for office use, the hard standing area, as well Section 106 agreement requirements for a public transport infrastructure improvements contribution, city car club membership, and a green travel plan and its associated monitoring and evaluation fee.

Response: These matters will be addressed via the relevant conditions and Section 106 legal agreement

Mains Drainage: No response received to date.

English Heritage: State that they are satisfied that the proposals shown on the plans are an appropriate response to the context, and would achieve a quality design appropriate to the setting of the Grade I Listed church and the character and appearance of the conservation area. They also stated that they recommend that the application should be approved.

Environment Agency: State that they object to the proposal on the grounds that there is insufficient detail for an acceptable flood warning strategy and on how the closure of the proposed flood guards to the buildings would be triggered.

Response: The Applicant is currently addressing this matter .

Highways Agency: State that they have no objection to the application as it will not have a significant impact on the Strategic Road Network.

Demolition in Conservation Areas Amenity Groups: No response received to date.

National Amenities Societies for Listed Buildings: The Ancient Monuments Society state that on balance they are accepting of the scheme, that the scheme offers an improvement over the present situation and they raise no concerns. They do however advise that the interiors of the building and parts of buildings to be demolished should be inspected to ensure nothing of interest is lost.

Response: This matter will be addressed under an appropriate condition.

The Victorian Society state that they welcome the demolition of Chantrell House and consider the three infill blocks as they face The Calls to be acceptable in terms of height and location. However, they also state that they consider the elevational treatments and flat roof form of the proposed Chantrell House to be unacceptable. In addition they advise that they object to the breaking through of the churchyard wall for the flood risk emergency escape route and consider this should be re-directed such that it passes through the existing gate.

Response: With regard to the proposed opening in the listed wall the applicant has indicated that they are agreeable to using the existing gated opening within the boundary wall as an escape route as suggested. Revised plans are awaited to confirm this position. The other matters are considered as part of the Issues section below.

Non-statutory:

West Yorkshire Archaeological Advisory Service: State that there is the potential for early medieval, medieval and post-medieval remains to survive at the development site. Excavations on Church Row (50m to the north-west) in 2004 uncovered evidence of medieval ditches, pits and pottery. As such an evaluation, based on the excavation of archaeological trenches, of the full archaeological implications of the proposed development is required, and that this evaluation

should be done prior to determination of the planning application. The reason for this is that there may be remains on the site which are considered worthy of preservation in situ and which will as a result have implications for the proposed development or further archaeological work may be considered necessary to mitigate the impact of the development which should then be taken into account in terms of the costs and programme for the redevelopment works. However if the Local Planning Authority is minded to approve the application then they recommend that the application be conditioned to ensure that a programme of archaeological recording is secured and implemented.

Response: This request for further evaluation work has been raised with the applicant and needs to be resolved in consultation with WYAAS to ensure that any potential for below ground archaeology has been fully taken into account by the proposals.

Nature Conservation Officer: National planning guidance advises that proposals need to establish the presence or otherwise of protected species on site and the extent they are likely to be affected by the proposals before planning permission is granted. In this case there is evidence of a hibernating bat roost in St.Peters Hall and further clarification is needed of the proposed mitigation measures to replace this roost as part of the development proposals. Also the bat survey of the site does not refer to the existing cellars to St.Peters Hall and House which could also be potential roost sites. The applicant has been requested to prepare a precautionary mitigation statement for these areas so that appropriate mitigation measures can be incorporated into the redevelopment if necessary.

Response: This matter has been raised with the applicant to ensure that the development proposals fully mitigate for its potential impact on protected species.

Leeds Civic Trust: State that they last commented on the emerging proposals for the site in October 2007 but still wish to object to the proposals on the following grounds;

1. The relationship between the corner of the 'new' Chantrell House and the Church could be too tight and photo montages of this area are required.
2. There is concern that the new building element will shade parts of the churchyard and significantly alter its character, and again photo montages of this area are required.
3. There is a need to review the whole of the churchyard to allow a world class space to be created, and resolve car parking and access issues in the churchyard.
4. There is concern over the extent of demolition of the parts of the existing buildings that are to be retained.
5. The design currently appears 'crude' and should be more respectful of the existing buildings in the area
6. They note the need to create a flood escape route but are concerned about the proposed design of the gate and gap to be cut into the churchyard wall. It should not appear as a discordant feature.
7. They feel that the opportunity should be taken to restore railings which have been removed from parts of the boundary.
8. The design of the upper brick elevations appears unduly heavy and unsupported above the lightweight treatment to the ground floors.

Response: Points 1, 2, 3, 4, 5, and 8 will be considered as part of the Issues section below.

With regard to point 6 the applicant has indicated that they are agreeable to using the existing opening within the boundary wall as an escape route thereby negating

the need to create an additional gap in the listed wall. Revised plans are awaited to confirm this position.

With regard to Point 7 the red line boundary does not extend around the full boundary of the churchyard. As such the Applicants have no plans to reinstate railings on the boundary in the manner suggested.

Transport Policy: State that there is a requirement for a public transport infrastructure improvements contribution of £11,191.00.

Response: This would be addressed as part of the required Section 106 legal agreement.

8.0 PLANNING POLICIES:

Development Plan -

Leeds Unitary Development Plan Review 2006

Policy A4 (access for all)

Policy BD2 (design and siting of new buildings)

Policy BD3 (accessibility in new buildings)

Policy BD4 (All mechanical plant)

Policy BD5 (All new buildings)

Policy CC1 (Planning obligations)

Policy CC3 (Maintaining the identity and distinctive character of the city centre)

Policy CC5 (Development in the City Centre Conservation Area)

Policy CC8 (New buildings to respect the spatial character of existing buildings and streets outside the Prestige Development Areas)

Policy CC9 (Maintaining and improving access to existing public spaces)

Policy CC10 (provision of public space)

Policy CC11 (enhanced pedestrian corridors and upgraded streets)

Policy CC12 (New development and new public spaces relating and connecting to the existing street pattern)

Policy CC28 (Development within the Riverside Area)

Policy GP5 (all planning considerations)

Policy GP7 (planning obligations)

Policy H7 (new housing encouraged in City Centre)

Policy N12 (Urban building design)

Policy N13 (Design of all new buildings)

Policy N18A (Level of contribution of building to be demolished in a conservation area)

Policy N18B (Requirement for detailed plans for redevelopment of buildings to be demolished in conservation area)

Policy N19 (New buildings and extensions within or adjacent to a conservation area)

Policy N23 (Space around new buildings)

Policy N29 (sites of archaeological importance and requirements for investigation)

Policy N51 (design of new development should where possible enhance existing wildlife habitats and provide new areas for wildlife)

Policy T5 (Provision to cyclists)

Policy T24 (Parking provision)

Regional Spatial Strategy

ENV1 (Development and Flood Risk)

ENV9 (Historic Environment)

ENV5 (Energy – efficiency and renewable energies)

H4 (The Provision of Affordable Housing)

Government Planning Policy Guidance/Statements

Planning Policy Statement 1 (PPS1) – Delivering sustainable development

Planning Policy Statement 3 (PPS3) – Housing

Planning Policy Statement 4 (PPS4) - Planning for Sustainable Economic Growth.

Planning Policy Guidance 15 (PPG15) – Planning and the Historic Environment

Planning Policy Guidance 24 (PPG24) – Planning and Noise

Planning Policy Statement 25 (PPG25) – Development and Flood Risk

Relevant Supplementary Guidance

Leeds – City Centre Urban Design Strategy (CCUDS): Improving Our Streets, Spaces and Buildings (urban design principles based on the distinctive qualities of Leeds City Centre).

9.0 MAIN ISSUES

1. The principle of the proposed use
2. Demolition and the merit of existing building.
3. The impact of the building design on the character and visual amenity of the site, the street scene and wider area
4. Residential amenity
5. Vehicle parking provision
6. Landscaping and publicly access areas
7. Sustainability
8. Flood risk and the sequential and exceptions tests
9. Section 106 Legal Agreement – Heads of Terms

10.0 ISSUES

1. The principle of the proposed use

The proposed primary use of the buildings is as housing, with ground floor office space. The site is within the Riverside Area, as defined by Leeds Unitary Development Plan Review 2006 (UDP), where mixed complimentary uses are encouraged which will bring life and vitality to the area. The location is a previously developed Brownfield site and there are a number of other existing residential and office developments in the area. Therefore, residential and office uses are considered to be appropriate in this location.

2. Demolition and the merit of existing building.

Consideration has been given as to whether the proposed demolition of Chantrell House is acceptable, or whether the building has significant architectural or historical merit. Consideration has also been given as to whether the proposed partial demolition of St Peters House and St Peters Hall is acceptable, or whether these buildings have significant architectural or historical merit. Although close to the Grade I Listed St Peters Church, Chantrell House, St Peters House and St Peters Hall are not themselves listed.

Section 3.16 of Planning Policy Guidance 15 (PPG15) : Planning and the Historic Environment states that Government policy is to secure the preservation of historic buildings, but notes that there will be very occasionally cases where demolition is unavoidable. Section 4.26 states that special attention must be paid to the desirability of preserving or enhancing the character and appearance of the area in question, and the part that the building to be demolished plays in the architectural and historic value of the area.

It is considered that the 1980s built Chantrell House is of a utilitarian modern style but with a disproportionately large pitched roof and discordant heavy eaves detail. It can not be considered to be architecturally or historically outstanding or of particular importance in respect of recording an architectural style or era. It can be argued that Chantrell House fails to preserve or enhance the character of this part of the conservation area due to its heavy roof and eaves detailing in particular.

With regard to St Peters House and St Peters Hall it is evident that the buildings do have some level of architectural merit and contribute to the historic character of this area. However it is the case that the most important areas of the buildings in respect of architectural and historical features are to be retained. In addition, the parts of the buildings that are to be demolished are in a very poor state of deterioration.

The proposed creation of a gap in the listed boundary wall to provide an emergency escape route in the event of a flood incident has been reconsidered by the applicant following comments from the Victorian Society. Once it is confirmed that the existing opening in the wall can be used as an escape route the listed building application for the boundary wall works can be withdrawn.

Are Members supportive of the proposals to demolish Chantrell House and of the extent of demolition and alteration proposed to St.Peters Hall and House?

3. The impact of the building design on the character and visual amenity of the site, the street scene and wider area

In respect of built form St Peters Hall is to have 4 storeys, St Peters House is to have 5 storeys and the new Chantrell House would be interlocking L shaped blocks A/B/C and would have 5 storeys. All are to have office space at ground floor level fronting onto The Calls. The proposed Chantrell House blocks are to also have undercroft car parking at ground floor level. The heights of these blocks take their reference from the general heights and massing of former warehousing buildings which front The Calls, and which generally sit on the back edge of the footpath on a relatively narrow street, and range in height from 3 to 5 storeys

The overarching design principles would reflect the characteristics of the existing buildings on The Calls in respect of height, massing and appearance, whilst creating a 'cathedral close' precinct environment around the southern side of St Peters (Leeds Parish Church) by creating strong edges to better define the adjacent spaces. Key views of the St Peters (Leeds Parish Church) would be retained from The Calls through retention of the existing gaps between the St Peters Hall, St Peters House and Chantrell House blocks.

In respect of elevational treatment all 3 buildings would have Flemish Bond brickwork and vertical and horizontal glazed slots to provide visual interest. In addition the windows are proposed to have a vertical emphasis by being set in slots in the brickwork, with deep window reveals allowing the creation of shadow and relief on the elevations. Some windows would also have a glazed balcony screen. The resulting scheme would be a calm backdrop to St Peters, complimenting its architecture and character rather than competing with this important Grade I listed building.

It is considered that the overall design of the buildings would result in high quality, contemporary additions that would preserve the character and visual amenity of the

adjacent Grade I St Peters (Leeds Parish Church), and would sit comfortably within the context of the street scene and the wider City Centre Conservation Area.

Are Members supportive of the proposed massing, layout and elevation treatment of the new build elements in respect of their impact on the character of the conservation area and the setting of St.Peters Church?

4. Residential amenity

The proposed 5 storey Chantrell House blocks are sited in close proximity to the existing 3 storey residential development, Chantrell Court. At its closest point the existing elevation of Chantrell Court would be sited approximately 12 to 14m away from the proposed residential block to the north. The gap from east to west between the main western elevation of Chantrell Court and the proposed residential block would be 26m across the parking court. To overcome any potential issues of overlooking across the narrowest gap (north-south) the layout of the proposed flats to the north is such that only corridors and bathroom windows would face the existing flats. Such windows can be conditioned to ensure obscure glazing is used to maintain privacy.

With regard to the potential dominating effect of the proposed development on the existing flats it is considered that the narrowest gap of 12-14m is reflective of the tight urban grain of the streets around this site where buildings of a similar scale to that proposed face each other across similarly narrow street widths. In addition, to reduce its dominance the building façade to the north side of Chantrell Court is set back behind a line of glazed exterior access corridors, with the main façade set 13-15 m away from the opposite Chantrell Court elevation. This will help to break up the appearance of the proposed elevation and introduce some visual depth and interest.

Concerns have also been expressed that Chantrell Court may be overshadowed by the proposed Chantrell house linked blocks. The proposed development would be positioned to the north and west of Chantrell Court. As such it may be the case that there would be some overshadowing at the end of the day as the sun moves from east to west (in a southerly arch). However, the current situation is such that the existing 3 storey Chantrell House offices cause some overshadowing at the end of the day, and it is considered that the proposal would not significantly or detrimentally increase this impact.

Do Members agree that the proposed development would have an acceptable impact on existing residential amenity?

5. Vehicle parking provision

The proposal includes undercroft parking providing 32 car parking spaces (including 4 disabled spaces), 4 motorcycle parking spaces and 32 bicycle parking spaces. The site is close to the city centre and the bus and train stations are within walking distance. The overall level of parking would accord with the parking guidelines laid down for the proposed office and residential uses in the UDP. However, the application is unclear as to the detail and nature of the proposed secure cycle and motorcycle parking, or the numbers of each type of parking spaces ascribed for use by the offices and the residential elements. As such these matters will be controlled via appropriate conditions.

Access to the existing car parking spaces for Chantrell Court will remain from Maude Street and will be shared with access for the proposed undercroft parking area. The Applicant has advised that parking rights for residents of Chantrell Court will be retained and parking space within the new development will be offered to accommodate this need. In addition, access for emergency and servicing vehicles will also be via the Maude Street site entrance, and a vehicle manoeuvring area is to be retained within the entrance of the site.

6. Landscaping and public access areas

Minimal intervention is proposed in respect of landscaping to ensure that the existing well formed hard and soft landscaped character of the churchyard is retained. However, the proposal will require the removal of up to 5 trees on the site in the proximity of Chantrell House. To mitigate against this adverse impact the applicant is willing to provide 6 replacement trees within the site and a financial contribution for the provision of two semi- mature trees on a site to be agreed on The Calls. This matter can be controlled by planning condition and the Section 106 legal agreement respectively.

The existing key pedestrian routes across the site, which run from the churchyard through the site from north to south are to maintained and enhanced. Yorkstone paving will be used in the existing courtyard between St Peters Hall and St Peters House.

Do Members support the proposed landscaping and car parking arrangements?

7. Sustainability

The submitted Sustainability Statement indicates that the proposal is intended to achieve Level 3 of the Code for Sustainable Homes for the residential elements of the scheme via economic, social and environmental objectives including;

- Maintaining or improving good quality employment opportunities
- Maintaining or improving conditions which enable business success
- Improving the overall quality of housing
- Reuse of Brownfield land
- Use of a Combined Heat and Power system (CHP)

The proposal also aims to incorporate at least 10% on site renewable energy and an overall reduction in carbon emissions of 25% (when compared to existing Building Regulations requirements).

8. Flood risk and the sequential and exceptions tests

The site is positioned within Flood Zone 3a and as such a Flood Risk Assessment has been submitted to, and is yet to be fully resolved with the Environment Agency in respect of the requirement for a flood warning strategy. The applicant has been requested to address this matter in consultation with the Environment Agency.

Sequential and Exceptions Tests have also been produced by the Applicant which have undertaken to examine possible alternative sites for this proposal. A search area for these sites was established based on the defined City Centre Riverside Area detailed in the UDP. This search area was agreed with the Local Planning Authority at the pre-application stage. A total of 10 sites within the Riverside Area were appraised and found to be unsuitable or unavailable for the proposed

development. As such it is concluded that there are no alternative less vulnerable sites currently available within the search area for this scheme.

On site measures to deal with any flooding incidents include the emergency escape route through the boundary wall, and a 1 metre high flood wall at ground floor level to the offices. The emergency escape route would be available for use by users of the proposed development as well as by occupants of other existing blocks in the immediate area such as Chantrell Court.

9. Section 106 Legal Agreement – Heads of Terms

The proposal would result in the following requirements to be addressed via a Section 106 Legal Agreement:

- A Green Travel Plan monitoring and evaluation contribution of a sum of 2500.00
- The agreement of publicly accessible areas within the landscaped scheme
- Provision of on site affordable housing units
- A required public transport infrastructure improvements contribution of £11,191.00
- Car club membership contribution of £4100.00
- The provision of £2500.00 for the placement of 2 trees on The Calls and 1 tree in the forecourt of the offices.
-

A total of 51 residential units are proposed across the development with 20 of these units being housed in St Peters Hall and St Peters House, and the remaining 31 units being in the new build Chantrell House. This would mean an affordable housing contribution requirement of 7 units overall. However, the Applicants have put forward a financial appraisal for the development, requesting that the provision of affordable housing is limited to the Chantrell House part of the scheme only. This would mean an affordable housing provision of 4 units. The submitted Affordable Housing Supporting Statement states that the residential units in St Peters Hall and St Peters House would be owned by the Diocese only. The Diocese hopes that the income that can be gained from these 20 residential units can be put towards the operational and capital maintenance funds for St Peters (Leeds Parish Church). The case puts forward a detailed list of short, medium and long term repairs and maintenance costs (likely to be in excess of £123,175.00 in total) that the church needs to address to allow it to continue to function, not only as a day to day church and as a source of help and advice for the homeless, but also for many events of city wide importance (such as Remembrance Sunday) that require a building of this stature and status.

The financial appraisal has provided details of Church expenditure, capital and operations costs, the social benefits of the Church and additional funding to be provided to the Church by the Developer Yelcon Ltd. This information has been appraised and it is the case that further details are required to allow the matter to be fully assessed. This information is being prepared by the Applicants.

Would Members be supportive of a relaxation of the normal affordable housing requirements provided the extra money generated by the development was to be spent on the upkeep and operation of the Grade I listed building?

11.0 CONCLUSION

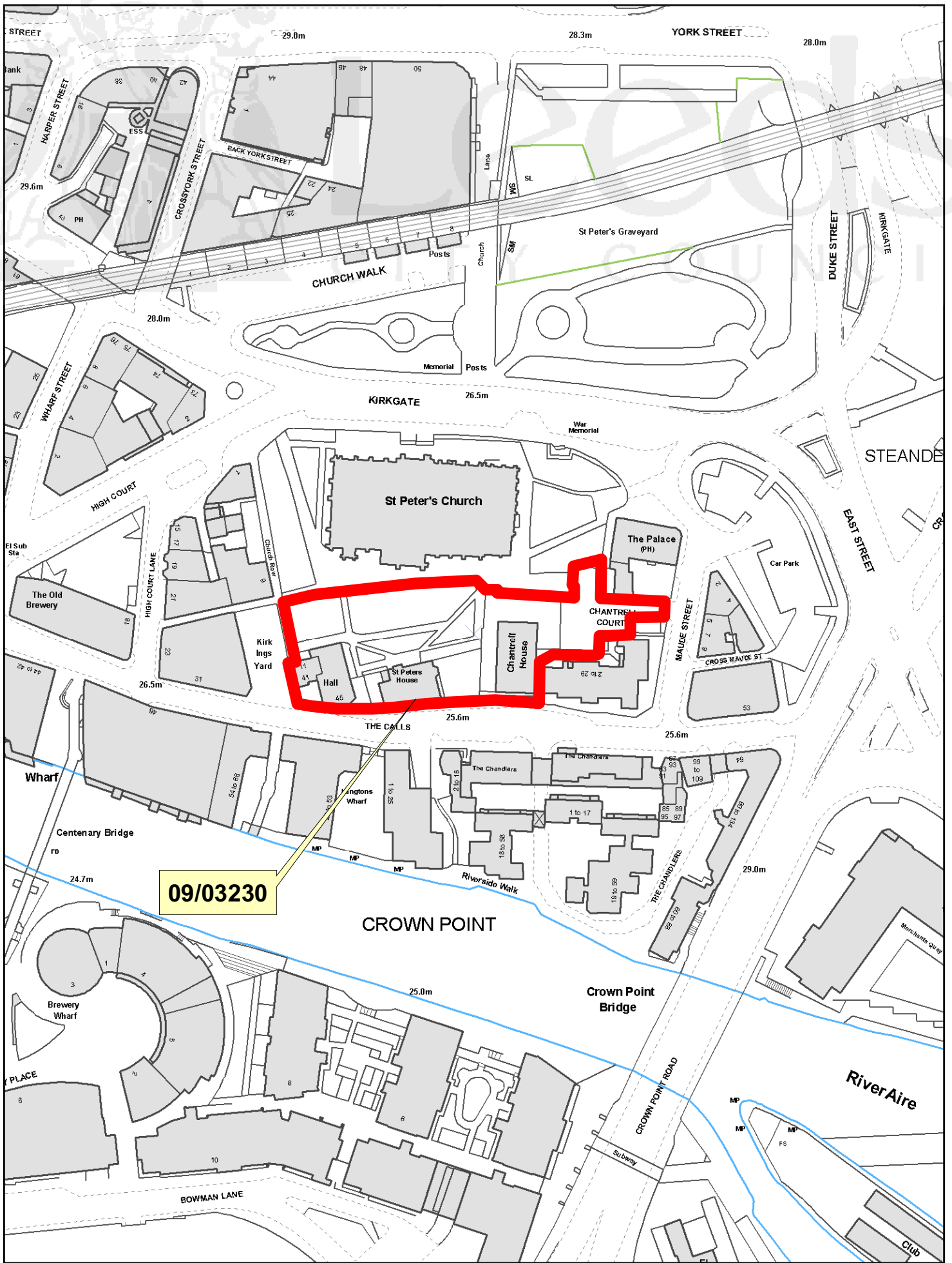
This report is being brought at an early stage so that issues can be identified and addressed as the application is progressed. Member's views on the identified issues would be helpful at this stage on this important project for the city.

Background Papers:

Planning application 09/03280/CA

Planning application 09/03397/LI

Planning application 09/03230/FU.



CITY CENTRE PANEL

Scale 1/1500

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Originator: C. Briggs

Tel: 0113 222 4409

Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 4 March 2010

Subject: APPLICATION 09/04625/FU ADDITION OF NEW SOUTHERN ENTRANCE WITH ACCESS WALKWAY AND NEW FOOTBRIDGES TO RAILWAY STATION AT LEEDS CITY STATION, NEW STATION STREET, LEEDS 1.

APPLICANT

Network Rail (Infrastructure)
Ltd.

DATE VALID

27 October 2009

TARGET DATE

22 December 2009

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:

DEFER and DELEGATE approval to the Chief Planning Officer subject to the conditions specified and in order to resolve the following detailed matters:

- 1. Detailed highways matters including pedestrian improvements**
- 2. Resolution of management plan by negotiation with British Waterways**
- 3. Formal removal of holding objection by Environment Agency on updated Flood Risk Assessment.**

Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

- 3) No building works shall take place until details and samples of all external materials, including a mock up of the large to smaller format tiles junctions and glass to cladding junctions, have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

In the interests of visual amenity, the character and appearance of the conservation area, and the setting of the nearby listed building.

- 4) No building operations shall be commenced until full 1:20/1:10 details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - a) Details of the glass balustrade to cladding to deck/ bridge detail.
 - b) Details of the leading edge and return of the canopy.
 - c) Details of the glazed slots in the west elevation.
 - d) Details of the roof light to cladding junction.
 - e) Details of the cladding panel formats and junctions between different sizes.
 - f) Details of glazing systems.

The works shall be carried out in accordance with the details thereby approved, and retained as such thereafter.

In the interests of visual amenity, the character and appearance of the conservation area, and the setting of the nearby listed building.

- 5) No building works shall take place until details and samples of all surfacing materials have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The surfacing works shall be constructed from the materials thereby approved and retained as such thereafter.

In the interests of visual amenity, the character and appearance of the conservation area, and the setting of the nearby listed building.

- 6) No lighting fitment shall be installed on the site in such a way that the source of light is directly visible from nearby residential properties.

In the interests of residential amenity.

- 7) Prior to the commencement of development, a scheme for the protection and enhancement of biodiversity shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be based on the recommendations in the Aecom Ecological Assessment dated 29 April 2009, the Aecom Bat Survey report dated July 2009 and the Aecom Ecology Report Addendum dated December 2009. The scheme shall include a timetable for implementation and it shall thereafter be implemented in accordance with the agreed timetable.

In the interests of the enhancement and protection of biodiversity and the waterway.

- 8) Prior to the commencement of development, full construction details of the foundations /supporting structures on the river bed shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details and retained as such thereafter.

In order to ensure that there will be no detrimental impact on the bed or banks of the River Aire and any associated water infrastructure.

- 9) Prior to the commencement of development, full construction details of the bridge span where it lands on the side of the navigation should be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details and retained as such thereafter.

In order to ensure that there will be no detrimental impact on the bed or banks of the River Aire and any associated water infrastructure.

- 10) Prior to the commencement of development, full details of appropriate mitigation measures to prevent the pollution of the waterway during construction of the approved development shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved measures.

In order to prevent the contamination of the waterway and ground water from wind blow, seepage or spillage at the site.

- 11) Prior to the commencement of development, full details of surface water drainage, arrangements including means of discharging into the watercourse should be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details and retained as such thereafter.

In order to prevent damage to the waterway structure, protect water quality and make an assessment of the increased volume of water entering the watercourse.

- 12) No development shall take place until details of measures to be taken to suppress dust have been submitted to and approved in writing by the Local Planning Authority.

In the interests of amenity.

- 13) No development shall take place until a plan showing satisfactory details of provision to be made for the storage, parking, loading and unloading of contractors' plant, equipment and materials, and the parking of vehicles of the workforce, within the site, have been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided for the duration of site works.

In the interests of the free and safe use of the highway.

- 14) Unless otherwise agreed in writing by the Local Planning Authority, no building operations shall take place before 0730 hours on weekdays and 0900 hours on Saturdays nor after 1900 hours on weekdays and 1800 hours on Saturdays. There shall be no operations at all on Sunday or Bank Holidays or Christmas Day or Good Friday.

In the interests of residential amenity of occupants of nearby property.

- 15) No development shall take place until details of the installation and/or erection of any extract ventilation system, flue pipes, or other excrescences proposed to be located on the roof or sides of the building, including details of their siting, design and external appearance have been submitted to and approved in writing by the Local Planning Authority. Any mechanical plant shall be positioned so as to be inaudible at the face of the nearest residential units. The development shall not be occupied until the works approved in accordance with this condition have been completed. Such works shall thereafter be retained.

In the interests of amenity and visual amenity.

- 16) Prior to the first use of the station southern access, details of a management plan for the collection of litter from the area marked on drawing number ... shall be submitted to and approved in writing by the Local Planning Authority. The plan may from time-to-time be updated and implemented thereafter, unless otherwise agreed in writing.

In the interests of amenity and the character of the surrounding area.

- 17) Prior to the commencement of development, details of facilities to be provided for the parking of cycles which belong to members of the public shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the method of securing the cycles and their location within the site. The approved facilities shall then be provided on site prior to the building being brought into use and thereafter retained on site.

In order to meet the aims of the Transport Policy as incorporated in the Leeds Unitary Development Plan.

- 18) Prior to the commencement of works, details of arrangements for the provision of the following off-site highways works as identified on drawing no. shall be submitted to and approved in writing by the Local Planning Authority:
- i. Dropped kerbs at appropriate locations to ease mobility impaired transit from Neville Street to the entrance
 - ii. Re-painting of double yellow lines along the entrance and lay-by in particular
 - iii. Re-surfacing of pavement on Little Neville Street where required
 - iv. Removal of steel gates over arch entrance to Dark Neville Street (non-dedication plate or lockable bollards to be provided)
 - v. Improvements to footway/lighting CCTV along Dark Neville Street as far as the arch exit to Little Neville Street
 - vi. Pedestrian signage of the southern access from agreed routes

In the interests of community safety, visual amenity and vehicular and pedestrian safety.

- 19) Prior to the commencement of internal fit-out works, details of internal surfaces and finishes shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details and retained as such thereafter.

In the interests of visual amenity.

Reasons for approval: The application is considered to comply with the Regional Spatial Strategy for Yorkshire and the Humber 2008, Leeds Unitary Development Plan Review 2006 policies GP5 BD2 BD3 BD4 BD5 BD6 N12 N13 N19 CC3 CC5 CC31 T1 T2 T9 T10 and A4, Leeds Waterfront Strategy, Leeds City Centre Urban Design Strategy, Leeds Street Design Guide, Neighbourhoods for Living, Holbeck Urban Village Revised Planning Statement and, as well as guidance contained within PPS1, PPS4, PPS9, PPG13, PPG15, PPS23, PPG24, PPS25 and, having regard to all other material considerations, is considered acceptable.

1.0 INTRODUCTION:

1.1 This application is brought to Plans Panel as the proposal would result in an important piece of infrastructure, vital to improving connectivity to the south of the City Centre, the Waterfront and Holbeck Urban Village. There has been a desire to create a new southern access to the station for a number of years, and there is now potential for funding to be made available from the Department for Transport (DfT) for this to be delivered by Network Rail in partnership with Metro (WYPTE). Pre-application discussions commenced in 2008, leading to a presentation by Network Rail, Metro and Bauman Lyons Architects to Plans Panel (City Centre) on 13 August 2009.

2.0 PROPOSAL:

2.1 Network Rail is working in partnership with Metro (WYPTE) to deliver a scheme to build a new station entrance to the south side of Leeds Station. The aim of the project is to provide better public transport connectivity from Leeds Station to the south side of the City Centre, which has been experiencing commercial and residential growth in recent years. The main aims of the southern access from Network Rail and Metro's perspective are:

- (a) to improve access to Leeds City Centre, in all directions
- (b) to minimise pedestrian journey times accessing Leeds City Station to/from the south
- (c) to meet existing and future passenger flow requirements to the south of Leeds station
- (d) to ensure current passenger flows within the station are maintained or improved
- (e) to ensure Network Rail's operational performance at the station is maintained or improved
- (f) develop a design that meets all statutory and operational requirements, which would complement the surrounding area

2.2 The proposal for full planning permission is to widen the existing station western footbridge and provide escalators, stairs and lifts to a partial deck over the River Aire. The deck will then provide access to either side of the river for passengers to move south eastwards via Little Neville Street or south west via Granary Wharf and the Holbeck Urban Village area. This would be enclosed in a 'hood' rising from the southern elevation of the arches, rising back to a peak where it meets the junction with the existing roof-form and end of the western bridge.

2.3 Due to the layout of the existing station and the operational requirements of Network Rail the only place that a new access point can be created is at the southern end of the western bridge which currently crosses all of the platforms. This has the following advantages:

- (a) it gives access down on to each platform from a single level
- (b) it has the space available to create a ticket office and barrier area - necessary as Leeds is not an open station.

- 2.4 Externally this position relates to a location over the River Aire where it emerges between Watermans Place (Granary Wharf) and the Blue residential developments from the area known as the Dark Arches. This comprises three main brick arches with a smaller fourth arch at the western end.
- 2.5 This area would sit above the River Aire and therefore a new deck over the river has to be created. This can only be supported by new structures within the river and as the Environment Agency and British Waterways would not permit anything to be constructed which may impede the flow of the river, the supports have to be constructed in line with the existing stone arch supports. This restricts the width of the entire structure to that of the central of the three main arches which is approximately 10m in width.
- 2.6 The Environment Agency have also directed that the new deck shall be no lower than 29.1m AOD to comply with the Leeds Flood Alleviation Scheme which is currently under consultation. This would be 1.5m higher than the existing metal bridge walkway and road which crosses the river within the Dark Arches and therefore there has to be a means of overcoming this level difference. This is currently indicated as steps, ramps and a platform lift.
- 2.7 Once this level is reached the vertical height between the ground level deck and the bridge which crosses the platforms has to be negotiated, a height of approximately 12m.
- 2.8 There is a requirement for 3 methods of changing levels:
- (a) escalators – expected to be the most popular method given the experience of the existing station use
 - (b) lift – necessary for non-ambulant, people with pushchairs and large luggage/objects etc.
 - (c) stairs - not the primary method but necessary for anybody not wishing to use either of the mechanical means above and required in the event of fire.
- 2.9 The escalator location has to be central to the structure because in order to gain the necessary height in the shortest distance it must pass under the centre of the arch where the headroom is at it's greatest. Both the escalators and the main lifts require pits to accommodate operating plant. The lift requires a 1.4m deep pit and can only be located over one of the new extended support structures. The escalator requires a 0.9m pit at its lower end but this can be located in the deck over the river
- 2.10 This set of requirements and constraints has posed a considerable design challenge for the applicant and their architects. In response to these they have produced the following solution:
- (a) To extend the 2 existing stone arch supports to the south within the river but in line with the flow of the river. This approach has been discussed with the Environment Agency and British Waterways and they consider it to be an acceptable approach in principle.

- (b) To create the deck between these 2 new supports at a level to comply with EA Flood Alleviation requirements. (1:200 year flood level + climate change + freeboard)
- (c) To access this platform from the road and bridge within the existing dark arches via a series of walkways, ramps and a platform lift.
- (d) To construct, on top of the deck, a building containing the escalators, lift and staircase accounting for the requirements set out above. One of the drivers for the design is that the building has to join the existing curved station roof, in itself a complex piece of geometry, with overall size kept to a minimum. This has produced a distinctive and modern curved form.
- (e) The sides would be clad in metal shingles which would allow the form of the structure to be curved. There would be vertical slots to allow natural lighting in to the deeper areas of the floor plate and to express the lift position. The southern end of the structure will be the most visible and this will contain a wholly glazed elevation allowing vision into and out from the structure to/from the south.
- (f) A maintenance deck would extend around the southern edge of the building, which would not be publicly accessible.

2.11 The southern access building would be a minimum of 8.6m from the Blue development at the edge of the eastern lift shaft. The building then cuts back to the west, with the lift forming a feature glazed slot facing south. The flank of the building is then some 11.1m away from the northern-most two bays of flat living rooms and bedrooms in the Blue development, up to the 6th floor when the top of the curved form recedes away to the west. Ten flats would be most affected.

2.12 The building would be at its nearest some 12.6m from the Watermans Place residential units to the west. This would be for the single northernmost bay of flats up to the 6th floor when the top of the curved form recedes away to the east. Therefore, five flats would be most affected at Watermans Place, with views from the living room and both bedrooms of each flat.

2.13 The application submission is supported by the following information:

- (a) plan, elevation and section drawings;
- (b) planning, design and access statement;
- (c) flood risk assessment;
- (d) ecology report (with supplementary report on bats);
- (e) transport assessment;
- (f) statement of community involvement;
- (g) daylight indicators report;
- (h) and computer generated visual interpretations.

2.14 If planning permission were to be granted, the next steps for the applicants would be to obtain Programme Entry Status from the DfT. This would indicate the DfT's intention to provide funding towards the construction of the scheme. Planning permission would be required before Network Rail and Metro could submit for Conditional Approval before the end of March 2010. If obtained, this would be a firm commitment to funding, subject to a number of specified conditions being met, generally that there would not be changes to the expected costs, scheme design or risks after procurement. Full approval for funding would be sought once the tender price for the final stage of design and construction has been agreed.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located in the area between the Watermans Place and the Blue residential buildings to the south of the existing railway viaduct, above the River Aire. Both Blue and Watermans Place have residential units with primary living space windows and balconies looking out over the river at this point, with commercial uses at ground floor level. The Watermans Place building is constructed further away from both the river wall and the railway viaduct than Blue.
- 3.2 The application site lies within Zone 3a (ii) high probability and 3b functional floodplain.
- 3.3 The site lies within the designated City Centre, Riverside Quarter, Holbeck Urban Village, and the Central Area - Canal Wharf Conservation Area.
- 3.4 The site lies within the setting of the Grade II listed Leeds-Liverpool Canal Wharf, basin lock, cranes and docks, Victoria Bridge and Grade II* listed River Lock and retaining walls, and No. 27 Canal Wharf warehouse building.

4.0 RELEVANT PLANNING HISTORY:

None.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Pre-application discussions commenced in 2008, leading to a presentation by Network Rail, Metro and Bauman Lyons Architects to Plans Panel (City Centre) 13 August 2009. Members made the following comments (*applicants' response in italics*):

- (a) Require full information/support on the position of the southern access and why this site was preferred over Sovereign Street

The station southern access is located over the River Aire in the proposed location for the following operational reasons:

- i. It makes journey time savings from the largest number of platforms across the station, particularly from the busiest peak commuter platforms, which are located at the western end of the station. This gives the applicant its business case to its funders.*
- ii. Locating the southern access at Sovereign Street would not give any journey time savings for passengers to/from southwest of City Centre/Holbeck Urban Village. Therefore, the applicants would be unable to substantiate a business case to its funders.*
- iii. Due to the station layout and operational requirements for health and safety, the Sovereign Street options are double the cost of the River Aire option, and therefore the funding case would collapse. Platform 16 is too narrow to accommodate all southern access bound passengers as well as its Transpennine westbound service, especially at peak times with passengers boarding, alighting and moving in different directions along the platform. Therefore further infrastructure would have to be delivered as well as the access link itself, resulting in the cost outweighing the benefit in journey time saving for south City Centre-bound passengers;*

iv. *In order to operate an access at Sovereign Street, bridge links either above Platform 16 running east-west or across platforms 8-16 north-south, would require a massive investment and disruption to the operation of those live platforms and services. The construction of a DDA compliant eastern bridge would effectively be a duplication of the existing western bridge – and this investment would not deliver the journey time savings needed from all platforms*

- (b) Explore the practicalities and limitations of both locations, as proposed and at Sovereign Street, be set out including technical, logistical and safety elements

Please see above paragraphs.

- (c) the relationship to the Blue and Granary Wharf developments and the impact of proposals on the amenity of their residents.

Please see Appraisal section of this report - 10.4 Amenity of nearby residents

- (d) Security issues relating to the streets leading into the scheme and pedestrian access safety including upgrading of connecting streets

Little Neville Street would feature re-surfaced pavements, new dropped kerbs, and CCTV. Exact details of these measures would be controlled by conditions. Dark Neville Street would also be improved to create a more pedestrian- friendly and safe environment.

- (e) Highways issues, including traffic generation, likely numbers and how these would be accommodated together with pick up/drop off points. Does it solve problems which occur on other parts of the station?

Detailed Highways matters are dealt with in the Appraisal section of this report at section 10.3 below. The southern access is envisaged as a pedestrian entrance only, and therefore has not been designed, due to its constrained site, with a view to easing vehicular congestion around other parts of the station. It is forecast that the southern access would indirectly reduce pedestrian congestion at peak times by diverting passengers away from other entrances.

- (f) The internal quality of the spaces.

Details of internal finishes would be conditioned as part of any planning approval, as whilst the space will generally be functional, consisting of landings, escalators, steps and lifts, due to the high level of glazing, this would be visible externally

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Network Rail have undertaken an extensive consultation exercise. No comments from local residents have been received by the Local Planning Authority in connection with this planning application. The consultation exercise included:

(a) Letter drop to all Blue apartments inviting them to a presentation and consultation event in their building on 5 August 2009, detailing dates and times of 5 public consultation events at the railway station, and providing contact details and website.

(b) Separate letter to all Blue residents via building management company detailing the dates and times of 5 public consultation events at the railway station

- (c) Letter and leaflet distribution to residents, businesses, and others with potential interest within 250m radius to south of station
- (d) Dedicated web-page on Metro website
- (e) Posters displayed around Leeds station
- (f) Presentation to Plans Panel (City Centre) 13 August 2009
- (g) Local media coverage
- (h) Presentations to interested organisations such as Holbeck Urban Village Developer Forum, and Isis Waterside Regeneration.

7000 leaflets were handed out in the station over the 5 consultation days, and the website was viewed by 400 people.

215 people gave feedback, either by tear-off slip, email address or website. 96% (206) of respondents supported the southern access. Only 9 replies did not.

37 respondents were positive about the design of the proposal to 19 negative comments.

7 comments were received suggesting alternative locations to the application proposal.

The feedback on the consultation quoted in the Statement of Community Involvement submitted only raised one comment regarding privacy of the residential units as a result of the glazed southern façade. It is considered that due to the location/orientation of the glazing on the proposed building that overlooking and privacy issues would not arise, as discussed in the Appraisal section of this report below.

Due to the timing of the pre-application consultation carried out by Network Rail and Metro, and the submission date of the application in October 2009, residents at Watermans Place have not been written to by the applicants. Watermans Place is being occupied now following its completion in October 2009.

6.2 (a) Site Notice of application for planning permission which affects the setting of a listed building and the character of a conservation area under Article 8 of the Town and Country Planning (General Development Procedure) 1995 and Planning (Listed Buildings & Conservation Areas) Act 1990 posted 11 November 2009 - expiry 2 December 2010.

(b) Press Notice of application for planning permission which affects the setting of a listed building and the character of a conservation area under Article 8 of the Town and Country Planning (General Development Procedure) 1995 and Planning (Listed Buildings & Conservation Areas) Act 1990 published in Leeds Weekly News 12 November 2009 - expiry 3 December 2010

6.3 4 letters/e-mails of comment on the planning application have been received from the following organisations. No residents of Watermans Place or Blue apartments have responded to this planning application.

(a) Isis Waterside Regeneration

- i. Isis supports in principle the proposal for a southern access, but feels that a number of details need resolving in relation to the Granary Wharf development, in particular pedestrian movement, safety and the burden of public access into a mainline railway station landing on [*publicly accessible*]

private land. There would be legal matters to resolve between Isis and Network Rail, and complications of other legal obligations with City Inns and British Waterways;

Officers are of the view that as landowners Isis and British Waterways can control management and maintenance issues far more effectively and closely through their own land agreements with Network Rail in allowing the construction of the southern access.

- ii. Consideration needs to be given to the tens of thousands of pedestrian and cyclists that may pass through the Granary Wharf development at peak times as a result of the proposal and this may lead to potential conflict with existing residents and users;

It is considered that the public realm at Granary Wharf is of a sufficient high standard to cope with the 600-800 anticipated extra visitors at peak times as a result of the station southern access. It is also considered that this should be a detailed consideration for agreement between Isis and Network Rail, and therefore give Isis the reassurances it needs regarding maintenance of its public realm.

- iii. Isis have no record of being served notice as landowner under this planning application.

Network Rail have confirmed that they served notice to Isis at their Manchester office at the time of the planning application submission.

- iv. Isis have recommended a number of conditions and section 106 obligations, relating to the following detailed matters:

- construction storage, plant, parking, hours of operation, dust, mud etc
- external materials
- detailed working drawings of access to Dark Neville Street
- details of footpaths
- noise containment from structure
- lighting, CCTV, security and surface treatments
- enhanced hard and soft landscaping and public art
- signage
- management of emergency vehicles using Granary Wharf to get to southern access

Matters relating to construction and the mitigation of any negative impacts would be controlled by condition, and more appropriately the relevant environmental protection and health and safety legislation. Matters relating to detailed highways issues, surfacing, CCTV, signage and lighting would be controlled by Local Planning Authority by the conditions recommended, but not in direct consultation with Isis – Isis would need to agree these matters separately with Network Rail as the landowner. Network Rail and Metro have responded that they do not intend to submit proposals regarding the public realm wider than the immediate landing points on the Granary Wharf side via their discussions with Isis. It is considered by Officers that this is a matter for Isis, City Inn and British Waterways to negotiate as part of their land agreement, and not something appropriate to Local Planning Authority control in this case.

- (b) City Inn Hotels Limited, Granary Wharf
- i. City Inn welcomes the principle of the proposal, however has concerns regarding the management and maintenance of the Granary Wharf public realm. They are of the view that this should be covered by a Section 106 agreement.

Officers are of the view that as landowners Isis and British Waterways can control management and maintenance issues far more effectively and closely through their own land agreements with Network Rail in allowing the construction of the access. A condition would be placed on any planning permission requiring the monitoring of litter at the southern access, and where necessary enhanced collections be made by Network Rail staff, across an area to be agreed, at such time that an enhanced maintenance regime is proven to be required over and above that provided by Isis/Granary Wharf/British Waterways at present.

- ii. City Inn is not of the view that the choice of colour of the copper alloy material is appropriate to the character of the arches, the Granary Wharf development or the Blue development;

Officers are of the view that the proposed material is of an appropriate contrast to the copper material on the balconies at Watermans Place, the brickwork of the Arches and Watermans Place, and the varied palette of Blue, to create a striking and dynamic feature marking the station entrance. The colour of the material complements its sculptural form, and the architects have advised that the golden colour would patinate to a softer matt finish within two years.

- iii. Internal finishes to the southern access would also be important to ensuring an appropriate design quality;

Details of internal finishes would be conditioned as part of any planning approval, as whilst the space will generally be functional, consisting of landings, escalators, steps and lifts, due to the high level of glazing, this would be visible externally

- iv. City Inn are of the view that the application does not address the major impact that the flow of pedestrians generated by the southern access through Granary Wharf will have on the quality of the public realm, namely treatment of the immediate vicinity of the western landing point, the lighting arrangements in this area, proposals for enhancing surfacing through Granary Wharf, detailed measures such as signs barriers and litter bins, treatment of the river edge, any offers of public art or planting;

Network Rail and Metro have responded that they do not intend to submit proposals to enhance the public realm wider than the immediate landing points on the Granary Wharf side. It is considered by Officers that this is a matter for Isis, City Inn and British Waterways to negotiate as part of their land agreement, and not something appropriate to Local Planning Authority control in this case.

- v. City Inn would like to be involved in details of management of construction traffic, protection from noise and dust, pedestrian segregation, timing of building works, routes for construction traffic.

These matters would be conditioned as far as possible, and where appropriate would be controlled under the relevant environmental protection and health and safety legislation.

- (c) Sustrans
- ii. Concern regarding lack of cycle storage provision proposed at the southern access to the station.

Officers are of the view that adequate cycle provision is made at Leeds City Station in a number of locations including the new Cycle Point, which will provide approximately 300 spaces . A review of cycle facilities station-wide is a separate issue to the provision of the southern access, and will be the subject of on-going monitoring. However the applicants have offered to provide a very limited number of cycle stands within the area of the southern access. Details of this would be provided by condition.

- (d) Leeds Cycling Action Group
- a. Concern regarding lack of cycle storage provision proposed at the southern access to the station

Officers are of the view that adequate cycle provision is made at Leeds City Station in a number of locations including the new Cycle Point, which will provide approximately 300 spaces . A review of cycle facilities station-wide is a separate issue to the provision of the southern access, and will be the subject of on-going monitoring. However the applicants have offered to provide a very limited number of cycle stands within the area of the southern access. Details of this would be provided by condition.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

- (a) Leeds City Council Highways Development Services
- No objection subject to provision of the following works:
- i. Dropped kerbs at appropriate locations to ease mobility impaired transit from Neville Street to the entrance
 - ii. Re-painting of double yellow lines along the entrance and lay-by in particular
 - iii. Re-surfacing of pavement on Little Neville Street where required
 - iv. Removal of steel gates over arch entrance to Dark Neville Street (non-dedication plate or lockable bollards to be provided)
 - v. Improvements to footway/lighting CCTV along Dark Neville Street as far as the arch exit to Little Neville Street
 - vi. Pedestrian signage of the southern access from agreed routes
- (b) Environment Agency
- i. Initial objection dated 23 December 2009 on grounds of unsatisfactory Flood Risk Assessment . Network Rail submitted revised FRA on 5 February 2010. Updated comment received from Environment Agency on 9 February 2010 stating that the revised FRA was acceptable. The Local Planning Authority is awaiting formal confirmation of recommended conditions.

(c) British Waterways

- i. No objection subject to conditions regarding foundation details, bridge span, surface water drainage, pollution mitigation measures during construction, and subject to Section 106 obligations to cover towpath improvements in the west of the station and additional litter clearance from pedestrian routes and the waterspace.

The recommended conditions have been applied, however it is considered that the towpath improvements requested are not appropriate given the forecasted pedestrian flows to the south and south east of the station. It is considered that any increase in pedestrian flows from the canal towpath to the west as a result of the southern access would be very small, and the section where British Waterways is seeking improvement would be some 200m away from the southern access, beyond the Granary Wharf development.

(d) Yorkshire Water – No comment

(e) Natural England – No objection

(f) Network Rail – No comment as applicant.

7.2 Non-statutory:

(a) Leeds City Council Land Drainage – no objection

(b) Leeds City Council Environmental Protection

No objection subject to conditions regarding the following

- i. Control of nuisance and hours/days of operation during construction works
- ii. Details of mechanical plant including the limitation of any additional plant/machinery noise.

8.0 PLANNING POLICIES:

8.1 Development Plan

Regional Spatial Strategy Yorkshire and the Humber 2008

Leeds Unitary Development Plan Review 2006 relevant policies include:

Policy GP5 all planning considerations

Policy BD2 design and siting of new buildings

Policy BD3 disabled access new buildings

Policy BD4 plant equipment

Policy BD5 amenity and new buildings

Policy BD6 alterations and extensions

Policy N12 priorities for urban design

Policy N13 design and new buildings

Policy N19 conservation areas and new buildings

Policy CC3 City Centre character

Policy CC5 City Centre conservation area

Policy CC31 Holbeck Urban Village

Policy T1 transport investment

Policy T2 transport provision for development

Policy T9 public transport proposals

Policy T10 local rail network improvements

Policy A4 access for all
Policy LT6B Waterways and public rights of way

8.2 **Relevant Supplementary Planning Guidance and Documents**

Leeds Waterfront Strategy
City Centre Urban Design Strategy
Street Design Guide
Neighbourhoods for Living
Holbeck Urban Village Revised Planning Statement

8.3 **National Planning Policy and Guidance**

PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable Economic Growth
PPS9 Biodiversity and Geological Conservation
PPG13 Transport
PPG15 Planning and the Historic Environment
PPS23 Planning and Pollution Control
PPG24 Noise
PPS25 Development and Flood Risk

9.0 **MAIN ISSUES**

- 9.1 Principle of development
- 9.2 Design and impact of the proposal on the character and appearance of the conservation area and the setting of nearby listed buildings
- 9.3 Highways and pedestrian issues
- 9.4 Amenity of nearby residents
- 9.5 Flood risk
- 9.6 Biodiversity

10.0 **APPRAISAL**

- 10.1 Principle of development

The provision of the southern access would make a difference for users accessing the station from the south, and help distribute better the current and future trips to and from the station. The current route from the east via the Rotunda to Neville Street and beyond to the south is heavily congested at peak periods with movements between pedestrians, taxis and buses at the eastern (New Station Street) entrance. The southern access would help to reduce congestion around the main station entrances and divert approximately 2500 users in peak periods to a more direct route to the south.

The southern access would also help to continue the regeneration and revitalisation of Holbeck Urban Village, the Waterfront and the south of the City Centre generally, with a visible and striking public transport link. In principle, the location of the southern access to the station in this location is considered acceptable.

- 10.2 Design and the impact of the proposal on the character and appearance of the conservation area and the setting of nearby listed buildings

- (a) Form

The form of the proposal is considered to be a positive and distinctive solution to the design challenges set by the requirement to fulfil a southern station access in this location. Architecturally, it still allows views of the railway arches behind, and rises

up to form a vertical circulation link into the existing station infrastructure, and join its curved segmented roof form. By curving the form as much as possible around the essential functions of the access, it reduces the size of the building, thus keeping any adverse impact on nearby residential units to a minimum. The use of glazing on the western elevation to form 'gill-like' features, to the side to mark the lifts, and across the roof adds further interest to the façade, and light into the building.

(b) Materials

The gold coloured copper/aluminium alloy shingles would patinate to a matt finish which would reflect light, but once weathered, not cause glare. The architects have stated that the material, once patinated in approximately two years, would not weather further. The shingles would be in a range of format sizes which would be able to respond to the form of the building. The gauge of the shingle will be sufficient to allow it to bend to the curved form of the structure, but remain rigid enough to retain its integrity. The folding of the sheet would be carried out on site by the contractor. 1:20 and 1:10 details would be specified by condition as recommended above for the eaves, glazed slots, facet junctions, reveals, base and edge of deck and balustrade, as would a control material sample on-site of a glazing and cladding junction. Officers are of the view that the proposed copper alloy material is of an appropriate contrast to the copper cladding on the balconies at Watermans Place, the brickwork of the Arches and Watermans Place, and the varied palette of Blue, to create a striking and dynamic feature marking the station entrance. The colour of the material complements its sculptural form, and the architects have advised that the golden colour would patinate to a softer matt finish within two years. Surfacing material details would also be required under the recommended conditions.

(c) It is therefore considered that due to its imaginative form and appearance, the proposal would enhance the character and appearance of the conservation area, the waterfront and the setting of nearby listed buildings.

10.3 Highways and pedestrian issues

(a) The southern access would divert approximately 16% of current and future station users leading to reduced walking time and reduced pedestrian congestion on Neville Street. Forecasts estimate this as approximately 17 000 passengers a day, with around 2500 during the peak hours. Approximately 600-800 of these peak commuters would cross Granary Wharf to reach the Holbeck Urban Village area, the remainder using Little Neville Street to get to the eastern riverside and beyond.

(b) Pedestrian improvements are therefore required to Little Neville Street and the Dark Arches, including enhanced surfacing, dropped kerbs, lighting and CCTV. Exact details of these would be controlled by condition or Section 278 agreement. With regard to connectivity and Granary Wharf, it is considered that the Granary Wharf scheme was designed with a view to linking the traditional city centre core to Holbeck Urban Village. The provision of the station southern access is an important part of bringing Holbeck Urban Village closer in physical and perception terms to the rest of the city centre, and will help to bring vitality and business to the spaces and ground floor commercial uses in Granary Wharf. It has always been envisaged that Granary Wharf would perform this vital role in re-connecting to the south, and it is considered that its public realm is of a high quality robust nature, equal to this function.

(c) In terms of vehicular traffic, the southern access is not intended as a vehicular drop-off. However, Little Neville Street and Dark Neville Street, would be available for

informal drop-offs. This would not be signposted as a vehicular access for the station.

- (d) Subject to the provisions set out above, it is considered that the proposal would not give rise to any adverse vehicular or pedestrian safety issues.

10.4 Amenity of nearby residents

- (a) There are no minimum distance standards by which impact on residential amenity is assessed in the City Centre, where the approach has always been for each case to be considered on its merits including consideration of factors such as internal layout, orientation and the experience of other situations in the City Centre as a guide. There are a range of variable distances between residential units within the City Centre where distances between buildings are similar to that proposed, including Brewery Wharf and Round Foundry. However, it must be stated that in most of these situations the planning proposal would be for either buildings or a set of existing buildings to be converted, so it would have been evident to potential owners/occupiers to allow them to make an informed decision over the quality of amenity. In this case a structure is proposed where residential units already exist in respect of Blue and Watermans Place.
- (b) The architects have tried to maximise the distance to the adjacent residential units in their design. The internal layout has been amended to reduce this width as far as possible and it is not considered possible to increase this width any further without prejudicing the functionality of the access building. Fitting into the operational layout of the station, together with other constraints or objectives such as flood risk, disabled access, journey time saving, residential amenity considerations, have also contributed to shaping the proposal.
- (c) There is an 11.1m gap between the structure and the units in Blue and 12.6m to Watermans Place. There are primary living space windows which would look directly out on to the flank elevation of the proposed structure. The existing gap between the two buildings is some 34m, and for parts of the day they shade each other due to their height and orientation.
- (d) In terms of assessment of sunlight, the study submitted by the architect demonstrates that there would be no direct loss of sunlight as a result of the proposal. The materials proposed would reflect light back due to its metallic nature, however the patination process would limit any harsh glare.
- (e) In terms of assessment of daylight, the submitted study acknowledges that there would be some adverse impact on daylight levels for two flats on each floor up to the 6th floor on the Blue apartments block. However the levels of daylight to these units are already compromised by Watermans Place, and the nature of having a west-facing façade. However the main issue in relation to Blue as a result of this proposal is considered to be that of visual dominance, which would affect the first two bays of flats up to the sixth floor, and would therefore mainly affect ten flats.
- (f) In this case therefore the main residential issue is considered to be that of visual dominance to the northern-most bay at Watermans Place up to the 6th floor, where the building form recedes and curves away from the neighbouring blocks. Therefore, five flats would be most affected within Watermans Place, with direct views from the living room and both bedrooms of each flat some 12.6m away.

- (g) The glazed slots on the access building face away from both residential buildings and are either angled northwards or southwards, or obliquely west and east behind the blocks. It is therefore considered that the proposed access building would not give rise to any additional overlooking or loss of privacy to existing flats.
- (h) It is considered that any additional noise and general disturbance as a result of the station access would not exceed the already high levels of background noise that exist in the area from the railway station and the arches. Watermans Place and Blue should have been constructed to meet the high standards of noise attenuation required in order to discharge the planning conditions attached to their planning permission. It is therefore considered that against an already high background noise level, the levels of additional noise should be able to be dealt with by the glazing systems fitted. A condition has been recommended that any mechanical systems fitted to the southern access would need to be inaudible against the background noise level at the face of each residential block.
- (i) It is considered on balance that the amenity of the residential units has been protected as far as possible in this location by the scheme design. There would be some visual dominance of the residential units closest to the proposed station access. However, for the operational and cost reasons given above there is no alternative practical location, and the proposed access has potential to result in considerable benefits in terms of regenerating the south side of the City Centre and promoting a more sustainable transport strategy for the City. It is therefore considered that, on balance, whilst some harm may occur in terms of visual dominance from the southern access, this would be outweighed by the wider benefits to the city.

10.5 Flood risk

- (a) The new deck of the entrance hall would be 1200mm above the surrounding river bank in order to accommodate the 1 in 20 year plus climate change flood event, and therefore be able to fit in with the proposed Leeds Flood Alleviation Scheme.
- (b) The Environment Agency have been consulted, have stated that the submitted Flood Risk Assessment is acceptable, and therefore they would have no objections to the application.
- (c) The proposal is considered as essential transport infrastructure which has to cross the area at risk. Alternative sites have been examined by the applicants, however these do not meet the operational needs of the station and therefore would not deliver the wider sustainability benefits of the provision of the southern access. The new entrance will improve commuter links from the railway station to support wider regeneration of the south of the City Centre and will also reduce passenger flow at the existing entrances. In the event of an extreme flood, the southern access would be closed, and lower risk entrances used.

10.6 Biodiversity

- (a) It is considered that subject to the condition recommended above, appropriate biodiversity protection and mitigation would be carried out as part of the proposed development.

11.0 CONCLUSION

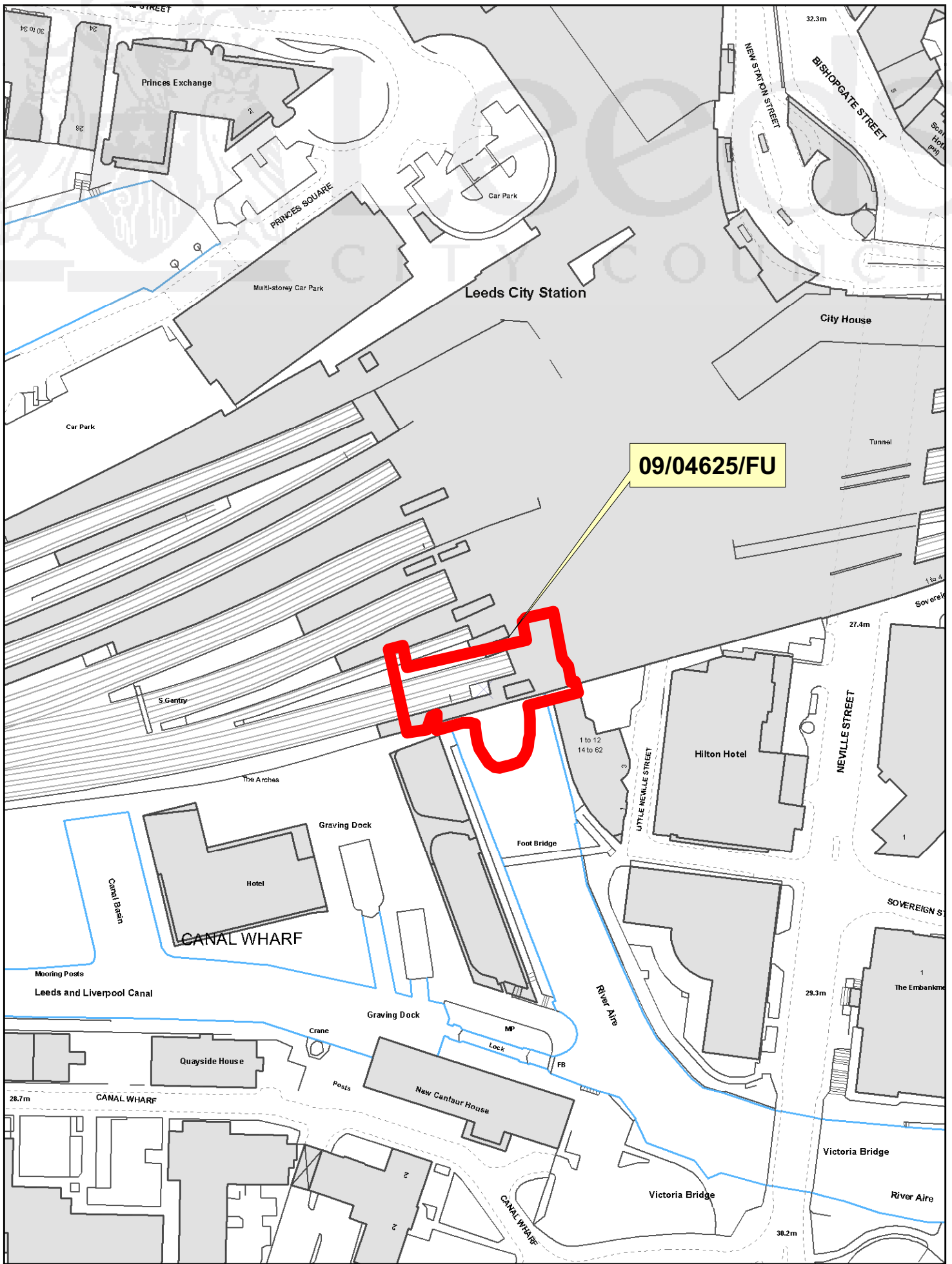
It is therefore considered, on balance, taking into account the importance of a station southern access to the continuing regeneration of the south of the City Centre including the Waterfront and Holbeck Urban Village, that this would outweigh concerns regarding visual dominance to the fifteen most affected flats in Blue and Watermans Place. The proposal is otherwise considered acceptable in terms of local, regional and national policy, and is therefore recommended to Plans Panel for approval.

Background Papers:

Application file 09/04625/FU

Certificate of Ownership – Certificate B signed by applicant

Notice No. 1 served on British Waterways Board (27 October 2009), Isis Waterside Regeneration (27 October 2009), and Finsbury Estates (25 November 2009)



CITY CENTRE PANEL

Scale 1/1500



Originator: C. Briggs

Tel: 0113 222 4409

Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

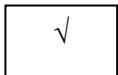
Date: 4 March 2010

Subject: APPLICATION 09/05605/FU – RETROSPECTIVE APPLICATION FOR CHANGE OF USE FROM GARAGE TO PLACE OF WORSHIP (D1 USE) AT FORMER ALTON CARS, SAXTON LANE, LEEDS LS9 8HE

APPLICANT	DATE VALID	TARGET DATE
Living Hope Church – Mr. K Ilori	29 December 2009	30 March 2010

Electoral Wards Affected:

Burmantofts and Richmond Hill



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE approval to the Chief Planning Officer subject to the conditions specified (and any others which he might consider appropriate) and the completion of a legal agreement within 25 days from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations:

- 1. Travel Plan Monitoring**
- 2. Contribution to local Traffic Regulation Order enhancement within two years of grant of planning permission if significant on-street parking problems occur as a result of the operation of the site as a place of worship.**

Conditions

- 1) The premises shall not be used other than for Place of Worship nor any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification.

In the interests of highways safety and the amenity of nearby residents.

- 2) The opening hours of the premises shall be restricted to 1000 hours to 2100 hours Monday to Sunday.

In the interests of the amenity of nearby residents.

- 3) The hours of delivery to and from the premises shall be restricted to 0800 hours to 1800 hours Monday to Saturday and 1000 hours to 1800 on Sundays and Bank Holidays.

In the interests of the amenity of nearby residents.

- 4) Within 3 months of the date of this permission the motorcycle and cycle parking facilities as indicated on the approved plans shall be provided. The facilities shall thereafter be retained and maintained as such.

In order to meet the aims of the Transport Policy as incorporated in the Leeds Unitary Development Plan.

- 5) There shall be no storage of refuse outside the areas agreed for refuse storage or on any part of the public highway whatsoever.

In the interests of amenity.

- 6) Unless otherwise agreed in writing by the Local Planning Authority, there shall be no playing of amplified sound or music in connection with the use hereby permitted.

In the interests of the amenity of nearby residents.

Reasons for approval: The application is considered to comply with policies GP5 GP7 CC1 CC27 T2 T2C T2B T2D T6 T7 T7B T24 A4 and Proposal Area Statement No. 28 Marsh Lane/Saxton Lane of the UDP Review, as well as guidance contained within PPS1, PPS4, PPG13 and PPG24 and, having regard to all other material considerations, is considered acceptable.

1.0 INTRODUCTION:

- 1.1 This revised application is brought to Plans Panel as it is a major planning application for change of use of vacant car repair garages to place of worship, which when previously submitted in 2009 (ref. 09/02990/FU) as a proposal for place of worship and community centre, generated significant local interest including a Ward Member objection from Councillor Hollingsworth on amenity and highways grounds. This application was subsequently refused under delegated powers on a lack of information on amenity and highways matters. Pre-application discussions were then held with officers in order to try to resolve these issues, and lead to this revised application proposal.

2.0 PROPOSAL:

- 2.1 The submitted application is for the retrospective change of use of two former vehicle repair workshops with car parking area to Place of Worship within Class D1 non-residential institution.

- 2.2 External alterations consist solely of the installation of a cycle and motorcycle store in the north west corner of the car park, which the applicant has agreed would be erected within 3 months of the grant of planning permission.
- 2.3 The church holds services on Wednesday evenings between 1900 and 2100 hours, and Sundays 1030 to 1330 and 1900 and 2100 hours. The church state that congregation numbers are approximately 50-75 people for the Sunday morning service, with the evening services attracting around 25 people.
- 2.4 The on-site car park can accommodate 40 cars using the formal layout, and up to 50 cars if managed by stewards. Group minibus pick-ups and car sharing are the main modes of transport for the congregation, and therefore the applicant states that usually only around 15 cars are generated. Around 20 people use the group mini-bus service. The submitted Travel Plan aims to increase car sharing and group mini-bus pick-ups by 10% in order to further reduce car parking demand over the next three years. A legal agreement is proposed for the monitoring of the Travel Plan.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site lies on the eastern side of Marsh Lane at its junction with Saxton Lane.
- 3.2 The application site consists of two single storey (6m) red-brick and profiled metal-clad former car repair garages formerly known as Alton Cars, with tarmac-surfaced car park bounded by a 2.2m high galvanised steel palisade fence.
- 3.3 The immediate surrounding area is a mixture of residential (Saxton Gardens, Flax Place, The Lane, The Garth, The Close) to the south east, a social club to the east, an ambulance station to the south, a student housing scheme to the south, and a car repair workshop opposite (Alderson Autos). The site is bounded by Marsh Lane to the west.
- 3.4 The site lies within the designated City Centre, and lies within UDP Proposal Area Statement No. 28 Marsh Lane/Saxton Lane with no specific use allocation.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 99-20/41/94/FU One block of 3 workshop units each with showroom and one block of 2 workshop units – approved 21 September 1994
- 4.2 20/100/97/FU Detached vehicle repair workshop with office – approved 6 June 1997
- 4.3 08/03203/FU Change of use and alterations of vehicle repair garage to B1, B2 and B8 use – approved 21 July 2008
- 4.3 09/02990/FU Retrospective application for change of use from garage to place of worship and community centre (D1 use) - refused under delegated powers 28 October 2009 for the following reasons:

- (a) Due to the lack of satisfactory and accurate analysis and assessment taking into account private car parking demand and public transport demand impact, it was considered that the use of the site as place of worship and community centre could result in an unacceptable increase in demand for on-street car parking resulting in traffic congestion, prejudicial to the free flow of traffic and

general highways safety in the immediate area, and may lead to an exacerbation of problems relating to public transport service accessibility and capacity.

- (b) The use of the premises as a church and community centre would require the submission of a satisfactory noise assessment and sound insulation scheme as it had not been demonstrated, in the light of complaints at the time that associated activities could result in an acceptable level of noise and disturbance. This was not submitted, and therefore the proposal could be detrimental to the living conditions of nearby residents.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicants first occupied the buildings on 1 July 2009, and they submitted an incomplete retrospective planning application on 9 July 2009, which was validated on 17 September 2009, and refused on 28 October 2009 for the above reasons. Following the refusal of the application, Officers from Planning Services, Highways Development Services, and Environmental Protection met with the applicant to try to resolve officer, and local resident concerns. The information requirements for the submission of a revised planning application were agreed and have been submitted. Measures to limit the impact of the church on the amenity of local residents and surrounding streets were discussed. These measures included opening hours, restriction on amplified sound and music, travel plan measures, car park management.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 (a) Site Notice of Proposed Major Development under Article 8 of the Town and Country Planning (General Development Procedure) 1995 posted 11 January 2010 - expiry 1 February 2010.

(b) Press Notice of Proposed Major Development under Article 8 of the Town and Country Planning (General Development Procedure) 1995 published in Leeds Weekly News 21 January 2010 - expiry 11 February 2010

(c) Richmond Hill and Burmantofts Ward Councillors consulted 8 January 2010 – expiry 5 February 2010

(d) 61 local resident contributors to the previous planning application 09/02990/FU were notified in writing of the submission of the new planning application on 8 January 2010 – expiry 5 February 2010
- 6.2 The applicant met with the Saxton Gardens Resident Group and Councillor Brett on 4 February 2010
- 6.3 (a) 1 letter of comment has been received from a local resident stating that they hoped the application would be resolved for the benefit of local people and the applicants.

(b) 2 letters of objection have been received from local residents; one stating concern regarding noise and disturbance from children and teenagers up to 11pm, and one objecting to the principle of the church. *These issues are addressed in the Appraisal section below.*

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

- (a) Leeds City Council Highways Development Services
The submitted Travel Plan is acceptable and would be controlled by legal agreement. No objection subject to following conditions:
- i. The units must be restricted to D1 use – Places of worship only.
 - ii. The car parking layout, bin storage, motorcycle parking and cycle storage facilities on the approved plans must be implemented within 3 months of planning permission being granted, and retained and maintained thereafter for the lifetime of the development.
 - iii. The applicant must fully fund Traffic Regulation Order (TRO) costs for the change in resident parking permit times of operation to include evenings and weekends if this is necessitated by the impact of the church use within two years of the grant of planning permission.

7.2 Non-statutory:

- (a) Leeds City Council Environmental Protection
At the submission of the first planning application last year, there were concerns reported to the Environmental Protection team regarding the living conditions of local residents in Mill Street, Flax Place, The Garth and The Close. Following further discussion with the applicant, it is considered that the existing structures would not require scientific noise assessment or additional sound insulation, subject to conditions limiting the use of the site to place of worship only, there being no amplified sound or music, specified opening hours 1000 to 2100 Monday to Sunday, and specified delivery hours 0800 to 1800 Monday to Friday and 1000 to 1800 on Sundays. Environmental Protection team have confirmed that no complaints have been received since they visited the applicants in September 2009.
- (b) Leeds City Council Land Contamination
No information relating to land contamination was submitted with the application, as no ground excavation has been carried out. The site was previously used as a car maintenance garage, and the applicants have confirmed that no car maintenance pits or oil storage facilities were present at the time of first occupation by the church.
- (c) Leeds City Council Land Drainage
No objection

8.0 PLANNING POLICIES:

8.1 Development Plan

Regional Spatial Strategy Yorkshire and the Humber 2008

Leeds Unitary Development Plan Review 2006 relevant policies include:

- Policy GP5 all planning considerations
- Policy GP7 planning obligations
- Policy CC1 city centre planning obligations
- Policy CC27 principle use quarters and proposal areas
- Policy T2 transport provision for development
- Policy T2B transport assessments
- Policy T2C travel plans
- Policy T2D public transport provision for development
- Policy T6 provision for disabled

Policy T7 cycle parking
Policy T7B motorcycle parking
Policy T24 parking provision for new development
Policy A4 access for all
Proposal Area Statement No. 28 Marsh Lane/Saxton Lane

- 8.2 **Relevant Supplementary Planning Guidance and Documents**
SPD Public Transport Improvements and Developer Contributions
SPD Street Design Guide
SPD Travel Plans

- 8.3 **National Planning Policy and Guidance**
PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable Economic Growth
PPG13 Transport
PPG24 Noise

9.0 **MAIN ISSUES**

- 9.1 Principle of use
9.2 Highways issues
9.3 Living conditions of nearby residents

10.0 **APPRAISAL**

- 10.1 Principle of use

(a) The Unitary Development Plan Review designated City Centre Proposal Area Statement for Marsh Lane/Saxton Lane does not preclude place of worship use in this area. The location of a place of worship in a sustainable, accessible City Centre location is considered to be generally in accordance with national, regional and UDP Review policies. It is therefore considered that the principle of D1 place of worship use would be acceptable in this location, subject to local amenity and highways considerations.

- 10.2 Highways issues

(a) At the time of the first planning application, there was anecdotal evidence from Ward Councillors and a significant number of local residents, that the use of the premises on weekends and in the evenings was preventing the use of the on-street parking bays in the surrounding streets for residents parking. During weekdays prior to 6pm the area is restricted for residents only, but not outside of that time, when the church is open, namely evenings and Sundays. Survey by officers on weekend of 24 January 2010 indicated that the car park and the nearby on-street public parking bays were operating well within capacity. If on-street car parking problems as a direct result of the church use are reported within two years of planning permission being granted, a survey and assessment would be required to demonstrate that the existing Traffic Regulation Order arrangements are insufficient, and how far enhancements would need to be implemented at the applicants' cost, via the unilateral undertaking.

(b) The Local Planning Authority can only support the use of the site as a place of worship, not a general community centre, which would require an improved and larger car parking layout. If this use were proposed, the demand for

parking or public transport capacity may be more than the current provision and problems may arise.

- (c) The submitted plans show provision of cycle and motorcycle car parking, a condition would be imposed to ensure this is provided within 3 months of the grant of any planning permission.
- (d) In relation to potential impact on public transport, the NGT team have confirmed that the church is of a relatively small scale and its congregation make limited use of public transport, partly due to the use of the dedicated group mini-buses. Given the negligible impact on public transport at present, a financial contribution to public transport would not be required under SPD5.
- (e) The submitted Travel Plan is considered acceptable, and a unilateral undertaking will be entered into by the applicant in order to secure its monitoring in line with the Travel Plans Supplementary Planning Document.
- (f) The submitted Travel Plan sets out the implementation of measures in order to prevent fly parking and local traffic congestion and help to ensure highways safety.

10.3 Living conditions of nearby residents

- (a) At the time of the first planning application, the Council's Environmental Protection team received a number of complaints of loud music at the premises over prolonged periods of time late at night and in the early hours of the morning. Most objections to the first planning application referred to loud music and general disturbance into the early hours of the morning from the buildings on the application site. However it has been confirmed by the applicant that these were one-off celebrations which would not be repeated now they are aware of the impact on local residents. The applicant has agreed to abide to conditions limiting hours of use and amplified music at the premises in order to prevent any significant noise issues.
- (b) Environmental Protection have confirmed that since they approached the applicant in September 2009, no complaints have been reported. The low level of objections on this second application compared to the first seems to indicate that noise and disturbance has significantly reduced since those initial occurrences. The recommended conditions would help to ensure any adverse noise is kept to a minimum in the future.

11.0 CONCLUSION

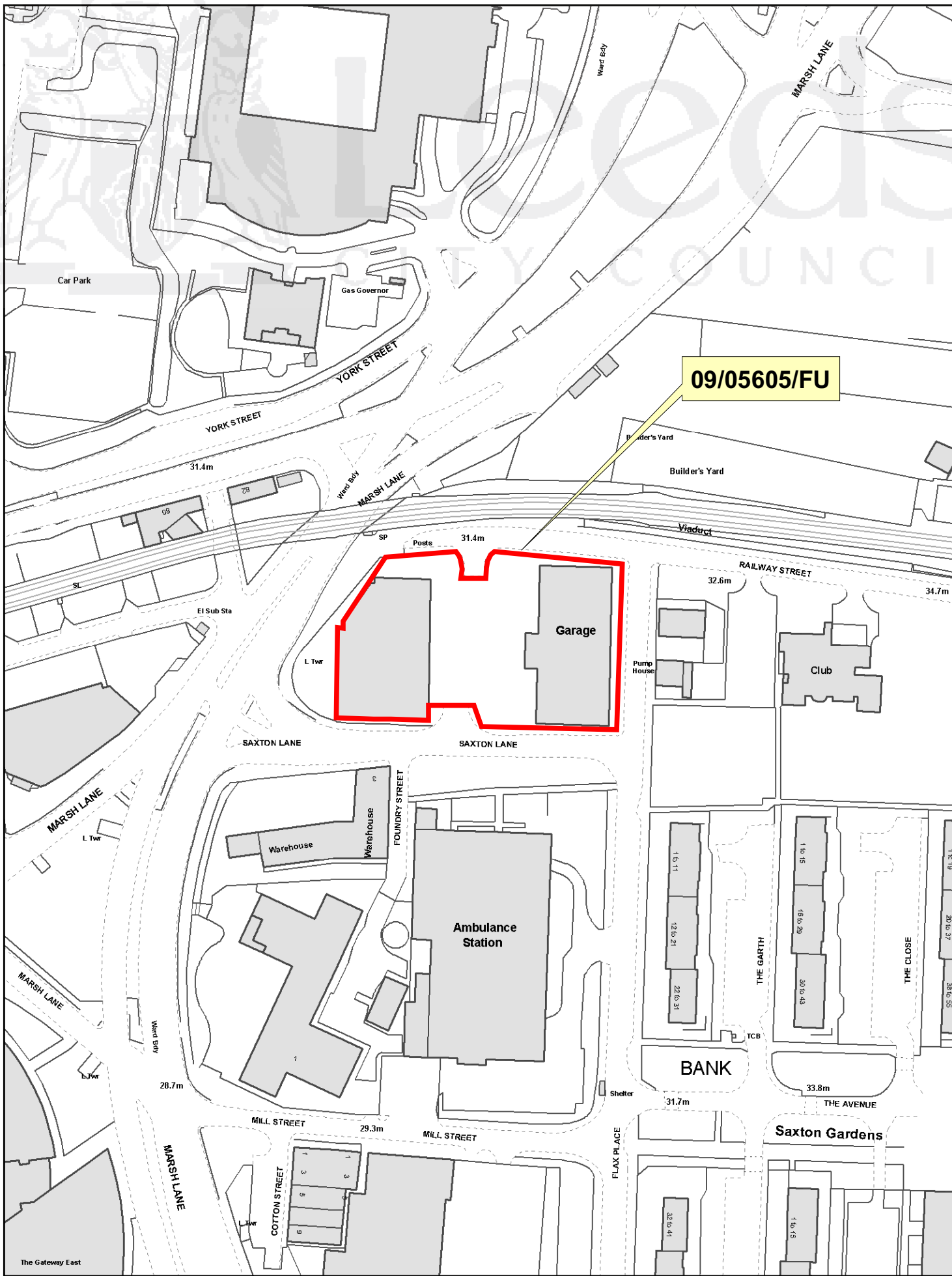
- 11.1 The application proposal is considered to accord with local, regional and national planning policies, and subject to the measures set out above to help control noise and car parking at the site, does not result in adverse amenity or highways issues impacting on local residents. The retention of the place of worship use at the site keeps an otherwise vacant site in use, in a sustainable and accessible location within the City Centre. The application is therefore recommended for approval.

Background Papers:

Application file 09/02990/FU

Application file 09/05605/FU

Certificate of Ownership – Certificate A signed by applicant.



CITY CENTRE PANEL

Scale 1/1500

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