



PLANS PANEL (CITY CENTRE)

Meeting to be held in Civic Hall, Leeds on
Thursday, 10th May, 2012
at 1.30 pm

MEMBERSHIP

Councillors

B Selby (Chair)	M Hamilton	G Latty	A Blackburn
G Driver	C Campbell	A Castle	
S Hamilton			
J Jarosz			
J McKenna			
E Nash			

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 Head of Governance Services 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> <p>No exempt items or information have been identified on the agenda</p>	

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3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>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 OF THE PREVIOUS MEETING</p> <p>To approve the minutes of the meeting held on 12th April 2012.</p> <p>(Copy to follow)</p>	
7	City and Hunslet		<p>APPLICATION 11/04582/FU - 178 BED HOTEL WITH INTEGRAL A3 RESTAURANT, JUNCTION OF PORTLAND WAY AND CALVERLEY STREET, LEEDS 1</p> <p>To consider a report of the Chief Planning Officer on an application for a proposed 178 Bed Hotel with Integral A3 Restaurant, at the junction of Portland Way and Calverley Street, Leeds 1.</p> <p>(Report attached)</p>	3 - 16
8	City and Hunslet		<p>APPLICATION 11/05239/FU - USE OF SITE FOR CAR PARK (225 SPACES), INGRAM ROW, HOLBECK, LEEDS</p> <p>To consider a report of the Chief Planning Officer on an application for use of site for car park (225 Spaces), Ingram Row, Holbeck, Leeds.</p> <p>(Report attached)</p>	17 - 32

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9	Burmantofts and Richmond Hill		<p>APPLICATION 11/05399/FU SIX STOREY AND FOUR STOREY BUILDING COMPRISING 28 FLATS WITH UNDERCROFT CAR PARKING AND APPLICATION 11/05448/CA CONSERVATION AREA APPLICATION TO DEMOLISH VACANT COLLEGE BUILDING AT LEEDS COLLEGE OF TECHNOLOGY, EAST STREET, LEEDS 9</p> <p>To consider a report of the Chief Planning Officer on an application for a six storey and four storey building comprising 28 flats with undercroft car parking and Conservation Area application to demolish vacant college building at Leeds College of Technology, East Street, Leeds 9</p> <p>(Report attached)</p> <p>DATE AND TIME OF NEXT MEETING</p> <p>To note that the date and time of the next meeting is Thursday 21st June 2012 at 1.30pm in the Civic Hall, Leeds.</p>	33 - 50
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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: Stuart Robinson
Tel: 0113 247 4360
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Stuart.robinson@leeds.gov.uk
Your reference:
Our reference: ccpp/sitevisit/
1st May 2012

Dear Councillor

PLANS PANEL CITY CENTRE – THURSDAY 10th MAY 2012

Prior to the meeting on Thursday 10th May 2012 there will be site visits in respect of the following:

10:00 am - Proposed hotel development Portland Way (Application ref
10:45 am 11/04582/FU) and inspection of materials for the student tower
considered at the last Panel meeting (Application ref 12/00152/FU)

10:45 am - Proposed flats at East Street (Application ref 11/05399/FU)
11.45 am

Panel Members are requested to meet in the Civic Hall ante-chamber for 9.55am in readiness for a 10.00 am start. It is intended to walk to the first site and that a mini bus will be available at the Civic Hall from 10.30am onwards should the first site visit finish early. Please could you let Daljit Singh know (24 78010) if you will be attending the site visits.

The formal Panel meeting will commence at 1.30 pm as usual.

Yours sincerely

Stuart Robinson
Governance Services

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Originator: Tim Hart

Tel: 3952083

Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 10th MAY 2012

Subject: PROPOSED HOTEL AND RESTAURANT, JUNCTION OF PORTLAND WAY AND CALVERLEY STREET, LEEDS (REF/11/04582/FU).

APPLICANT

Quay City Developments Ltd

DATE VALID

8th November 2011

TARGET DATE

7th February 2012

Electoral Wards Affected:

City and Hunslet

No

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions (and any others which he might consider appropriate) and the completion of a Section 106 agreement to include the following obligations; public transport contribution (£43,939); travel plan and monitoring fee (£2,500); employment and training initiatives; Section 106 management fee (£750). In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

Conditions

- 1 3 Year Time Limit
- 2 Development to be in accordance with approved plans.
- 3 Notification of Commencement
- 4 Code of construction practice to be submitted including methods to control dirt, dust and noise during construction.
- 5 Details of contractor's storage and parking.
- 6 Construction hours limited to 0730-1900 on weekdays and 0800-1300 on Saturdays
- 7 Land contamination desk study / site investigation report

- 8 Land contamination remediation statement
- 9 Land contamination verification report.
- 10 No sale of hot food to take away from the restaurant.
- 11 No change of use of restaurant to A1 use.
- 12 Sound insulation scheme to protect occupants
- 13 Delivery hours 0700-2300
- 14 Details of extract ventilation
- 15 Provision of a grease trap
- 16 BREEAM pre-assessment report to be provided including details of Low and Zero Carbon technologies; a Very Good standard to be achieved; and post construction certification.
- 17 1:20 architectural details
- 18 Details and samples of all external facing materials including plant room screen
- 19 Cycle parking to be provided.
- 20 Provision of a lay-by on Portland Way before occupation of hotel.
- 21 Provision of bus shelter and real-time information before occupation of hotel.
- 22 Servicing management plan to be submitted.
- 23 Tree protection.
- 24 Details of hard and soft landscaping including paving treatment to terrace and steps, external lighting, balustrades, tree pits, tree grilles and tree guards and implementation before first occupation.
- 25 Landscape management details.
- 26 Remedial landscaping works if planting fails.
- 27 Details of method, storage and disposal of refuse and litter.

Reasons for approval:

The application is considered to comply with Regional Spatial Strategy policies YH1, YH2, YH4, LCR1, ENV5, T1, T2 and T5; and Unitary Development Plan Review policies SA1, SA2, SA7, SA8, SA9, N12, N13, N19, N23, N25, T2, T2D, T5, T6, T7A, R5, A4, CC1, CC3, CC5 and CC27; and the following supplementary guidance Public Transport Improvements and Developer Contributions, Travel Plans, Building Today for Tomorrow – Sustainable Design and Construction, and the Leeds City Centre Urban Design Strategy. Having regard to all other material considerations the application is recommended for approval.

1.0 INTRODUCTION

- 1.1 A new hotel is proposed on vacant, brownfield land at the junction of Calverley Street and Portland Way. The applicant's team presented the emerging scheme proposals to Plans Panel on 27th October 2011 following a Panel site visit. A summary of Panel's comments is included at paragraph 4.2. The application is brought to Plans Panel as the proposals involve the construction of a high quality building on a prominent, vacant site within the city centre. The developer intends commencing development in the third quarter of 2012.

2.0 SITE AND SURROUNDINGS

- 2.1 Leeds Metropolitan University city campus is a large rectangular area bounded by Calverley Street, Willow Terrace Road, Portland Way, Woodhouse Lane and the Inner Ring Road to the north of the city centre. It is currently characterised by denser built forms towards the eastern side and a more open setting with grassed spaces containing trees on the northern and western edges, including groups of trees along Calverley Street. The northern side of the campus is subject to ongoing redevelopment as student accommodation by Downing.

- 2.2 The site where the hotel is proposed comprises land on the southern fringe of the campus at the junction of Portland Way and Calverley Street. Levels fall towards the road junction such that there is a level change of more than 4 metres from north to south. The area was cleared of redundant educational buildings during 2007/8 and is presently surrounded by hoardings. Other than for the trees, the site currently detracts from the appearance of the area and the setting of nearby listed buildings.
- 2.3 The surrounding area is mainly characterised by institutional and civic uses. Leeds General Infirmary is across Calverley Street to the west and beyond Portland Way to the south are the Civic Hall and to the east the Leeds Metropolitan University Rosebowl building.
- 2.4 The site is located immediately north of the City Centre Conservation Area and in the setting of the grade II* listed Civic Hall. Trees around the campus are protected by Tree Preservation Order (No.22) 2007.

3.0 PROPOSAL

- 3.1 The scheme primarily comprises a 178 bedroom hotel. The building would have a linear form, approximately 67 metres long x 15 metres wide. The building would be set back from both Portland Way and Calverley Street to reinforce the notional building lines. The southern end of the building would have a curved form responding to the Portland Way and Calverley Street junction arrangement and also nearby precedents at the LGI opposite the site.
- 3.2 The lowest level of the building would accommodate a restaurant with level access close to the junction of Portland Way and Calverley Street. Ground levels are such that the restaurant would only cover approximately half of the footprint of the building. Pedestrian access into the hotel would be from Portland Way practically opposite the route between the Civic Hall and the Rose Bowl.
- 3.3 The upper levels of the building step up in response to changing levels and buildings around the site. There would be a total of seven levels of hotel accommodation, with rooms located both sides of a central corridor. Rooms at the southern end would respond to the curved form of the building with bedrooms benefiting from external balcony space. A plant room would be situated on the roof at the higher end of the site.
- 3.4 It is currently proposed to utilise reconstituted Portland stone as the primary external facing material. The large panels would frame grand scale glazed openings divided by strong horizontal floor elements. The top floors and plant screen are identified as being clad in a dark grey metal rainscreen product. A sealed façade with air conditioned rooms is needed to produce acceptable noise levels within the building.
- 3.5 It is proposed to construct a lay-by in Portland Way that would accommodate taxis and cater for customer drop-off/pick-up. A new covered bus stop would be provided north of the lay-by. Delivery vehicles would park on Calverley Street in the space vacated by the existing taxi rank. A covered service area would run parallel to the rear of the building, incorporating space for both bin storage and long stay cycle parking (24 spaces). 4 short-stay cycle spaces would be provided closer to the hotel entrance.
- 3.6 The pedestrian footway around the site would be widened by up to 4 metres through the removal of the existing boundary wall and replacement and extension of surface

treatment back to landscaping around the new building. A new flight of steps, 8 metres in width, would be constructed at the northern end of the site between the hotel and the existing Leeds Met Portland Building. The steps would meet the proposed footpath leading towards the forthcoming public square within the city campus site. Three trees would be lost on the Calverley Street and three on the Portland Way frontage. It is proposed to plant a line of trees along the Portland Way frontage (5); along the rear boundary of the site (9); close to the road junction (3); and between the proposed steps and Leeds Met (3) in mitigation (20 in total).

- 3.7 It is proposed that over 10 per cent of the hotel's energy needs would be provided by air source heat pumps. Public areas of the building would feature motion detectors to control light use. Low water fittings would be specified. A "Very Good" BREEAM sustainability rating is anticipated.
- 3.8 The application is accompanied by a Travel Plan which has been agreed by the Travel Plan officer. The travel plan promotes the use of alternative and more sustainable modes of travel to the car and seeks to reduce the impact of those journeys which are made by car. A travel plan coordinator will be appointed prior to initial marketing of the hotel. The coordinator will be responsible for overseeing the ongoing development and implementation of the travel plan and coordinating the monitoring of the travel plan. Targets will be reviewed on an annual basis in consultation with LCC's Travelwise officers. A travel plan monitoring fee of £2500 is required.

4.0 PLANNING HISTORY

- 4.1 The site forms the southern part of the former Leeds Metropolitan University site which was acquired by Downing in 2010. Plans Panel considered the application for the first phase of Downing's proposed development across the northern half of the former campus site in February 2011 (10/05541/FU). Those works are now advanced. Subsequently, Members approved the second phase of redevelopment, a 21 storey student tower, at Plans Panel on 12th April 2012 (12/00152/FU).
- 4.2 The applicant's team presented emerging proposals for the site to Plans Panel on 27th October 2011. Plans Panel commented on the following matters:
- The design and proposed materials which referenced the existing buildings within the Civic Quarter and Leeds General Infirmary was welcomed. The quality of the materials should be just as high on the north-western side of the building.
 - The design of the Calverley Street/Portland Way curved elevation was welcomed. Care should be taken to ensure this appeared as a true curve in its built form and to avoid compromise on the quality of the material.
 - The hotel could have an over-dominant impact on development on the vacant land to the north.
 - Details of the sustainability measures, particularly in respect of the possible use of renewable energy, should be provided.
 - Further detail of the vehicular access and taxi/private hire/private car drop-off and pick-up points was required. Members considered Portland Way to be a very busy traffic point and were keen to ensure that there should be no obstruction to the highway by vehicles making short stops.
 - The impact of noise from emergency service vehicles attending the hospital should be assessed and addressed.

- Members asked whether the roof top plant box could be deleted and the plant moved into the building.
- Concern was expressed over the loss of the trees, although noted that as the plot was quite narrow, the majority of the trees seen on the site visit lay outside the plot
- Realistic representations of the streetscene, incorporating all the street furniture, need to be provided in future presentations.

5.0 CONSULTATIONS

5.1 Statutory

LCC Highway Development Control (24.4.12) – The proposal is acceptable subject to conditions regarding completion of off-site highway works; details and provision of cycle spaces; construction traffic parking and cabin location details; restriction of A3 use to restaurant only; and showers to be available to staff.

5.2 Non statutory

Yorkshire Water (1.12.11) – conditions recommended.

LCC Environmental Services (22.11.11) – refuse collection arrangements are acceptable.

LCC Contaminated Land Team (22.11.11) – no objections. Conditions recommended.

LCC Transport Development Services (18.4.12) – a Travel Plan review fee of £2,500 is required.

LCC Flood Risk Management (28.11.11) – details of surface water drainage to be agreed. A condition is recommended.

LCC Conservation (28.11.11) – the scheme is acceptable.

North East CTU (28.11.11) – measures should be incorporated to prevent unauthorised vehicular access to all pedestrian and service areas. The building should be designed to withstand a blast. Ideally, glazing should be laminated and fitted into a blast resistant retention system. Materials should be fixed to prevent flying debris in the event of a blast. Conditions recommended.

Leeds District ALO (29.11.11) – supports the comments of the CTU.

West Yorkshire Ecology – no comment to make.

LCC Environmental Protection Team (6.12.11) – the proposed noise attenuation measures would prevent existing surrounding noise sources from unreasonably affecting the future occupants of the hotel. The impact of the hotel uses will need to be appropriately controlled to ensure surrounding uses are not unacceptably affected. Conditions are recommended.

LCC Highways Development (8.12.11) – the development will generate a large number of trips, a proportion of which will have to be accommodated on the public transport network. A contribution of £43,939 is required.

LCC Sustainability (8.12.11) – conditions are suggested requiring a revised sustainability statement to be submitted with details of low and zero carbon technologies that will be incorporated in the development, and a post construction review to confirm that BREEAM Very Good has been achieved.

LCC Access (13.12.11) – Steps need to be designed with suitable nosings and tactile areas to assist blind or partially sighted people, and handrails placed to assist less mobile people.

Metro (15.12.11) – The development is likely to create additional demand at the bus stop. A new bus shelter and real time information display need to be provided along with associated raised kerbs and clearway markings.

6.0 PUBLIC/LOCAL RESPONSE

6.1 Site notices advertising the application were erected on Portland Way and Calverley Street on 18th November 2011. The application was also advertised as a Major development in Leeds Weekly News on 24th November.

6.2 Leeds Civic Trust commends the use, scale, form and transport strategy and supports the application. Samples of materials need to be agreed to demonstrate compatibility with neighbouring buildings. It is recommended that further attention be paid to the design of the north-east wall, particularly at ground level.

6.2.1 Response – at the time the report was drafted the applicant had recently proposed the use of a reconstituted stone product for the lower levels of the building. The applicant indicates that the product provides an effective and consistent representation of the natural product; allows effective quality control and dimensional tolerance; enables the maximisation of panel sizes and joint control; has excellent weathering characteristics; enables construction in a tight city centre location; and has been used extensively throughout the UK. Examples in Leeds include 1 City Square, Bridgewater Place and Clarence House. Samples of the product and of the rainscreen cladding are expected to be available for Plans Panel.

6.2.2 The north-east end elevation of the building abuts the proposed new pedestrian route to the new public square. The ground floor of the building would flank the new steps and supporting groundworks such that there is no real opportunity for external changes. At upper levels the end of the corridors is expressed by a vertical line of windows. It is considered that the design of this element of the building is appropriate to its form and respects the relationship with the neighbouring Portland Building.

6.3 Leeds Metropolitan University comment that the plant room needs to be in keeping with the requirements on the Rose Bowl and should be appropriately shielded; that a piecemeal approach to development may compromise pedestrian routes and an overly dense development of the site; that the height of the building exceeds that of the Civic Hall and raises concerns about the University's right to light; clarification is required regarding boundary treatment; and servicing proposals are unclear.

6.3.1 Response – Officers met the University to discuss these issues which are addressed in detail in the Appraisal below.

7.0 POLICY

7.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Regional Spatial Strategy (May 2008) and the Unitary Development Plan Review 2006 (UDPR).

7.2 Regional Spatial Strategy

7.2.1 The Regional Spatial Strategy (RSS) sets out the strategic priorities for the region until 2026. A number of the policies in the RSS are relevant to the proposal emphasising the role of Leeds as a regional centre, the need for a quality environment with encouragement to the reuse of previously developed land, and the role of city and town centres as the focus for activity, and with a high quality public realm and well designed buildings (YH1, YH2, YH4).

7.2.2 LCR1 states that the role of Leeds as a regional city should be developed by accommodating significant growth in jobs and homes and continuing to improve the city centre's offer of high order shops and services (A2); supporting the roles of Leeds and Bradford as major engines of the regional economy (B1); connecting disadvantaged communities to job opportunities (B4); and ensuring strategic patterns of development maximise the opportunities to use non car modes of transport and reduce the overall need to travel (D1).

7.2.3 Policy ENV 5 promotes energy efficient buildings. Policy E1 encourages investment in locations where it will have the maximum benefit and secure competitive advantage (B); improve links between job opportunities, skills development, business investment and the needs of excluded communities. Policy E2 indicates that the centres of Regional Cities should be the focus for leisure, entertainment, arts, culture, and tourism across the region (A). Development, environmental enhancements and accessibility improvements should take place to create a distinctive, attractive and vibrant sense of place and identity for each centre (B). Proposals should make use of appropriately located previously developed land (E3).

7.2.4 The Regional Transport Strategy forms part of the RSS. Policy T1 identifies aims for personal travel reduction and modal shift to modes with lower environmental impacts. This ambition is supported by Policy T2 (parking policy) and Policy T3 (public transport). Policy T5 states that access to all main destinations should be improved. Access for all groups in society should be enhanced (B1).

7.3 Unitary Development Plan Review

7.3.1 The area forms part of the designated Education Quarter in the adopted Unitary Development Plan Review (UDPR). The main objective of the designation is to facilitate the University's main functional requirements on site, enhance its character and reinforce its distinct sense of place, improve linkages with the rest of the city centre, encourage the provision of extra student housing, and resolve vehicular access and circulation. An enhanced pedestrian route is sought on Calverley Street.

The most relevant UDPR policies are:

- SA1 Protect and enhance the quality of the environment.
- SA2 Encourage development in locations that reduce the need for travel.
- SA7 Promotes the physical and economic regeneration of urban land and buildings.

- SA8 Ensure that all the community have safe and easy access to facilities.
SA9 Promotes the development of the city centre.
- GP5 Detailed planning considerations to be resolved
GP7 Planning obligations
GP11 Development must meet sustainable design principles
- N12 Priorities for urban design
- i Development should create a series of linked and varied spaces defined by buildings and landscape elements
 - ii New buildings should be of good design,
 - iii Developments should respect the character and scale of buildings and the routes that connect them.
 - iv Movement on foot and bicycle should be encouraged.
 - v Developments should assist people to find their way around.
 - vii Design and facilities should reflect the needs of those with restricted mobility.
 - viii Visual interest should be encouraged.
 - ix Development should be designed to reduce the risk of crime.
- N13 All new buildings should be designed to a high quality and have regard to the surroundings. Contemporary design will be welcomed.
- N19 Development within or adjacent to conservation areas should preserve or enhance the character and appearance of the area
- N23 Space around new development should provide a visually attractive setting. Existing features which make a positive contribution should be retained.
- N25 Boundaries of sites and paving materials.
- T2 New development to be adequately served by highways and not to materially add to problems of safety, environment or efficiency on the highway network; be capable of being adequately served by public transport; to make adequate provision for cycling
- T2D Developer contributions where public transport accessibility would otherwise be unacceptable.
- T5 Satisfactory safe and secure access for pedestrians and cyclists.
- T6 Provision for people with mobility problems.
- T7A Cycle parking guidelines.
- R5 Opportunities will be sought to secure appropriate employment and training associated with construction and operation of the development.
- A4 Design of safe and secure environments, including consideration of access arrangements, public space, servicing and maintenance, materials and lighting.

City Centre policies seek to encourage a more vibrant, high quality environment together with enhancement of public spaces with improved access for all. These objectives are expanded in the following policies:

- CC1 Planning obligations in the city centre.
- CC3 Character of the city centre maintained by encouraging good design of buildings and spaces and upgrading the environment.
- CC5 Development in conservation areas or its immediate setting must preserve or enhance the character of the area.
- CC27 Identifies principal use quarters, including the Education Quarter. Proposals for other uses in the quarter will be encouraged which:

- i Service the quarter
- ii Add variety in land use and contribute to the vitality of the city centre.
- iii Support the attractiveness of the area for the principal use.

7.4 Supplementary Planning Guidance, other guidance and emerging policy

7.4.1 Consultation on the Publication Draft of the Core Strategy closed on 12th April 2012. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its early stages of formal consultation only limited weight can be afforded to any relevant policies at this point in time.

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

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

7.4.3 Travel Plans SPD (draft August 2011)

The SPD identifies the requirement for Travel Plans; advises what type of travel plan is appropriate; what they should include; how they shall be delivered; and how they shall be monitored and enforced.

7.4.4 Building Today for Tomorrow – Sustainable Design and Construction SPD (August 2011)

The SPD identifies the sustainable design and construction standards sought in new developments.

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

The proposed development falls within the Education Study Area 4 of the design guide. The guide refers to the need to retain and enhance spaces; encourages appropriate ancillary uses at all times of the day and to provide active uses in holiday periods; to realise opportunities for increased soft landscape; to enhance pedestrian movement; and to enhance the existing variety of buildings.

7.5 National Policy

7.5.1 Many national planning policy statements including PPS1, PPS4, PPS5 and PPG13 were revoked and replaced by the National Planning Policy Framework (NPPF) on 27th March 2012. The NPPF states that unless material considerations indicate otherwise development proposals which accord with the Development Plan should be approved. The framework, which includes guidance regarding building a strong, competitive economy, ensuring the vitality of town centres, promoting sustainable transport, and conserving the historic environment, is a material consideration.

8.0 KEY ISSUES

1. Principle of development
2. Building and landscape design
3. Transport
4. Noise
5. Access

6. Section 106

9.0 APPRAISAL

9.1 Principle of development

9.1.1 The development would involve the sustainable and effective regeneration of a vacant, previously developed, site in the city centre thereby helping to build a strong, competitive economy. The principal use for hotel accommodation, together with restaurant development, would add variety in land use whilst not undermining the principal educational function of the area. It is therefore considered to accord with the objectives identified for the Education Quarter (UDPR policy CC27) and would help to reinforce the vitality of the city centre. The development involves a sustainable approach to transport and also to building construction and management. Consequently, the proposals accord with the development plan and the NPPF and the principle of development is therefore acceptable.

9.2 Building and landscape design

9.2.1 The site is located adjacent to the City Centre Conservation Area and the Civic Hall and also has a strong relationship with important Leeds General Infirmary buildings on the west side of Calverley Street. Consequently, the development must respond positively to this sensitive setting. At the same time, the site forms the southern edge of the more contemporary City Campus with a backdrop of buildings dating from the 1960's to present. The development therefore also needs to integrate with masterplanning concepts for that area whilst ensuring that views from the north, towards the Civic Hall, are of appropriately high quality.

9.2.2 The overall form responds to both its setting and its use. A simple, rectangular block suits both the typical hotel bedroom layout and the arrangement of buildings within the City Campus. The block is set back from both road frontages to respect notional building lines along both Calverley Street and Portland Way. The additional space enables an improved setting to the building and appropriate juxtaposition with neighbouring buildings including the Civic Hall. The corner of the site, which addresses the intersection of Calverley Street and Portland Way, has been designed with a curved form responding to both the street layout and also reflecting familiar building elements such as the end of the LGI Brotherton Wing and the former nurses accommodation opposite. The forwardmost part of the building would be constructed with a true curve rather than being faceted, responding to Plans Panel's earlier comments on this issue.

9.2.3 The height of the main building is commensurate with the Civic Hall, the main body of the hotel building being almost equivalent in height to the ridge level of the Civic Hall. Rising levels towards the north, together with much larger Leeds Metropolitan University buildings to the north-east, are reflected by the introduction of a stepped form at the highest levels of the building with two shortened bedroom floors and plant area added. Projecting capping emphasises the vertical extent of the main building whilst accentuating the set-back to these top floors.

9.2.4 The dominant building material in key views of the site is Portland Stone. As noted by Plans Panel and Leeds Civic Trust it is critical that the building material is high quality and is compatible with neighbouring buildings. It is now proposed to utilise reconstituted Portland stone as the primary external facing material around the entirety of the building. The applicant comments that the material has been used extensively around the UK and Europe and that it provides effective representation

of the natural material; allows effective quality control and consistency of finish; enables the maximisation of panel sizes and joint control; has excellent weathering characteristics; and permits ease of construction thereby ensuring deliverability. Officers consider that the principle of such a material is acceptable subject to the provision of appropriate samples confirming its compatibility with the Portland Stone of the Civic Hall, together with assurances regarding the weathering properties of the material. The uppermost levels of the building would be faced in a dark grey metal rainscreen material in a language comparable to that used on the LGI. In a similar way to the Rose Bowl, large stone panels will simply enclose areas of glazing in deep recesses thereby deferring to the more intricate detailing of the Civic Hall.

9.2.5 The development successfully responds to its context in scale, form and materiality. In doing so it delivers a well-designed contemporary building whilst preserving the setting of the neighbouring conservation area and listed buildings. Consequently, the building accords with UDPR policies N12, N13, N19, CC3 and CC5.

9.2.6 The position of the building complements the indicative McAslan masterplan for the wider City Campus site. In particular, the scheme secures the termination of the new pedestrian route from Portland Way to the new public square at the heart of the City Campus development. The north-west elevation of the building would be inset 5.5 metres from the boundary with the remaining vacant land to the north. Whilst there are no current proposals for this land, development in that area would need to take account of its relationship with the hotel in terms of scale, form, location and use. The location of the building is such that the pedestrian footway around the site would be widened by up to 4 metres through the removal of the existing boundary wall and replacement and extension of the pavement area back to landscaping around the new building.

9.2.7 The scheme involves the loss of 6 trees. A total 20 new trees would be provided around the periphery of the site. 5 *Pyrus chalcidolepis* (pear) are identified along Portland Way as a line of new street trees to reinforce those outside the Rose Bowl and Leeds Met union buildings. 3 *Sorbus commixtra* (rowan) are proposed close to the curved end of the building relating to existing trees along Calverley Street. 9 *Alnus cordata* (alder) are indicated along the north-western boundary of the site producing a new soft edge to this side of the site. 3 *Liquidambar styraciflua* (gum) are identified on the boundary with the Leeds Metropolitan University. Shrub beds are also proposed around the periphery of the site to enhance the setting of the building. It is considered that the tree loss is acceptably mitigated by the new planting proposals and improvements to connectivity and public realm.

9.3 Transport

9.3.1 The site is located in a highly sustainable city centre location. The development is supported by an agreed Travel Plan which promotes the use of alternative and more sustainable modes of travel to the car and seeks to reduce the impact of those journeys made by car. Improvements will be made to existing footways and the development will assist in the delivery of the new pedestrian route through the City Campus. The development will incorporate cycle parking for both staff and guests. The existing bus stop on Portland Way will be enhanced with the addition of a new bus shelter and the provision of real-time information screen.

9.3.2 No on-site parking is proposed. Visitors would be able to use a number of off-street car parks located close-by including the Rose Bowl car park on the opposite side of Portland Way. A new lay-bay will be provided on Portland Way directly outside the hotel incorporating a taxi rank for 4 taxis and also space for drop-off and pick-up.

Delivery vehicles would park on Calverley Street in the space vacated by the existing taxi rank. Consequently, there should be no obstruction to the highway by vehicles making short stops. It is considered that the proposed transport arrangements are acceptable and would accord with UDPR policies SA2, GP5 and T2.

9.4 Noise

9.4.1 The application was accompanied by a noise impact assessment which recognised local noise sources including road traffic noise, noise from the LGI including ambulances and the helicopter, and from the O2 academy. To attenuate the noise, guest rooms will have sealed glazing and a ducted heating, ventilation and air conditioning system in order to create acceptable conditions for the room occupants. The need for these systems, together with the utilisation of air source heat pumps to provide renewable energy, necessitates the roof top plant area on the building.

9.5 Access

9.5.1 Although there is no on-site dedicated car parking the Rose Bowl car park provides nearby facilities for disabled car parking. Alternatively, the proposed lay-by directly outside the hotel will enable convenient access into the hotel and restaurant.

9.5.2 The challenging levels around the site have been mitigated by wide external steps, broken with planting beds and retaining structures to create a series of access points leading to a level walkway to the main hotel entrance which, itself, will have automatically operated doors

9.5.3 Within the hotel, corridor, door widths and lift design will accord with current standards. 10 of the bedrooms will be designed as universal access rooms and an accessible WC will also be provided at ground floor level. Consequently, the development as a whole will be designed to meet current accessibility standards.

9.6 Section 106

9.6.1 A draft section 106 agreement has been prepared. The agreement includes the following:

- Public transport contribution £43,939
- Implementation of Travel Plan and evaluation fee £2,500
- Employment and training initiatives
- Section 106 management fee £750

9.6.2 The section 106 obligations are compliant with the Community Infrastructure Levy Regulations 2010 Statutory Tests.

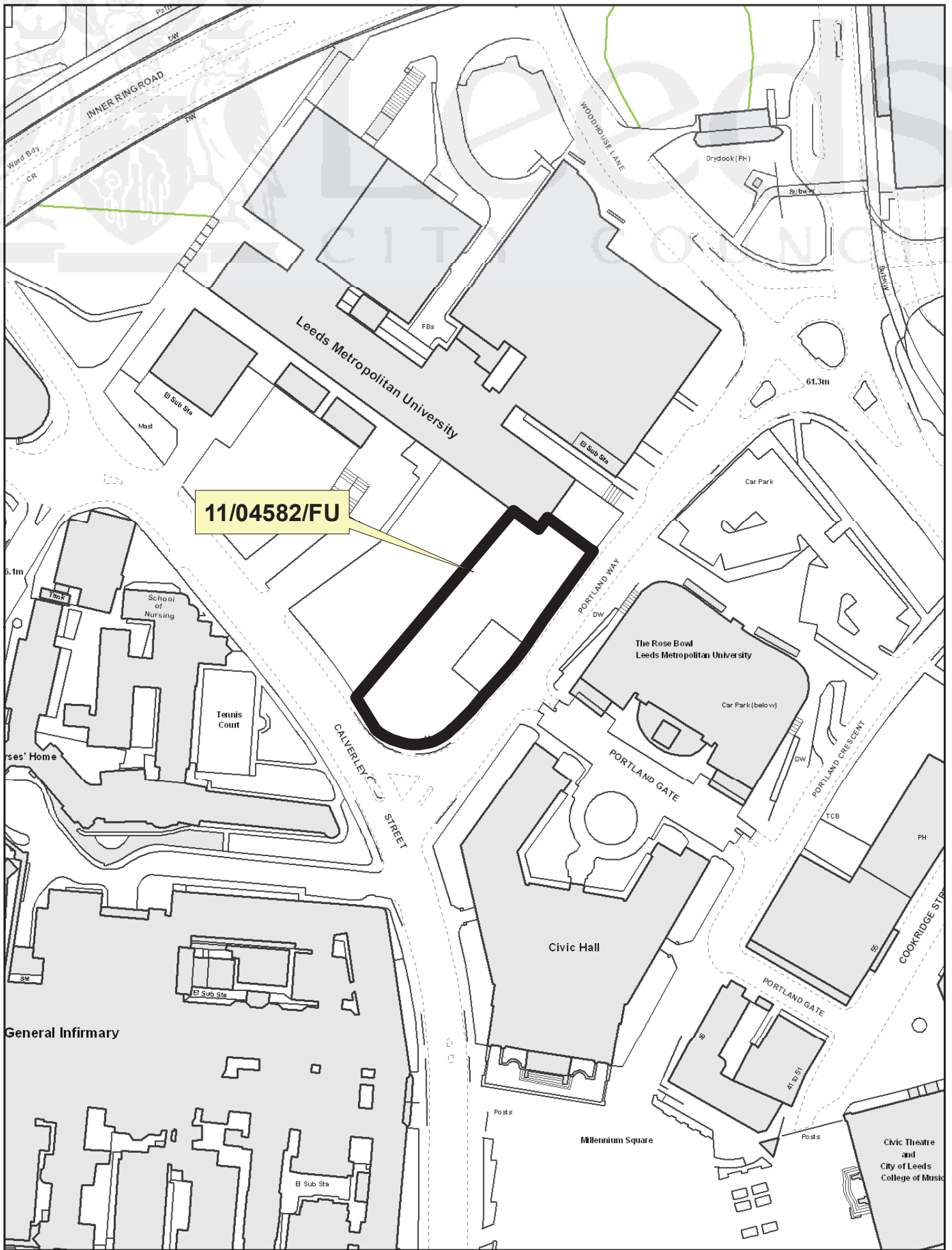
9.7 Conclusion

9.6.1 The proposed development responds well to its context, with regard to the scale and form of surrounding buildings, the grain of the area, and also the emerging city campus development. It brings forward a high quality new sustainable building with suitable hard and soft landscaped areas in a prominent city centre location. In doing so, it also helps to identify and reinforce suitable principles for the development of the adjacent vacant site. The proposals accord with the development plan and accordingly the application is recommended for approval subject to appropriate conditions and the completion of a Section 106 agreement.

Background papers

PREAPP/11/00613
11/04582/FU

Notice served on Simon Marshall and George Tyson



CITY CENTRE PLANS PANEL



Originator: Paul Kendall

Tel: 78196

Report of the Chief Planning Officer

PLANS PANEL CENTRAL

Date: 10TH MAY 2012

Subject: APPLICATION 11/05239/FU – USE OF SITE AS CAR PARK (225 SPACES) AT INGRAM ROW, HOLBECK, LEEDS, LS11

APPLICANT	DATE VALID	TARGET DATE
Ingram Row Ltd	13/12/2011	7/02/20102

Electoral Wards Affected:

City and Hunslet

No Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Refuse permission for the following reason:

The application proposal is one of a number which seek permission for long stay car parking within the city centre. It has been resolved to grant planning permission to other applications which are considered to better meet the criteria set out in the Council's informal City Centre Commuter Car Parking Policy (CCCCPP), and in these circumstances this application is considered to be contrary to the Council's transport strategy to restrict commuter car parking in accordance with Policies CCP2 and T24A of the Leeds Unitary Development Plan Review 2006, and the CCCCCPP, by exceeding the cap of 3200 aggregate spaces allowed under this policy and would therefore have an adverse impact on the strategic highway network and sections of the local highway network in the vicinity of Ingram Row.

1.0 INTRODUCTION:

1.1 This application is one of the long stay commuter car parking applications being considered under the CCCCCP policy. It was originally recommended for refusal at Plans Panel on 15th March 2012. However, Members considered that there was some

merit in the application and the officer recommendation to refuse was not agreed. The formal minutes provide an accurate summary of the resolution:

“that the officer recommendation to refuse the application be not agreed. Members noted the officer recommendation had been made having regard to the policy and cap on spaces, however, felt that the proposals for this car park had merit, but would provide 225 spaces above the cap. Members therefore agreed with the suggestion to defer determination of this application in order to allow time to seek the comments of the Highways Agency and the Council’s transport policy section on the impact of exceeding the cap and the implications for the assessment process and request a further report on this application be presented to the April or May Panel meeting.”

- 1.2 The purpose of this report is to provide the requested additional information and to review the position taking in to account all material considerations.

2.0 PROPOSAL:

- 2.1 The proposal is for a 225 space long stay car park accessed from Ingram Row which is in the south-eastern part of Holbeck Urban Village (HUV). Physical works include the removal of all of the Pallisade and Herras fencing which surrounds the site and the demolition of the one remaining building thereby removing the pinch point from the eastern boundary. The existing trees along the southern boundary are to be retained and the western, northern and eastern boundaries are to receive a continuous strip of planting which varies in width between 3.5m and 5m with a wooden post and double rail fence on its outer face fronting the back edge of footpath. The plant species is stated as Pyracantha which has been used for security purposes. The surface is a mix of hard-standing and compacted rubble and the lighting is to remain unaltered as a series of individually mounted fixtures atop metal poles.

3.0 SITE AND SURROUNDINGS:

- 3.1 This was included in the original report, a copy of which is attached at the end of this report.

4.0 FURTHER RESPONSES RECEIVED SUBSEQUENT TO PANEL

- 4.1 Following the above resolution officers have received further responses from the Highways Agency and from LCC Highways, and Transportation Policy colleagues:

4.2 Highways Agency:

The Highways Agency was supportive of the Leeds City Centre Commuter Car Parking Policy and this support was on the basis of a cap on the number of spaces allowed. The agreed 3200 space cap was justified on the basis of the level of usage of unauthorised spaces and parking elsewhere in the city centre. Given the delay in major public transport provision such as NGT or park and ride, the Highways Agency were prepared to accept the 3200 space cap as this number of spaces would cater for existing need during the period prior to the benefits of any public transport interventions being realised. Any increase in this cap is likely to result in an overprovision of spaces which will only encourage more car use.

The HA considers that approving the application at Ingram Row would undermine the intention behind the CCCC policy and would open the door to further applications

being permitted over and above the 3200 space cap. See attached letter dated 30th April 2012.

4.3 **LCC Highways Services**

Harm to local traffic flow

The Transport Assessment submitted in support of the application was considered flawed in respect of the assumptions made with regard to the distribution of traffic to the car park on the network and with respect to the traffic modelling carried out. The Transport Assessment suggested that having the Ingram Row car park would have a lesser impact on the highway network than not having it, on the basis that most of the traffic would continue to enter the city along Meadow Road and that this was a worse impact than if the traffic turned off to the car park. This distribution assumption was not accepted by the council, as some traffic would inevitably approach the site from the Hunslet Road/Great Wilson Street direction along Meadow Road and some traffic that would use the M621, Junction 3, to get to this site would use another route to get to other car parks, thereby reducing the amount of traffic in the area of the site.

In addition, the method of modelling the junctions adjacent to the site was not accepted by the council. A transport model had been agreed for this site as part of an earlier consent that could have been used and would have reduced the extent of disagreement on the results.

It is considered that materially exceeding the 3200 space cap in this location, combined with the approvals for Ingram St and Sweet St (City One), would cause capacity problems on the Meadow Road gyratory. The combination of the 3200 space cap combined with the distribution of the car parking spaces around the city is key to safeguarding the operation of the highway network and the acceptability of the additional car parking allowed under the policy. To approve this car park would therefore be contrary to the objectives of the policy and generate additional carbon emissions.

4.4 **LCC Policy**

Robustness of the cap

The Council first published a draft policy with a suggested cap of 3000 spaces in March 2011. This was subject to a period of public consultation to 6th May 2011. Executive Board took account of the public responses received before agreeing the revised cap of 3200 in September 2011, as part of the final CCCCPC Policy. The derivation of this figure took account of the level of usage of all the unauthorised car parks affected by the policy, together with the availability of alternative city centre parking. It also reflected the introduction of additional rail rolling stock from December 2011 that could be expected to reduce the demand for car commuting in the city centre. The calculation took a conservative view of the quantity of alternatives in order to provide a robust assessment.

The assessment of all the submitted car park applications against the comparative criteria of the City Centre Commuter Car Park (CCCCPC) policy resulted in 11 car parks being approved at the City Centre Plans Panel meeting of 15th March 2012, 4 being refused and this application being deferred. This means that the 11 approved car parks have taken up all of the 3200 car parking spaces allowable under the CCCCPC policy. At this point in time, allowing further spaces would therefore be contrary to the policy.

4.5 **LCC Legal**

Implications of exceeding the cap

The cap of 3200 spaces constitutes a fundamental element of the CCCC policy, introduced as a temporary measure to provide a limited exception to the Development Plan policy. Giving approval to the Ingram Row car park would add a further 225 commuter car parking spaces to those already approved taking the total number of car parking spaces to 3443, 243 spaces above the cap of 3200. Not only would this material increase in provision of long term car parking spaces constitute a breach of this policy and raise highway concerns in its own right (as set out elsewhere in this report) but, permitting Ingram Row (without good reason) could set a precedent and encourage other applications for long term car parking within the city which would be more difficult to resist as a consequence. There is a significant risk that to permit this application would undermine the CCCC policy and the intention behind the cap. Inevitably, in any future appeals for similar applications, an inspector would take this approval into account and the 'flexible approach' taken by the Council to the application of its own policy. It follows that it would be more difficult to resist further applications and maintain a robust position at appeal if the cap is exceeded to a material degree without very good reason.

5.0 **PUBLIC/LOCAL RESPONSES**

- 5.1 The original comments made were included in the original report a copy of which is attached at the end of this report.
- 5.2 Deltalord, the owners of the neighbouring buildings at The Mint and Manor Mills to the west of the application site, have written in support of the scheme stating that it would provide the opportunity to uplift the environment in the vicinity of their buildings for the benefit of all of the tenants and residents.

6.0 **CONSULTATION RESPONSES**

- 6.1 The initial consultation responses were included in the original report, a copy of which is attached at the end of this report.

7.0 **PLANNING POLICY**

- 7.1 Unitary Development Plan Review 2006
- 7.2 Unitary Development Plan Review (UDPR) policy is the development plan for Leeds which was subject to Examination. The plan was originally adopted in 2001 then the Review was adopted in 2006. Policy divides into that concerned with how much car parking accompanies new development (Policy T24 and T28) and that concerned with free standing provision of car parking. The latter divides between long stay commuter parking: covered by Policy T24A and short stay visitor parking covered by Policy T26. Here, we are principally concerned with long-stay commuter car parking unconnected with new development, i.e. T24A. Policy T24A states:

T24A: PLANNING PERMISSION WILL NOT BE GRANTED FOR NEW LONG-STAY CAR PARKING OUTSIDE THE CURTILAGE OF EXISTING OR PROPOSED EMPLOYMENT PREMISES EXCEPT:

- a) **WITHIN THE CITY CENTRE AND FRINGE CITY CENTRE COMMUTER PARKING CONTROL AREA, IN ACCORDANCE WITH POLICY CCP2;**
- b) **FOR PARK AND RIDE SCHEMES IN ACCORDANCE WITH POLICIES T16 AND T17;**
- c) **WHERE LACK OF PARKING WITHIN EMPLOYMENT PREMISES WOULD CAUSE SERIOUS TRAFFIC, SAFETY OR ENVIRONMENTAL PROBLEMS IN THE SURROUNDING AREA.**

PROPOSALS UNDER c. MUST BE SUPPORTED BY A TRAFFIC ASSESSMENT, INCLUDING APPRAISAL OF OTHER MEANS OF ACCESSIBILITY TO THE SITE, INCLUDING PUBLIC TRANSPORT. WHERE PLANNING PERMISSION IS GRANTED THE EXTENT OF PARKING ALLOWED WILL NOT EXCEED THAT WHICH WOULD OTHERWISE BE PERMISSIBLE UNDER THE CAR PARKING GUIDELINES, RELATED TO THE SCALE OF THE EMPLOYMENT USE.

- 7.3 Policy CCP2 is particularly relevant for proposed car parking on vacant or cleared sites in the city centre or city centre fringe:

CCP2: PROPOSALS FOR CAR PARKING ON VACANT OR CLEARED SITES WILL BE CONSIDERED AS FOLLOWS:

- i. **CORE CAR PARKING POLICY AREA (INCLUDING THE PUBLIC TRANSPORT BOX):**

THERE WILL BE A PRESUMPTION AGAINST THE USE OF VACANT OR CLEARED SITES FOR COMMUTER PARKING. NON COMMUTER PARKING WILL GENERALLY BE ACCEPTABLE; A PLANNING CONDITION WILL BE APPLIED PRECLUDING ADMITTANCE INTO THE CAR PARK BEFORE 0930 HOURS EACH MORNING.

- ii. **FRINGE CITY CENTRE COMMUTER PARKING CONTROL AREA AND PDA'S (OUTSIDE THE CORE CAR PARKING POLICY AREA):**

USE FOR COMMUTER PARKING WILL ONLY BE SUPPORTED ON A TEMPORARY BASIS. PROPOSALS (INCLUDING RENEWAL OF TEMPORARY PERMISSIONS) WILL BE JUDGED ON THEIR MERITS TAKING ACCOUNT OF:

- a. **ACCESSIBILITY OF THE AREA BY PUBLIC TRANSPORT;**
- b. **PROBLEMS OF ON-STREET PARKING IN THE LOCALITY, AND THE RELATIONSHIP WITH ANY PARKING PERMIT SCHEMES;**
- c. **TRANSPORT STRATEGY OBJECTIVES**

- 7.4 The thrust of the above policy framework is to resist further commuter car parking in the Core Car Parking Policy Area and to only allow temporary commuter car parking within the fringe city centre commuter parking control area where there is limited availability of public transport and/or on-street parking problems. Ingram Row falls within the Fringe City Centre Commuter Parking Control Area.

- 7.5 UDPR policy on commuting into the city centre was conceived on the basis of West Yorkshire Local Transport Plan objectives. UDPR paragraph 6.5.7 explains the overall objective is to reduce the rate of traffic growth, particularly into the city centre at peak

periods, and this would include "...the promotion of all forms of public transport to provide an attractive alternative to the car, park and ride facilities in the suburbs..."

- 7.6 In 2011, Executive Board considered that since the UDP was originally adopted in 2001 the delivery of new public transport infrastructure such as Supertram/NGT and the provision of park-and-ride schemes had been delayed. The effect of the government's spending cuts had further impacted on the ability of the Council to bring forward such schemes. Major interventions of this nature were considered unlikely to be delivered in the short term. It was therefore concluded by Executive Board that an immediate clamp down on unauthorised commuter car parks in 2010-11 would be inappropriate and approved a non-statutory update to the policy. This update is known as the City Centre Commuter Car Parking Policy (CCCCP)

CCCCP Policy.

To permit temporary car parks in the city centre core and fringe car parking areas to accommodate commuter car parking subject to:

a) Physical improvements to the quality and appearance of the car park. Improvements may include the following: i) an attractive surface, making use of sustainable urban drainage solutions, ii) clear space markings, iii) appropriate landscaping, iv) security lighting, v) attractive means of enclosure and boundary treatment and vi) appropriate signage in terms of size and location. Physical improvement works and a maintenance programme should be agreed in writing with the City Council prior to planning permission being granted and implemented before commencement of operation of the car park,

b) where the site is of a scale and location that pedestrian movement between different areas of the city is impeded and where security of pedestrians and vehicles would not be endangered, insertion of pedestrian linkages through the site,

c) the total number of commuter car parking spaces permitted by this policy not exceeding 3200 for Leeds city centre Core and Fringe areas only,

d) Permission being temporary for 5 years from the grant of planning permission.

On expiry of the 5 year temporary planning permissions, the City Council will consider whether the delivery of public transport improvements would justify the cessation of the car parking or the granting of further temporary extensions of permission.

Parts a) and b) of the policy will be informed by other planning policies and guidance notes adopted by Leeds City Council, for example on design and drainage.

7.7 Balancing competing objectives

- 7.8 The CCCCCP Policy seeks to balance a number of competing objectives. Following the determination of the enforcement appeals concerns were expressed about impact on the city's economy from a number of quarters. During this period of depressed market conditions, retail, leisure and business operations are under strain. The recent Mary Portas study has emphasised the importance of car parking in city and town centres to

support the vitality and health of centres. Hence, it is a priority for the CCCCPCP to maintain availability of commuter car parking spaces at reasonable levels.

- 7.9 Secondly, it was important to ensure that Leeds' overall transport package for commuting into the city centre remains sustainable. As such, an overall cap on the number of car parking spaces to be permitted under the CCCCPCP – 3,200 – was approved. The policy was amended following public comments and following consultation with the Highways Agency, including increasing the “cap” on the number of car parking spaces to be permitted through the policy from 3000 to 3200. Permissions would be temporary to enable future review of how much public transport infrastructure may have been improved.
- 7.10 Thirdly, the city expects to benefit from tangible improvements to the visual environment of car parks. The unauthorised car parks are mostly on cleared sites awaiting redevelopment which are usually secured with minimal regard to appearance to the detriment of the city and the attraction of potential investment. Boundaries are often unsightly. Palisade fencing, an absence of landscaping and poor surfacing is common. Their outward appearance is typically a negative blot on the surrounding townscape. So the opportunity to smarten up these sites needed to be taken to provide a genuine enhancement to the city, to create a more positive image of the city centre and to help create the conditions for future investment.
- 7.11 Fourthly, the City Council has a formal responsibility to deal with unauthorised use. The unauthorised car parks need to be dealt with in a managed way. This should create a level playing field so that the viability of legitimate car parks is not undermined by unauthorised car parks.
- 7.12 In addition to the above policies, the car parking applications have been considered against other most relevant development plan policies. These are listed in brief below:
- 7.13 Regional Spatial Strategy (RSS): The RSS for Yorkshire and Humber was adopted in May 2008. The vision of the RSS is to create a world-class region, where the economic, environmental and social well-being of all people is advancing more rapidly and more sustainably than its competitors. Particular emphasis is placed on the Leeds City Region.
- 7.14 UDPR Designation: All sites are within the designated City Centre. Some applications are within the Holbeck Urban Village Planning Framework area and Holbeck Conservation Area and one is within the South Bank Planning Statement Area, the appraisal of each application identifies when this is the case.
- 7.15 Other relevant UDPR policies:
- GP5: Proposals should resolve detailed planning considerations.
 - T2: Development proposals should not create new, or exacerbate existing, highway problems.
 - T24: Parking to reflect detailed UDP parking guidelines.
 - LD1: proposals should allow sufficient space around buildings to retain existing trees in healthy condition & allow new trees to grow to maturity.
 - N19: Development within or adjoining Conservation Areas should preserve/enhance the character and appearance of the Conservation Area.
 - N25: Boundary treatments should be appropriate to the character of the area.
 - N38B: Planning applications and flood risk assessments
 - N51: Nature conservation and enhancement
- 7.16 Supplementary Guidance and Policy:

- 7.17 The Draft Core Strategy was agreed for public consultation on 10th February 2012. It seeks to support objectives for sustainable travel, minimisation of congestion and limiting commuter car parking in the city centre coupled with park and ride provision to provide greater traveller choice.
- 7.18 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning applications have to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan consists of the Regional Spatial Strategy for Yorkshire and the Humber of May 2008 and the Leeds UDP (Review 2006).

8.0 MAIN ISSUES

1. An assessment of exceeding the policy cap against the benefits of environmental improvements to the site.

9.0 APPRAISAL

- 9.1 Members felt that the proposals for this car park had merit and it is clear that the physical changes proposed would provide an environmental benefit to this area which is within the Holbeck Urban Village boundary. This is particularly the case as there are residents and office occupiers in buildings which flank this site to both west and east. The proposed improvements, especially the removal of the building on the eastern side of the site and the removal of areas of high fencing and metal panelling, would also be expected to have a positive impact on personal security, or at least the sense that the area is safer and better maintained.
- 9.2 Against this, the policy position set out above has to be considered. The cap on the number of spaces permissible under the CCCCPC policy is an essential ingredient of that policy. It is important that the credibility of the policy is not undermined and it is considered that approving a further car park and taking the total number of approved spaces to 3443 is significantly in excess of the cap and would undermine that policy. In addition it is considered that it would impact on the ability to defend the policy at appeal and make resisting future applications for commuter car parking more difficult. This position is fully supported by the Highways Agency and this is made clear in their additional comments set out above.
- 9.3 It should not be forgotten that this position is set against the successful deployment of UDPR policy in enforcement action against a number of unauthorised commuter car parks in 2010, including this site. At that time the policy could have been used to end all of the unauthorised commuter car parks in Leeds. The introduction of the CCCCPC policy was designed to permit a capped number of commuter car parking spaces. Without this cap, increased commuting would exacerbate traffic congestion to an unacceptable level and generate additional carbon emissions contrary to the Council's transport objectives.
- 9.4 It must also be remembered that, as part of the comparative analysis undertaken by officers, other sites scored just as well in respect of the proposed physical improvements and bio-diversity but achieved a higher score in respect of highways. It is because the site scored poorly in this regard which meant that its total score was relatively low and ultimately resulted in the original recommendation for refusal.

9.5 The decision at Panel was to approve the 11 sites with 2 of these being located at Ingram St and Sweet St. Now these have been approved and the capacity of the highway network has been reassessed, it is considered that the use of the Ingram Row site for car parking in addition to Ingram St and Sweet St would lead to capacity problems at the Meadow Road gyratory. Therefore, the impact of 3 car parks in this location would have an adverse impact on the local highway network and undermine its ability to accommodate the resultant number of vehicles at peak periods as well as creating additional carbon emissions.

10.0 CONCLUSION

- 10.1 It is considered that to approve this application would be contrary to the objectives of the CCCCPC policy because it would increase commuter traffic flows and cause an unacceptable level of congestion and additional carbon emissions which is contrary to the Council's transport objectives. It would also open the policy up to such challenge that it would undermine the entire process and the position at appeal. There was sound justification for the setting of the cap at this level and there is no justification for exceeding the cap now. This is a view strongly supported by the Highways Agency.
- 10.2 The original 11 applications that were approved at Panel in March optimize the short term economic need for city centre parking within the scope of the CCCCPC Policy and its cap of 3200 spaces, whilst still adequately safeguarding against the potentially adverse impact on the highway network. Such an adverse impact would be likely to arise given the location and size of two of the sites approved as part of this process at Ingram St and Sweet St.
- 10.3 Whilst it is acknowledged that the physical improvements to the site would provide a significant up-grading of the local environment, the disbenefits in highways and policy terms are considered to out-weigh this. Consequently this application for Ingram Row is recommended for refusal.

Back Ground Papers:

Application File: 20/177/05/FU.

Application File: 06/06817/FU

Application File: 07/02820/FU

Application File: 09/04037/FU

Appeal File: (APP/N4720/A/10/2125970)

Enforcement File: 06/01037/NCP3

Enforcement Appeal File: (APP/N4720/C/10/2126365)

Certificate of Ownership – Certificate A signed on behalf of Ingram Row Ltd.

Highways Agency Letter: 30th April 2012



Report of the Chief Planning Officer

PLANS PANEL CENTRAL

Date: 15TH MARCH 2012

Subject: APPLICATION 11/05239/FU – USE OF SITE AS CAR PARK (225 SPACES) AT INGRAM ROW, HOLBECK, LEEDS, LS11

APPLICANT
Ingram Row Ltd

DATE VALID
13/12/2011

TARGET DATE
7/02/20102

Electoral Wards Affected:

City and Hunslet

No

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Refuse permission for the following reason:

The application proposal is one of a number which seek permission for long stay car parking within the city centre. It has been resolved to grant planning permission to other applications which are considered to better meet the criteria set out in the Council's informal City Centre Commuter Car Parking Policy (CCCCPP), and in these circumstances this application is considered to be contrary to the Council's transport strategy to restrict commuter car parking in accordance with Policies CCP2 and T24A of the Leeds Unitary Development Plan Review 2006, and the CCCCCPP, by exceeding the cap of 3200 aggregate spaces allowed under this policy and would therefore have an adverse impact on the strategic highway network.

1.0 INTRODUCTION:

- 1.1 This application is one of the long stay commuter car parking applications to be considered under policy CCCCCP1. This report should be read in conjunction with the umbrella report to this Plans Panel for those applications being considered under

CCCP1. This site is one of a pair of sites which sit on either side of Ingram Row and are in the same ownership. As the sites are physically separated by Ingram Row and have separate vehicular access points they have been submitted separately for determination.

2.0 PROPOSAL:

2.1 This proposal is for a 225 space long stay car park. Physical works include the removal of all of the Pallisade and Herras fencing which surrounds the site and the demolition of the remaining building on the site thereby removing the pinch point from the eastern boundary. The existing trees along the southern boundary are to be retained and the western, northern and eastern boundaries are to receive a continuous strip of planting which varies in width between 3.5m and 5m with a wooden post and double rail fence on its outer face fronting the back edge of footpath. The plant species is stated as Pyracantha which has been used for security purposes. The surface is a mix of hard-standing and compacted rubble and the lighting is to remain unaltered as a series of individually mounted fixtures atop metal poles.

3.0 SITE AND SURROUNDINGS:

3.1 This site is located between Ingram Row, on its southern side, and Manor Rd to the north. To the west are the newly constructed apartments of Manor Mills and to the East are the offices and flats of the Velocity development. The site has a mix of boundary treatments:

- Fronting Manor Rd it is exclusively Herras fencing which provides a very temporary and flimsy looking means of enclosure with no screening.
- To the west facing Manor Mills there is further Herras fencing but further south the treatment becomes 2m high Pallisade fencing painted grey.
- The southern boundary is bounded by further palisade fencing only punctuated by the site access point half way along its length and corrugated sheet steel near to the residential entrance to Manor Mills. Inside this is a row of 6no. 15m Poplar trees and a mix of other semi-mature trees.
- The eastern boundary is a mix of Palisade and Herras fencing with a disused brick building which creates a pinch point between an out building of the Velocity scheme.

3.2 The northern and southern boundaries have public footway as part of the public highway running along them and to the west and east are private footpaths with plant and trees. The site is part of the Holbeck Urban Village and is at its south-eastern corner. The site itself is surfaced with a mix of hard surfacing, where a building once stood on the northern half of the site, and loose chippings and stone across the remaining southern half. There is a wardens hut near to the vehicular entrance and the only other features are the individual masts which hold the security lighting.

4.0 RELEVANT PLANNING HISTORY

4.1 This site has been the subject of a considerable amount of planning history which is set out below:

20/177/05/FU Temporary laying out of 172 shopper and visitor car parking spaces and erection of temporary sales and marketing suite. – approved 8 May 2006 - expired 1 May 2007 - subject to conditions regarding opening hours and pricing strategy.

06/06817/FU Variation of condition 2 (opening hours) and removal of condition 3 (pricing) (Application No. 20/177/05/FU) to car park – refused 4 January 2007

07/02820/FU Renewal of approval 20/177/05/FU (temporary laying out of 172 shopper and visitor car parking spaces and erection of temporary sales and marketing suite) – approved 14 June 2007 – Expired 1 May 2008.

09/04037/FU Retrospective application for use of vacant site as temporary long stay car park – refused 9 November 2009 – this was subject of an appeal which was allowed subject to conditions which ensured that the site would be used for short stay car parking (APP/N4720/A/10/2125970)

06/01037/NCP3 Enforcement Notice against Unauthorised use of Land as Car Park issued 12 March 2010 – this was subject of an appeal which was allowed subject to conditions which ensured that the site would be used for short stay car parking (APP/N4720/C/10/2126365)

5.0 HISTORY OF NEGOTIATIONS

5.1 Pre-application advice was provided prior to the submission of this application.

6.0 PUBLIC/LOCAL RESPONSES

6.1 Letters of support have been received from AWS Surveyors and Savills (Surveyors) stating that this car park is essential to support the many local businesses by providing spaces for both commuters and visitors, particularly in the absence of significant public transport improvements. The car park is in a good location, well managed and the improvements proposed would meet the relevant policy requirements. Site Notice was posted on 23rd December 2011. Expired 13th January 2012.

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

Highways Agency - The Highways Agency has reviewed the planning application and has concluded that the site will have a major impact on the Strategic Road Network (when considered in line with the highway impact scoring criteria) however it would have no objection to the proposal provided it would not exceed the CCCCP policy cap of 3200 car parking spaces.

Environment Agency - No objection to the proposal. Advise that Sustainable Urban Drainage Systems (SUDS) should be used to manage the surface water drainage and, dependent on the type of SUDS used, an oil interceptor may need to be installed.

Highways Services – The proposal has a moderate impact on the Meadow Road gyratory. The access accords with LCC Street Design Guide SPD visibility splay standards in both directions for the classification of road on to which it accesses.

7.2 Non-statutory:

Flood Risk Management - The site is within Flood Zone Risk Area 2. The proposal would be acceptable subject to conditions controlling surface water drainage, a flood risk management plan including an evacuation strategy in the event of severe flooding and the insertion of an oil interceptor.

West Yorkshire Ecology - No objection.

West Yorkshire Police Architectural Liaison Officer - Confirms support for the overall assessment method of the safety issue and encourages the operators to adopt the park mark scheme.

8.0 PLANNING POLICIES:

8.1 The policy background and methodology for balancing the relative merits of each submitted application are discussed in the umbrella report which is part of this agenda. The UDPR allocates this site within Holbeck Urban Village and again the relevant policy is set out in the umbrella report. The southern Prestige Development Area is located immediately to the north and east of this site.

9.0 MAIN ISSUES

1. Highways implications
2. Safety and security
3. Appearance/biodiversity
4. Temporary and/or additional uses

10.0 APPRAISAL:

10.1 Highways implications:

This site is located close to the M621 junction and therefore the traffic generated by the this proposal is considered to be likely to impact on the strategic highways network. Consequently, when considered in accordance with the highway impact scoring criteria the Highways Agency estimate the impact on the motorway to be major. It is also considered that there would be a moderate impact on the Meadow Road gyratory. The dimensions and setting out of the current site access point are acceptable. However, in comparison with alternative sites which are considered to better meet the criteria in the CCCC policy it would exceed the cap of 3200 commuter car parking spaces and is therefore considered to have an unduly adverse impact on the strategic highway network.

10.2 Safety and Security:

The site benefits from high levels of natural surveillance being bounded on two sides by residential properties. This would be improved by the reduction in height of the boundary treatment and the removal of the brick building on the eastern boundary. The site is lit and is also manned and therefore has a good level of security.

10.3 Appearance/Biodiversity:

It is considered that the proposal is an improvement on the existing especially around the boundary where a 3.5 - 5m planting strip is to be introduced. This would improve the quality of the pedestrian environment as well as that for the surrounding occupiers. It also retains the existing bank of trees on the southern boundary of the site. However, the fact that it relies on one species and there is no additional tree planting either around the edge or within the site results in the submission being a missed opportunity.

10.4 Temporary Uses:

There are no other temporary uses included as part of this application.

11.0 CONCLUSION

It should be noted that both this and its partner site to the south at Ingram St were equal when assessed against the evaluation criteria and consequently are positioned 11th and 12th in the comparative assessment process (Ingram Street and Ingram Row

respectively). However Ingram St would take the total number of car parking spaces to over the 3200 cap whilst Ingram Row would fall 35 spaces short of the 3200 cap. As stated in the Ingram St report above it has been decided to recommend Ingram St for approval which takes the total number of car parking spaces to 3218 spaces. This is because it is considered that allowing this level of commuter car parking is still compatible with the objectives of the CCCC Policy and would optimise meeting the short term economic need for city centre parking whilst still adequately safeguarding against the potentially adverse impact on the highway network. Consequently this application for Ingram Row is recommended for refusal.

Back Ground Papers:

Application File: 20/177/05/FU.

Application File: 06/06817/FU

Application File: 07/02820/FU

Application File: 09/04037/FU

Appeal File: (APP/N4720/A/10/2125970)

Enforcement File: 06/01037/NCP3

Enforcement Appeal File: (APP/N4720/C/10/2126365)

Certificate of Ownership – Certificate A signed on behalf of Ingram Row Ltd.

Our ref: SE298326
Your ref: 11/05239/FU/C

Leeds City Council
Leonardo Building
2 Rossington Street
Leeds
LS2 8HD

Toni Rios

3 South
Lateral
8 City Walk
Leeds LS11 9AT

Direct Line: 0113 283 4710

30 April 2012

For the attention of Paul Kendall

Dear Paul

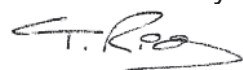
Re: 11/05239/FU/C Ingram Row

We understand that the above mentioned application although recommended for refusal was deferred by members at the last plans panel. The application did not score sufficiently well to site within the 3200 space cap and if approved would mean that the cap is breached by over 200 spaces. You have asked us to confirm our position in relation to this application which is as follows:

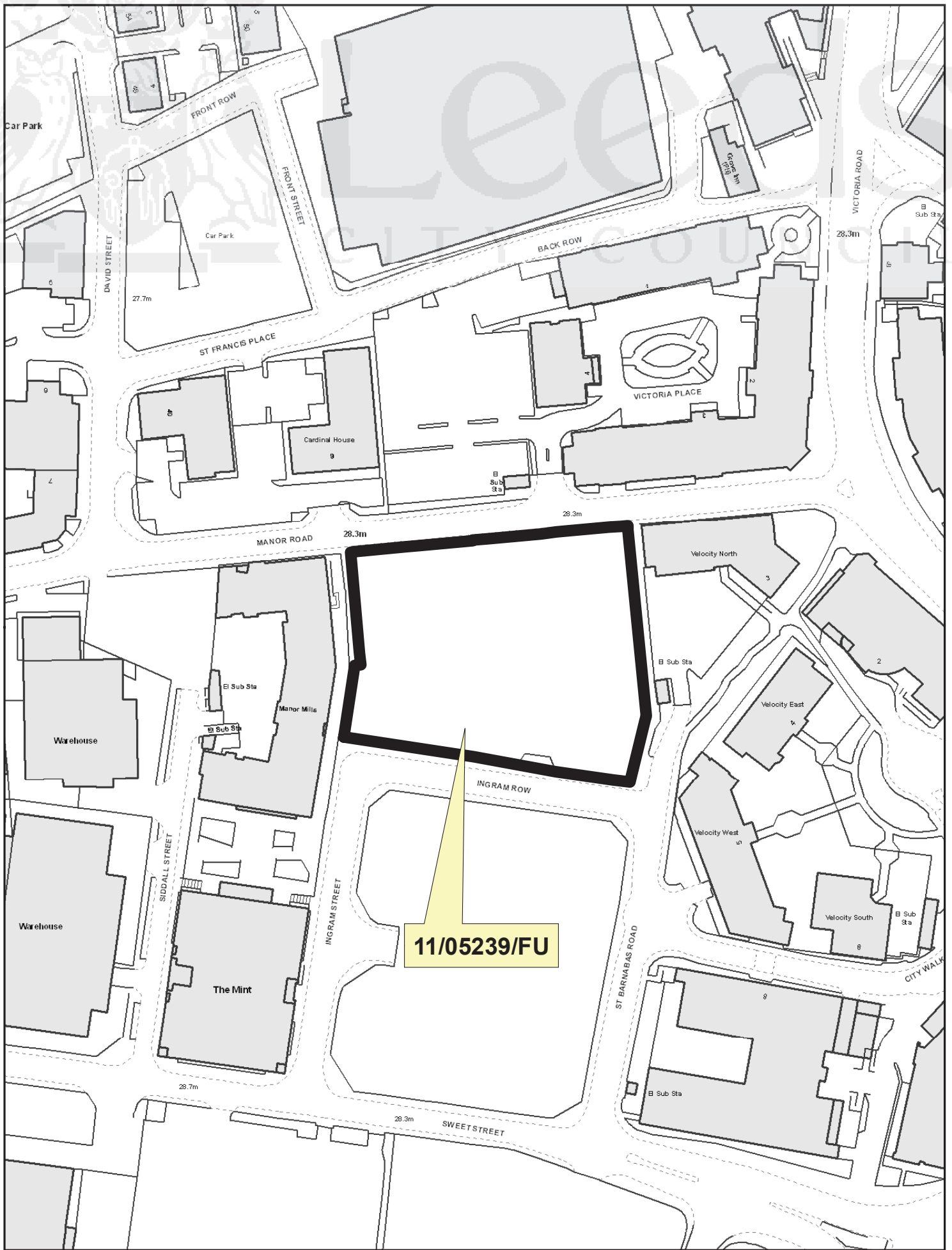
The Highways Agency was supportive of the Leeds City Centre Commuter Car Parking Policy and this support was on the basis of a cap on the number of spaces allowed. The agreed 3200 space cap was justified on the basis of the level of usage of unauthorised spaces and parking elsewhere in the city centre. Given the delay in major public transport provision such as NGT or park and ride, the Highways Agency were prepared to accept the 3200 space cap as this number of spaces would cater for existing need during period prior to the benefits of any public transport interventions being realised. Any increase in this cap is likely to result in an overprovision of spaces which will only encourage more car use.

We feel that approving the application at Ingram Row would undermine the intention behind the LCCCCP and would open the door to further applications being permitted over and above the 3200 space cap.

Yours sincerely



Toni Rios
Asset Manager
Email: toni.rios@highways.gsi.gov.uk



CITY CENTRE PLANS PANEL



Originator: Sarah McMahan

Tel: 2478171

Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 10 May 2012

Subject: APPLICATIONS 11/05399/FU - Six storey and four storey building comprising 28 flats with undercroft car parking and 11/05448/CA - Conservation Area application to demolish vacant college building, at Leeds College Of Technology, East Street, Leeds, LS9 8DP.

APPLICANT	DATE VALID	TARGET DATE
East Street Properties Ltd – Mr M Nicholls	23 and 30 December 2011	17 February 2012 and 30 March 2012

Electoral Wards Affected:

Burmantofts & Richmond Hill

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions (and any others which he might consider appropriate), and following completion of a Section 106 Agreement to cover the following additional matters:

- Affordable Housing provision of 2 units with one being submarket and one being social rented.**

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

11/05399/FU Conditions

1. Time Limit (3 years)
2. List of plans to be approved
3. Samples of all external walling and roofing materials.
4. A sample panel of materials to be made available on site

5. Samples of all surfacing materials
6. Detailed 1:20 scale working drawings shall be submitted including cross sections
 - a) all windows and doors, b) junctions of materials between the main building and the circulation core
7. No construction to take place before the hours of 07.30 hours on weekdays and 08.30 hours on Saturdays nor after 18.30 hours on weekdays and 13.00 on Saturdays and no construction to take place on Sundays or Bank Holidays.
8. Requirement for submission of details of any air conditioning systems.
9. Requirement for submission of a waste and recycling management strategy
10. Details of any lighting scheme
11. Requirement for submission of a scheme detailing surface water drainage works
12. Requirement for submission of details of the landscaping scheme
13. Implementation of landscaping scheme
14. Requirement for submission of a landscaping management plan
15. Details of existing and proposed ground levels
16. Suppression of dust generated by vehicles on roads, haul routes and circulation areas within the site during construction
17. Means of enabling mud and grit to be removed from the wheels, tyres and underside of vehicles during construction.
18. Details of laying out, drainage, surfacing and sealing of areas to be used by vehicles
19. Submission of detailed scheme comprising (i) a recycled material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit), (ii) a Site Waste Management Plan for the construction stage, (iii) a waste management plan for the buildings occupation and (iv) a Code for Sustainable Homes assessment
20. Submission of details of the characterisation of contamination and site ground conditions.
21. Submission of a Phase I Desk Study in respect of land contamination.
22. Notification of any significant unexpected contamination.
23. Works to be carried out in accordance with agreed Remediation Statement.
24. Submission of details of the proposed methodology to measure air quality in the vicinity of the development.

Conditions 3, 4, 5, 6, 7, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23 and 24 are provided in full in the Appendix 1.

11/05448/CA Conditions

1. Time Limit (3 years)
2. List of plans to be approved
3. Details of contract for redevelopment

Condition 3 is provided in full in the Appendix 1

Reasons for approval:

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the National Planning Policy Framework 2012 and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

A4, BD2, BD3, BD5, CC8, CC10, CC12, GP5, GP7, H4, N12, N13, N18A, N18B, N19, N23 and T24.

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

1.0 INTRODUCTION:

1.1 The application is brought to Plans Panel to allow Members to consider a major proposal within the setting of a listed building and a conservation area.

2.0 PROPOSAL:

2.1 The proposal is for the demolition of the existing vacant former college building, and the construction of a six storey and four storey building comprising 28 flats with a landscaped inner courtyard and undercroft car parking.

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

- Design and Access Statement.
- Scheme of Accommodation
- Flood Risk Assessment
- Stormwater Discharge Calculations
- Sustainability Statement
- Heritage Statement
- Utilities Statement
- Noise Report
- Ecological Survey Report
- Air Quality Assessment

3.0 SITE AND SURROUNDINGS:

3.1 The site is occupied by a 3 storey red brick, flat roofed 1940s building which was built as a veneer factory. Although now vacant the building's most recent use was a technical college. The building and the small areas of land within its boundary to the north and east are within the boundary of the Eastern Riverside Conservation Area. The site is within the Marsh Lane/Saxton Gardens Area 28 Proposals Area Statement as defined by Leeds Unitary Development Plan Review 2006. The site is adjacent to the Grade II listed buildings within the East Street Mills complex. In addition, to the south east across East Street sits the Grade II Listed Roberts Wharf buildings. Immediately to the north east of the site is a group of one and two storey red brick industrial buildings, which appear to be unused at present.

3.2 The surrounding area is populated by a variety of new development of varying heights, massing and design. There is a dominance of residential uses within many of these relatively recent schemes.

4.0 RELEVANT PLANNING HISTORY:

4.1 Planning approval was granted on the nearby site across Richmond Street known as Flax Place, for a part 5 and 9 storey block of 195 flats with ground floor retail unit and

basement car parking on 11 November 2005, planning reference 20/408/04/FU. Whilst this scheme has not been implemented, a number of planning conditions have been discharged and some physical site access works have been undertaken.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The proposal has been the subject of detailed pre-application discussions between the Applicants, their Architects and Local Authority Officers since July 2011. These discussions have focused on the proposed use of the site and the merit of the justification for demolition of the existing building, the level of affordable housing required, the numbers of car parking spaces, the heights, form and scale of the building, details of the elevational design and materials, key views, pedestrian routes and connectivity and links to the wider area, the sustainability credentials of the proposal, and the proposed landscaping scheme.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The planning application was publicised via Site Notices posted on 20 January 2012 expiring on 10 February 2012 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 26 January 2012.

6.2 The Conservation Area application was publicised via Site Notices posted on 20 January 2012 expiring on 10 February 2012 for a 'Notice of proposed demolition in a Conservation Area', and in the Leeds Weekly news edition printed the week of 26 January 2012.

6.3 One letter of objection received on 1 February 2012 from Leeds Civic Trust stating that the proposed new development is undistinguished and bland in design, and excessive in height given its position adjacent to the converted East Street Mills. They also state that if approved a condition should be applied to prevent demolition of the existing building until contracts for the construction of any new build have been secured.

Response: These comments will be addressed in the appraisal below.

6.4 One letter of comment received from Lupton Fawcett on behalf of their client, a freehold owner of part of the site, stating that their client has received the Notice No 1 advising them of the submission of the planning application. Their client wishes it to be made clear that they have not consented to the proposed development and state the Applicant did not contact them before the Notice No 1 was issued. In addition they state that the Applicant has no right to excavate, re-surface or carry out any other works on land in their client's ownership, and nor do they benefit from a right of way across their land.

Response: Under the Town and Country Planning Act 1990 (as amended) the Applicant is not required to have an interest in the land that is the subject of the application. The only requirement is that the owners of the site are notified of the planning application, which has been fulfilled in this case. However, the grant of planning permission would not prejudice or override any third party ownership rights.

6.5 Ward Members consulted on 30 March 2012. Response received from one Member on 13 April 2012 stating that they support the project.

7.0 CONSULTATIONS RESPONSES:

7.1 **Statutory:**

7.2 Environment Agency state that the proposal falls outside matters which they wish to be consulted on and as such they have no comments to make.

7.3 British Waterways state that they have no objections to the proposal.

7.4 Old Leeds Boundary Amenities Groups no response received from any amenity group.

7.5 **Non-statutory:**

7.6 West Yorkshire Archaeological Advisory Service no response received.

7.7 Highways stated on 2 February 2012 that the scheme could not be supported as submitted due to the requirement for more information regarding the collection of refuse from the site and uncertainty about the width of the Richmond Street footway and a lay by proposed.

Response: Following discussions with the Highways Officer the Applicant has amended the drawings such that the internal bin store has been relocated to allow for a platform lift to be installed for the movement of the bins from the basement to the ground floor level. The bins could then be wheeled onto a refuge section to the side of the proposed basement ramp ready to be moved out to the refuse collection vehicles. Further alterations to the drawings would also allow for a 1 metre widening of Richmond Street.

The Highways Officer has stated on 20 April 2012 that these amendments and the proposed refuse collection arrangements are now acceptable.

7.8 Neighbourhoods and Housing state that there could be noise from any externally sited plant such as air conditioning, and as such this needs to be mitigated against. A noise report was submitted as part of the application providing details of how this could be mitigated against. Conditions are required covering hours of operation and compliance with current legislation on noise and dust control during construction, as well as details of any mechanical ventilation system and air conditioning system, sound insulation measures, waste and recycling facilities, and lighting.

Response: These matters will be conditioned accordingly.

7.9 West Yorkshire Ecology state that they have no biodiversity objections or comments to make.

7.10 Metro state that pedestrian access to and from bus stops should be good, and that they consider Metrocards should be provided to residents.

Response: The proposal will not adversely affect any of the existing level public footways around the site. The scale of the proposal, with only 28 residential units being proposed, means that there is no requirement for a Travel Plan or for a public transport infrastructure improvements contribution. This is because the scheme at such a scale is below the threshold for both. In addition, the site is close to the city centre and the existing bus and trains transport links. As such it is considered that it would not be reasonable to request Metrocards in this instance.

8.0 PLANNING POLICIES:

8.1 The character of the Eastern Riverside Conservation Area is defined by surviving elements of its industrial heritage such as the former flax mills some of which are

listed, the riverside setting and the important landmark of St Saviours Church as well as more modern commercial and residential development.

8.2 As stated in Leeds Unitary Development Plan (UDPR) Marsh Lane/Saxton Gardens Area 28 Proposals Area Statement whilst a mix of uses is generally sought in the area, residential use would be acceptable to compliment the nearby existing housing at Saxton Gardens.

8.3 Development Plan – UDPR

Policy A4 (Access for all)

Policy BD2 (design and siting of new buildings)

Policy BD3 (accessibility in new buildings)

Policy BD5 (All new buildings)

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

Policy CC10 (provision of public space)

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

Policy GP5 (all planning considerations)

Policy GP7 (planning obligations)

Policy H4 (unidentified residential development sites in the main and smaller urban areas)

Policy N12 (Urban building design)

Policy N13 (Design of all new buildings)

Policy N18A (demolition of buildings in a conservation area)

Policy N18B (Demolition not to take place in a conservation area until a contract for redevelopment has been let)

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

Policy N23 (Space around new buildings)

Policy T24 (Parking provision)

8.4 National Planning Policy

The National Planning Policy Framework 2012 (NPPF) was adopted in March 2012 and sets out the Government's planning policies and how they expect them to be applied.

Paragraph 17 of the NPPF sets out the Core Planning Principles for plan making and decision taking. The 8th principle listed states that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Paragraphs 56 and 57 of the NPPF state that good design is a key aspect of sustainable development, is indivisible from good planning and contributes positively to making better places for people., and that design should be of a high quality and inclusive.

Paragraph 60 of the NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes, and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 126 of the NPPF states that it is desirable to sustain and enhance the significance of heritage assets and that new development should make a positive contribution to local character and distinctiveness. Conservation Areas are deemed to be heritage assets and the NPPF states that where a development proposal will lead to less than substantial harm to a heritage asset, this harm should be weighed against the public benefit of the proposal, including securing its optimum viable use.

8.5 Supplementary Planning 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).

Leeds Interim Affordable Housing Policy 2011.

Sustainable Design and Construction Supplementary Planning Document (August 2011).

9.0 **MAIN ISSUES:**

1. The principles of the proposed use
2. Demolition and the merit of the existing building
3. The impact on the character and visual amenity of the street scene and wider conservation area
4. Residential amenity
5. Vehicle parking provision
6. Landscaping
7. Sustainability
8. Section 106 Legal Agreement – Heads of Terms

10.0 **APPRAISAL:**

10.1 The principles of the proposed use

10.2 The proposal has been the subject of detailed pre-application discussions between the Developer, their Architects and Local Authority Officers since July 2011. The resulting scheme reflects the principles agreed during the pre-application process. The proposed use of the building is as 28 three bed residential units. The site lies within the Marsh Lane/Saxton Gardens Area 28 Proposals Area Statement, as defined by Leeds Unitary Development Plan Review 2006 (UDPR), where residential use is considered to be appropriate.

10.3 There are a number of other existing and proposed residential developments in the immediate and wider area offering a variety of sizes and types of residential units. Three bed accommodation is currently under-represented in this mix. Therefore, the proposal for 28 three bed units in this scheme is a welcome addition to the housing mix in this location. Of these 28 units, in line with policy, 2 units will be provided as affordable housing. As such the proposed use is considered to be appropriate and acceptable.

10.4 Demolition and the merit of existing building

10.5 Consideration has been given as to whether the proposed demolition of the former technical college building is acceptable, or whether the building has any significant

architectural or historical merit. The building in question is not listed but does sit within the boundary of the Eastern Riverside Conservation Area.

- 10.6 The former technical college building, which was built circa the 1940s as a veneer factory, is a simple 3 storey red brick block. The building is modest in respect of its architectural detailing and utilitarian by design. It can not be considered to be architecturally or historically outstanding, or of particular importance in respect of recording an architectural style or era. As such, it can be argued that the building does not make any significant positive contribution to the character and appearance of the Eastern Riverside Conservation Area. Therefore, the demolition of this building, to allow the site to be redeveloped with a high quality scheme which would ensure a viable use of the site, is considered to be acceptable. As requested by Leeds Civic Trust it is recommended that the conservation area consent for the demolition of the existing building is conditioned to ensure that details of a contract including the start date and schedule of the redevelopment scheme for the site are submitted prior to any demolition taking place.
- 10.7 The impact on the character and visual amenity of the street scene and wider conservation area
- 10.8 The proposal is for a part six storey, part four storey residential block, providing 28 three bedroomed apartments, with a landscaped private courtyard above an undercroft parking area. The architectural approach used on the scheme allows it to have a calm yet finely detailed appearance, which responds to its location, on a corner site, in an area of a mixture of building styles, heights and scales. As such the scheme whilst contemporary in design, emulates the architectural rhythms found in riverside warehouse buildings in the vicinity, with proposed brick work detailed by means of horizontal banding, and a strong vertical emphasis given to recessed windows. A simple yet contemporary glazed circulation slot joins the two arms of the building where they meet at the north-westerly corner.
- 10.9 Concerns have been raised by Leeds Civic Trust with regard to the height and appearance of the proposed development. In terms of the detailed design of the scheme, care has been taken to ensure that the scale and height of the scheme compliment those of the existing nearby buildings and the character of the wider street scene and Eastern Riverside Conservation Area. This is one of traditional warehouse buildings, however in more recent years a mix of residential developments and other modern mixed use developments, of varying scale, have been introduced. To this end the scheme steps down from six to four storeys as it moves from the street edge with Richmond Street back into the site southward. In addition, the top floor levels on both sections of the building, have been set in from the outer walls of the blocks, with a mansard style pitch to this habitable roof area. Although the immediate red brick East Street Mills buildings adjacent to the proposal are lower in height than the proposed scheme (being three and four storeys), building heights do rise within the East Street Mills building complex to a comparable scale (to a maximum of six storeys). In relation to the existing unused industrial buildings to the north the development is set some 7 metres from these buildings which are in an elevated position on Richmond Street. In addition, the heights of other buildings in the surrounding area are also comparable with the proposed part four storey, part six storey blocks, and in some cases exceed the heights proposed in this scheme.
- 10.10 In terms of materials the proposal is to use a red brick, to echo the character of the existing warehouse type buildings in the vicinity, with horizontal coursing details to

add visual interest to the building. At roof level black or dark grey zinc cladding is proposed to cap the building. Windows and main entrance doors would be powder coated aluminum frames. Other sites within the vicinity have been identified as being appropriate for 'iconic' buildings (e.g. The Gateway). However sites such as the one for this current proposal are seen as locations for schemes which, whilst being of a high quality and being well designed in their own right, will compliment the iconic buildings and their settings. As a result this modest, calm palette of materials will allow the building to have a contemporary finish which respects the context in which it would be located. Therefore, the proposal would, with regard to character and appearance, sit comfortably in the streetscene and wider conservation area.

10.11 Residential Amenity

- 10.12 The adjacent East Street Mills has a number of planning consents for residential and office uses across its complex. Some works have been completed however the complex remains partly unoccupied. East Street Mills is set to the south of the proposed development site and as such there would be no significant overshadowing from the proposal. The East Street block of the proposed development is the closest to the adjacent East Street Mills buildings. The corner at the end of this proposed block would be approximately 4 metres splaying out to along the block end to a distance of some 11 metres from the side wall of the East Street building where both schemes are closest to East Street. Whilst windows are proposed in the end elevation, they would face onto a splayed blank section of walling of the adjacent part of East Street Mills.
- 10.13 No windows are proposed in the other end elevation of the development which would be some 9 metres from the adjacent East Street Mills scheme. The East Street Mills building facing this blank wall would have windows, however these would be for stairs and passageways, rather than for residential rooms. In addition this part of the proposed development being four storeys, would be of a similar height to this particular adjacent East Street Mills building. As a result, there would be no issues of overlooking, loss of light or over-bearance, and this 9 metres distance is considered to be acceptable.
- 10.14 Elsewhere the proposal would be approximately 21 metres from the adjacent occupied development to the east and a minimum of some 22.5 metres from the nearest buildings in the adjacent complex to the south. These distances are generally considered to be acceptable for developments within City Centre and edge of City Centre locations. As such there would be no issues of overbearance or overlooking.
- 10.15 Whilst the approved scheme on the nearby Flax Place site, across Richmond Street has yet to come forward, it is important to safeguard future residential amenity for all potential occupants. The distance from the windows of the proposed development to the proposed facing elevation of the Flax Place scheme would be approximately 20 metres. Therefore, the scheme would not result in a loss of privacy or overbearance of this potential adjacent development. The proposal would be sited to the south-west of the Flax Place, however the distances between the two schemes would ensure that any overshadowing was minimal and not of any significance.
- 10.16 Other existing residential dwellings in the vicinity are set further away from the proposal site than the two schemes mentioned above, with the existing buildings

across East Street being at least 35 metres away. As such there are no significant issues with regard to the residential amenity of proposed and nearby existing and future occupants.

10.17 Vehicle parking provision

10.18 The proposal includes basement parking providing 19 car parking spaces (including 2 disabled spaces), 3 motorcycle parking spaces and 28 bicycle parking spaces in a secure cycle storage area. The site is close to the city centre and the bus and train stations are within walking distance. In addition the levels of parking are in line with the guidelines laid down for parking provision in the UDP. As such the parking provision level for all three vehicle modes is considered to be acceptable.

10.19 Landscaping

10.20 The principal area to be landscaped would be a newly formed central courtyard. This would cover approximately one quarter of the gross area of the site. The landscaped courtyard would be sited above the basement car parking area and would be laid out as a private amenity space for residents of the development. As such a scheme of hard and soft landscaping would come forward with the details of layout, species, and specification being controlled via planning condition.

10.21 In addition bands of defensible space are to be created along the base of the building to East Street and to part of Richmond Street. Here planting would assist to provide a level of privacy for occupiers of the lowest layer of apartments, as well as helping to provide visual interest to the elevations and soften the face of the building where it meets the pedestrian footways. The details of this planting strip will also be address via planning conditions.

10.22 Sustainability

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

- Improving the overall quality of housing
- Increased social inclusion and community participation
- Increasing the quantity and quality of greenspaces
- Minimising the pressure on Greenfield land by reuse of Brownfield site
- Examination of the use of renewables such as ground source heat pumps, solar thermal, solar photo-voltaics or combined heat and power
- High standards of insulation to the residential units

The matter of sustainable measures will be conditioned to ensure the optimum and most appropriate measures are introduced into the scheme.

10.24 Section 106 Legal Agreement – Heads of Terms

A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -

- (a) necessary to make the development acceptable in planning terms,
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

10.25 A Section 106 Legal Agreement including obligations to secure the following requirements has been proposed:

- affordable housing provision of 2 units with one being submarket and one being social rented. This would be in line with the 5% requirement detailed in the Interim Affordable Housing Policy 2011. This interim policy states that in City Centre locations a 5% affordable housing provision will be required of all residential schemes of 15 units and over, to be implemented within 2 years.

10.26 The proposed obligation has been considered against the legal tests and is considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly this can be taken into account in any decision to grant planning permission for the proposals.

11.0 CONCLUSION:

11.1 In conclusion it is considered that the proposal is an appropriate use, scale, design and style for this site. The design of the 6 and 4 storey building would be a high quality appropriate addition, which would sit comfortably within the context of the surrounding area. Therefore, the proposal is recommended for approval.

Background Papers:

Planning Application 11/05399/FU
Conservation Area Application 11/05448/CA

APPENDIX I

Planning Application 11/05399/FU Non Standard Conditions

- 3) No building works shall take place until details and samples of all external walling and roofing 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 building works shall be constructed from the materials thereby approved.

In the interests of visual amenity and in accordance with UDPR Policies BD5, GP5, N12 and N13.

- 4) Construction of external walling shall not be commenced until a sample panel(s) of the external walling to be used has been constructed and approved in writing by the Local Planning Authority. The sample panel(s) shall be erected on site to establish its detail. The external walling shall be constructed in strict accordance with the sample panel(s) which shall not be demolished prior to the completion of the development.

In the interests of visual amenity and to ensure that the external walling harmonises with the character of the area and in accordance with UDPR Policies BD2, BD5, GP5, N12 and N13.

- 5) No building works shall take place until details and samples of all surfacing materials to the areas of hard standing 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.

In the interests of visual amenity and in accordance with UDPR Policies BD2, BD5, GP5, N12 and N13.

- 6) Prior to commencement of development detailed 1:20 scale working drawings of the following features shall be submitted to and approved in writing by the Local Planning Authority:

- a) all windows and doors, and
- b) junctions of materials between the main building and the circulation core

Works shall be carried out in accordance with the approved drawings and maintained as such thereafter.

In the interests of visual amenity and in accordance with UDPR Policies BD2, BD5, GP5, N12 and N13.

- 7) During all construction phases of the development no operations shall take place before 07.30 hours on weekdays and 08.30 hours on Saturdays nor after 18.30 hours on weekdays and 13.00 on Saturdays, or at anytime on Sundays or Bank Holidays (unless agreed in writing with the Planning Local Authority).

The contractor must ensure compliance with current legislation on noise and dust control including the Environmental Protection Act 1990 and the control of Pollution Act 1974. Relevant Codes of Practice, setting out procedures for dealing with the control of noise on construction and demolition sites, are contained in BS5228-2: 2009 - Noise and Vibration Control on Construction and Open Sites.

In the interests of residential amenity of occupants of nearby property and in accordance with UDPR Policy GP5.

- 12) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include (a) proposed finished levels and/or contours, (b) means of enclosure, (c) car parking layouts, (d) other vehicle and pedestrian access and circulation areas, (e) hard surfacing areas, (f) minor artefacts and structures (eg, furniture, play equipment, refuse or other storage units, signs, lighting etc.), (g) proposed and existing functional services above and below ground (eg. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.). Soft landscape works shall include (h) planting plans, (i) written specifications (including cultivation and other operations associated with plant and grass establishment), (j) schedules of plants noting species, planting sizes and proposed numbers/densities, (k) implementation programme.

To ensure the provision of amenity afforded by appropriate landscape design and in accordance with UDPR Policies CC10, CC12, GP5 and N23.

- 13) Hard and soft landscaping works shall be carried out in accordance with the approved details prior to the occupation of any part of the development in accordance with the programme agreed with the Local Planning Authority and to a reasonable standard in accordance with the relevant provisions of appropriate British Standards or other recognised codes of good practice.

To ensure the provision, establishment and maintenance to a reasonable standard of landscaping in accordance with the approved proposals and UDPR Policies CC10, CC2, GP5 and N23.

- 14) No development shall take place until a plan, schedule and specification for landscape management has been submitted to, and approved in writing by, the Local Planning Authority. This shall include reference to planting and hard landscaped areas, including paving, fencing and other features. The schedule shall identify the frequency of operations for each type of landscape asset and reflect the enhanced maintenance requirement of planted areas during the establishment period. It shall provide for an annual inspection during late summer for any areas of failed tree or shrub planting, and the identification of the replacements required in the autumn planting season. If development is phased, maintenance shall commence when each phase of development is completed. Prior to planting, all landscaped areas shall be cultivated and maintained in a weed free condition by mechanical cultivation or chemical control. Maintenance shall be carried out thereafter in accordance with the approved management plan.

To ensure successful establishment and aftercare of the completed landscape scheme and in accordance with UDPR Policies CC10, CC12, GP5 and N23.

- 15) Prior to the commencement of development, plans of the site showing details of the existing and proposed ground levels, proposed floor levels, levels of any paths, parking areas and the height of any retaining walls within the development site shall be

submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the details so approved and shall be retained thereafter as such.

To ensure that the works are carried out at suitable levels in relation to adjoining properties and highways in the interests of visual amenity and in accordance with UDPR Policy GP5.

- 18) The development shall not be occupied or brought into use until that part of the site shown to be used by vehicles, on the approved plans, has been laid out, drained, surfaced and sealed, as approved, and that area shall not thereafter be used for any other purpose other than the vehicle related use approved.

In the interests of the free and safe use of the highway and in accordance with UDPR Policy GP5.

- 19) Prior to the commencement of development a detailed scheme comprising (i) a recycled material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit), (ii) a Site Waste Management Plan for the construction stage, (iii) a waste management plan for the buildings occupation and (iv) a Code for Sustainable Homes assessment, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the detailed scheme; and

(a) Prior to the occupation of each phase of the development a post-construction review statement for that phase shall be submitted by the applicant and approved in writing by the Local Planning Authority

(b) The development and buildings comprised therein shall be maintained and any repairs shall be carried out all in accordance with the approved detailed scheme and post-completion review statement or statements

(c) The development shall aim to achieve Level 3, as a minimum of the Code for Sustainable Homes.

In the interests of amenity, to promote the use of recycled material and to promote the implementation of sustainability measures and in accordance with UDPR Policy GP5.

20. Development shall not commence until an intrusive investigation involving characterisation of contamination and site ground conditions has been undertaken in line with the document 'site investigation methodology by Sub Surface North East reference NE3095' and email from Harrison Pitt Architects dated 28 March 2012 and the report has been submitted to and approved in writing by the local planning authority. The site investigation report shall explain the methodology employed, an interpretative discussion of results and findings, a conceptual site model, a risk assessment and recommendations for further investigation/remediation, if necessary.

To ensure that the presence of land contamination at the site has been determined and that the environmental risks it presents have been assessed and in accordance with UDPR Policy GP5.

21. Development shall not commence until a Phase I Desk Study has been submitted to, and approved in writing by, the Local Planning Authority and:
- (a) Where the approved Phase I Desk Study indicates that intrusive investigation is necessary, development shall not commence until a Phase II Site Investigation

Report has been submitted to, and approved in writing by, the Local Planning Authority, (b) Where remediation measures are shown to be necessary in the Phase I/Phase II Reports and/or where soil or soil forming material is being imported to site, development shall not commence until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site suitable for use in accordance with Policy GP5 of the Leeds Unitary Development Plan and the National Planning Policy Framework.

22. If remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. An amended or new Remediation Statement shall be submitted to, and approved in writing by, the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Statement.

To ensure that any necessary remediation works are identified to make the site suitable for use in accordance with Policy GP5 of the Leeds Unitary Development Plan and the National Planning Policy Framework

23. Remediation works shall be carried out in accordance with the approved Remediation Statement. On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. The site or phase of a site shall not be brought into use until such time as all verification information has been approved in writing by the Local Planning Authority.

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use in accordance with Policy GP5 of the Leeds Unitary Development Plan and the National Planning Policy Framework.

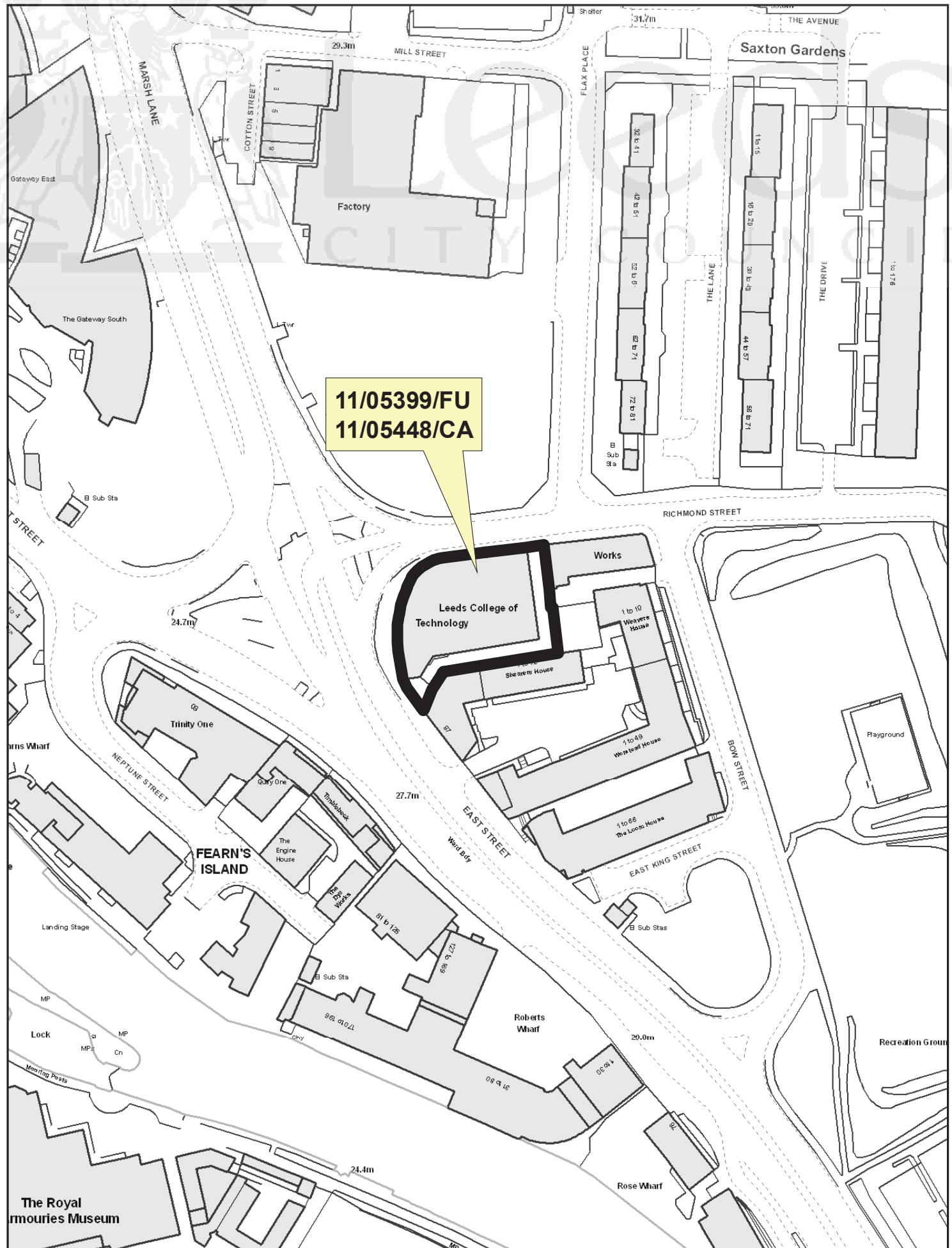
24. Prior to the commencement of development details of the proposed methodology to measure air quality in the vicinity of the development shall be submitted to and approved in writing by the Local Planning Authority. The study shall be undertaken in accordance with the agreed approach and the results submitted to the Local Planning Authority in accordance with the timescales agreed as part of the methodology. The conclusions of the study and, where necessary, any required mitigation within or in the vicinity of the development, shall be agreed in writing with the Local Planning Authority. The development shall not be occupied until any necessary mitigation has been completed, and such mitigation shall thereafter be retained and maintained. If, as a result of the air quality monitoring, it is necessary to declare the location as an Air Quality Management Area (AQMA) the agreed programme of air quality monitoring shall be extended to assess air quality until such time as the AQMA can be revoked.

In order to ensure that the occupants of the development benefit from acceptable air quality levels and, where appropriate to ensure further air quality monitoring and in accordance with UDPR Policy GP5.

Planning Application 11/05448/CA Non Standard Conditions

- 3) No demolition shall commence on site until a contract detailing the start date and schedule of the redevelopment scheme for the site, indicated on planning application 11/05399/FU has been submitted to and approved in writing by the Local Planning Authority.

In the interests of amenity and in accordance with UDPR Policy GP5 and N18B



11/05399/FU
11/05448/CA

CITY CENTRE PLANS PANEL

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