



CITY PLANS PANEL

*Meeting to be held in Civic Hall, Leeds on
Thursday, 17th January, 2013
at 1.30 pm*

MEMBERSHIP

Councillors

P Gruen	M Hamilton	R Procter	T Leadley	D Blackburn
N Taggart (Chair)		G Latty		
S Hamilton				
J McKenna				
E Nash				
N Walshaw				
J Hardy				
T Murray				

**Agenda compiled by:
Angela M Bloor
Governance Services
Civic Hall
Tel: 0113 24 74754**

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>ACCESS TO INFORMATION PROCEDURE RULES</p> <p>SITE VISIT LETTER</p> <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>	

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2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p>No exempt items or information have been identified on the agenda</p>	
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>	

Item No	Ward	Item Not Open		Page No
4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-18 of the Members' Code of Conduct. Also to declare any other significant interests which the Member wishes to declare in the public interest, in accordance with paragraphs 19-20 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES</p> <p>To approve the minutes of the City Plans Panel meeting held on 13th December 2012</p> <p>(minutes attached)</p>	5 - 20
7	City and Hunslet		<p>APPLICATION 12/04154/FU - PENNINE HOUSE RUSSELL STREET LS1</p> <p>Further to minute 34 of the City Plans Panel meeting held on 22nd November 2012, where Panel considered a position statement for Change of Use of offices to form student accommodation, involving alterations to elevations and addition of rooftop extension, to consider a further report of the Chief Planning Officer setting out the formal application</p> <p>(report attached)</p>	21 - 44

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8	Hyde Park and Woodhouse		<p>APPLICATIONS 12/04663/FU AND 12/04664/CA - UNIVERSITY OF LEEDS - LAND BOUNDED BY WOODHOUSE LANE AND HILLARY PLACE LS2</p> <p>Further to minute 46 of the City Plans Panel meeting held on 13th December 2012, where Panel considered a position statement on proposals for the demolition of existing buildings and erection of a 6 storey library with ancillary landscaping and Conservation Area application to demolish 2 office buildings, to consider a further report of the Chief Planning Officer setting out the formal application</p> <p>(report attached)</p>	45 - 78
9	City and Hunslet		<p>APPLICATION 12/04739/CA - CARLSBERG UK LTD, HUNSLET ROAD LS10</p> <p>To consider a report of the Chief Planning Officer on an application for Change of Use from warehouse to a market research and testing centre with ancillary auditorium together with associated development works and the provision of car parking</p> <p>(report attached)</p>	79 - 94
10	Burmantofts and Richmond Hill; City and Hunslet		<p>APPLICATIONS 12/04465/FU AND 12/04466/LI - LEEDS WEIR AND KNOSTROP WEIR, RIVER AIRE, LEEDS</p> <p>To consider a report of the Chief Planning Officer on an application for two replacement moveable weirs and associated infrastructure and a Listed Building application for demolition of Leeds Weir</p> <p>(report attached)</p>	95 - 112

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11	City and Hunslet		<p>APPLICATION 12/03459/FU - LAND AT WHITEHALL ROAD AND GLOBE ROAD LS12</p> <p>Further to minute 37 of the City Plans Panel meeting held on 22nd November 2012, where Panel considered a position statement on proposals for a multi-level development, up to 17 storeys with 625 residential apartments, commercial units (Class A1 to A5, B1,D1 and D2) and car parking, associated access, engineering works, landscape and public amenity space, to consider a further report of the Chief Planning Officer setting out the formal application</p> <p>(report attached)</p>	113 - 138
12	City and Hunslet	10.4(3)	<p>APPLICATION 12/0459/FU - LAND AT WHITEHALL ROAD AND GLOBE ROAD LS12</p> <p>With reference to agenda item 11, to consider a report containing financial information in relation to the proposals for multi-level mixed-use development on land at Whitehall Road and Globe Road</p> <p>(report attached)</p>	139 - 142
13			<p>DATE AND TIME OF NEXT MEETINGS</p> <p>Thursday 7th February at 1.30pm Thursday 14th February at 1.30pm</p>	

CONFIDENTIAL AND EXEMPT ITEMS

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

9.0 Confidential information – requirement to exclude public access

9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

9.2 Confidential information means

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

10.0 Exempt information – discretion to exclude public access

10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Exempt information means information falling within the following categories (subject to any condition):

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

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To all Members of City Plans Panel

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Contact: Angela M Bloor
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Your reference:
Our reference: site visits
Date 9th January 2013

Dear Councillor

SITE VISITS – CITY PLANS PANEL – 17TH JANUARY 2013

Prior to the meeting of City Plans Panel on Thursday 17th January 2013, the following site visits will take place:

9.50am	Depart Civic Hall
10.00am	Carlsberg UK Ltd Hunslet Road LS10 – Change of use from warehouse to a market research and testing centre with ancillary auditorium together with associated development works car parking 12/04739/FU – depart site at 10.30am
10.40am	River Aire at Leeds Weir and Knostrop Weir – two replacement moveable weirs and associated infrastructure and Listed Building application for the demolition of Leeds Weir – 12/04465/FU and 12/04466/LI – depart site at 11.40am
12.00 noon approx	Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at **9.55am**. Please notify Daljit Singh (Tel: 247 8010) if you wish to take advantage of this and meet in the Ante Chamber at **9.45am**.

Yours sincerely

Angela M Bloor
Governance Officer

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CITY PLANS PANEL

THURSDAY, 13TH DECEMBER, 2012

PRESENT: Councillor N Taggart in the Chair

Councillors P Gruen, D Blackburn,
M Hamilton, S Hamilton, G Latty,
T Leadley, J McKenna, E Nash,
N Walshaw, J Hardy, T Murray and
J Procter

41 Chair's opening remarks

The Chair welcomed everyone to the meeting and paid tribute to David Marsh, the Municipal Correspondent at the Yorkshire Evening Post who was leaving the paper after 25 years. Councillor Taggart thanked him for his service to the people of Leeds and the Council and stated that he would be greatly missed

The Chair stated that in view of the workload of City Plans Panel, it would be likely that some additional meetings would be needed together with a workshop in the early part of the year on the NGT scheme and that dates would be circulated as soon as possible

42 Late Items

There were no late items

43 Declarations of Disclosable Pecuniary and Other Interests

There were no declarations of disclosable pecuniary interests. However, in respect of applications 10/04597/OT – Wakefield Road Gildersome and 12/02470/OT – land between Gelderd Road/Asquith Avenue and Nepshaw Lane North, Councillor Leadley declared other interests through being the Chair of Morley Town Council Planning Committee which had commented on the proposals. As these applications were not being determined at this meeting, Councillor Leadley stated that he intended to take part in the discussions (minutes 48 and 49 refer)

Councillor Nash stated that in respect of application 12/04200/FU Kirkstall District Centre, she would not be declaring a disclosable pecuniary interest through being in receipt of a small income from the Co-op as although there was a Co-op store in the area, it was 1.5 miles from the subject site (minute 47 refers)

44 Apologies for Absence

Apologies for absence were received from Councillor R Procter who was substituted for by Councillor J Procter

45 Minutes

RESOLVED - That the minutes of the City Plans Panel meeting held on 22nd November 2012 be approved

46 Applications 12/04663/FU and 12/04664/CA -Position statement for the proposed demolition of existing buildings and erection of a 6 storey library with ancillary landscaping at the University of Leeds - land bounded by Woodhouse Lane and Hillary Place LS2

Further to minute 11 of the City Plans Panel meeting held on 27th September where Panel received a pre-application presentation for a proposed library at Leeds University, Members considered a position statement on the scheme

Plans, photographs, graphics, story boards and sample materials were displayed at the meeting

Officers presented the report and stated that the proposed student library would enable Leeds University to compete effectively to attract student numbers

Members were informed that the site was a sensitive one and was surrounded by heritage assets, some being Grade II Listed Buildings

One particular building which lay within the site was the former bank building which was now being used as a security office. Whilst the façade of the building was of interest, it was not Listed and that consideration had been given to its retention on site, however, due to the level changes of the building it was not felt this could be retained. For information, Members were informed that English Heritage supported the demolition of the former bank building as the replacement scheme was of higher quality

In terms of landscaping, there would be some loss of trees but replacement planting and new public realm would be provided

In addition to the library use, an ancillary café use would be included, with the ground floor being fully accessible to the public, schools, colleges and other universities. The upper levels would be for use by Leeds University only and would comprise study and book stacking areas, with feature windows providing views across the city and to the adjacent church

Roof top plant would be discrete and not impact on the overall visual effect of the building

The building would provide two entrances; the main entrance being off Woodhouse Lane, with a secondary entrance off Hillary Place

In response to Members' previous comments, the elevation to Hillary Place had been revised to reduce its dominance to the street. The building had been stepped back and an open podium level had been provided. Whilst the building required a wide footprint, it was not possible to increase its height, so architectural features had been used, e.g. slot windows, to increase the appearance of height. The building frontage now aligned with the smaller building on the adjacent site and benefitted from a simplified and refined palette of materials, comprising mainly Portland Stone and glass. The inclusion of a glass box 'lantern' at the top of the building provided vertical emphasis and created a presence on the skyline

Officers reported an objection received from Leeds Civic Trust but felt that this related to the previous version of the scheme and not the one being presented to Panel

Members commented on the following matters:

- the revisions which had been made to the scheme, which were an improvement but whether the building fitted in with the surrounding gothic buildings
- that the loss of a bank building was acceptable
- an acceptance that the development could not be built in the gothic style
- the lack of any relationship to the building above it, i.e. at the eaves line
- the Hillary Place elevation and that concerns remained about its massing
- the possibility of creating some interest on the glazing to link the building with the churches and the university, with wording relating to learning being suggested, which would echo the statement on the former BBC building on the opposite side of Woodhouse Lane
- that Members' comments had been taken on board but that further detailing was needed to indicate the building's use as a library, rather than just another University building
- the community use of the ground floor which was welcomed
- concerns about the blandness of two elevations when looking from the site to the former BBC building, as shown on the images
- the entrance on Hillary Place with concerns that this appeared dark, unwelcoming and required lighting. Concerns were also raised about the decorative grill element; that this did not add much to the design and required further thought
- the need for both entrances to make a statement and whether the steps on the Hillary Place entrance would be used in view of a lift also being included
- the number of car parking spaces being lost in the scheme and where cars would be displaced to

Officers provided the following responses:

- that the ground floor of the building would be open to everyone and this included the study areas as well as the café
- that the two elevations shown on the graphic facing the former BBC building were existing campus buildings and that their detail had not been included on the graphic but would be when the image was presented at the point when the application was ready to be determined
- that some VIP car parking existed on the site and that this would be relocated. The Panel's highways representative stated that there would be no new car parking provided in the scheme and that about 70 car parking spaces would be lost, however discussions were still ongoing with the University about the number of spaces which would need to be relocated, together with cycle parking, although the University was keen to encourage public transport use and the site was in a highly sustainable location in terms of bus routes. Members were also

informed that for the NGT, there would be the need for a rearrangement of the road network on Woodhouse Lane and Hillary Place, which would be opened up to University traffic, with further information on this being provided in the proposed NGT workshop for Panel Members, early next year

In response to the specific questions raised in the report, Members provided the following responses:

- that the proposed use was appropriate for this location
- that the design refinements were considered to be acceptable but that further detailing was required in view of Members' comments about the Hillary Place entrance; possible decorative glazing to link the building to the University and the nearby churches, and detailing/signage to properly indicate the use of the building
- that the demolition of the existing buildings was acceptable and that the decorative façade of the former bank building could be salvaged and relocated if required
- Members noted that further details would be provided about the relocation of car parking but were supportive in principle of the proposal to reduce the level of car parking on the site
- that the loss of the existing trees and the proposed tree replacement plans and other landscaping was acceptable but there was a need to ensure the proposed fruit trees did not overhang the footpath, in order to avoid accidents

Members discussed the possibility of deferring and delegating determination of the formal application to the Chief Planning Officer, however the majority of Members favoured the scheme to be considered by Panel

RESOLVED – To note the report and the comments now made and that the Chief Planning Officer be asked to submit a further report in due course, to enable Panel to determine the application

47 Application 12/04200/FU - Position statement for demolition of existing buildings and erection of A1 foodstore, five retail units (A1,A2,A3,A4 or A5), new club building for Leeds Postal Sports Association Club, community centre, improved public realm and associated car parking, servicing, landscaping and access improvements - Kirkstall District Centre Kirkstall Lane, Kirkstall Hill, Beecroft Street and Commerical Road Kirkstall LS5

Councillor M Hamilton joined the meeting at this point

Plans, photographs and graphics were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented the report which set out the current position for a major retail led development in Kirkstall. Members were informed that the proposals had been presented to Plans Panel West in early September, which had generally supported the scheme

The previous scheme was shown to Panel for comparative purposes

The level changes across the site were highlighted as was the previous proposals to site the retail units on Kirkstall Hill

Members were informed that the current scheme brought the development to street level on the Commercial Road side. The first level would comprise the retail units and a tower feature which would incorporate the lift and stairs which would give access to all levels. The next level would include the Post Office Sports Club and the servicing arrangements for the development from a new road off Commercial Road; the next level would include the new supermarket, which could be accessed at ground level on Kirkstall Lane. The final level would see the location of the car park

The proposed materials would be red brick, stone cladding and some bronze detailing

As a lower building was now being proposed, it would have less visual impact than previous proposals for the site

Officers reported the receipt of an objection from a local resident which was outlined for Members' information. Receipt of 7 e-mails in support of the proposals were also reported

Members were informed that the proposals provided the opportunity to develop the site in a different way and to bring forward a scheme on a site which was challenging due to the level changes. The scheme would now provide two active frontages; better servicing and the retail elements at a lower level. Local jobs would also be created

At this point, the Chair referred to the comments in the report made by the West Yorkshire Archaeology Advisory Service, which was part of West Yorkshire Joint Services which he also chaired, but stated that he was not declaring in interest

Members discussed the proposals and commented on the following matters:

- the effect of moving the bus stop which was located nearby on Kirkstall Lane. The Panel's highways representative stated that the bus stop would be moved to accommodate the junction changes, but would be retained
- the need for more work to be done on the Beecroft Street elevation; that planting and design should be considered but that any signage on this corner would need to be carefully controlled. Members were informed that discussions about the design of this elevation were continuing and that in respect of signage, this would require advertisement consent in its own right
- that the design of the building should reach the highest environmental and sustainable standards
- the amount of future development in this area and that this site should not be considered in isolation, particularly in terms of the traffic assessment which should be a cumulative assessment. The Head of Planning Services stated that agreed development had been incorporated into the transport assessment
- whether the active frontages were in the most appropriate location
- that this was an important junction coming into the city centre and there should be a statement building on the site

- concerns about the scale of the development and that a smaller scheme would be preferred, but recognising that the site was located in the heart of Kirkstall
- that the site was located in the heart of Kirkstall and the development was too big for a densely populated, residential area and was in the wrong location
- that a 24 hour use would need to be carefully considered in view of its impact on residents on Beecroft Street
- that compared to previous schemes for the site, this was better, especially as it used the slope of the site rather than working against it and that it had to be accepted that this was a large site and that a large building could reasonably be expected
- highways concerns as the size of the store was likely to attract shoppers from further away, leading to more traffic, together with concerns at the proposed junctions
- the need for more information about the tower, especially how it would work; whether it would be used by shoppers and the need for this element to be of good design as it would be a focal point, with possibly an increase in height being considered to make it a feature. The view was also expressed that a tower on the site was not appropriate
- the need for improved landscaping
- the impact on the views of Kirkstall Abbey, with the feeling that this was not now likely to be a significant consideration
- ensuring that the proposals related to the rest of the S2 centre, rather than the Kirkstall District Centre and the need to ensure it fitted in with the BHS site and Morrisons Supermarket, with a network of pedestrian crossings being needed to achieve this
- that the visual appearance of the supermarket from the Kirkstall Lane side was weak and that more was needed to make the roofline more positive and create a statement building
- that if built, the scheme could result in the surrounding area, particularly the shops, looking tired
- that the applicant was seeking a large store and that Panel could not redesign it but if, when the scheme came for determination, Members were minded to refuse it, the options needed to be considered
- concerns about the consistency of advice from Officers in view of no retail impact assessment being referred to for this scheme, when on other retail schemes, this was considered to be necessary
- that the applicant was Tesco, with concerns about the viability of other Tescos in the wider area, if this scheme was approved

In addressing the specific points raised in the report, Members provided the following responses:

- on the principle of development on the site, the majority of Panel recognised the need for development

- in respect of the impact of the store on the character and appearance of the centre of Kirkstall, there were concerns about connectivity and the impact of the scheme on the wider area. The Head of Planning Services stated that there would be some impact but that the aim was to bring forward a scheme which worked and was capable of being implemented
- concerning the impact of the proposed development on the listed building on Beecroft Street, this had previously been commented on, however, Panel did have some concerns about the impact of 24 hour opening on nearby residents and that this needed to be considered further
- to note Members' comments about the design, scale and place making of the proposals
- in relation to the impact of the development on residential amenity, to note the concerns about 24 hour opening
- on the issue of the impact of the development on the local economy and the importance of the redevelopment of this site for the future of Kirkstall, it was accepted that the site needed developing but there were concerns about the impact this could have on retail in surrounding areas. The Deputy Area Planning Manager explained that as the proposals were in a designated town centre, there was no requirement in this case for the applicant to provide a retail impact assessment
- in terms of the proposals for pedestrian access to the development, further work on this element as well as public realm and sustainability were required. Regarding integration of the scheme with the rest of the Kirkstall District Centre, the Chief Planning Officer suggested that Members may wish to consider whether S106 contributions for this should be sought

RESOLVED – To note the report and the comments now made

48 Application 10/04597/OT - Outline application to lay out access road and erect light industry, general industry and warehouse development (Use Classes B1c, B2 and B8) a 115 bed hotel and pub/restaurant with car parking - Wakefield Road, Gildersome - Position Statement

Plans and photographs were displayed at the meeting. A Members site visit had taken place earlier in the day

Members considered the first of two reports of the Chief Planning Officer in respect of development proposals on sites in close proximity to each other, in Gildersome.

Officers presented the report which set out the current position on an outline application for an employment led scheme comprising industrial and warehouse uses together with a hotel and pub/restaurant on an undeveloped, sloping site of approximately 3.23 hectares to the south east of Junction 27, between Wakefield Road and the M621. The site was surrounded by a number of existing industrial and offices uses, together with residential properties on Wakefield Road in close proximity

Members were informed about the main issues relating to the proposals which included:

Draft minutes to be approved at the meeting
to be held on Thursday, 17th January, 2013

- principle of development; that the site was mainly allocated for employment uses and that industrial use was acceptable in principle. In terms of the hotel/pub uses, these were usually seen as town centre uses. Paragraphs 10.3-10.8 of the submitted report set out the applicant's reasons for wanting to pursue these uses in an out of town centre location
- highways issues; that a new, signalised access junction was proposed to serve the site, with Highways Officers being satisfied on the provision of this. A 3 metre cycle route was also to be provided together with a bus layby. At the time the report was written, the application was subject to a Holding Direction by the Highways Agency relating to, amongst other matters, the scope and costs of works necessary at Junction 27, with Members being informed that the Holding Direction had been extended on 13th December 2012 to 31st January 2013
- landscaping proposals; the existing mature vegetation would be retained where possible, although a number of trees would be removed, some because they were diseased and some to facilitate development. Replacement planting would be provided, with the Council's Landscape Officer being generally happy with the proposals
- impact on residential amenity of the proposed 4 storey hotel use. Issues of overdominance or overlooking from the hotel use had been considered but due to the sloping nature of the site, and the distance to the nearest residential properties, it was felt that residential amenity would be adequately protected
- S106 agreement; that this was being negotiated and the need for Members' views on whether the hotel was needed to deliver the employment uses on the site

Members were informed that further comments had been received from residents and these would be detailed in a further report when the application was due for determination

Panel then discussed the impact of the proposed signalised junction on a resident who lived opposite the site and parked a caravan in his driveway, and referred to discussions held with the resident when Members visited the site that morning. Whilst it was possible for his vehicle and caravan to turn in his curtilage, it could be that his driveway would require widening to enable safe access on to the revised highway, with this to be paid for by the applicant

Members then commented on the following matters:

- the location of bus stop 10353, as set out in the submitted report; the absence of public bus services from that part of the A650 for five years, with two buses a day to serve Bruntcliffe High School, in term time only and that spending money to upgrade the bus stop to real time display could not be supported
- the possibility of retaining the wrought iron fencing which was on the site
- the lack of a compelling case to support the pub/restaurant use
- the planning history of the site, which originally was the remnants of a farm; the number of applications which had come forward for the site and the recognition that the site required

development but that this should be low density, light industrial development

- highways issues, with concerns that Gildersome roundabout was now working well but could once again become problematic if a more intensive development was approved
- the proposed hotel use and that there were several sites in the Morley area which could accommodate this use and that in respect of the pub/restaurant, this could also be located in either Gildersome or Morley
- that the site was isolated and would result in more traffic on the roads
- doubt about whether this was an enthusiastic or realistic proposal for the site
- that the site was not suitable for a hotel and that the suitability of the site for the pub/restaurant uses was questionable, particularly in view of the number of such establishments in Gildersome and Drighlington which had closed down through lack of trade
- the possibility that the hotel use was aimed at a wider area in view of its location, at the apex of neighbouring districts

Officers provided the following responses:

- that bus stop 10353 was not located where Metro had indicated it was and that updated comments on the application were being sought from Metro
- that there was an intention to retain materials which would also include the wrought iron fencing and some stonework

The Chief Planning Officer stated that the hotel was an important component of the scheme as the case was being made that a hotel and pub/restaurant should be out of centre, yet Morley was in need of investment and that details would need to be provided as to why this use could not be sited in Morley

In respect of the visual appearance of the development, the Chief Planning Officer stated that the appearance of this and the site being considered next on the agenda was important, especially from the motorway, as it would be the first view of Leeds from this side of the city and that this, together with the height of the proposals and the amount of landscaping had to be considered

In addressing the specific points raised in the report, Members provided the following responses:

- about whether, in the circumstances, a hotel and pub/restaurant uses were considered to be appropriate to the site, if tied to the delivery of employment use on the site, there were mixed views on this, with the smallest majority in favour of the hotel use, but that guarantees were needed in respect of the whole site and the extent of the benefit had to be clearly set out. The possibility of a smaller hotel on the site was suggested but it was accepted that the issue of hotel use in the centre of Morley must be properly considered

- regarding the access arrangements and whether these were sufficient to deal with the anticipated level of traffic, there were mixed views on this with concerns being raised at the extent of the congestion in the evening peak
- concerning the landscaping proposals and whether these were sufficient to allow the development to proceed, further information was needed to enable full consideration of the landscaping and the positioning of buildings
- about whether the development could be considered to be harmful to residential amenity, Panel felt the development was located sufficiently far away not to be unduly detrimental to residential amenity
- in terms of the scope of the Section 106 Agreement, there was a wish for the bus route to be reinstated, with the Chief Planning Officer suggesting that in view of the importance of public access to the larger of the two sites being considered by Panel (minute 49 refers) there was the possibility this could be discussed with Metro to tie the two sites together
- finally, whilst there was the desire for the site to be developed, it was important that the applicant had a clear plan for it and town centre uses could only be considered as enabling if they ensured the delivery of the rest of the site via a legal agreement

RESOLVED- To note the report and the comments now made

49 Application 12/02470/OT - Outline application for proposed employment development for Use Classes B1(b) and B1(C) (research and development/light industrial uses) and B8 (storage and distribution uses) with new accesses, associated infrastructure and landscaping - Land between Gelderd Road/Asquith Avenue and Nephshaw Lane North, Gildersome - Position Statement

Plans and photographs were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented the report which provided the current position in respect of proposals for an employment development on a 28.3 hectare undeveloped, former opencast mine site in Gildersome

Members were informed that there were a large number of issues to be resolved on this site and these included particularly complex highways issues. As set out in the previous report, the application was subject to a Holding Direction by the Highways Agency which had been extended to January 31st 2013

The topography of the site was challenging as there were substantial changes in levels on the site. In addition, a small residential development abutted into the site and a public right of way cut centrally across the site to a public footpath which runs down the western site boundary

Two vehicular access points into the site were proposed; one at Gelderd Road and the other from Asquith Avenue, both of which caused Officers concerns – at Gelderd Road the signals at this location were over capacity and could not be improved and in terms of Asquith Avenue, the presence of HGVs on this road should not be encouraged; discussions were

ongoing but as the development would be so large, it would need a number of access points and would give rise to local impacts. There was also the point as to whether a highway linkage should be made across the beck, given the topography and ecological corridor

Drainage was another issue on the site with local concerns being raised about flood risk. Although £300,000 was proposed towards flood mitigation, Gildersome Parish Council's concerns about flooding remained

The quantum of development and the impact of this on long distance views was also a concern, particularly in view of one of the units potentially being as large as the White Rose Shopping Centre

Panel discussed the report and commented on the following matters:

- that an access on Asquith Avenue did not work and that an access from Nepshaw Lane South should be considered as two main routes were likely to be needed
- that there were no bus services on the Gelderd Road frontage of the site and that the existing bus services in this area were being depleted
- that the sum put forward for water mitigation measures was not index-linked and that third-party land ownership would be required to deliver them
- that issues relating to highways, off site works and public transport had not been addressed and that much more work was needed on the proposals
- the possibility of the water mitigation measures being tied into the nearby woodland to provide environmental benefits
- that vehicular access to the site from Nepshaw Lane South should be considered and that Asquith Avenue was not suitable for vehicular access serving the development as it was too narrow, although two main routes into the site should be provided
- concerns about the size of the proposed units and whilst accepting that the site was earmarked for development, that there was a need to protect the amenity of the residents living in the properties located within the site

The Chief Planning Officer stated that the site was allocated for employment and that jobs were needed but that there were particular issues with the site which needed to be considered and that a design brief for the site should be provided. The quantum and form of the floorspace would need to be controlled and that a robust travel plan would be required

The need for a range of employment sites to be available within Leeds was stressed as was the need to react positively to planning issues on challenging sites such as this one, particularly in view of the length of time taken to progress this site

In addressing the specific points raised in the report, Members provided the following responses:

- to note Members' comments concerning the principle of development
- that the applicant's proposals to improve accessibility were not appropriate to the site and that Asquith Avenue was not suitable

for vehicular access and that Nepshaw Lane South should be considered as a more suitable access point

- that Members did not consider the extent of the access arrangements were sufficient to deal with the anticipated level of traffic and that a design brief was needed
- to note Members' comments regarding the scope of the Highways assessment
- to note Members' comments on the scope of the highway conditions and the Section 106 agreement
- that the extent of the landscaping proposals were not sufficient to allow the development to proceed and this needed to be addressed
- that regarding nature conservation, there was the possibility of linking the water features to the woodland to provide ecological benefits
- that further information was required on the drainage improvements
- that the applicant be encouraged to work with the Council on a suitable development brief for the site

RESOLVED - To note the report and the comments now made

50 Preapp/10/00300 - Update presentation for alterations and amendments to the approved Eastgate and Harewood Quarter Development scheme - Land bounded by New York Road (Inner Ring Road A64) to the North, Bridge Street and Millgarth Street to the East, George Street and Dyer Street to the South and Vicar Lane and Harewood Street to the West LS2

Further to minute 6 of the City Plans Panel meeting held on 27th September 2012, where Panel resolved to grant outline planning permission for amendments to the mix of uses for the Eastgate and Harewood Quarter development, Members considered a pre-application presentation for alterations and amendments to the approved scheme

Plans, photographs, graphics and precedent images were displayed at the meeting

Officers introduced the report and Members then received a presentation on the proposals on behalf of the developer

Members were informed that agreement had been reached with John Lewis for their anchor store and that work had been continuing with the Council to vary the proposals in order to bring the scheme forward in a phased way. Along with Millgarth Police Station which had been acquired by the Council, the Victoria Quarter had recently been acquired by the developer. Consideration was now being given to creating links from the Victoria Quarter to the Eastgate and Harewood Quarter development to form one scheme and this would necessitate some changes

Consideration was being given to whether a 21st century covered space could be created, with the intention being to take as inspiration and reference, the quality of the Leeds' historic arcades

In terms of car parking, John Lewis was keen to have a car park on the site and having considered the scheme in detail in order to deliver the car park in the first phase of development, the proposal was to demolish the Millgarth Police Station and move the NGT route onto the Ladybeck culvert, thereby leaving an adequate footprint on one side for the car park and a decent footprint for the retail development

The Leeds John Lewis would be designed with specific reference to the city, for example its cloth industry to ensure that it was of its time and place; was memorable and recognisable and that it stood for the city and the company. The design of the building also had to work for the store to ensure there was sufficient daylight and there was flexibility to changing retail trends

The time line for the scheme was given, with Members being informed that public consultation would commence in February 2013, with the application for Phase 1 being submitted in April and determined possibly in August 2013, with a start on site in 2014 and completion in autumn 2016

Members commented on the following matters:

General design issues

- that the detail of the John Lewis store had changed since the original planning permission had been granted; whether because of this there would now be the need for a bridge over Eastgate and how this change would affect the power generation plant off Bridge Street which had been approved
- the arcaded part of the scheme to the north of Eastgate and whether this remained part of the proposals
- that the original scheme was to create a new quarter whilst retaining much of what was there to enable a flow through from the Trinity scheme, however this did not now seem to be the case
- the need for details on achieving a safe transition to the development from the Victoria Quarter
- the design of the John Lewis building and whether it would look at odds with the Blomfield architecture which dominated this part of the city
- the need for the treatment of the John Lewis store to be consistent all the way round and not, as in the case of the Leicester store to have bland and functional rear elevations

Car park and highways

- that the demolition of Millgarth Police Station was welcomed but that there was a need to consider a similar treatment for the car park as would be on the John Lewis façade; that this was a very important issue and that despite its use, the car park should not look like one. As the site was a key gateway into the city it was important that the scheme was met by something which befitted the city and that in view of the likely cost of the John Lewis building, a poor quality car park would not be accepted
- the need to ensure there was no queuing traffic from the car park and that the exit was situated opposite the coach station on Dyer Street with concerns about whether there was sufficient capacity on that street

- that expectations for this development were high and that for many people, car parks were dark and unattractive but that for this scheme something much better had to be produced and that it would set the standard of how multi-storey car parks should look and that strategically, this was very important
- the possibility of integrating the car park into the store at basement level and the success of the Selfridges basement car park on Oxford Street, London
- that the availability of the Millgarth site could provide an opportunity to redesign the building, rather than simply bolting on the car park

The following responses were provided by the developer's representatives:

General design issues

- that the intention of building a bridge over Eastgate would need to be reviewed in the light of the development of the scheme
- that the Energy Centre on Bridge Street formed part of the second phase of development; that the developers were looking to future-proof phase 1 and to connect this to the energy centre when it came on line, as there would not be a sufficient number of shops in phase 1, however discussions were ongoing with the Council about connecting the markets to the Energy Centre
- that the Eastgate and Harewood Quarter did not compete with the Trinity development as it was for a different market
- that the transition to the development from the Victoria Quarter would be through the use of a raised platform on Vicar Lane (between the County Arcade entrance and the application site), which would enable this to be step free whilst still retaining vehicular access. Whilst a pedestrian-first approach was being encouraged, it was not possible to take the buses off Vicar Lane as there was nowhere else to divert them to. Whilst the final design of this had not been reached as discussions were still ongoing with highways, there would be an extended area of public realm
- in terms of the Reginald Blomfield architecture, this was stronger on the northern side of the site, with the southern side being more diverse. Whilst the Blomfield language was white Portland Stone and then brick, the use of Portland Stone on the John Lewis building was favoured, with this giving an element of the Blomfield language, whilst not trying to mimic it
- regarding the rear of the John Lewis store, this would be the site of the customer collect area and the design of this would be brought back to Panel

Car park and highways

- that the aim was for the car park to be of the same design quality as the John Lewis store however, the budget for the cladding of the car park was less than that for the store and that it was not as easy to work with a small budget and for it to look

the same and that a different model was being considered with interest being introduced through other elements

- in terms of the operation of the car park, John Lewis required tickets and machines, with these being located far into the car park
- park to allow for queuing traffic to be within the car park. The car park would provide 600 car parking spaces and the volume of traffic would be controlled going in by ramps, and exiting by traffic lights, so it was felt there would not be queuing traffic on the highway
- in respect of the car park exit, work had been undertaken with highways over a long period of time with Members being informed that the developer was confident that a solution had been found which works both on entering and exiting the car park
- regarding the quality of the car park, as Hammersons were the largest retail owner in the UK, they knew how to build, manage and run car parks; the aim was for this car park to be the one of choice and there was a commitment to delivering the best car park in Leeds
- in respect of the massing and wrapping of the car park, every option had been considered, including a basement or roof top car park. The problem of integrating the car park into the John Lewis store was that it would create a building which would be overbearing
- that Members' comments about the car park were noted and the developer was mindful that the car park had to be a building of high quality

The Chief Planning Officer referred to the issues which had been raised about the scheme and the phasing and stated that if the whole of the Eastgate and Harewood Quarter was fully built out from the start, this could result in Trinity experiencing some empty shop units, whereas by phasing the development, prime and unique shops would be delivered in the first phase. This could only be seen as an economic advantage and adding to the prestige of the city and that Leeds was in a privileged position in respect of this scheme and that it was important for everyone to support the scheme

In summing up the debate, the Chair provided the following comments:

- that Panel understood the changes proposed to the scheme
- that the external design of the car park was a vital component of the whole scheme
- that concerns remained about how the car park would operate and that it must not lead to queuing traffic
- that Members were pleased with the relationship of the scheme to both the Victoria Quarter and the markets and that the proposed new arcades were welcomed

51 Date and Time of Next Meeting

Thursday 17th January 2013 at 1.30pm in the Civic Hall, Leeds



Originator: Tim Hart

Tel: 3952083

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 17th January 2013

CHANGE OF USE OF OFFICES TO FORM STUDENT ACCOMMODATION, INVOLVING ALTERATIONS TO ELEVATIONS AND ADDITION OF ROOFTOP EXTENSION, PENNINE HOUSE, RUSSELL STREET, LEEDS 1 (REFERENCE 12/04154/FU)

APPLICANT

London Cornwall Property Partners

DATE VALID

5th October 2012

TARGET DATE

4th January 2012

Electoral Wards Affected:

City & Hunslet

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions (and any others which he might consider appropriate) and the completion of a Section 106 agreement to include the following obligations; occupation of accommodation by full time students only; no cars or motorbikes to be brought to the site by students; employment and training; 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 Details of contractor's storage and parking.
- 5 Details of methods to control dirt, dust and noise during construction.
- 6 Construction hours 0730-1900 Monday-Friday and 0800-1300 Saturdays.
- 7 1:20 drawings of cladding, reveals, pavilion, canopy and shopfront.
- 8 Details and sample panel of all external facing materials.

- 9 Details of start and end of term management of vehicles.
- 10 Servicing management strategy to be submitted and agreed.
- 11 Cycle facilities to be provided before occupation.
- 12 Details of method, storage and disposal of litter and refuse.
- 13 BREEAM excellent and post construction review of sustainability measures.
- 14 Sound insulation scheme to be submitted and agreed.
- 15 Post completion sound test to confirm approved levels are achieved.
- 16 Details of platform lifts to be agreed.

Full wording of the conditions is attached at Appendix 3.

Reasons for approval:

In reaching a decision the case officer dealing with the application has worked with the agent in a positive way through regular dialogue and negotiation to produce an acceptable scheme in accordance with paragraphs 186 and 187 of the National Planning Policy framework. In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the National Planning Policy Framework and the content and policies within the Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR). In particular, the application is considered to comply with UDPR policies GP5, N12, H15A, A4, BD6, CC3, and CC27 and emerging Core Strategy policies including CC1B, H6B, SP8 and SP9.

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 This application proposes the change of use of part of an office building to student accommodation, together with a roof extension and alterations to the elevations. The majority of the office floorspace in the building has remained vacant for several years. The office is located within the Prime Office Quarter where, consistent with other Quarters, a variety of uses are encouraged which add variety and vitality providing they do not prejudice the functioning of the principal use.
- 1.2 A site visit took place on the morning of the 22nd November 2012 City Plans Panel. A decision on the application was deferred by Panel to enable officers to consider issues raised in late representations and comments made by Panel Members primarily with regard to the supply of student housing, loss of office floorspace and the potential impact of the development on future investments in the area. Officers have subsequently investigated these issues including taking independent commercial advice. A copy of the 22nd November 2012 report is attached as Appendix 1 and the full minutes of the meeting are reproduced at Appendix 2.

2.0 PUBLIC/LOCAL RESPONSE

- 2.1 In total, 11 letters of objection have now been received from local landowners and occupiers of office accommodation in the area including one from the Leeds, York and North Yorkshire Chamber of Commerce. It is stated that:

- the proposed use is incompatible with office and other commercial uses in the area due to noise, business disruption and litter;
- the use would deter potential occupiers of surrounding office provision and have an adverse impact upon the office accommodation market;
- approval of the use may result in proposals for the regeneration of the public realm in Bond Court not progressing;
- office space would be lost which would be contrary to policy and no assessment of the need for office space has been provided;
- there is a high occupier demand for office accommodation in LS1;
- office space within 5 minutes of the railway station is particularly important;
- short-term improvements may be off-set by longer term risks that investors lose confidence;
- the loss of office space would be detrimental to the competitiveness of the city;
- businesses may reconsider proposals for expansion if students are resident in the area;
- student accommodation would not add variety to existing uses but would adversely change the perception of the area;
- the location is isolated from the universities and other city centre residential developments;
- student accommodation would not service the area;
- there is a significant supply of student accommodation in Leeds and the proposal would further saturate the student market;
- long-term management of the building could not ensure that residents were not disruptive;
- there are concerns for the safety of office staff in close proximity to student housing; and
- existing late-night commercial uses would adversely affect the student accommodation through disturbance.

Leeds Civic Trust (LCT) has also written objecting to the application on similar grounds to the objectors. LCT state that the floorplans suggest cramped and unattractive spaces; that a convincing improvement in energy performance is not identified; and that the changes to the elevations do not suggest a significant improvement.

3.0 APPRAISAL

3.1 Principle of the proposed use

3.1.1 The substantive Panel report notes that proposals for non-office uses which add variety in land use; contribute to the life and vitality of the city centre; and do not prejudice the functioning of the principal use, are encouraged in the defined Prime Office Quarter. Proposals which reduce the variety of non-principal uses will not normally be permitted (CC27).

3.1.2 Objectors state that it is important that the Prime Office Quarter is reserved for office use so as not to affect confidence in the city as a major centre for business. However, residential accommodation has been developed in a variety of locations throughout the Prime Office Quarter both as new build developments and changes of use of office accommodation since policy CC27 was adopted. Additionally, numerous bars, restaurants and hotels have also been established within the area. These uses have been successfully accommodated without prejudicing the functioning of the Prime Office Quarter or confidence in the city. However, to date, no student accommodation has been constructed in the Prime Office Quarter.

3.1.3 The introduction of purpose-built student accommodation would add additional variety in land use to the principal office use. The accommodation would be likely to be occupied at all times, including evenings and weekends when the office use is less intensive. Consequently, the use of the building for student accommodation and bar/restaurant facilities would contribute to the vitality of the area and the vibrancy of the city centre throughout the day in accordance with policy CC27. The location is also in line with emerging Core Strategy policies that recognise that the City Centre is a good location for student housing providing that excessive concentrations are avoided. As the first student development in the area the scheme would not result in an excessive concentration. However, any future student schemes would need to be carefully reviewed in light of this consideration.

3.2 Refurbishment of the existing property

3.2.1 In November 2012 it was reported that only the third and fourth floors of the building are currently let despite some refurbishment and competitive terms offered. Objectors refer to the success that they have had in letting office space since significant investment in the refurbishment of their properties and suggest that Pennine House should be upgraded in a similar way. Knight Frank, an office property consultancy, had advised the applicant that Pennine House does not meet the majority of office occupier's requirements and that comprehensive and expensive refurbishment would be needed to be better placed to attract occupiers. However, due to the configuration of the floors, large columns, restricted floor to ceiling height, and tight core the building is still likely to fall short in relation to its competitors. Knight Frank concluded that the most cost effective solution for Pennine House would be redevelopment for an alternative use.

3.2.2 Following comments made to City Plans Panel in November the applicant has provided further information produced by GVA Grimley on the historic asset management of Pennine House. This notes that following purchase of the building in 2007 a £250,000 programme of refurbishment was implemented. Despite this there was minimal success with lettings. The first floor tenant vacated in 2009; the second floor and 7th floor occupiers went into liquidation; and the tenant of the fifth and sixth floor moved to superior accommodation several years ago. GVA state that despite trying to work with the tenants, through proactive management and offering incentives, and in conjunction with numerous refurbishments, Pennine House fails to attract occupiers due to the enduring constraints of the building. There has not been a single letting in the building for almost 4 years.

3.3 Loss of office floorspace

3.3.1 Objectors refer to the potential harm caused by the loss of office space, suggesting that the space at Pennine House is important to future growth targets. Jones Lang LaSalle report that take-up in the city centre office market increased 6.3% in the third quarter of 2012 compared with the same period in 2011. However, there is also 400,000 sqft of brand new Grade A accommodation immediately available, most of which is peripheral to the historic core, although within the Prime Office Quarter ⁽¹⁾. Additionally, there are still a number of well-located office development sites within the city centre which have yet to be developed. Available sites have the potential to provide 4.5 million sqft of accommodation representing nine years take-up although many of these will not be built speculatively. In light of these figures it is not considered that the change of use of the Pennine House office floorspace would have a material impact upon the supply of office floorspace within the city. Paragraph 4.7.22 of the draft Core Strategy also recognises the importance of

employment growth in other sectors of the economy commenting that oversupply of employment land might mean holding back land which could otherwise be developed for other forms of economic development.

3.3.2 Around 55 per cent of annual office space take-up is typically in the Grade B/C market. It is therefore also important that a variety of office space is available in the city centre, including smaller and lower cost space. The relocation of businesses from more dated stock into large office developments with large floorspace provides a supply of grade B and C office space. Additionally, there is the natural turnover of office space, in addition to city centre office space beyond the Prime Office Quarter. At least 900,000 sqft. of grade B and C office space is currently available reflected by the significant number of To Let boards currently displayed around the traditional office core and beyond. Whilst it is clear that several nearby landowners and office occupiers would prefer to maintain Pennine House as office space it is not considered that the loss of Pennine House would have a significant impact upon the current or future availability of office space in the city centre.

3.4 Supply of student housing

3.4.1 In the United Kingdom the number of student admissions fell by 12% from 2011-2012. Unipol indicate that there will be between 2,000 and 2,500 fewer students in Leeds with residential requirements in the 2012-2013 academic year ⁽²⁾. In larger, purpose-built, student accommodation the surplus of rooms has led to price reductions and more flexible letting periods being offered ⁽³⁾. In November 2012 Unipol estimated that there were at least 650 rooms of this type still available in Leeds.

3.4.2 Despite the decline in the number of undergraduates for the 2012-2013 intake, the growth in supply of student accommodation is continuing across the country. In 2013-14 22,729 additional purpose-built spaces are due to come on-line in the UK. The surge has been led by a new type of provider and investor who are often geared to do business without reliance on institutional partnership arrangements ⁽⁴⁾. In Leeds (excluding Trinity and All Saints) planning permission is in place to construct developments providing 2352 new student bedspaces (including 526 at St Marks Residence which will replace those existing). Notwithstanding the reduced student intake over 90% of the approved bedspaces are under construction or are due to be commenced in the very near future reflecting the national situation. It is therefore evident that despite falling student numbers new purpose-built student accommodation continues to be developed.

3.5 Impact upon future investment in the area

3.5.1 Objectors have raised concerns that the proposed student accommodation would deter potential occupiers of surrounding office provision and have an adverse impact upon the office accommodation market. Whilst the impact on property values is not normally a planning matter the effect of a proposal on prospective investment is capable of being a material consideration. The Council has obtained independent advice on this issue from Sanderson Weatherall who have detailed knowledge of the local commercial property market.

3.5.2 The current availability of city centre office floorspace is referred to at section 3.3. Sanderson Weatherall further advises that Pennine House is only a small part of the market and consequently it would not have any real impact upon the remainder. At the same time, Sanderson Weatherall comment that the conversion of the building

would require the relocation of the existing tenant which would prove of interest and be attractive to the owners and agents of remaining stock.

3.5.3 Sanderson Weatherall advises that it is not possible to provide individual assessment on the likely impact of the development on property values. However, they state that the presence of student accommodation would only be one part of the assessment of the locality and that a number of other factors, including the quality, opportunities and challenges of the area as a whole, would be more important than any slight change in the perceived attractiveness of the area.

3.5.4 Sanderson Weatherall has sympathy with the view that it is probably preferable for the area to remain an undiluted part of the traditional office core (albeit there are already other uses in the area). As such, Sanderson Weatherall advise that it is not possible to conclude that the development would have no adverse impact on value, although do comment that the impact is only likely to be negligible

3.6 Other issues raised by City Plans Panel

3.6.1 Since November Panel the applicant has confirmed that all sides of the existing columns on Greek Street front extension would be stripped back and reclad utilising the same materials to be used at upper levels of the building. The existing glazing would be replaced. Full details would be agreed pursuant to proposed condition 7 (Appendix 3).

3.6.2 The section 106 agreement ensures that the development could only be occupied by full-time students. In the event that circumstances changed and the owner wished to accommodate people other than students the agreement would need to be formally varied. It is also likely that planning permission would be needed to alter the building to enable it to be used as open-market residential accommodation. At the current time any subsequent section 106 agreement would include the need for 5 per cent of the units within the building to be affordable housing. If the scheme included more than 50 dwellings there would be the need for a full travel plan, a travel plan review fee, car club spaces and trial membership for residents, in addition to a public transport contribution.

3.6.3 The Council has been in discussion with a landowner neighbouring Bond Court regarding proposals to improve the quality of the space. A design has been prepared by the landowner and the Council was due to match-fund the investment in the space by the private sector. The landowner has indicated that if planning permission is granted the investment will not be forthcoming such that the improvements will not take place. Conversely, the applicant has confirmed that they would be willing to make a contribution into the environmental improvements scheme and also to participate in any future stakeholder forums.

3.7 Conclusion

3.7.1 The proposed development would add variety to existing land uses in the area and also deliver improvements to the external appearance of the property. These would be beneficial to the appearance of the building, the wider streetscene and also to the vitality of the city centre. The benefits would be achieved without a direct impact upon the functioning of the existing office quarter. Some nearby landowners perceive that the presence of student accommodation may have a detrimental impact upon future investment in the area. Independent advice is that the impact on values is likely to be negligible. Further, the office floorspace in the building itself has remained largely vacant for the last four years despite refurbishment and

competitive terms offered. There is also an existing supply of available office space in the area, together with sufficient office space in the pipeline to meet demand. It is also evident that despite a falling student intake purpose-built student accommodation continues to be developed. The scheme involves an investment of £6m and will create new jobs during its construction. The proposal is a sustainable development that accords with the Development Plan, the National Planning Policy Framework and emerging policy. Consequently, whilst recognising the concerns of neighbouring landowners regarding the potential impact on future investment in the area, in itself, this concern is not considered sufficient on its own to justify refusal. Therefore, on balance, the application is recommended for approval.

Background Papers

- 1 Central Office Market commentary, Jones Lang Lasalle October 2012
- 2 Unipol press release 16.10.12
- 3 Unipol press release 22.11.12
- 4 Unipol/ NUS Accommodation Costs UK Survey 2012/2013



Originator: Tim Hart

Tel: 3952083

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 22nd November 2012

CHANGE OF USE OF OFFICES TO FORM STUDENT ACCOMMODATION, INVOLVING ALTERATIONS TO ELEVATIONS AND ADDITION OF ROOFTOP EXTENSION, PENNINE HOUSE, RUSSELL STREET, LEEDS 1 (REFERENCE 12/04154/FU)

APPLICANT

London Cornwall Property Partners

DATE VALID

5th October 2012

TARGET DATE

4th January 2012

Electoral Wards Affected:

City & Hunslet

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions (and any others which he might consider appropriate) and the completion of a Section 106 agreement to include the following obligations; occupation of accommodation by full time students only; no cars or motorbikes to be brought to the site by students; 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

- 4 3 Year Time Limit.
- 5 Development to be in accordance with approved plans.
- 6 Notification of Commencement.
- 4 Details of contractor's storage and parking.
- 5 Details of methods to control dirt, dust and noise during construction.
- 6 Construction hours 0730-1900 Monday-Friday and 0800-1300 Saturdays.

- 7 1:20 drawings of cladding, reveals, pavilion, canopy and shopfront.
- 8 Details and sample panel of all external facing materials.
- 9 Details of start and end of term management of vehicles.
- 10 Servicing management strategy to be submitted and agreed.
- 11 Cycle facilities to be provided before occupation.
- 12 Details of method, storage and disposal of litter and refuse.
- 13 BREEAM very good to be achieved and post construction review of sustainability measures.
- 14 Sound insulation scheme to be submitted and agreed.
- 15 Post completion sound test to confirm approved levels are achieved.
- 16 Details of platform lifts to be agreed.

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 statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the National Planning Policy Framework and the content and policies within the Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR). In particular, the application is considered to comply with UDPR policies GP5, N12, H15A, A4, BD6, CC3, and CC27 and emerging Core Strategy policies. 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 This application proposes the change of use of part of an office building to student accommodation, together with a roof extension and alterations to the elevations. The majority of the office floorspace in the building has remained vacant for several years. The office is located within the Prime Office Quarter where, consistent with other Quarters, a variety of uses are encouraged which add variety and vitality providing they do not prejudice the functioning of the principal use.

2.0 SITE AND SURROUNDINGS

- 2.1 Pennine House is a 9 storey building comprising a bar at the bottom two levels and office floorspace in the upper floors. Henry's bar is accessed, via a ground floor extension, from Greek Street whereas the office accommodation is accessed from Russell Street. A covered pedestrian route at the west end of the building links the two streets. Internal floor levels are such that there are several steps up from street level to the upper ground entrance floor. The building was reclad in 1990 utilising bold architectural language including a full height triangular bay topped by a faux pediment and utilising black glazing.
- 2.2 Like many of the properties nearby the building dates from the 1960's. The building forms part of a terrace of similar height properties located between East Parade and Park Row. Levels fall gradually towards the west. The west side of the building abuts Greek Street car park, the last remaining silopark parking system in the United Kingdom. Aquis House to the east projects forward of Pennine House above ground floor level on the Greek Street elevation. On the south side Russell Street faces into Bond Court, an open space flanked by office buildings. 2 Bond Court on the east side has recently been refurbished, including the introduction of a new café at ground floor level.

2.3 Pennine House is located in the Prime Office Quarter where the principal use of buildings is for offices. There are a large number of To Let signs reflecting the existing high levels of vacancy. Many of the buildings now have bars or restaurants at ground level including Aquis House to the east and Yorkshire House to the north. There are examples of residential use nearby including flats at upper levels of 6 Greek Street.

3.0 PROPOSAL

3.1 It is proposed to change the use of the first to seventh floors of the building to student accommodation. 15 bedrooms would be provided on each of these levels. Each floor would incorporate an accessible bedroom and a lounge area. A new floor would be added at the existing roof level accommodating 14 rooms and a plant area. In total, 119 bedspaces are proposed. The building is likely to be managed by CRM Students who manage 8,000 beds nationally, including The Priory at Leeds University. CRM Students is accredited by ANUK, a body recognised by all UK Universities, for defining a national code of standards for student accommodation. This means CRM Students has demonstrated excellence in fundamental areas such as property condition and management.

3.2 The existing bar (Henry's) at lower and upper ground floor would be reconfigured, possibly involving the subdivision of the floorspace at upper ground level to enable two users. At lower ground floor student facilities would include a management office, games room, gym, cinema and quiet study area, in addition to a student lounge. This level would also house space for bicycle storage, bin storage and a laundry area. A new fire escape stair core would be introduced into the building exiting on to Russell Street.

3.3 The upper ground floor would remain principally in bar/restaurant use. Internal steps up from Greek Street to floor level would be rearranged and new platform lifts would be provided. New stairs would also be provided from this level down to the toilets at lower ground level. The student accommodation would be accessed from Russell Street.

3.4 The existing cladding and fenestration will be removed, including the triangular bay and pediment. New, clear, acoustic glazing would be introduced within a simplified design utilising durable artificial stone cladding. A similar approach would be adopted at street level. On Greek Street existing rendered and ball-topped brick piers would be stripped back and utilise the same materials to be used at upper levels of the building. On Russell Street, new large, fixed glazing would be introduced at lower and upper ground levels to help activate the streetscene. A new lightweight glazed canopy would replace the existing concrete projection. The new eighth floor would be a pavilion-like, primarily glazed, structure set back from the front and rear facades.

3.5 The development would involve an investment of more than £6 million in the building.

4.0 RELEVANT PLANNING HISTORY

4.1 The application was subject to pre-application discussions in accordance with the pre-application charter.

5.0 PUBLIC/LOCAL RESPONSE

5.1 Site notices advertising the application were posted on 12th October 2012 and the application was advertised in the Leeds Weekly News on 25th October 2012. City and Hunslet Ward Members were also consulted on 19th October 2012.

5.2 Three letters of objection have been received from local landowners. It is stated that:

- the proposed use is incompatible with office and other commercial uses in the area due to noise, business disruption and litter;
- the use would deter potential occupiers of surrounding office provision and have an adverse impact upon the office accommodation market;
- office space would be lost which would be contrary to policy and no assessment of the need for office space has been provided;
- the loss of office space would be detrimental to the competitiveness of the city
- the location is isolated from the universities and other city centre residential developments;
- there is a significant supply of student accommodation in Leeds and the proposal would further saturate the student market; and
- existing late-night commercial uses would adversely affect the student accommodation through disturbance.

Leeds Civic Trust (LCT) has also written objecting to the application on similar grounds to the objectors. LCT state that the floorplans suggest cramped and unattractive spaces; that a convincing improvement in energy performance is not identified; and that the changes to the elevations do not suggest a significant improvement.

6.0 CONSULTATIONS RESPONSES

6.1 Non-statutory:

6.1.1 Highways – no objections subject to conditions regarding start and end of term vehicle management and servicing, and a section 106 obligation prohibiting students bringing cars and motorcycles to the site.

6.1.2 Environmental Protection Team – a sound insulation scheme is recommended to protect the amenities of future occupants from nearby noise sources, and nearby noise sensitive premises from noise emitted by the proposed development. A post completion sound test is recommended to demonstrate compliance with the noise requirements. It is also recommended that construction hours are controlled to protect noise sensitive premises.

6.1.3 Licensing – no comment.

7.0 PLANNING POLICIES

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).

7.1 Regional Spatial Strategy

The Regional Spatial Strategy (RSS) sets out the strategic priorities for the region until 2026. LCR1 states that the role of Leeds as a regional city should be developed by accommodating significant growth in jobs and homes; and ensuring strategic patterns of development maximize the opportunities to use non car modes of transport and reduce the overall need to travel (D1).

7.2 Unitary Development Plan Review (2006)

The most relevant UDPR policies are:

- GP5 Detailed planning considerations to be resolved
- N12 Priorities for urban design include:
 - ii New buildings should be of good design
 - vii Design and facilities to reflect the needs of those with restricted mobility.
 - viii Visual interest should be encouraged.
- T2 Development should not create or materially add to problems of safety or efficiency on the highway network.
- H15A Student housing to be promoted in areas beyond the Area of Housing Mix. Paragraph 7.5.35 states that “significant potential exists for further student housing in the City Centre and in locations elsewhere. To be successful, such provision will need to be well served by public transport connections to the Universities, have the potential to appeal to students and be capable of being assimilated into the existing neighbourhood without nuisance. The City Council will encourage and support pioneer developments in such locations to help establish a critical mass of student presence and, ultimately, generate alternative popular locations for students to live, other than the wider Headingley area”.
- A4 Design of safe and secure environments, including access arrangements, public space, servicing and maintenance, materials and lighting.
- BD6 Alterations to respect the scale, form, detailing and materials of the original building.

City Centre policies seek to encourage a more vibrant, high quality environment including improved access for all. These objectives are expanded in the following policies:

- CC3 Character of the city centre maintained by encouraging good design of buildings upgrading the environment.
- CC19 Office use will be supported as the principal use in the prime office quarter.
- CC27 Identification of principal quarters, including the Prime Office Quarter. Proposals for other uses are encouraged which service the quarter; add variety in land use and contribute to the life and vitality of the city centre; and do not prejudice the functioning of the principal use.
- 13.6.15 Within the city centre, housing in vacant upper floors could provide an important source to meet housing need as well as helping bring back life into the city centre.

7.3 National Planning Policy Framework

Planning should proactively drive and support sustainable economic development; and seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (para. 17).

Local Planning Authorities (LPA's) should recognise town centres as the heart of their communities and support their vitality and viability; and recognise that

residential development can play an important role in ensuring the vitality of centres (para. 23).

Housing applications should be considered in the context of the presumption in favour of sustainable development (para. 49).

LPA's should normally approve applications for change of use to residential use from commercial buildings where there is an identified need for additional housing in the area providing there are not strong economic reasons why such development would be inappropriate (para 51).

Paragraph 123 says decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise.

7.4 Supplementary Planning Guidance, other guidance and emerging policy

7.4.1 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 7th November 2012 Executive Board approved the proposed pre-submission changes to the Publication Draft of the Leeds Development Framework Core Strategy. Executive Board also resolved to recommend that Council approve the Publication Draft Core Strategy and the sustainability report for the purposes of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004.

7.4.2 Core Strategy Policy CC1B outlines the planned growth within the City Centre, including residential, office and retail growth. The policy states that "mixed office/residential schemes to site residential on upper floors and away from major roads". Paragraph 5.1.14 states that "The City Centre remains a good location for purpose built student housing, but excessive concentrations in one area should be avoided in line with Policy H6". Policy H6B considers proposals for purpose built student accommodation. Developments should extend the supply to take pressure off the use of private housing; avoid excessive concentrations of student accommodation; and avoid locations which are not easily accessible to the Universities by foot or public transport.

8.0 **MAIN ISSUES**

- Principle of the proposed uses
- Amenity issues
- Highways
- Impact on appearance of the building and streetscene
- Access and equality considerations
- Sustainability
- Section 106
- Conclusion

9.0 **APPRAISAL**

9.1 Principle of the proposed uses

9.1.1 The application seeks permission for student accommodation at upper levels of the building and the retention of bar/restaurant facilities at ground level with a

combination of these uses at lower ground level. Proposals for non-office uses which add variety in land use; contribute to the life and vitality of the city centre; and do not prejudice the functioning of the principal use, are encouraged in the defined Prime Office Quarter. Proposals which reduce the variety of non-principal uses will not normally be permitted (CC27).

9.1.2 Residential accommodation has been developed in a variety of locations throughout the Prime Office Quarter both as new build developments and changes of use of office accommodation since policy CC27 was adopted. Additionally, numerous bars and restaurants have also been established within the area. Both these uses have been accommodated without prejudicing the functioning of the Prime Office Quarter. The introduction of student accommodation into the area would add additional variety in land use to the principal office use. The accommodation would be likely to be occupied at all times including evenings and weekends when the office use is less intensive. Consequently, the use of the building for student accommodation and bar/restaurant facilities would contribute to vibrancy of the city centre in accordance with CC27 and emerging Core Strategy policies. The impact of the proposed student accommodation upon the functioning of offices in the area is addressed within the amenity and highway sections below.

9.1.3 Objectors have raised concerns that the proposed student accommodation would deter potential occupiers of surrounding office provision and have an adverse impact upon the office accommodation market. As noted, issues of compatibility between the existing and proposed uses are reviewed below, whilst consequential effects on commercial competition and property values are not normally planning matters. Notwithstanding, the applicant has provided information regarding the property which is material to the consideration of the application. Only the third and fourth floors of the building are currently let. It has not been possible to let any other parts of the office building for more than three years. This is despite some refurbishment and competitive terms offered. An office property consultancy advise that Pennine House does not meet the majority of occupier's requirements and that comprehensive and expensive refurbishment would be needed to be better placed to attract occupiers. However, the advice continues that such an approach would not guarantee any lettings due to the enduring configuration of the floors, restricted floor to ceiling heights and the tight core. The consultancy concludes that the most cost effective solution for Pennine House would be redevelopment for an alternative use. There is currently a high level of vacancy in the city centre office market, together with a number of well-located office schemes that have yet to be developed. In these circumstances it is not considered that the change of use of c.3000sq.m of low grade vacant office floorspace would have a material impact upon the office market within the city.

9.2 Amenity issues

9.2.1 The property is located within a part of the Prime Office Quarter where there are a number of restaurants and late-night bars. The new façades of the building would be constructed to a standard to reduce external noise to a good internal noise level. This would involve acoustically significant glazing and ventilation by means other than having to open windows. Sound insulation would also be introduced, where necessary, within the building to ensure that noise is not transferred between the ground floor and student accommodation, or from the accommodation to the neighbouring office building. The delivery of suitable noise mitigation will be controlled by planning conditions 14 and 15. The access to the student accommodation would be from the existing entrance on Russell Street close to the car park. Furthermore, the accommodation will be well-staffed, with strict rules on

behaviour which are backed up by provisions in the student's leases. Consequently, neither the students or their neighbours would experience unacceptable disturbance from the proposed uses.

9.2.2 Bins would be stored within the lower ground floor with a platform lift introduced to assist with raising and lowering of the bins on collection days. This will improve the current situation where bins are kept on-street. The lower ground floor would house the bike store and would also incorporate a range of facilities for students including a laundry, gym and quiet room. This is in addition to the lounges proposed on each level of the student accommodation. Of course, due to the location, students would have the range of city centre facilities located in close proximity.

9.2.3 Room sizes within the accommodation range from 17sqm. to nearly 25sqm. and average 22sq.m.. The rooms are larger than rooms recently approved at the City Campus development (13sqm. to 16sqm.). The southerly facing rooms would have an outlook towards Bond Court. On the north side of the building rooms would face across Greek Street towards Yorkshire House 17 metres away. Consequently the rooms would have an acceptable outlook and not have an unacceptable relationship with the offices across the street. The development would therefore accord with policy GP5 of the UDPR.

9.3 Highways

9.3.1 The building is located in a sustainable city centre location. A range of bus services run frequently to the universities from nearby stops. The railway station is also in close proximity. The Parkinson Building is approximately 1.2km away such that the universities are also accessible on foot. The secure bike storage area at lower ground floor would have racks to accommodate at least 24 bicycles. Consequently, the development would have excellent access to a range of non-car modes of transport.

9.3.2 Due to the use of existing road space nearby for pay and display parking, motorcycle parking and taxis there is limited opportunity for additional use. The students' tenancy agreement will ensure that they will not use a car or motorcycle in connection with the development other than at the start and end of the academic year. The management would enforce this through the requirement for a substantial deposit. The section 106 agreement also ensures that this measure is implemented. A planning condition is also proposed which requires a car parking management strategy to be submitted and approved for changeover days. It is likely that this may involve the suspension of 3 pay and display bays for up to 3 days.

9.3.3 The building has historically been used for offices and A3/A4 uses which generated their own servicing requirements. The scale of the bar/restaurant would reduce as a result of the development. Additionally, the student accommodation would have fewer deliveries than the office use. However, a condition is proposed that requires the submission and approval of a servicing management strategy. Consequently, it is not considered that the proposed mix of uses will give rise to an adverse impact on highway safety or the free-flow of the highway network. Similarly, the uses would not prejudice the functioning of existing activities in the area. The development therefore accords with policy T2 of the UDPR.

9.4 Impact on appearance of the building and streetscene

9.4.1 The existing building was re-clad in 1990 in a bold architectural language. The need to replace the fenestration to deal with noise issues provides the opportunity for a

wider review of the building's appearance. Major moves include the removal of the triangular bays and the false pediments. Existing cladding will be stripped back and replaced by panels of high quality artificial stone. Window reveals will create more depth to the building and clear energy efficient glazing will be utilised.

- 9.4.2 The building and its neighbours each have existing full storey plant on their roofs. A new level of accommodation is proposed at roof level which will house both the plant and provide student accommodation. The minimalist structure would be glazed to the front and rear with zinc panelling to the sides. The structure would be set back from the front and rear facades of the main building such that it would not have a significant impact on the streetscene.
- 9.4.3 At ground level the existing single storey projection towards Greek Street would be refined through the reduction in the number of materials used for the supporting piers. The shopfront would also be updated with the use of full height glazing. On the Russell Street elevation the existing heavy concrete canopy would be replaced by a simple lightweight canopy helping to make the entrance more inviting. Further, new large, fixed, glazing to the rear of the bar and to the student lounge would help to animate what is currently a primarily dead frontage on Russell Street.
- 9.4.4 The proposed external alterations would create a more subtle and unified appearance to the building and accord with policy BD6 of the UDPR.

9.5 Access and equality considerations

- 9.5.1 The development would be fully compliant with Part M of the Building Regulations. Areas of full height glazing will have appropriate manifestations. The change in levels between the street and interior is managed through the use of stair lifts and a platform lift. New vertical platform lifts would be installed when the ground floor commercial space is refurbished. There are two wheelchair accessible lifts within the office reception area which provide level access to upper floors. A large accessible bedroom would be provided on each floor of the converted building. Consequently, the development accords with policies A4 and GP5 of the UDPR.

9.6 Sustainability

- 9.6.1 A number of passive and active carbon reduction measures are proposed in addition to the re-use of the existing building structure and the promotion of sustainable modes of transport. High performance windows will exceed Building Regulation requirements. Similarly, walls and roofs will be well insulated. Heating and hot water systems, together with lighting will respond to demand to reduce wasted energy. Additionally, heat recovery systems will be introduced. Recycling facilities will be provided in the building for both waste and paper. Condition 13 requires the development to achieve BREEAM "very good" standard. This complies with current guidance contained within the City Council's sustainable design Supplementary Planning Document "Building for Tomorrow Today".

9.7 Section 106

- 9.7.1 A draft section 106 agreement has been prepared. The agreement includes the following clauses:

- Occupation of accommodation by full time students only
- Students not to bring motor vehicles to the site
- Section 106 management fee £750

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

9.8 Conclusion

9.8.1 The proposed development would add variety to existing land uses in the area and also deliver improvements to the external appearance of the property. These would be beneficial to both the appearance of the building and the wider streetscene and also to the vitality of the city centre. They would be achieved without an adverse impact upon the functioning of the existing office quarter. The office floorspace in the building itself has remained largely vacant for the last four years which it is not considered economic to improve. The scheme involves an investment of £6m and will create new jobs during its construction. The proposal is a sustainable development that accords with the Development Plan and also the National Planning Policy Framework and is recommended for approval.

Appendix 2 – Minutes of 22nd November 2012

Plans, photographs, drawings, graphics and sample panels were displayed at the meeting. A Members site visit had taken place earlier in the day

The Head of Planning Services stated that a further representation had been received and that the Panel might wish to hear the speakers for and against the application, discuss the proposals and then defer determination of the application to enable proper consideration by Officers of the information which had been submitted, with the Panel agreeing to this course of action

Officers presented the report which sought a change of use of a vacant office building located in the Prime Office Quarter, to student accommodation. Members were informed that the UDPR (2006) supported the principle of office use in the area but accepted other uses which added variety and vitality so long as they did not prejudice the functioning of the principal use

The 1960s building had been re-clad in the 1990s and the proposal was to strip the building back to its original structure and to provide a simpler, more unified approach, with the main material being artificial stone. A new pavilion would be located at the top of the building with the overall height of the building matching nearby Aquis House and the adjacent multi-storey car park

The Panel then heard representations from the applicant and an objector who attended the meeting.

Members commented on the following matters:

- the levels of rent being charged for this type of accommodation in Bristol and that the intended market for the scheme was wealthy students
- the management for this type of accommodation
- the need to consider the medium/long-term sustainability of the building and the need for further information on the amount of residential accommodation in the area and the amount of vacant office space in the vicinity
- if approved, the possibility of converting at some future point, student accommodation into residential accommodation for details to be provided about the differences there would be between these two uses in terms of the S106 Agreement
- that whilst the proposal would result in the conversion of an unattractive building, that there were grave misgivings about introducing students into the heart of the business area, with concerns that if approved, a precedent could be set
- the importance of not losing low cost office space in the city centre
- the rapid advancements in technology and IT requirements which meant that relatively modern offices needed to be refurbished to meet modern demands
- that alternative uses, e.g. a hotel might be more acceptable in this area rather than student accommodation
- that the site was in a highly sustainable area for students
- the need to provide details of the proposals affecting Henry's Bar and the roof, together with information on the treatment to the lean-to

The Chief Planning Officer stated that there was a need to look at the supply of student accommodation in the city in view of declining student numbers and that the investment in the regeneration of Bond Court would also need to be considered when introducing a new use to this area.

RESOLVED – To note the report and the comments made and in light of the late representation which had been received, to defer determination of the application to a future meeting to enable a further report to be submitted which also addressed the issues raised by Panel and the Chief Planning Officer

Appendix 3 – Draft conditions

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

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

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

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

- 3) The Local Planning Authority shall be notified in writing of the date of the commencement of development at least one week prior to such commencement.

To enable the Local Planning Authority to monitor conditions which come into force at the commencement of development.

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

In the interests of highway safety in accordance with UDPR policy T2.

- 5) Prior to operations commencing on site details shall be submitted for the approval in writing of the Local Planning Authority of the proposed means of minimising dirt, dust and noise during the construction process. The approved scheme shall be implemented upon commencement of works on site, and thereafter maintained during the construction process.

In the interests of amenity.

- 6) No building operation, including delivery of building materials, shall take place before 0730 hours on weekdays and 0800 hours on Saturdays, or after 1900 hours on weekdays and 1300 hours on Saturdays, with no operation on Sundays or Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

In the interests of amenity.

- 7) The following works shall not be commenced until full details including drawings at a scale of not less than 1:20 have been submitted to and approved in writing by the Local Planning Authority:

1. Cladding system and glazing details;
2. Typical sections through junctions of materials and window reveals;
3. Ground floor restaurant front, roofing and canopy details; and
4. Pavilion roof details.

The works shall be carried out in accordance with the details thereby approved.

In the interests of visual amenity in accordance with UDPR policy BD6.

- 8) Details and samples of all external facing and finishing materials shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The surfaces shall be constructed in accordance with the details thereby agreed.

In the interests of visual amenity in accordance with UDPR policy BD6.

- 9) No development shall take place until a car parking strategy for the management of vehicles at the start and end of the academic year has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.

To ensure the free and safe use of the highways surrounding the development in accordance with UDPR policy T2.

- 10) No development shall take place until a deliveries management strategy has been submitted to and approved in writing by the Local Planning Authority. Deliveries to the development shall thereafter be carried out in accordance with the approved strategy.

To ensure the free and safe use of the highways surrounding the development in accordance with UDPR policy T2.

- 11) Details of the cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided prior to first occupation of the development in accordance with the details thereby agreed. The facilities shall thereafter be maintained.

In the interest of sustainable transport in accordance with UDPR policy T7A.

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

In the interests of amenity and to promote recycling.

- 13) The development shall attain a BREEAM rating of Excellent. A post-construction review certificate shall be submitted and approved in writing by the Local Planning Authority prior to occupation of the development demonstrating BRE certified Excellent Standard unless otherwise approved in writing by the Local Planning Authority.

In the interests of sustainable development and to demonstrate compliance with Leeds City Council's Building for Tomorrow Today Supplementary Planning Document, the emerging Core Strategy, Regional Spatial Strategy Policy ENV 5 and the NPPF.

- 14) Details of a sound insulation scheme designed to protect the future occupants of the student accommodation from noise emitted by nearby sources and to protect neighbours from noise emitted from the development shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of the development. The approved works shall be completed prior to first occupation of the development and shall thereafter be retained.

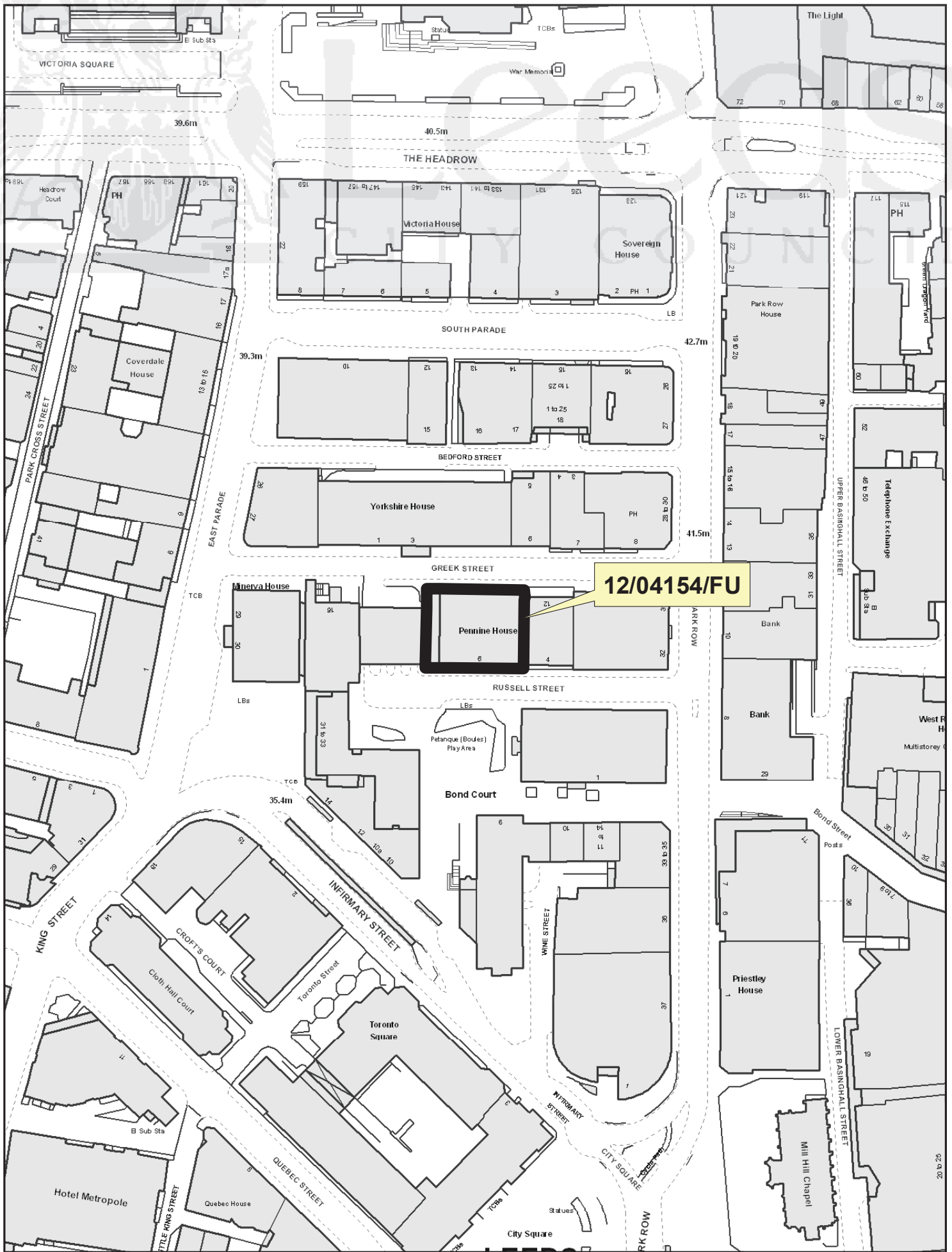
In the interests of the amenities of occupiers of the proposed development and the existing occupants of nearby properties and to accord with UDPR policy GP5.

- 15) Within 3 months of occupation of the development a noise survey shall be undertaken to show compliance with condition 15. The survey locations and methodology shall be agreed in writing by the Local Planning Authority in advance of the survey being undertaken and shall be representative of the noise sensitive receptors within the development. The results of the survey shall be provided to the Local Planning Authority within 4 weeks of the survey being carried out. In the event of failure to demonstrate compliance with any imposed noise conditions, measures necessary to comply with condition 15 shall be agreed and implemented. A further noise survey shall be submitted to the Local Planning Authority to demonstrate that acceptable noise levels have been achieved.

To demonstrate compliance with condition 15 in the interests of amenity in accordance with UDPR policy GP5.

- 16) Prior to the commencement of alterations to the access to the Upper Ground Floor bar/restaurant use full details of the proposed means to ensure that the development is accessible to all people, including the provision of platform lifts, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be implemented prior to the first use of the refurbished floorspace and thereafter retained and maintained.

In the interests of accessibility and in accordance with UDPR policies T6 and A4.



CITY PLANS PANEL

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Originator: Sarah McMahon

Tel: 2478171

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 17 JANUARY 2013

Subject: Planning Application 12/04663/FU and Conservation Area Application 12/04664/CA - Demolition of existing buildings and erection of a 6 storey library with ancillary landscaping at the University of Leeds, Land bounded by Woodhouse Lane and Hillary Place, Leeds, LS2 3AR.

Electoral Wards Affected:

Hyde Park & Woodhouse

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Defer and delegate to the Chief Planning Officer for 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:

- **A Travel Plan monitoring and evaluation fee of £2,500.00.**
- **A contribution of £10,000.00 towards the provision of a 'Live' bus information display at nearby bus stop 11388 on Woodhouse Lane.**
- **Agreement of publicly accessible areas.**
- **The employment and training of local people.**

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.

12/04663/FU Conditions

1. Time Limit
2. List of plans to be approved
3. Details of levels
4. Samples of all external walling and roofing materials.

5. Samples of all surfacing materials
6. Sample panels of the external walling
7. Detailed 1:20 scale working drawings shall be submitted including cross sections all doorways, b) all windows c) soffit detail and d) Details of the fins/louvres and their supporting structure.
8. Plant noise limits
9. Hours of construction - 07.30 hours on weekdays and 08.00 hours on Saturdays or after 19.00 hours on weekdays and 13.00 hours on Saturdays. With no operation on Sundays or Bank Holidays.
10. Requirement for submission of details of the landscaping scheme
11. Implementation of landscaping scheme
12. Requirement for submission of a landscaping management plan
13. Details of tree planting
14. Submission of Phase 1 Desk Top Study
15. Remediation works shall be carried out in accordance with the approved Remediation Statement
16. Unexpected land contamination
17. Method of storage and disposal of litter and waste materials, including recycling facilities
18. No refuse disposal involving external storage of refuse containers shall take place
19. Details of lighting
20. Details of the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development
21. 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 BREEAM Excellent assessment
22. Details of the south facing wall mounted photovoltaic panels,
23. Scheme detailing surface water drainage works
24. Details of mechanical ventilation or air conditioning system
25. Dust generation by vehicles
26. No site clearance, demolition or removal of trees, shrubs and other vegetation shall be carried out during the period 1 March to 31 August inclusive
27. Method statement for the control and eradication of Japanese Knotweed
28. Details of cycle/motorcycle parking and facilities
29. All areas to be used by vehicles to be fully laid out, surfaced and drained
30. Details of access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles
31. Details of a temporary position for City Car Club bay during construction
32. Details of public art strategy

All Conditions are provided in full in the Appendix 2.

12/04664/CA Conditions

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

All Conditions are provided in full in the Appendix 2.

Reasons for approval:

In reaching a decision the case officer dealing with the application has worked with the applicant/agent in a positive, timely and collaborative way to produce an acceptable scheme in accordance with paragraphs 186 and 187 of the National Planning Policy framework.

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) Policies A4, BC8, BD2, BD3, BD4, BD5, BD15, CC1, CC10, CC12, CC27, GP5, GP7, GP11, LD1, N12, N13, N18A, N18B, N19, N23, N25, SA8, T1, T2, T5, T7 and T7A. 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 was put before Members at pre-application stage on 27 September 2012 and as a Position Statement at Plans Panel on 13 December 2012. Members made a number of comments which are detailed in Section 5.0 below and in Appendix 1. The application has been amended to respond to these comments and is now brought back to Plans Panel to allow Members to consider a major proposal within the setting of a number of listed buildings and a conservation area.
- 1.2 The University has stated that there is a requirement for them to create a dedicated undergraduate's library to allow them to provide the modern learning facilities required by students. The proposal would allow the existing two libraries (Edward Boyle and Brotherton) to focus on special collections and postgraduate studies. Thus the University's aim is to create a trinity of libraries within 5 minutes walking distance of each other, which act as entry/welcome point into the campus.
- 1.3 The proposal is of significant importance to the University to allow them to effectively compete with other institutions and ensure economically viable numbers of students undertake their studies at the University. As such the University considers that the proposal would be a key attractor to students and would create a new high quality, welcoming feature at the front door to the campus. It is also the case that the proposal must be appropriate in respect of the needs of the City, in contributing to the life, vitality and economy of Leeds, and to the requirements of what is a highly sensitive heritage location.
- 1.4 The building is to be positioned on one of the 27 development proposals sites put forward by the University as part of their overall Strategic Development Framework (May 2008 Revision C) for the campus, which was presented to Members on 28 February 2008.

2.0 PROPOSAL

- 2.1 The proposal would be for a contemporary 24 hour opening library building, housing designated areas including a reading room, book stack rooms, study areas, training rooms, staff offices, an internal bicycle store and an ancillary café space. The gross

floor space would be in the region of 6,557 sq metres. External public realm spaces would be created to the north and south of the building, with hard and soft landscaping and external seating areas. External cycle parking will also be provided within the boundary of the site.

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

- Design and Access Statement.
- Flood Risk Assessment
- Sustainability Statement
- Heritage Statement
- Utilities Statement
- Noise Report
- Ecological Site Assessment
- Ground Investigation Report
- Drainage Strategy Report
- Transport Statement
- Travel Plan
- Tree Report

3.0 SITE AND SURROUNDINGS:

3.1 The Leeds Unitary Development Plan Review 2006 (UDP) defines this location as being within the Education Quarter. The site has been in use for some years as a surface car park. There are landscaped edges to the site to its northern and southern ends with a small number of trees of varying maturity and species. On street car parking bays are also laid out along Hillary Place. A section of the proposed New Generation Transport route is proposed to run to the north of the site along Woodhouse Lane.

3.2 The site is set within the boundary of the Woodhouse Lane - University Precinct Conservation Area. This Conservation Area is characterised by an eclectic mix of buildings ranging from large scale university blocks to former terrace houses, with a wide range of architectural styles. The layout of the area ranges from the planned 19th century suburban developments of Woodhouse Lane to the more piecemeal expansion of the University precinct.

3.3 The existing car park is flanked by the Grade II listed Workshop Theatre building (the former Emmanuel Church Institute), the Grade II Listed former Emmanuel Church and former Trinity St David's Church. In addition there are further Grade II Listed buildings facing the site to the south along Hillary Place and to the north along Blenheim Terrace. The nearby Parkinson Building is also a Grade II Listed building.

4.0 RELEVANT PLANNING HISTORY

4.1 Consent was granted for 10 storey car park with associated management suite and ancillary (Class D1/Cycle Hire and Workshop) space and landscaping, on the Orange Zone car park area of the University of Leeds city campus on 30 March 2010, under Planning Application 09/03060/FU.

- 4.2 Consents to change the former Trinity St David's Church into a café/bar (A3 Use) were granted on 17 September 2002 on Listed Building applications 20/87/02/LI and on 9 October 2002 on Planning Application 20/85/02/FU
- 4.3 Consents to alter the Emmanuel Church to a place of worship with teaching rooms addition of canopy and detached plant housing were granted on 11 June 2003 on Listed building application 20/17/03/LI and on 13 June 2002 on Planning Application 20/396/02/FU.
- 4.4 Consent for a change of use of building society office to offices at 183 Woodhouse Lane was granted on 14 December 2001 on Planning Application H20/429/90.
- 4.5 Consent for a single storey link extension to offices at 183 Woodhouse Lane was granted on 14 December 2001 on Planning Application 20/268/01/FU.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The proposal has been the subject of pre-application discussions between the Developers, their Architects and Local Authority Officers since November 2011. These discussions have focused on the proposed use of the site as an undergraduate's library, the massing, form and height of the development, the historical context of the site and the relationship of the proposal to a number of neighbouring listed buildings, the loss of car parking on the site, details of the elevational design and materials, key views, pedestrian routes and connectivity through the site and wider campus, the sustainability credentials of the proposal, and the proposed hard and soft landscaping scheme.
- 5.2 The pre-application scheme for an undergraduate library (up to 6 storeys high) and associated landscaping was presented to Members at the City Plans Panel on 27 September 2012. Members made the following comments (full Plans Panel minutes can be found in Appendix 1;
 - Concerns there was a huge massing to the rear of the building “looks blocky, boxy”
 - Missing an opportunity, does not make best use of the site
 - Suggestion that the building be more refined, more delicate
 - Rear and front of the building need to be of equal strength, require quality on a small site
 - Welcome proposal for use of Portland stone
 - Pleased with BREEAM status
 - Concerns at the loss of 2 trees in a Conservation area
 - Look again at the issues around massing, suggestion that the building be made taller and slimmer onto Hillary Place
 - Further consideration of the design and appearance of the building was required
 - Accepted the removal of the unlisted former bank building.
 - There was a need to address the loss of the existing trees with appropriate replacement planting
 - More information was required on what happens to the displaced car parking.
- 5.3 The proposal was brought to Plans Panel as a Position Statement on 13 December 2012. Members made the following comments:

- That the revisions which had been made to the scheme were an improvement but whether the building fitted in with the surrounding gothic buildings
- That the loss of a bank building was acceptable
- An acceptance that the development could not be built in the gothic style
- That there appeared to be a lack of any relationship to the building above it, i.e. at the eaves line
- That concerns remained regarding the massing of the Hillary Place elevation
- The possibility of creating some art work in the glazing, relating to learning further detailing was needed to indicate the building's use as a library, rather than just another University building
- That the community use of the ground floor was welcomed
- There were concerns about the blandness of two elevations when looking from the site to the former BBC building
- That the entrance on Hillary Place appeared dark, unwelcoming and required lighting.
- Concerns were also raised about the decorative grill element
- That there was a need for both entrances to make a statement and whether the steps on the Hillary Place entrance would be used in view of a lift also being available
- That the proposed use was appropriate for this location
- That the design refinements were considered to be acceptable but that further detailing was required in view of Members' comments about the Hillary Place entrance; possible decorative glazing to link the building to the University and the nearby churches, and indicate the use of the building
- That the demolition of the existing buildings was acceptable and that the decorative façade of the former bank building could be salvaged and relocated if required
- That further details would be provided about the relocation of car parking but were supportive in principle of the proposal to reduce the level of car parking on the site
- That the loss of the existing trees and the proposed tree replacement plans and other landscaping was acceptable but there was a need to ensure the proposed fruit trees did not overhang the footpath, in order to avoid accidents

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The planning application was publicised via Site Notices posted on 16 November 2012 expiring on 7 December 2012 for a 'Major Development Which Affects the Setting of a Listed Building and the Character of a Conservation Area', and in a Yorkshire Evening Post edition published on the 6 December 2012.
- 6.2 The Conservation Area application was publicised via Site Notices posted on 16 November 2012 expiring on 7 December 2012 for a 'Notice of proposed demolition in a Conservation Area', and in a Yorkshire Evening Post edition to be printed on or around the 6 December 2012.
- 6.3 Ward Members were consulted by Officers on 9 and 12 November 2012.
- 6.4 The Applicant has advised that they have sent letters regarding the scheme to all Ward Members, the Halo nightclub tenants in the former Trinity St David's Church, and the chaplains of the Emmanuel Church. In addition, a consultation leaflet was

delivered to all nearby residential dwellings and businesses on 9 November 2012 and the Applicant held a public consultation event on the University Campus on 19 November 2012.

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

English Heritage: state that they consider that the conservation area application does not fall within their remit and as such they have made no comments. In respect of the full planning application they state that the proposal can be considered to be of substantial harm, due to the loss of a non-designated heritage asset (the former bank building). However they go on to state that they consider the wider site (i.e. the surface car park) does not contribute positively to the significance and setting of the affected designated heritage asset and due to the public benefit of the creation of a well designed urban block and the removal of an area of negative value (the surface car park), the benefits of the proposal outweigh the harm to significance that it causes. As such they state that they support the proposals.

Demolition in Conservation Areas Groups: No comments to date.

Highways: state that due to the proposed loss in overall car parking on the campus the scheme requires an associated Traffic Regulation Order works contribution of £20,000.00. This matter is still under discussion and will be verbally reported to Members at Panel. In addition Highways advise that conditions to cover the areas for vehicle use to be laid out and the provision of details of constructor's equipment are required and such conditions will be applied.

Mains Drainage: state that a condition is required for the submission of a scheme detailing surface water drainage works.

The Victorian Society: state that they have no objection to the redevelopment of the site, but suggest that the recording, retention and/or reuse of the former bank should be considered. They also state that the Hillary Place elevation is intimidating and too large in scale and that the elevation should be set back and respect its setting. They also state that the relationship of the new building to Woodhouse Lane also needs to be explored.

7.2 Non-Statutory:

NGT/Transport Policy Officer: states that given the downturn in student and staff numbers over the last couple of years, which may be exacerbated by higher course fees, he accepts that the facility is more likely to be a focus for maintaining the attractiveness of the University in the face of competition rather than generating growth. In addition he advises that the University has also paid / is obligated to pay significant sums towards public transport under approved / completed development. Therefore on that basis, the Officer does not consider it reasonable to levy a public transport contribution on the current proposal.

Sustainability Officer: No comments to date however the proposal will be BREEAM Excellent and this will be controlled via a planning condition.

Land Contamination Team: State they have no objections to the proposal subject to conditions being applied to cover the submission of a Phase I Desk Study, the submission of a Remediation Statement and any unexpected contamination.

Neighbourhoods and Housing: state that the proposal is not likely to give rise to noise complaints but there is potential for noise from its mechanical services plant. As such conditions controlling the level of noise from plant, along with conditions covering operating hours for demolition and construction works, and compliance with the Code of Constriction Practice are required.

Access Officer: No comments to date.

Metro: state that they require the Developer to fund a new 'live' bus information display to be erected at the bus stop on Woodhouse Lane, adjacent to the site. The contribution required from the Developer would be £10,000.00.

West Yorkshire Archaeological Advisory Service: state that there is currently no known archaeological implications from the proposed development of this site.

Leeds Civic Trust: state that they object to the proposal due to the loss of the former bank building, and that they consider the design to be bulky, with a busy mix of materials and architectural features. They consider that the scheme does not respond to local character or history, or reflect the identity of local surroundings and materials.

TravelWise: stating that alterations to the Travel Plan are required to cover the relocation of the existing car club space, the location of long stay secure cycle parking spaces in the building and associated shower facilities, an increased provision of short stay cycle spaces outside the building, whether or not motorcycle spaces can be provided within the site, and up to date specific targets and actions. The Travel Plan is being revised accordingly. In addition, there is a requirement for a travel plan monitoring and evaluation fee of £2,500.00.

8.0 PLANNING POLICIES:

8.1 National Planning Policy Framework (NPPF)

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 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and paragraph 14 goes on to states that there should be a presumption in favour of sustainable development.

Paragraph 17 of the NPPF sets out the Core Planning Principles for plan making and decision taking. The 3rd principle listed states that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for

growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.

The 4th principle listed states that planning should always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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.

The 10th principle listed states that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

The 11th principle listed states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

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 61 of the NPPF states that's although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review) 2006 (UDPR) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDPR but this is at the draft stage. The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development.

8.3 Regional Spatial Strategy (RSS) (adopted May 2008):

Relevant policies include:

YH1 Spatial pattern of development and core approach.

YH2 Sustainable development.

YH4 Focus development on regional cities.

YH5 Focus development on principal towns.

YH7 Location of development.

LCR1 Leeds City Region sub area policy.

LCR2 Regionally significant investment priorities, Leeds city region.

8.4 Leeds Unitary Development Plan (Review) 2006

Relevant policies include:

Policy A4 (Access for all)

Policy BC8 (Demolition of unlisted buildings in a conservation area and salvaging, storage and reuse of features)

Policy BD2 (Design and siting of new buildings)

Policy BD3 (Accessibility in new buildings)

Policy BD4 (All mechanical plant)

Policy BD5 (All new buildings)

Policy BD15 (Works of public art)

Policy CC1 (Planning obligations)

Policy CC10 (Provision of public space)

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

Policy CC27 (Principal use quarters)

Policy GP5 (All planning considerations)

Policy GP7 (Planning obligations)

Policy GP11 (development must meet sustainable design principles)

Policy LD1 (landscaping schemes)

Policy N12 (Urban building design)

Policy N13 (Design of all new buildings)

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

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

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

Policy N23 (Space around new buildings)

Policy N25 (design of site boundaries)

SA8 – Strategic aim to provide safe and easy access for all.

Policy T1 (General principles of Transport Investment)

Policy T2 (Servicing of new development by public transport)

Policy T5 (Provision to cyclists)

Policy T7 (Promotion of cycle storage facilities)

Policy T7A (Secure cycle parking)

Paragraph 13.7.57 refers to the Education Quarter. The relevant main objectives are:

1. Facilitate the University's consolidation and expansion on their City Centre sites and accommodate their main functional requirements.
2. Retain and enhance the character and identity of the Education Quarter and reinforce its sense of place.

8.5 The Core Strategy

8.6 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.

8.7 As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

8.8 The Core Strategy's Spatial Vision and Objectives state that

- Leeds will have maintained and strengthened its position at the heart of the City Region and has grown a strong diverse and successful urban and rural economy, with skilled people and competitive businesses, which are sustainable, innovative, creative and entrepreneurial. All communities will have equal chances to access jobs and training opportunities through the growth of local businesses.
- Place making will be embedded into the planning process which has led to the creation, protection, and enhancement of buildings, places and spaces that are valued by people. This will have a positive contribution towards better health and wellbeing, especially in communities where there have been clear health disparities and disadvantage.

Objective (iii) 11. States that the Core Strategy Policies support the provision of community infrastructure that is tailored to meet the needs of the community including high quality health, education and training, cultural and recreation, and community facilities and spaces.

Relevant Policies are:

8.9 Spatial Policy 1: Location Of Development states that the majority of new development should be concentrated within urban areas taking advantage of existing services, high levels of accessibility and priorities for urban regeneration and an appropriate balance of brownfield and greenfield land.

8.10 Spatial Policy 3: Role Of Leeds City Centre states that the importance of the City Centre as an economic driver for the District and City Region will be maintained and enhanced by:

(iii) Valuing the contributions to the life, vitality and economy of the City Centre made by the Universities, Leeds General Infirmary, Major Museums and Arena.

- 8.11 Spatial Policy 8: Economic Development Priorities states that
(iii) Job retention and creation, promoting the need for a skilled workforce, educational attainment and reducing barriers to employment opportunities.
- 8.12 Paragraph 5.1.16 states that the hospital, universities and cultural venues generate large amounts of footfall and journeys which make it appropriate that their presence is largely retained in the City Centre where public transport accessibility is extremely good. Future growth in office space, shops and dwellings should be planned to sustain rather than undermine the hospital, universities and major cultural facilities.
- 8.13 Policy CC1: City Centre Development states that c) Hospital, university, college, and cultural facilities to be retained in the City Centre
- 8.14 Policy P9: Community Facilities and Other Services states that access to local community facilities and services, such as education, training, places of worship, health, and community centres, is important to the health and wellbeing of a neighbourhood.
- 8.15 Policy P10: Design states that new development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis to provide good design appropriate to its scale and function.
New development will be expected to deliver high quality innovative design that has evolved, where appropriate, through community consultation and which respects and enhances the variety of existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place, contributing positively towards place making and quality of life and be accessible to all.
- 8.16 Policy P11: Conservation states that the historic environment, consisting of archaeological remains, historic buildings townscapes and landscapes, including locally significant undesignated assets and their settings, will be conserved and development proposals will be expected to demonstrate a full understanding of historic assets affected.
- 8.17 Policy P12: Landscape states that the character, quality and biodiversity of Leeds' townscapes and landscapes, including their historical and cultural significance, will be conserved and enhanced to protect their distinctiveness through stewardship and the planning process.
- 8.18 Policy T1: Transport Management states that there will be a requirement for
(ii) Sustainable travel proposals including travel planning measures for employers and schools.
- 8.19 Policy T2: Accessibility Requirements and New Development states that new development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility.

- 8.20 Policy EN1: Climate Change – Carbon Dioxide Reduction states that all developments of 10 dwellings or more, or over 1,000 square metres of floorspace, whether new-build or conversion, will be required to:
- (i) Reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate until 2016 when all development should be zero carbon; and,
 - (ii) Provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.
- 8.21 Policy EN2: Sustainable Design and Construction states that developments of 1,000 or more square metres (including conversion where feasible) are to meet at least the standard set by BREEAM (Very Good in 2012, Excellent in 2013 and Excellent in 2016).
- 8.22 Policy EN4: District Heating states that where technically viable, and in areas with sufficient heat density, development should propose heating systems according to the following hierarchy:
- (i) Connection to existing heat networks,
 - (ii) Use of a site wide district/communal heating system supplied with low carbon heat where technically viable/feasible.
- 8.23 Policy EN6: Strategic Waste Management states that waste in Leeds will be managed by application of the waste hierarchy in the following way:
- (i) Development will be required to demonstrate measures to reduce and re-use waste both during construction and throughout the life of the development; and
 - (ii) Sufficient space will be provided within all new developments (including conversions) to enable separation, storage, and collection of recyclable materials to take place.
- 8.24 Relevant Supplementary Planning Guidance other guidance and emerging policy
- 8.25 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).
- 8.26 Sustainable Design and Construction Supplementary Planning Document (August 2011).
- 8.27 Draft Supplementary Planning Document ‘Travel Plans’ (May 2007)
- 8.28 Supplementary Planning Document ‘Public Transport Improvements and Developer Contributions’ (adopted August 2008)
- 8.29 Tall Buildings Design Guide (adopted April 2010)

9.0 ISSUES

1. The principle of the proposed use
2. The impact on the character and visual amenity of the adjacent and nearby listed buildings, the street scene and the wider conservation area
3. Demolition and the merit of the existing buildings
4. Vehicle parking provision and relocation
5. Landscaping and public realm

6. Sustainability

7. Section 106 Legal Agreement – Heads of Terms

10.0 APPRAISAL

10.1 The principle of the proposed use

10.2 The proposal is for the use of the site to house an undergraduate library to serve the needs of students at the University of Leeds, with a ground floor ancillary café area, and staff office space. The library would also have fully accessible areas which could be used by visiting students from other educational facilities or for other training needs. The site is located within the Education Quarter, as defined by Leeds Unitary Development Plan Review 2006. Here the principal aims for development are, that it facilitates the University's consolidation and expansion on their City Centre sites and accommodates their main functional requirements. In addition, any proposal should retain and enhance the character and identity of the Education Quarter and reinforce its sense of place.

10.3 As the proposal is for a new library, which will help to expand and improve the facilities of the University of Leeds on their City Centre campus, it is considered to be a highly appropriate use for this location.

10.4 The impact on the character and visual amenity of the adjacent and nearby listed buildings, the street scene and the wider conservation area

10.5 The proposed building design concept has been to produce a building that takes account of its place on what is an infill site, and responds to the sensitive context in which it will be positioned, whilst creating a contemporary state of the art library facility. As such the proposal is to create a modern building of calm, and crisp design, subtly detailed to ensure it compliments rather than competes with the intricately detailed historical buildings within its setting. This is highly important as the site is surrounded by a variety of Grade II Listed Buildings, as well as being set within the boundary of the Woodhouse Lane - University Precinct Conservation Area.

10.6 The University of Leeds campus and the Conservation Area in which it is located are characterised by a rich mix of buildings of differing architectural style, era and scale, all sitting in close proximity to each other. In line with comments from The Victorian Society and the concerns from Leeds Civic Trust, the manner in which the proposal responds to this heritage rich setting is fundamental to the success of its design. Therefore, the proposal is to create a modern, respectful, stepped built form, where the mass of the building is positioned in the least sensitive parts of the site, to minimise its impact on the visual amenity and character of the neighbouring listed buildings and the wider Conservation Area. As a result the building is proposed to step from 2 storeys where it fronts Woodhouse Lane, up to a maximum of 6 storeys (including the roof top plant area and a part sub-basement floor) in the mid to rear area of the site.

10.7 To maximise on its key location the proposal would have two key entrances. The principal entrance would be to the Woodhouse Lane façade with a more direct link to the campus via the second entrance from Hillary Place. Because the Hillary place entrance is stepped a third accessible entrance to a lift lobby is also provided off Hillary Place. Members expressed that the entrances should all have visual

prominence and that the Hillary Place entrance, and its adjacent accessible lift access, should match the quality of the Woodhouse Lane entrance. As a result the steps to the main Hillary Place entrance have been made more generous by the removal of the Spanish/Heller up steps, which were to one side, and have been made more visually open by the use of improved lighting. The accessible lift entrance has been better defined with the introduction of more glazing to the side of the entrance door and the use of fins to either side of this entrance to delineate its presence. All of the entrances would lead into the accessible ground floor level, which would house a variety of flexible useable spaces, as well as a glass topped central atrium, to create a sense of space and light within the core areas of the building, and a café area. The café area would have a second smaller glazed atrium of two storeys, which would benefit from open views of the rose window to the east face of the adjacent former Emmanuel Church.

- 10.8 The building is set some 5.5 metres to 7 metres away from the buildings attached to the rear of the listed former Trinity St David's Church to the east, and its set further away from the listed former Emmanuel Church to the west (approximately 8.5 metres to 10.75 metres), with an area of public realm to be created to this side of the new building. Due to the requirement for broad floor plans to serve this type of use, the building spreads to the west such that it abuts the east facing wall of the listed Workshop Theatre (former Emmanuel Church Institute). However, the area of walling of this former church institute to be concealed is predominantly plain brickwork. As such there would be no significant harm to, or concealment of, the important architectural and historic features of this heritage asset.
- 10.9 In response to Member's comments, The Victorian Society's and Leeds Civic Trust's comments regarding the massing of the building towards the Hillary Place side of the site, the proposal has been pulled back approximately 2.5 metres from the back of the Hillary Place footway, to allow the building to align with the outer most projections of the buildings on the former Trinity St David's church site. In addition the mass has been further reduced by dropping the building to 4 storeys where it fronts Hillary Place, and by the use of an open podium level, housing broad entrance steps beneath the two upper floors. Further to this the elevation of these upper floors would be detailed both horizontally and vertically, with recessed slot windows, to further break up the appearance of the mass to this frontage.
- 10.10 In response to Members and Leeds Civic Trust's comments regarding the mix of materials and elevational treatments and the need for an equal design quality to both the Woodhouse Lane and the Hillary Place elevations, the palette of materials has been reconsidered and refined to produce a more consistent approach to all elevations. As a result the principal elevational material will be Portland stone, detailed with recessed shadow joints at each floor level to create subtle banding. This stone will be combined with large areas of clear glazing, allowing a substantial amount of natural light to penetrate the building on all elevations, and carefully positioned arrangements of metal fins/louvres. The fins/louvres will serve to conceal the plant area, address matters of solar gain and provide further cohesion to the design approach now taken to all elevations.
- 10.11 In addition to the large glazed areas in the building frontages, a number of feature windows are proposed. These would be angled projecting bays to the 1st, 2nd and 3rd floor levels facing on to the former Emmanuel Church, as well as a further row of projecting bay windows to the 3rd floor level facing south, with views across Hillary Place and beyond.

- 10.12 Members commented on the need to introduce public art into the building. The proposal would be to do so by creating an arts strategy which would see art work in either (or both) the glazing of the building, or the paving of the public realm areas. This art work would reference education and knowledge, the cultural achievements of the University, and/or writers associated with Leeds. As this strategy requires further detailed consideration by the Applicant a planning condition will be added to control the full details.
- 10.13 Members expressed that the building may benefit from being taller and slimmer. Due to the nature of the proposed use there is a requirement for the floor plates of the building to be deep, to allow for the required book stack and study areas. As such it is not practical for the building to be increased physically in height. Therefore architectural features have been introduced to add vertical emphasis and give the building presence on the skyline.
- 10.14 The plant area has been consolidated and placed on the top of the building. This plant area is visually integrated into the main elevations by the use of the metal fins/louvres which project up above the demise of the plant. In addition, to the south eastern corner of the building the vertical glazed slot and stone work is taken up the building and into the plant area zone on the elevation. This treatment is also used on the south western corner, where the Portland Stone has been taken up to the top of the building. Positioned between the two, along the southern face of the plant area, are a bank of high level photovoltaic panels, which add a further sustainable and visually interesting, means of screening the plant area on this elevation.
- 10.15 In addition the central glazed atrium with a stone and fin/louvre wall to its west face has been projected some 4.2 metres up and out of the top of the building, to create a skyline lantern feature, again adding visual height to the development.
- 10.16 The overall design of the scheme would result in a crisp, high quality, contemporary addition that would sit comfortably within the context of the existing nearby listed and university buildings, and the Woodhouse Lane - University Precinct Conservation Area.
- 10.17 Demolition and the merit of the existing buildings
- 10.18 Consideration has been given as to whether the proposed demolition of the former bank building (183 Woodhouse Lane) most recently being used as security offices, and an adjacent smaller flat roofed building is acceptable, or whether the buildings have any significant architectural or historical merit. The buildings in question are not listed but do sit within the boundary of the Woodhouse Lane - University Precinct Conservation Area, to the north-west corner of the site.
- 10.19 The former bank building, which was built circa the 1930s, is a simple red brick building with an Art Deco Portland stone façade where it fronts on to Woodhouse Lane. The adjacent architecturally plainer flat roofed red brick building is of later construction. Both buildings are modest in stature, with the frontage of the former bank building having some architectural detailing and design which echoes that of the nearby Grade II Listed Parkinson Building. Whilst the former bank building does have some architectural merit, this is only in respect of its street facing façade, with the remainder of the building, and the adjacent simpler red brick building, both being very utilitarian in design. As such it is only this one face of the former bank building that can be said to make a positive contribution to the character of the Conservation Area.

10.20 The Victorian Society and Leeds Civic Trust have questioned the loss of this undesignated heritage asset and whether this former bank building can be reused or retained. Discussions during the design process have explored whether or not the principal façade of the former bank building could be retained and incorporated into the scheme, however, levels changes and differences between the proposed design and the existing architectural style have meant this can not be possible. In addition, the majority of the site is currently covered by surface car parking, which does not contribute positively to the setting of the nearby listed buildings or the setting and character of the conservation area. As such, it can be argued that, on balance, the benefits that will be brought forward by the proposed high quality scheme, outweigh the loss of these existing buildings and the surface car parking. Therefore, the demolition of these non designated buildings, to allow the site to be redeveloped with a building of high design quality, which would ensure a viable and appropriate use of the site, is considered to be acceptable and the proposal complies with the requirements of Paragraph 133 of the National Planning Policy Framework 2012.

10.21 Vehicle parking provision and relocation

10.22 The existing site is currently largely in use as a surface car park with 75 parking spaces, including 23 VIP spaces and 2 spaces for disabled users. The scheme does not propose to accommodate any car parking within the site boundary. In addition, some on-street car parking along Hillary Place will also be lost to allow for servicing bays to be created, with the addition of an off-street servicing area to the south eastern corner of the development site. The Applicant has advised that it is their intention to encourage more sustainable means of transport, such as walking, cycling and using public transport, to and from the campus to reduce the reliance on car use. The site is well served by existing public transport being on a primary bus route and in the future the New Generation Transport (NGT) trolley bus will also run adjacent to the site, along Woodhouse Lane. However, it is the case that the VIP spaces will be relocated to an existing area of surface car parking to the side of the nearby Brotherton library. Where possible an amount of the remaining car parking spaces will be provided within existing voids spaces the Applicant advises are present in the other car parks across the Orange Zone of the campus.

10.23 The University currently has a total of circa 1,520 cycle spaces available for use within the campus by both students and staff. The existing Velocampus Leeds provides support to staff and students cycling to the University and is situated within the campus, approximately 150 metres to the southwest of the site. The Applicant proposed to site 6 cycle spaces within the building, with associated shower facilities for staff. In addition, 10 external spaces would be positioned to the south on the forecourt of the theatre workshop building, with a further 4 cycle racks being located to the area of new public realm to the Woodhouse Lane side of the site.

10.24 There is one existing Car Club space on the surface car park operating on this site and this will be relocated to a new bay to be created on Hillary Place. The amendments to the Travel plan requested by TravelWise are currently being worked up to be resubmitted.

10.25 Landscaping and public realm

- 10.26 Due to the required footprint of the building the landscaping, whilst being an integral part of the design, is characterised by the site edges. As such new public realm landscaping is proposed to both the Woodhouse Lane & Hillary Place ends of the site. A high quality main entrance plaza to the Woodhouse Lane frontage is to be formed, incorporating new seating (some sculptural) and planting, creating a place for people to meet and rest. Because of the manner in which the building is set back into the site this area of new public realm would have a depth ranging from some 7.5 to 12.5 metres from the back edge of the existing footpath on Woodhouse Lane. This is in addition to the existing pedestrian pavement area, and combined with this existing pedestrian footpath, gives a depth range from the building to the existing kerb of some 10 to 15.5 metres. Cycle parking would be provided close to the main entrance on the north-eastern corner of the site.
- 10.27 The new landscaping would also wrap around the proposed building to the north-west, fronting on to the side of the former Emmanuel church. Here maintenance access is required to an existing plant area for the former church building. However this area will be occupied by seating which will be incorporated into the existing stone boundary wall to the former Emmanuel Church. A green screen of Pleached Hornbeam Trees and hedging is proposed to screen the levels difference between the site and the adjacent former church and its grounds. This boundary treatment would ensure that only those areas requiring screen are concealed with the more interesting and important features of the east face of the former Emmanuel church remaining visible.
- 10.28 To the Hillary Place side of the site the building has been pulled back some 2.5 metres from the back edge of the footpath, creating an area of new stone paving which will wrap around the building to create an enhanced, shared space to the adjacent Workshop Theatre's access area. This gives a total new footway width of some 4.8 metres from the building to the existing kerb. The existing stone walls of the former churches to each side will be retained and repaired where they meet the new public realm spaces.
- 10.29 4 existing mature trees and a number of juvenile and semi mature trees, plus existing small areas of shrubbery on site, will need to be removed to allow this proposal to be constructed. As such this loss needs to be mitigated against. Therefore, in addition to the Pleached Hornbeams and box hedging proposed, 7 more new trees are to be introduced around the Woodhouse Lane frontages of the proposed building and the former Emmanuel Church. In addition, a further 2 new trees will be planted in the existing green area to the south of the Workshop Theatre building. Members stated concerns regarding the slip hazard from fruit bearing trees. The Applicant has advised that to prevent this, potential tree species would be *Carpinus betulus*, *Liquidamber styraciflua*, *Betula pendula* and *Ligustrum lucidum*, although full detail of all landscaping would be required to be submitted under planning conditions.
- 10.30 The design of the scheme also aims to have areas of green roof, most likely over the lower roof areas, to provide improved views for its users as well as encouraging bio-diversity.
- 10.31 Sustainability
- 10.32 The submitted Sustainability Statement indicates that the proposal is intended to achieve BREEAM Excellent and a CO² reduction Target Emission Rate of 36

kgCO₂/m² per annum. A number of economic, social and environmental objectives are proposed including;

- All 3 library facilities (the proposal, Brotherton and Edward Boyle) would be within 5 minutes walking distance of each other.
- The new library will utilise the waste heat from the existing university CHP plant.
- Photovoltaic cells will be installed to the south face of the building's high level plant area.
- The building is to have a very low air leakage rate to conserve heat with the use of lobbies to all entrances.
- The building would use low energy high efficiency lighting.
- All the main spaces within the building have access to natural light, with the central atrium also providing natural light to rooms in the centre of the building.
- The provision of green roofs on some levels of the building.

10.33 Section 106 Legal Agreement – Heads of Terms

10.34 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

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

- A Travel Plan monitoring and evaluation fee of £2,500.00.
- A contribution of £10,000.00 towards the provision of a 'Live' bus information display at nearby bus stop 11388 on Woodhouse Lane.
- Agreement of publicly accessible areas.
- The employment and training of local people.

10.36 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, the proposal would result in the redevelopment of a brownfield site to allow the creation of a new purpose built, yet flexible undergraduate library for the University of Leeds. It is considered that the proposal is a fitting use, design and architectural form for this location. As such the proposed library building would be a high quality, contemporary addition which would sit comfortably within the context of the surrounding area. Therefore, the proposal is recommended for approval.

Background Papers:

University of Leeds Strategic Development Framework (May 2008 Revision C)
Strategic Development Framework - Transport Summary Statement (December 2007)
PREAPP/11/01185
Planning Application 12/04663/FU

Appendix 1

Minutes of the 27 September 2012 Plans Panel City Centre regarding PREAPP/11/01185

11 Pre - Application - Preapp/11/01185 - Proposed Undergraduate Library Building at the University of Leeds Car Park adjacent to Emmanuel Church, Hillary Place, Leeds

The report of the Chief Planning Officer introduced a pre-application presentation in relation to a proposed undergraduate Library Building at the University of Leeds car park adjacent to Emmanuel Church, Hillary Place, Leeds.

The following representatives attended and addressed the meeting:-

- Steve Gilley – Applicant – University of Leeds
- Joe Morgan – ADP Architecture

Members were shown detailed plans and photographs of the scheme and had previously visited the site prior to the meeting. The presentation highlighted the following key areas:-

- The height, Form and Massing of the building
- The relationship to neighbouring buildings
- Appearance on the street scene and skyline
- The design and appearance of the proposed new building
- The proposals for landscaping and tree loss
- The car parking implications

The Chair then invited questions and comments from Members on the specific proposals of the pre-application. In summary, specific reference was made to the following issues:-

- Concerns there was a huge massing to the rear of the building “looks blocky, boxy”
- Missing an opportunity, does not make best use of the site
- Suggestion that the building be more refined, more delicate
- Rear and front of the building need to be of equal strength, require quality on a small site
- Welcome proposal for use of Portland stone
- Pleased with BREEAM status
- Concerns at the loss of 2 trees in a Conservation area

In concluding discussions, the Chair put forward the following specific matters for Members consideration:-

Are the height, form and massing of the building acceptable?

- Look again at the issues around massing, suggestion that the building be made taller and slimmer onto Hillary Place

Does the scheme respond well to the historical context (particularly in respect of neighbouring listed buildings and the conservation area) and campus context?

- Further consideration of the design and appearance of the building was required

Are the design and appearance principles of the scheme acceptable?

- Further consideration of the design and appearance of the building was required as above

Was the removal of the unlisted former bank building acceptable?

- Yes

Are the landscaping scheme proposals appropriate and acceptable?

- There was a need to address the loss of the existing trees with appropriate replacement planting

Was the loss of car parking on site and the proposed mitigation for this acceptable?

- More information was required on what happens to the displaced car parking

RESOLVED – That the report and pre- application presentation be noted.

Draft Minutes 13 December 2012 City Plans Panel regarding 12/04663/FU and 12/04664/FU

Applications 12/04663/FU and 12/04664/CA -Position statement for the proposed demolition of existing buildings and erection of a 6 storey library with ancillary landscaping at the University of Leeds - land bounded by Woodhouse Lane and Hillary Place LS2

Further to minute 11 of the City Plans Panel meeting held on 27th September where Panel received a pre-application presentation for a proposed library at Leeds University, Members considered a position statement on the scheme

Plans, photographs, graphics, story boards and sample materials were displayed at the meeting.

Officers presented the report and stated that the proposed student library would enable Leeds University to compete effectively to attract student numbers.

Members were informed that the site was a sensitive one and was surrounded by heritage assets, some being Grade II Listed Buildings

One particular building which lay within the site was the former bank building which was now being used as a security office. Whilst the façade of the building was of interest, it was not Listed and that consideration had been given to its retention on site, however, due to the level changes of the building it was not felt this could be retained. For information, Members were informed that English Heritage supported the demolition of the former bank building as the replacement scheme was of higher quality

In terms of landscaping, there would be some loss of trees but replacement planting and new public realm would be provided

In addition to the library use, an ancillary café use would be included, with the ground floor being fully accessible to the public, schools, colleges and other universities. The upper levels would be for use by Leeds University only and would comprise study and book stacking areas, with feature windows providing views across the city and to the adjacent church

Roof top plant would be discrete and not impact on the overall visual effect of the building.

The building would provide two entrances; the main entrance being off Woodhouse Lane, with a secondary entrance off Hillary Place

In response to Members' previous comments, the elevation to Hillary Place had been revised to reduce its dominance to the street. The building had been stepped back and an open podium level had been provided. Whilst the building required a wide footprint, it was not possible to increase its height, so architectural features had been used, e.g. slot windows, to increase the appearance of height. The building frontage now aligned with the smaller building on the adjacent site and benefited from a simplified and refined palette of materials, comprising mainly Portland Stone and glass. The inclusion of a glass box 'lantern' at the top of the building provided vertical emphasis and created a presence on the skyline

Officers reported an objection received from Leeds Civic Trust but felt that this related to the previous version of the scheme and not the one being presented to Panel

Members commented on the following matters:

- the revisions which had been made to the scheme, which were an improvement but whether the building fitted in with the surrounding gothic buildings
- that the loss of a bank building was acceptable
- an acceptance that the development could not be built in the gothic style
- the lack of any relationship to the building above it, i.e. at the eaves line
- the Hillary Place elevation and that concerns remained about its massing

- the possibility of creating some interest on the glazing to link the building with the churches and the university, with wording relating to learning being suggested, which would echo the statement on the former BBC building on the opposite side of Woodhouse Lane
- that Members' comments had been taken on board but that further detailing was needed to indicate the building's use as a library, rather than just another University building
- the community use of the ground floor which was welcomed
- concerns about the blandness of two elevations when looking from the site to the former BBC building, as shown on the images
- the entrance on Hillary Place with concerns that this appeared dark, unwelcoming and required lighting. Concerns were also raised about the decorative grill element; that this did not add much to the design and required further thought
- the need for both entrances to make a statement and whether the steps on the Hillary Place entrance would be used in view of a lift also being included
- the number of car parking spaces being lost in the scheme and where cars would be displaced to

Officers provided the following responses:

- that the ground floor of the building would be open to everyone and this included the study areas as well as the café
- that the two elevations shown on the graphic facing the former BBC building were existing campus buildings and that their detail had not been included on the graphic but would be when the image was presented at the point when the application was ready to be determined
- that some VIP car parking existed on the site and that this would be relocated. The Panel's highways representative stated that there would be no new car parking provided in the scheme and that about 70 car parking spaces would be lost, however discussions were still ongoing with the University about the number of spaces which would need to be relocated, together with cycle parking, although the University was keen to encourage public transport use and the site was in a highly sustainable location in terms of bus routes. Members were also informed that for the NGT, there would be the need for a rearrangement of the road network on Woodhouse Lane and Hillary Place, which would be opened up to University traffic, with further information on this being provided in the proposed NGT workshop for Panel Members, early next year

In response to the specific questions raised in the report,

Members provided the following responses:

- that the proposed use was appropriate for this location
- that the design refinements were considered to be acceptable but that further detailing was required in view of Members' comments about the Hillary Place entrance; possible decorative glazing to link the building to the University and the nearby churches, and detailing/signage to properly indicate the use of the building that the demolition of the

existing buildings was acceptable and that the decorative façade of the former bank building could be salvaged and relocated if required

- Members' noted that further details would be provided about the relocation of car parking but were supportive in principle of the proposal to reduce the level of car parking on the site
- that the loss of the existing trees and the proposed tree replacement plans and other landscaping was acceptable but there was a need to ensure the proposed fruit trees did not overhang the footpath, in order to avoid accidents

Members discussed the possibility of deferring and delegating determination of the formal application to the Chief Planning Officer, however the majority of Members favoured the scheme to be considered by Panel

RESOLVED – To note the report and the comments now made and that the Chief Planning Officer be asked to submit a further report in due course, to enable Panel to determine the application

Appendix 2

Planning Application 12/04663/FU Draft Conditions

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

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

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

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

- 3) 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, cycle 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.

- 4) 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 BD2, BD5, GP5, N12 and N13.

- 5) No building works shall take place until details and samples of all surfacing materials to the public realm spaces 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 CC10, CC12 and GP5.

- 6) Construction of external walling, including retaining walls, shall not be commenced until sample panels of the external walling to be used has been approved in writing by the Local Planning Authority. The sample panel 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 in accordance with UDPR Policies BD2, BD5, GP5, N12 and N13..

- 7) 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 doorways, b) all windows c) soffit detail and d) Details of the fins/louvres and their supporting structure.

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

In the interests of the character and visual amenity of the surrounding site, and the Woodhouse Lane /University Precinct Conservation Area and in accordance with UDPR Policies BD2, BD5, GP5, N12 and N13.

- 8) Plant noise from the development should be controlled such that the 'rating' level (as defined in BS4142:1997) as measured/predicted at the nearest noise sensitive premises should be no higher than 5dB BELOW the lowest background LA90, 15 minutes measured at the premises in the absence of the plant noise.

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

- 9) During each demolition and construction phases no operation shall take place before 07.30 hours on weekdays and 08.00 hours on Saturdays or after 19.00 hours on weekdays and 13.00 hours on Saturdays. With no operation on Sundays or Bank Holidays (unless agreed in writing by the Local Planning Authority)

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

- 10) No development shall take place until details of the 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.

- 11) 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.

- 12) 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. 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.

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

To ensure the maintenance of a healthy landscape scheme and in accordance with UDPR Policies CC10, CC2, GP5 and N23.

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

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site suitable for use in accordance with national and Leeds City Council's planning guidance and UDPR Policy GP5. .

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

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use in accordance with national and Leeds City Council's planning guidance and in accordance with UDPR Policy GP5.

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

To ensure that any necessary remediation works are identified to make the site suitable for use in accordance with national and Leeds City Council's planning guidance and in accordance wity UDPR Policy GP5.

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

In the interests of amenity and to promote recycling.

- 18) No refuse disposal involving external storage of refuse containers shall take place. All bins shall be stored internally.

In the interests of amenity and to prevent the occurrence of unsightly refuse storage bins and in accordance with UDPR Policy GP5.

- 19) No lighting fitment shall be installed on the site in such a way that the source of light is a hazard to users of adjoining or nearby highways.

In the interests of residential amenity and to safeguard the free and safe flow of vehicular traffic and in accordance with UDPR Policy GP5.

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

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

- 21) 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 BREEAM 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 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

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

- 22) Development shall not commence until full details of the south facing wall mounted photovoltaic panels, including the type of system to be used, the number of panels, their maximum height from roof level, their configuration, and an assessment of the expected energy generated compared with the building's annual electrical requirements, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details and maintained as such thereafter unless otherwise agreed by the Local Planning Authority.

In the interests of the character and visual amenity of the surrounding site, and the Woodhouse Lane /University Precinct Conservation Area, and to ensure compliance with Policy ENV5 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 and UDPR Policy GP5.

- 23) Development shall not commence until a scheme detailing surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme with summary of supporting calculations should be consistent with the requirements of the council's Minimum Development Control Standards for Flood Risk with surface water discharges reduced by a minimum of 30% of the existing discharge rate and attenuation storage provided for excess runoff from storm event up to that from the 1:100 yr + CC. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.

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

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

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

- 25) Dust generated by vehicles on roads, haul routes and circulation areas within the site in dry weather conditions shall be suppressed by the use

of equipment able to deliver sufficient volumes of water and provided on site for this purpose. Immediate preventative action, including the suspension of operations shall be taken if dust generated by machinery on site becomes airborne and can be seen being carried by the wind beyond the site boundary.

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

- 26) No site clearance, demolition or removal of trees, shrubs and other vegetation shall be carried out during the period 1 March to 31 August inclusive, unless otherwise agreed in writing with the Local Planning Authority.

To ensure the protection of wild birds during the breeding season, and in accordance with UDPR Policy GP5.

- 27) Prior to commencement of development a method statement for the control and eradication of Japanese Knotweed shall be submitted to and approved by the Local Planning Authority. The agreed plan shall thereafter be implemented.

To control the spread of invasive plant species, and in accordance with UDPR Policy GP5.

- 28) Development shall not commence until details of cycle/motorcycle parking and facilities have been submitted to and approved in writing by the Local Planning Authority. Details shall include the method of securing the cycles and their location, provision of showers and storage lockers. The approved cycle/motorcycle parking and facilities shall be provided prior to occupation of the development and thereafter be retained for the lifetime of the development.

In order to meet the aims of adopted Leeds UDP Review (2006) policy T2 and T7A and T7B.

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

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

- 30) Development shall not commence until details of access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles (including workforce parking) have been submitted to and approved in writing by the Local Planning Authority.

The approved facilities shall be provided for the duration of construction works.

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

- 31) Prior to commencement of development, details of a temporary position for City Car Club bay during construction shall be submitted to and agreed in writing by the Local Planning Authority.

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

- 32) Prior to commencement of development, full details of a public art strategy for the provision of art work within the boundary of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The art work shall be installed in accordance with the approved details and retained and maintained as such thereafter.

In the interest of visual amenity and in accordance with UDPR Policy BD15 and GP5

Planning Application 1212/04664/CA Draft Conditions

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

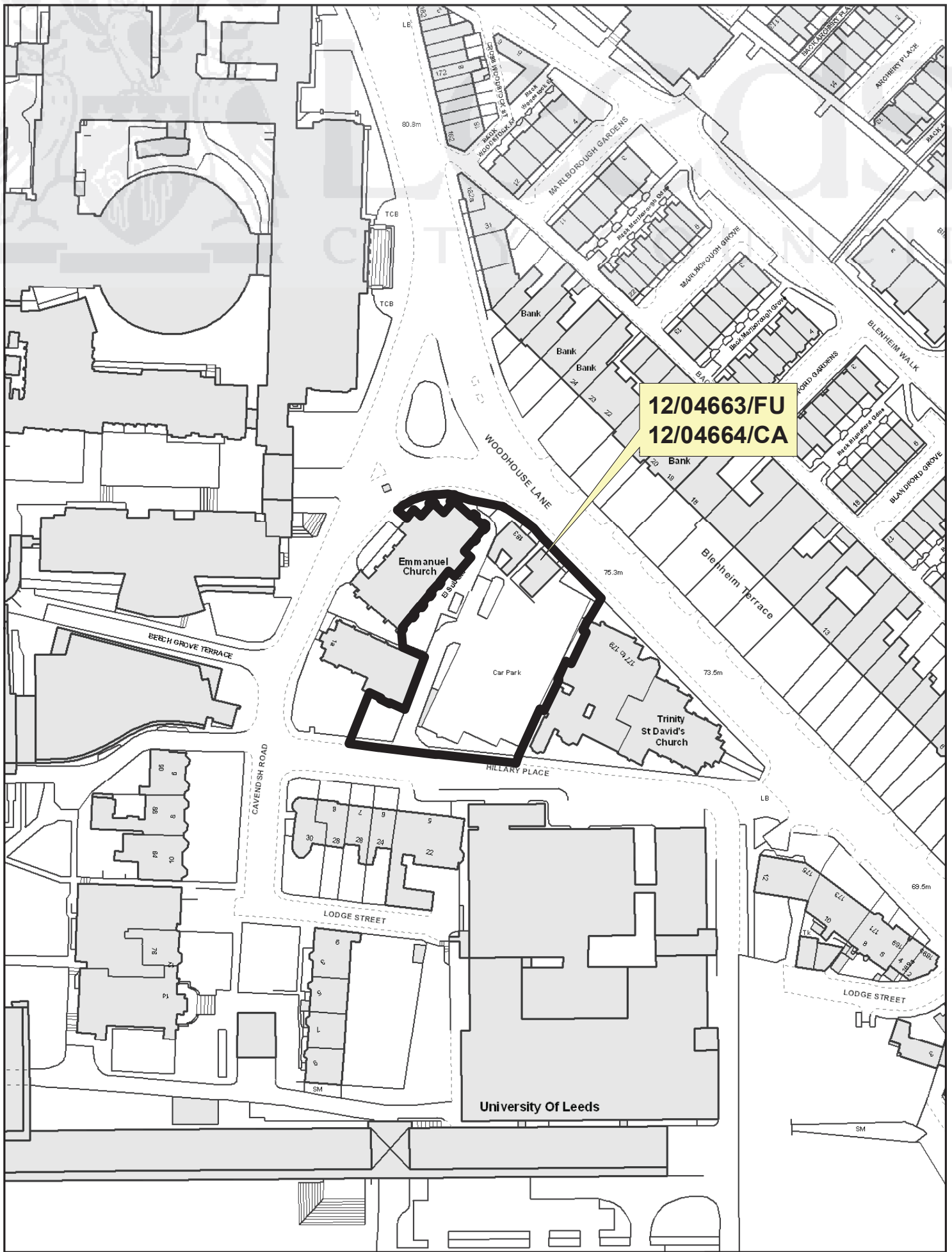
Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

- 3) No 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 12/04663/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.



12/04663/FU
12/04664/CA

CITY PLANS PANEL



Originator: C. Briggs

Tel: 0113 222 4409

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 17 January 2013

Subject: APPLICATION 12/04739/FU CHANGE OF USE FROM WAREHOUSE TO A MARKET RESEARCH AND TESTING CENTRE WITH ANCILLARY AUDITORIUM TOGETHER WITH ASSOCIATED DEVELOPMENT WORKS AND THE PROVISION OF CAR PARKING AT HUNSLET ROAD, HUNSLET, LEEDS LS10 1JQ

APPLICANT

Carlsberg UK Limited

DATE VALID

8 November 2012

TARGET DATE

7 February 2013

Electoral Wards Affected:

City and Hunslet

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER and DELEGATE to the Chief Planning Officer for approval subject to the resolution of detailed highways matters, the signing of a Section 106 Agreement to cover the monitoring of a travel plan, and the following specified conditions:

Conditions

- 1) Temporary permission for 5 years
- 2) Plans Schedule
- 3) External walling and roofing materials to match existing
- 4) All areas to be used by vehicles to be fully laid out, surfaced and drained prior to use
- 5) Details of cycle/motorcycle facilities
- 6) Details of refuse and recycling facilities
- 7) Development in accordance with agreed Flood Risk Assessment
- 8) Land contamination studies
- 9) Amended remediation strategy
- 10) Remediation Statement verification
- 11) Details of mechanical plant/air conditioning including noise attenuation
- 12) Specified hours for delivery, loading and unloading 0700-2000 with no operations on Sundays or Bank Holidays, unless otherwise agreed with the Local Planning Authority.

- 13) Pedestrian gates shown on the approved plans must be kept open throughout all opening times of the building
- 14) Vehicular access gate must be kept open for all operating times of the this unit and adjacent unit if it is occupied.
- 15) Car share bays should be marked prior to occupation
- 16) Provision of footpath crossing at access
- 17) No retail sales from the premises
- 18) Maximum capacity of the building at any time shall be no more than 600 persons unless otherwise agreed with the Local Planning Authority
- 19) Details of hard and soft landscape works
- 20) Landscape management plan
- 21) Replacement planting within 5 years
- 22) Details of boundary treatments

Reason for approval 12/04739/FU:

In reaching a decision the case officer dealing with the application has worked with the applicant/agent in a positive way to negotiate the duration of the permission recommended for approval, pedestrian and cycle connectivity, and detailed highways and transportation issues to produce an acceptable scheme in accordance with paragraphs 186 and 187 of the National Planning Policy framework. The application is considered to comply with the policies SA1 GP5 GP7 BD6 A1 A4 BD4 CC30 T2 T2C T2D T5 T6 T7A T7B T24 N12 N25 LD1 N38A N38B N39 of the Leeds Unitary Development Plan Review 2006, the Yorkshire and Humber Regional Spatial Strategy 2008, as well as supplementary planning guidance SPD Travel Plans, Leeds South Bank Planning Statement 2011, Draft Leeds Draft Core Strategy 2012, and national guidance contained within the National Planning Policy Framework and its Practice Guides, and having regard to all other material considerations, as such the application is recommended for approval.

1.0 INTRODUCTION:

1.1 This application is brought to Plans Panel as it is a major application for the temporary change of use of part of a vacant building on former Tetley Brewery site for ASDA stores. The proposal would add important facilities to a significant local employer's headquarters function in Leeds City Centre, and bring back into use in the short term a vacant building in the South Bank area (see attached Plan 1 at the appendix of this report), pending the permanent redevelopment of the wider site for employment, housing, supporting leisure uses, and the City Centre Park.

2.0 PROPOSAL:

2.1 The proposal is for the temporary change of use for five years of the eastern part of a former brewery warehouse building to a market research and testing centre with ancillary 550 capacity auditorium, together with associated development works and the provision of car parking. The facility would be for ASDA staff, in a location very close to their headquarters on Great Wilson Street. It is considered that the proposed use would fall within a number of use classes and is therefore *sui generis*. No retail sales will take place.

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

- Scaled Plans
- Design and Access Statement
- Transport Assessment
- Flood Risk Assessment
- Noise Statement

- Air Quality Statement
- Land Contamination Study
- Travel Plan

- 2.3 The car park and service yard would be accessed from Crown Point Road only and be served by 68 parking spaces, including 7 disabled bays and 7 car share bays. Cycle (12 spaces) and motorcycle parking (2 spaces) would also be provided. A gate is proposed in the boundary fence to allow pedestrian access to the car park from the reopened Hunslet Road pedestrian/cycle route from the north.
- 2.4 A number of minor elevational changes are proposed, including the making good of the elevations with brickwork and profiled metal cladding to match the existing, and new pedestrian entrances and service doors,
- 2.5 Boundary treatments to the south would remain as existing, and new boundary treatment to the north would consist of a 2.4m high close boarded timber fence to screen the north elevation and service yard functions from the new temporary greenspace. A new boundary treatment to the western side of Hunslet Road would feature a 2.4m high fence, with planters set behind within the car park. Exact details of this boundary treatment and its landscaping would be controlled by condition.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site forms part of a large red-brick warehouse on the former Tetley Brewery site, located at the corner of Great Wilson Street and Crown Point Road. Carlsberg UK ceased production on this site in 2011 and have demolished a large number of the former production plant and associated buildings at the site. The remaining buildings at the site consist of the former headquarters building (currently being converted to an art gallery/cultural hub and cafe), the gatehouse, a modern office building still in use by Carlsberg, and the vacant warehouse subject of this planning application.
- 3.2 The site lies unallocated within the designated City Centre in the Leeds Unitary Development Plan Review 2006. The surrounding area is a mixture of uses including residential, offices, food and drink, and retail, at Brewery Wharf, Indigo Blu, New Dock, Leeds City Office Park and Crown Point Retail Park. The conversion of the nearby Grade II listed Alf Cooke Printworks to form a campus for Leeds City College is currently underway. Other nearby listed buildings are the Grade II listed 16-18 Crown Point Road/35-41 Hunslet Road former Tetley's buildings. Unlisted heritage assets in the area include the Crown Public House, former Tetley's maltings, and Globe Iron Works on Crown Point Road.
- 3.3 The site lies within the area covered by the South Bank Planning Statement. The former Tetley Brewery site will have a key role in contributing towards the long term economic growth of the City Centre on the south side of the River Aire. It also has potential to complement the Council's, Carlsberg's, and other nearby landowners' aspirations for the City Centre Park, with new greened pedestrian and cycle routes linking across the area from Holbeck Urban Village to New Dock and beyond. The site also lies within the extension to the draft Aire Valley Area Action Plan. The role of the northern end of the Aire Valley, within the City Centre, will be geared towards the provision of some housing, but with significant provision of new workspaces and offices for growing digital and creative businesses.

4.0 RELEVANT PLANNING HISTORY:

4.1 Application 11/05031/FU Use of site as long stay car park (601 spaces) and short stay car park (226 spaces), green space and alterations to existing building to form new cultural hub with ancillary restaurant/café/bar (A3/A4) was approved in principle at Plans Panel (City Centre) 15 March 2012, and granted on 6 August 2012 for a temporary period of 5 years. Planning condition details have been approved, landscaping works are in progress on-site, and the car park use has commenced.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Detailed pre-application meetings were held with planning officers regarding this proposal from April 2012, prior to the submission of a full planning application in November 2012.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Application publicity consisted of:

6.1.1 Site Notice - Notice of Proposed Major Development posted 16 November 2012, expiry 7 December 2012.

6.1.2 Press Notice - Notice of Proposed Major Development published 15 November 2012, expiry 6 December 2012.

6.2 City and Hunslet Ward Members consulted 12 November 2012 and 27 November 2012 - Email response on 29 November 2012 from Councillor Elizabeth Nash requesting that consideration be given to local environmental improvements as part of this application.

6.3 Objection letter dated 4 December 2012 from Leeds Civic Trust:

- Objection to the closure of Hunslet Road as a pedestrian/cycle route linking Hunslet Lane to Crown Point Road
- 80 car parking spaces and the level of hardstanding is considered excessive for the proposed use at the site, especially given the context of the c900 spaces recently granted permission on the wider site.
- The northern vehicular access to this site would disrupt public realm between the temporary greenspace and the art gallery in the former headquarters building
- The application makes little attempt to enhance the visual appearance of the building
- What are the proposals for the other half of the warehouse building?
- The proposal would be more in keeping in an out of town industrial estate

6.4 Objection letter dated 4 December 2012 from AQL Limited, Salem Chapel, Hunslet Road:

- Objection to the closure of Hunslet Road as a pedestrian/cycle route linking Hunslet Lane to Crown Point Road.
- The northern vehicular access to this site would disrupt public realm between the temporary greenspace and the art gallery in the former headquarters building
- Concern regarding the potential traffic impact of the proposal
- AQL's waste heat from its data centre could be used as a more sustainable form of energy for this building

- No pre-application consultation took place with businesses

6.5 Objection letter dated 7 December 2012 from Sustrans:

- The application is contrary to the Council's policies designed to promote active travel, improve air quality, reduce traffic congestion, and promote sustainable regeneration
- Objection to the closure of Hunslet Road as a pedestrian/cycle route linking Hunslet Lane to Crown Point Road, therefore failing to facilitate a key link within the Leeds Core Cycle Network.
- The application proposal fails to provide any soft landscaping
- Objection to the proposed increase in car parking provision at the site

6.6 Objection letter dated 7 December 2012 from Leeds City College:

- Objection to the closure of Hunslet Road as a pedestrian/cycle route linking Hunslet Lane to Crown Point Road, as this will be a vital link for students at Leeds City College Alf Cooke Printworks campus
- The proposal does not propose any enhancement to the visual appearance of the building
- The proposed level of car parking is considered excessive
- The proposed use is not an appropriate long term use for the site, however Leeds City College would not object to a temporary permission given the current economic conditions

6.7 Objection by letter dated 7 December from the Leeds Sustainable Development Group:

- Objection to the closure of Hunslet Road as a pedestrian/cycle route linking Hunslet Lane to Crown Point Road – this would prejudice the group's aspirations for a "Hunslet Stray" on the site
- The proposal ignores the Council's planning, access and urban design policies
- No soft landscaping is proposed
- The proposal does not propose any enhancement to the visual appearance of the building
- 80 car parking spaces and the level of hardstanding is considered excessive for the proposed use at the site, especially given the context of the c900 spaces recently granted permission on the wider site.
- No pre-application consultation took place with nearby landowners or interested parties regarding the proposal. Carlsberg should engage with the Council and local community regarding the future of the site.

6.8 All consultees, Ward Members, and contributors were reconsulted on 11 December 2012 following the receipt of revised plans on 3 December 2012. Objectors were also re-notified following receipt of revised plans on 7 January 2013. No further comments have been received in connection with this application at the time of writing, however if any further comments are received these will be reported verbally at Plans Panel.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.1.1 Highways Agency: No objection.

7.1.2 Leeds City Council Transport Development Services: In principle, traffic impact and transportation provision is considered acceptable, subject to the resolution of the following matters prior to the grant of temporary permission :

- Details of the landscape strip between the adjacent land to the north and the access road.
- A sign directing pedestrians from the Crown Point Road footway to the pedestrian side gate should be provided as the access road has no footways.
- The applicant should show showers/changing room/locker facilities for staff on a plan.
- The motorcycle parking area should have ground anchors.
- The applicant should provide details of an appropriate amount of staff parking for the adjacent industrial unit within the site and safe tracking for articulated vehicles.

The following conditions are recommended:

- temporary permission for 5 years
- vehicle spaces to be laid out
- motorcycle facilities notwithstanding approved drawings
- footpath crossing (access variation)
- the pedestrian gates shown on the approved plans must be kept open throughout all opening times of the building for the lifetime of the development.
- the vehicular access gate must be kept open for all operating times of the adjacent units on the site for the lifetime of the development.
- Section 106 to secure the travel plan monitoring and fee

7.2 Non-statutory:

7.2.1 Leeds City Council Environmental Protection: No objection subject to conditions regarding details of any mechanical plant, and restrictions to hours of delivery to 0700-2000 Monday to Saturday only, with no deliveries on Sundays or Bank Holidays.

7.2.2 Leeds City Council Flood Risk Management: No objection subject to five year temporary permission only.

7.2.3 West Yorkshire Metro: No comments at time of writing

7.2.4 Environment Agency: No comments.

8.0 PLANNING POLICIES:

8.1 Development Plan

The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development.

8.2 Regional Spatial Strategy (RSS) (adopted May 2008):

YH1: Spatial pattern of development and core approach.
YH2: Sustainable development.
YH4: focus development on regional cities.
YH5: Focus development on principal towns.
YH7: location of development.
LCR1: Leeds City Region sub area policy.
LCR2: regionally significant investment priorities, Leeds city region.

8.3 Leeds Unitary Development Plan Review 2006

Relevant policies include:

SA1: Secure the highest possible quality of environment.

GP5 all relevant planning considerations

GP7 planning obligations

BD6 all alterations

A4 safety and security provision

N12 urban design

N25 boundary treatments

BD4 all mechanical plant

CC30 unallocated sites within the City Centre

T2 transport provision for development

T2C Travel Plans

T5 pedestrian and cycle provision

T6 provision for the disabled

T7A cycle parking

T7B motorcycle parking

T24 Car parking provision

LD1 landscaping

N38A development and flood risk

N38B planning applications and flood risk assessments

8.4 **Relevant Supplementary Planning Guidance includes:**

SPD Street Design Guide

SPD Travel Plans

South Bank Planning Statement

In October 2011 Executive Board approved the South Bank Planning Statement as site-specific informal planning guidance for land to the south of the River Aire, consisting broadly of the Tetley's Brewery site, ASDA House, New Lane, and the Council's landholdings in Meadow Lane (see attached plan South Bank Urban Design Principles). The document sets out the vision to *"To transform the South Bank of Leeds City Centre into a distinctive, vibrant, well connected sustainable business and residential community which has at its heart a new City Centre Park. The new park will act as a catalyst for the regeneration and place-shaping of the South Bank of Leeds City Centre, by creating a vibrant and outward-facing public space that also provides the context for the broader redevelopment of the area, and will help to improve connections to the surrounding communities in the Aire Valley, Hunslet, Richmond Hill, Beeston Hill and Holbeck."* At the heart of the proposal for the Leeds South Bank is the development of a new City Centre Park. The development of a Park is considered a pivotal piece in the future development of this part of the City Centre. The provision of high quality greenspace and associated landscaped pedestrian/cycle connections in this part of the City Centre will act as an enabler that redefines the Southern gateway of Leeds City Centre, creating a new sense of place which enhances the waterfront, promotes high quality and sustainable employment and homes, and improves connectivity between the City

Centre retail core, the South Bank, and neighbouring communities. The long term aim for this part of the South Bank would be provision of residential/and or commercial uses with ground floor active uses, and part of the City Centre park itself, with landscaped pedestrian and cycle routes linking across the site between Hunslet Road and Crown Point Road. The South Bank Planning Statement also encourages the interim provision of landscaping and pedestrian/cycle routes on sites awaiting redevelopment, and the re-use of vacant land and buildings for temporary meanwhile uses, to bring activity into the area, and create some of the spaces and connections that would be delivered in the future.

8.5 Draft Core Strategy

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.

As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

Spatial Policies 1, 4, 5 and 8 of the Core Strategy aims to promote economic prosperity, job retention and opportunities for job growth in key strategic locations including the City Centre and Aire Valley Urban Eco-Settlement. The promotion of enterprise and innovation to deliver job growth, particularly in digital and creative sectors, is highlighted as a particular opportunity. The Core Strategy aims to promote the integration of the South Bank into the City Centre as the gateway to the Aire Valley (Policies CC2 and CC3). This application site lies within both the City Centre and the Aire Valley. The Aire Valley has been identified as one of the Leeds City Region's Urban Eco-Settlements, a regeneration priority which will promote sustainable development by seeking the delivery of commercial and residential areas which have a high quality greened environment, energy efficient buildings and operations, low carbon and green business, sustainable transport, community facilities and linked areas of green infrastructure. It is envisaged the Aire Valley would deliver 35000 new jobs across 250 hectares of land for employment uses.

8.6 National Planning Policy Framework

- 8.6.1 The NPPF includes policy guidance on sustainable development, economic growth, transport, design, and climate change.

8.7 Relevant National Planning Policy Practice Guides PPS25 Practice Guide

9.0 MAIN ISSUES

1. Principle of use
2. Urban design and landscaping
3. Transportation
4. Flood risk
5. Amenity
6. Planning obligations

10.0 APPRAISAL

10.1 Principle of use

10.1.1 The application site lies within the designated City Centre, but is unallocated for any particular uses. Therefore UDP Policy CC30 states that proposals of this nature at sites of this size would be determined on their merits. It is considered that the temporary use of the building for market research and testing centre with ancillary auditorium would therefore be acceptable in principle, given the current economic conditions. The proposal would add important facilities to a significant local employer's headquarters function in Leeds City Centre, and bring back into use in the short term a vacant building in the South Bank area, thus increasing activity in the area, pending the permanent redevelopment of the wider site for employment, housing, supporting leisure uses, and the City Centre Park.

10.1.2 The South Bank Planning Statement provides a framework for the medium/long term ambitions for the site, however it would also support the interim re-use of the vacant building until the site is redeveloped for new employment or housing, alongside relevant phases of the City Centre Park, and a network of greened pedestrian/cycle connections. The grant of a five year temporary permission for the proposed use would be also consistent with the temporary permission for greenspace, new pedestrian routes (including the re-opening of Hunslet Road to pedestrians and cyclists) and car parking on the adjoining parts of the former brewery site. It is considered that this would not prejudice the long term aspirations for the redevelopment of the South Bank, the provision of the identified network of greened pedestrian/cycle routes, and the City Centre Park.

10.1.3 It is considered that the proposed temporary use would meet the objectives of the National Planning Policy Framework in terms of meeting the objectives of sustainable development, and promoting the economic growth of the City.

10.1.4 In response to a number of other concerns from objectors, it is considered that the "Hunslet Stray" proposal by the Leeds Sustainable Development Group and other parties, whilst not an initiative endorsed by the landowners or approved by the Council at this stage, does not generally appear to conflict with either the adopted long term framework for greened routes and spaces within the South Bank Planning Statement, nor the proposed temporary re-use of this building and approved temporary car park for the wider site in the short term. Regarding the use of waste heat to provide district energy systems, this is a long term aspiration for this area of the City, and where permanent development proposals come forward it will be expected that its potential is investigated further. It is not considered that in the case of a temporary proposal that this is appropriate or reasonable at this stage. In terms of the concerns by objectors that the applicant has not undertaken local community consultation, the Local Planning Authority strongly encouraged the applicant at the pre-application stage to discuss their proposals with interested parties and neighbouring

occupiers/owners. However such consultation by the applicant is not currently a legal requirement.

10.2 Urban Design and landscaping

- 10.2.1 The plans initially submitted for this application did show a significant narrowing of Hunslet Road, leaving only a narrow route alongside the modern offices Tetley House for pedestrians and cyclists to connect to Crown Point Road from the north west of the wider site. This would be in conflict with the temporary planning permission for car parking and landscaping at the wider site, and would be contrary to the aims of the adopted South Bank Planning Statement. Revised plans have been received, which amend the application boundary and reduce the size of the staff car park for the application proposal. This application proposal does not now conflict with the temporary car park permission, and the routes and spaces shown within that permission are unaffected.
- 10.2.2 Boundary treatments to the south would remain as existing, and new boundary treatment to the north would consist of a close boarded timber fence to screen service yard functions from the new temporary greenspace. A new boundary treatment to the western side of Hunslet Road is proposed. Exact details of this boundary treatment and its landscaping would be controlled by condition. These details would need to be appropriate to the City Centre in terms of design and materials, ensure security for the car park, give views between the car park and the re-opened Hunslet Road, and incorporate appropriate landscaping to soften the boundary and complement the temporary planting elsewhere on the wider site.
- 10.2.3 The hard and soft landscaped pedestrian routes and spaces within the development would be attractive and enhance the setting of the building. Exact details of hard and soft landscaping, including details of planters and soil depths, planting plans, boundary treatments, any raised planters, lighting, landscape management and maintenance, and surfacing materials, would be controlled by condition prior to commencement of development to ensure continuity of materials, boundary treatments and planting across the wider site.
- 10.2.4 The external works proposed to the building although relatively minor in nature, would enhance the visual appearance of the building, and are considered reasonable and appropriate in the context of a temporary 5 year proposal.

10.3 Transportation

- 10.3.1 The site lies within the fringe commuter control parking area, and the parking provision proposed complies with the UDP parking guidelines for the site. Given the nature of the proposed use falling within a number of use classes (and as such is therefore *sui generis* in planning terms), the UDPR parking guideline states that the proposal should be considered on its merits. Since the original submission of the application the number of car parking spaces proposed has reduced from 90 to 68 spaces. The Council's Highways Officers have confirmed that this level of parking and its anticipated traffic impact is considered acceptable in this case, if the permission is limited to a 5 year permission only. There is also the provision of a 5 year temporary public car park with 601 long stay spaces and 226 short stay spaces on the adjoining part of the former brewery site, and this could cater for any larger staff training events if necessary. The applicant has stated that a small number of larger ASDA staff events may take place throughout the year, and a condition has been recommended that when these events take place the building

occupancy shall not exceed 600 people, unless otherwise agreed by the Local Planning Authority. Therefore, the proposal is not considered to result in detrimental impact on the highway network.

10.3.2 Further to reduce reliance on the private car the submitted Travel Plan is considered acceptable and includes the following measures:

- Provision of 7 car sharer parking bays
- provision of staff shower and locker facilities to encourage cycle use
- appropriate secure storage for cyclists and motorcyclists

10.3.3 Plans to access the site for vehicles from the north are no longer proposed, as this would disrupt the provision of landscaped public realm to the north in front of the art gallery, and conflict with all staff cars. The access for servicing and deliveries would now be via a reconfigured Crown Point Road access. The width of the access is on-balance acceptable taking into account the nature of use and anticipated traffic flows.

10.3.4 A number of detailed highways matters are under discussion at the time of writing, and it is requested that these matters, which can be resolved within the applicant's ownership, be deferred and delegated to officers to resolve prior to the grant of temporary planning permission:

- Details of the landscape strip between the adjacent land to the north and the access road.
- A sign directing pedestrians from the Crown Point Road footway to the pedestrian side gate should be provided as the access road has no footways.
- The applicant should show showers/changing room/locker facilities for staff on a plan.
- The motorcycle parking area should have ground anchors.
- The applicant should provide details of an appropriate amount of staff parking for the adjacent warehouse unit within the site and safe tracking for articulated vehicles.

10.3.5 It is recommended that the proposal is granted a temporary permission for 5 years only. It is considered that future permanent development would provide for enhancements to the strategic public transport network, and to local pedestrian connectivity. This would include a range of permanent landscaped pedestrian and cycle improvements that would link from Bridge End, through the former Tetley Brewery site via a re-opened Hunslet Road, across Crown Point Road and Black Bull Street, linking to New Dock to the east and Leeds City College to the south, and beyond. Opportunities to enhance Black Bull Street and Crown Point Road would be explored at future phases of permanent redevelopment along both roads, including new and upgraded crossing points, increased pavement widths and lane reductions.

10.4 **Flood Risk**

10.4.1 The existing use and the proposed use would both be considered as 'less vulnerable' under the PPS25 Practice Guide. Therefore the proposal is considered appropriate in Flood Zones 3a(i). The Council's Flood Risk Management team has confirmed that the submitted flood risk assessment is considered acceptable, subject to the proposal being limited to a 5 year period. The application proposal would bring a vacant building back into temporary use and promote the interim regeneration of the South Bank area of the City Centre and Aire Valley.

10.5 **Amenity**

10.5.1 The nearest existing residential properties to the site lie at Indigo Blu, Crown Point Road (c30m away), at New Dock along Chadwick Street (c300m), and at Waterloo Apartments and Brewery Wharf to the north of Bowman Lane (c130m away). A condition would control the exact details of all external plant and any necessary noise attenuation, in order to prevent noise nuisance during the day and at night to nearby occupiers. The Council's Environmental Protection team have also recommended a condition to restrict deliveries to the building to 0700-2000 Monday to Saturday with no deliveries on Sundays or Bank Holidays. In the context of the mix of uses in the surrounding area, and the former use of the site as a warehouse and production plant to support the former brewery, it is considered that the application proposal would not give rise to any additional impacts on the amenities of nearby occupiers.

10.6 **Planning obligations**

10.6.1 A Section 106 Agreement has been agreed with the applicant in connection with the planning application, with the following obligation:

- Travel Plan Monitoring fee £2500

10.6.2 As part of Central Government's move to streamlining the planning obligation process it has introduced the Community Infrastructure Levy Regulations 2010. This requires that all matters to be resolved by a Section 106 planning obligation have to pass 3 statutory tests. The relevant tests are set out in regulation 122 of the Regulations and are as follows:

'122(2) 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.'

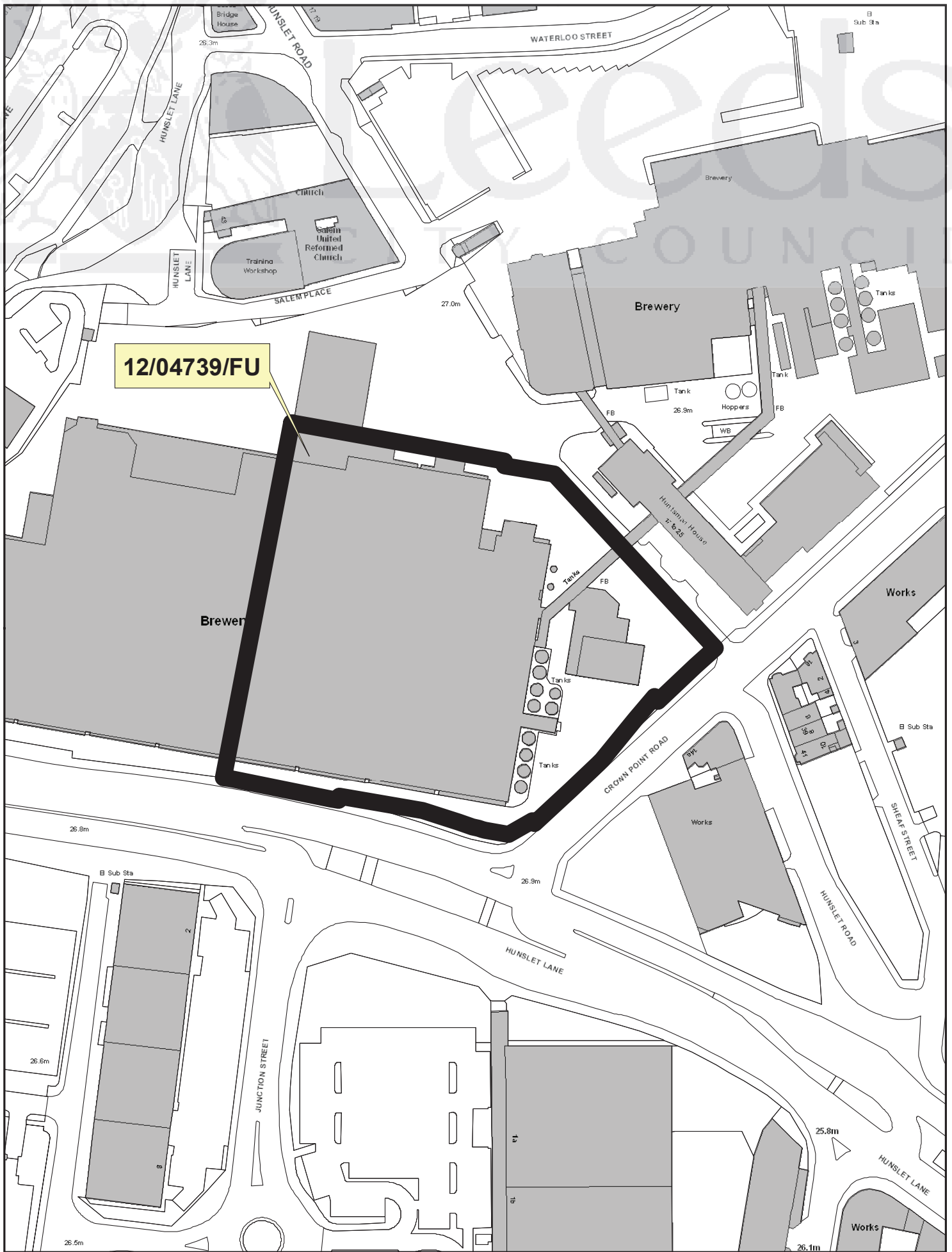
As listed above, there are matters to be covered by a Section 106 agreement. These matters have been considered against the current tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

11.0 **CONCLUSION**

11.1 It is considered that this application proposal would help to enable one of the City's major employers to contribute towards a strong diverse and successful urban economy. The temporary re-use of the building would bring increased activity into the area, and complement the delivery of new temporary pedestrian/cycle routes and greenspaces as part of the adjoining temporary car park permission, which would form part of the greened network of connections linking across the south of the City Centre as envisaged by the South Bank Planning Statement. However, the long term use of the site would prejudice the delivery of the aims of the South Bank and City Centre Park regeneration initiatives. The application proposal is therefore recommended for approval for five years, subject to the resolution of detailed highways matters, the monitoring of the travel plan under a Section 106 agreement, and the conditions set out above.

Application file 12/04739/FU

Appendix – Plan 1 - South Bank Urban Design Principles from South Bank Planning Statement 2011



CITY PLANS PANEL

SOUTH BANK
Urban Design Principles: Plan 1 of 2

For illustrative purposes only

key

- South Bank Planning Statement Boundary
- Historic streets re-opened as walkways and access routes
- Development 'plate': uses, spaces, connections to be determined
- City Centre park elements and other open spaces
- Walkways and footpaths
- Principal highways
- Section of NGT Public Transport route
- Listed/historic/significant buildings
- Sympathetic building infill
- Gateway markers
- Potential links, road crossings and greenspaces
- Potential strategic links
- Bridge links to Holbeck across railway cuttings
- Connections to the wider city
- Views to significant



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Originator: Andrew Windress

Tel: 3951247

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 17th January 2013

Subject: APPLICATION 12/04465/FU – TWO REPLACEMENT MOVABLE WEIRS AND ASSOCIATED INFRASTRUCTURE ON THE RIVER AIRE AT LEEDS WEIR AND KNOSTROP WEIR

APPLICATION 12/04466/LI – LISTED BUILDING APPLICATION FOR DEMOLITION OF LEEDS WEIR.

APPLICANT	DATE VALID	TARGET DATE
Leeds City Council – Mr Oliver Priestley	24/10/12	12/04465/FU – 23/1/13 12/04466/LI – 19/12/12

Electoral Wards Affected:

**City & Hunslet
Burmantofts and Richmond Hill**

Yes Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATIONS:

12/04465/FU - GRANT PERMISSION subject to the conditions and reason for approval set out in Appendix 1 (and any others which might be considered appropriate).

12/04466/LI - Agree in principle and defer and delegate to allow the application to be referred to the Secretary of State for the Department of Communities and Local Government subject to the conditions and reason for approval set out in Appendix 1 (and any others which might be considered appropriate).

1.0 INTRODUCTION:

- 1.1 There are currently no formal flood defences along the River Aire in Leeds. Informal defences are discontinuous and many are likely to fail in severe flood conditions. In June 2007, January 2008 and again in recent weeks the city came very close to experiencing major flooding. It has been estimated by the Environment Agency (EA)

that over 4,500 properties are at risk and approximately £400 million of direct damage would be caused by a major flood in Leeds. Leeds City Council (LCC) is currently working with other organisations such as the Environment Agency (EA), Yorkshire Water and the Canal and River Trust (CRT) (formerly British Waterways) in developing a flood defence scheme for the city.

- 1.2 Members have previously received presentations regarding flood defences to provide a 1 in 200 year standard of protection for a much larger area from Newlay Bridge in Horsforth to Swillington Bridge at Woodlesford. Due to funding difficulties relating to the 1 in 200 year scheme, Executive Board agreed that the Council should take the lead role on a phased project that initially seeks delivery of a 1 in 75 year standard of protection for the City Centre from Leeds Station to Knostrop Cut by 2015. The first phase of the 1:75 year standard of protection is the removal of the two existing weirs, Leeds Weir and Knostrop Weir, and a replacement with two movable weirs. Future phases that introduce formal defences expand the area covered and increase the standard of protection to 1 in 200 years will be considered at a later date. The proposed works for the initial phase are identified in section 2 below and are recommended for approval.
- 1.3 A pre-application presentation was given to City Centre Panel on 21st June and the East Panel on 12th July 2012, minutes of these meetings are provided at Appendix 2.

2.0 PROPOSAL:

- 2.1 It is proposed to remove the existing weirs at Leeds Weir and Knostrop Weir and introduce two movable weirs that will allow the river levels to be controlled to prevent flooding during high flows.
- 2.2 The whole of Leeds Weir is to be removed but two small sections are to be returned in to the river and therefore act as a relic to the former weir. A control room will be constructed on a platform cantilevered over the river from the northern bank adjacent to Turlow Court.
- 2.3 The whole of the existing Knostrop Weir is removed and the new movable weir introduced approximately 40m downstream.
- 2.4 Fish passes are incorporated into both schemes and there is an eel pass at the new Leeds weir. The new weir at Knostrop will also include a hydropower turbine that will provide electricity to the Wastewater Treatment Works at Knostrop.
- 2.5 The movable weirs comprise of a row of steel gate panels supported on their downstream side by inflatable air bladders. The pressure in the bladders can be varied to control the height of the gate panels and therefore control the water levels. The gates would be in the upright position for the vast majority of the time but would be lowered with the on-set of a flood event. The weirs are lowered with gravity and do not require a power source therefore significantly reducing any potential operational failure. There is the potential to operate the gates panels independently to allow a more flexible response to different flood events. The weir levels are set to match the existing crest levels. In normal operations water will pass over the weir obscuring the bladders and concrete base.
- 2.6 During construction, temporary cofferdams will be installed to control river flow and enable the works to take place. Stone removed from the existing weirs will be reused in the cladding of the new structures.

3.0 SITE AND SURROUNDINGS:

- 2.1 The proposed works take place within the River Aire and adjacent land at Leeds Weir and Knostrop Weir.
- 2.2 Leeds Weir is a grade II listed structure built in stone and is located within the Central Area Conservation Area. The listing description for Leeds Weir states the weir is medieval in origin and was probably rebuilt in mid 19th Century during the building of the Clarence Dock area. The weir stretches from Fearn's Island to Turlow Court on the northern bank of the River Aire. There is a mix of residential and commercial properties in the area.
- 2.3 Knostrop Weir is located between Knostrop Cut and the northern bank of the River Aire upstream from Thwaites Mill. There is one residential property and a number of large scale commercial and industrial properties in the area. The Transpenine Trail stretches along Knostrop Cut, the trail is unaffected by the proposals.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 None.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 A flood defence scheme has been under consideration since 2008 with the process previously being led by the EA. Due to funding difficulties it was agreed at Executive Board in February 2012 that LCC would take the lead role in delivering the phased scheme that initially provides a 1 in 75 year standard of protection for the City Centre area. Following the Executive Board resolution funding streams have been identified that have in turn influenced the planning process and the need to submit planning applications and obtain approvals to accord with the timescales set out by the funding bodies.
- 5.2 Council officers in Planning, Flood Risk Management, Conservation and Highways have been involved in the pre-application process as have other bodies including English Heritage.
- 5.3 Pre-application presentations were made to City Centre Panel on 21/6/12 and East Panel 12th July 2012. Members welcomed the proposals and minutes of the relevant meetings are provided at Appendix 2.
- 5.4 Following the pre-application presentations, officers continued to negotiate the schemes to ensure they complied with planning policy and delivered the best possible protection against future flood events.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The applications were advertised in the Yorkshire Evening Post 7/11/12 and site notices were erected at various locations around both sites on 2/11/12.
- 6.2 Hilary Benn MP strongly supports the proposals stating they are vital for the defence of the city from the serious flood risk faced.
- 6.3 Cllr Maureen Ingham supports the proposals.

6.4 Leeds Civic Trust very strongly support the scheme as the provision of the weirs is vital to the flood protection of Leeds City Centre. The waterfront's heritage will be provided with greater flood protection and hopefully the need for high walls to the river edges will be greatly reduced. The Trust is pleased to see the inclusion of a hydropower turbine within the design for the Knostrop weir and also the inclusion of fish passes at both weirs. It is considered the scheme, whilst removing an historic weir, provides major benefits in terms of heritage, wildlife and protection of the city from flooding. The Trust has lobbied prominent Government politicians to support the funding of the scheme.

6.5 Yorkshire Wildlife Trust would like to see conditions added to ensure protected species are protected and support the inclusion of fish passes. The hydropower turbine should ensure no damage is caused for fish and enhancements to biodiversity should be sought.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.2 English Heritage: No objection. Whereas the proposals require the demolition of a listed structure, the demolition is justified by the flood prevention benefits and there is little chance of the weir being brought back into its original use. The scheme is supported subject to appropriate archaeological recording and the introduction of interpretation panels.

7.3 Environment Agency: The EA supports the introduction of the new weirs as part of the overall flood protection scheme. Whereas the principle of the development is acceptable there are still outstanding detailed issues to be addressed.

7.4 Canal and River Trust: No objection subject to conditions.

7.5 Natural England: Enhancements should accord with the submitted surveys.

7.6 Council for British Archaeology: Leeds Weir is an important archaeological and heritage asset and is important visually in this sensitive location. The scheme is not sufficiently justified and should be refused. If the application is approved, a recording condition should be added.

7.7 Non-statutory:

7.8 Coal Authority: No objection.

7.9 Conservation Officer: On balance, the harm caused by the loss of the listed structure is outweighed by the flood protection benefits of the scheme. The scheme will ensure the protection of many other heritage assets. The retention of a small section of the existing weir is welcomed.

7.10 Contaminated Land: Standard conditions recommended.

7.11 Environmental Protection Team: No objection.

7.12 Flood Risk Management: No objection subject to details of the downstream mitigation being provided prior to the commencement of development.

7.13 Highways: No objection.

- 7.14 Local Plans: The scheme is consistent with current and emerging local policy and national planning guidance.
- 7.15 Nature Conservation Officer: The mitigation and enhancement measures in the submitted surveys should be adhered to, conditions recommended.
- 7.16 Neighbourhoods and Housing (Air Quality): No objection.
- 7.17 Network Rail: The central pillar at Knostrop is in Network Rail ownership, if the Environment Agency is willing to maintain the pillar there is no objection, otherwise a formal maintenance agreement is required. The use of land to the northeast of the river may conflict with intended cycle routes in this area.
- 7.18 Public Rights of Way: The Transpennine Trail abuts the weirs but is not affected, no objection.
- 7.19 West Yorkshire Archaeology: Leeds Weir formed an important part of Leeds' industrial heritage and was rebuilt in its current form in the 19th century. A condition should be added to ensure thorough archaeological recording.
- 7.20 Yorkshire Water: No objection.

8.0 PLANNING POLICIES:

- 8.1 Development Plan Policies
- 8.2 Regional Spatial Strategy (RSS): The RSS for Yorkshire and Humber was adopted in May 2008. The vision of the RSS is to create a world-class region, where the economic, environmental and social well-being of all people is advancing more rapidly and more sustainably than its competitors. Particular emphasis is placed on the Leeds City Region. The RSS states the region will pro-actively manage flood risk and ensure flood management facilitates development.
- 8.3 UDPR Designation: Leeds Weir is grade II listed, located within the Central Area Conservation Area and Riverside Quarter. Knostrop Weir has no relevant designations.
 - GP5:** Proposals should resolve detailed planning considerations.
 - BC7:** Use of local materials in Conservation Areas
 - N14:** Demolition or the substantial demolition of a listed building will only be permitted in exceptional circumstances and with the strongest justification.
 - N18A:** There will be a presumption against the demolition of a listed building that makes a positive contribution to a conservation area.
 - N18B:** In a conservation area demolition will not be granted unless a scheme of redevelopment has been approved.
 - N19:** Development within or adjoining Conservation Areas should preserve/enhance the character and appearance of the Conservation Area.
 - N29:** Sites and monuments of archaeological importance will be preserved and investigated in accordance with the detailed archaeological policies in the UDPR.
 - N49:** Biodiversity protection.
- 8.4 National Planning Guidance
- 8.5 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. The NPPF states that unless material considerations indicate otherwise

development proposals which accord with the Development Plan should be approved. The framework, which includes guidance regarding building a strong, competitive economy, ensuring the vitality of town centres, promoting sustainable transport, and conserving the historic environment, is a material consideration. The NPPF states Local Planning Authorities should take full account of flood risk.

8.6 Emerging Policy

8.7 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.

8.8 As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

9.0 MAIN ISSUES

- The need for the defences.
- Removal of the listed Leeds Weir.
- Visual amenity including the impact on the Conservation Area.
- Biodiversity protection, mitigation and enhancement.
- Environment Agency comments.
- Network Rail comments.

10.0 APPRAISAL

10.1 The need for the defences

10.2 There are currently no formal flood defences along the River Aire in Leeds. Informal defences are discontinuous and many are likely to fail in severe flood conditions. In June 2007, January 2008 and again in recent weeks the city came very close to experiencing major flooding. It has been estimated by the Environment Agency (EA) that over 4,500 properties are at risk and approximately £400 million of direct damage would be caused by a major flood in Leeds.

10.3 The Council has committed significant resources, including direct funding over many years to ensure the delivery of a comprehensive flood protection scheme and these current proposals form the first phase of that comprehensive scheme. Future phases will complete a 1 in 75 year standard of protection for the city centre and include the introduction of raised defences along the river corridor and to Holbeck and the removal of Knostrop Cut. Subject to funding, it is hoped both the standard of protection and area protected will increase in years to come.

- 10.4 The protection of the city centre is considered essential to ensure it remains attractive to inward investors and therefore secure continued economic growth.
- 10.5 Removal of the listed Leeds Weir
- 10.6 Leeds Weir is a grade II listed structure built in stone and is located within the Central Area Conservation Area. The listing description for Leeds Weir states the weir is medieval in origin and was probably rebuilt in mid 19th Century during the building of the Clarence Dock area.
- 10.7 English Heritage consider the weir has archaeological, historic and communal significance and, according to the NPPF, its removal would be considered as 'substantial harm' that should only occur in exceptional circumstances and with appropriate justification. English Heritage considers that the nature of the weir and its context prevents its reasonable use and that no viable use of the weir in its current form is ever likely to be practical, in addition, grant funding is unlikely. The proposed scheme would protect many other listed buildings from flood damage. As such, English Heritage and the Council's Conservation Officer, consider that the proposed movable weir and the public benefits it provides outweigh the loss of the historic weir and therefore raise no objection. This policy approach is consistent with UDPR policies N14 and N18A that also permit the demolition of listed buildings in exceptional circumstances.
- 10.8 English Heritage have requested conditions be added that ensure the significance of both weirs is investigated, recorded and publicised through interpretation plaques at each site. Such conditions are considered appropriate and have been included.
- 10.9 Visual amenity including the impact on the Conservation Area
- 10.10 The listed Leeds Weir has a positive impact on the character of the Central Area Conservation Area and provides an attractive setting to other listed buildings in the area. Whereas the character of the area will change, the proposed weir will still be primarily under the water therefore the character of the flowing water will be similar to the present. There are additional structures added to the weir in the form of a central stone clad pillar and fish pass adjacent to Fearn's Island but the majority of these structures will be under water and therefore have little visual impact.
- 10.11 The control room proposed to be located adjacent to Turlow Court on the north bank has been sensitively designed and uses materials to complement the conservation area setting and is considered acceptable.
- 10.12 The proposed works at Leeds Weir are considered to preserve the character of the conservation area by maintaining the character of the flow of the river and utilising appropriate materials for the new structures that are visible above the water.
- 10.13 The works at Knostrop involve the removal of the existing weir and the introduction of the new weir, fish pass, hydroelectric turbine, control room and safety railings approximately 40m downstream. Once the existing weir has been removed this part of the river will be lowered to its natural bed level. The movable weir is introduced in two sections either side of the existing stone pier that formed part of the former railway bridge. The weir also links into the existing bridge abutments on both banks. A small additional concrete structure is required to be added to the central stone pier but this will also be clad in stone. The introduction of the weir either side of the stone pier and connecting to stone abutments on both banks will introduce an

attractive feature to this highly accessible location that is popular with pedestrians and cyclists.

10.14 The fish pass and hydroelectric turbine are to be located in the currently overgrown scrubland on the north bank and will have little visual impact. The proposed railings will match the existing railings used around Knostrop Cut and the proposed control room has a simple design that reflects the existing lock keepers control room. Full details of the materials for both Leeds Weir and Knostrop control rooms will be required by condition.

10.15 An 18m rock apron is introduced below the weir to prevent scour but this will be under water and have no adverse visual impact.

10.16 Biodiversity protection, mitigation and enhancement

10.17 Detailed surveys have been undertaken to investigate the existing biodiversity present at both sites and identify appropriate mitigation and enhancement is provided as necessary. Further surveys will be carried out prior to the commencement of construction to ensure there are no adverse impacts. The submitted surveys have been examined and accepted by Natural England and the Councils Nature Conservation Officer. Conditions have been recommended that seek mitigation and enhancement to accord with the submitted documentation and includes consideration of the introduction of bat roosts, otter halts and replacement vegetation to ensure otters can travel in both directions and the requirement to submit a method statement for the construction process to ensure protected species are not disturbed.

10.18 Environment Agency Comments

10.19 The Environment Agency is a partner in the delivery of the scheme and fully supports the introduction of the movable weirs. However, there are still minor design details that have not yet been fully addressed such as the detailed design of the fish pass. Minor adverse impacts in the form of increased flood levels have also been identified downstream at Juniper Avenue and Yew Tree Drive in Woodlesford. Further studies are currently being carried out and it is envisaged low grade measures can be introduced to overcome this minor impact. Discussions are on going regarding these matters and updates will be reported verbally to the Panel.

10.20 Network Rail comments

10.21 There is no conflict with any cycle routes proposed on the north bank to arise from these proposals.

11.0 CONCLUSION

11.1 The proposed scheme is the first and very important phase of a major project that will help protect Leeds City Centre from flooding and therefore prevent significant physical and economic damage. Whereas the scheme involves the removal of a listed structure, the benefits to the city as a whole and other listed buildings far outweigh the damage caused by removing Leeds Weir. Both weir features and associated works at Leeds Weir and Knostrop are considered to complement their surroundings and will ensure the preservation of the character and biodiversity of the area.

12.0 BACKGROUND PAPERS

- 12.1 Application files 12/04465/FU and 12/04466/LI.
- 12.2 Notice served on the Canal and River Trust and Pemberstone Reversions (Leeds) Ltd.

APPENDIX 1 – CONDITIONS

12/04465/FU

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

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

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

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

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

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site suitable for use in accordance with national and Leeds City Council's planning guidance.

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

To ensure that any necessary remediation works are identified to make the site suitable for use in accordance with national and Leeds City Council's planning guidance.

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

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use in accordance with national and Leeds City Council's planning guidance.

- 6) Prior to the commencement of development a Biodiversity Protection and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include: details of an up-to-date survey for otters; provision of bat roosting features and vegetation planting to benefit bat commuting/foraging; details of features designed into the new weirs to allow otters to move freely in both directions; and provision of a permanent otter holt.

To ensure safeguarding of protected species and provide local biodiversity enhancements in accordance with adopted UDPR policy N49.

- 7) Prior to the commencement of development a method statement for the eradication of Japanese Knotweed and control of Giant Hogweed, Himalayan Balsam and Signal Crayfish shall be submitted to and approved in writing by the LPA. The agreed plan shall thereafter be implemented.

To control the spread of invasive plant and animal species in accordance with adopted UDPR policy N49.

- 8) Prior to the commencement of development a method statement to ensure bats, otters and fish are not disturbed during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The agreed plan shall thereafter be implemented.

To ensure safeguarding of protected species in accordance with adopted UDPR policy N49.

- 9) No site clearance, demolition or removal of any trees, shrubs or other vegetation shall be carried out during the period 1 March to 31 August inclusive unless otherwise agreed in writing with the Local Planning Authority.

To ensure the protection of wild birds during the breeding season in accordance with adopted UDPR policy N49.

- 10) Prior to the commencement of development, full details of the design and external facing materials of the control rooms shall be submitted to an approved in writing by the Local Planning Authority with the agreed details implemented in accordance with the approved details and retained and maintained as such thereafter.

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

- 11) Interpretation panels shall be provided adjacent to both weirs to highlight the historic relevance of the weirs at the site. Details of the location and general content of the interpretation panels shall be submitted to and approved in writing prior to the commencement of development and be implemented prior to first use of the weirs hereby approved. The interpretation panels shall be retained and maintained as such thereafter.

To ensure the historic and current significance of the site and weirs is recognised at both sites in accordance with adopted UDPR policies N14 and GP5.

- 12) In reaching a decision the case officer dealing with the application has worked with the applicant/agent in a positive way by expediently progressing negotiations to produce an acceptable scheme in accordance with paragraphs 186 and 187 of the National Planning Policy framework.

Reason 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 and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR) and the emerging Publication Draft Core Strategy Nov 2012 (DCS) .

GP5, BC7, N14, N18A, N18B, N19, N29, N49.

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.

12/04466/LI

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

Imposed pursuant to the provisions of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

- 3) No demolition or development shall take place at Leeds Weir until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological recording. The recording must be carried out by an appropriately qualified and experienced archaeological organisation, in accordance with a written scheme of investigation that has been submitted to and agreed in writing by the Local Planning Authority.

To ensure appropriate archaeological recording in accordance with UDPR policy N29.

Reason for approval

In granting Listed Building Consent the City Council has taken into account all material matters relating to the building's special architectural or historic interest, 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 and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR) and the emerging Publication Draft Core Strategy Nov 2012 (DCS) .

GP5, BC7, N14, N18A, N18B, N19, N29.

On balance, the City Council considers the proposal would not give rise to any unjustified consequences for the special architectural or historic interest of the listed building.

APPENDIX 2 – PREVIOUS PANEL MINUTES

21st June 2012 City Centre Panel Minutes:

PREAPP/10/00302 and PREAPP/10/00303 - Leeds (River Aire) Flood Alleviation Scheme (FAS), Leeds Station to Knostrop Weir

The report of the Chief Planning Officer introduced a pre-application presentation in relation to Leeds (River Aire) Flood Alleviation Scheme (FAS), Leeds Station to Knostrop Weir.

The following representatives attended and addressed the meeting:-

- Andrew Wheeler, Highways and Transportation (Applicant)
- Michael Nichols, Arup
- Nigel Foster, Arup

Members were shown detailed plans and photographs of the scheme.

The presentation highlighted the following key areas:-

- History of flooding in Leeds with specific reference to the Crown Point area
- History of the scheme
- Details of the proposed scheme including:-
 - Project Definition
 - Project Description
 - Scheme Delivery
 - Key Constraints and drivers
 - Key benefits
 - The funding streams
 - Based on the Council's Design Vision and Guide
 - Walls (Linear Defences), Weirs
 - Knostrop Cut proposals
 - Proposed Consultation and timescales

The Chair then invited questions and comments from Members on the specific proposals of the pre-application.

In summary, specific reference was made to the following issues and the applicant team duly responded:-

- Clarification of the current proposals around upper Kirkstall, Wellington Bridge and the reasons for the removal of Knostrop Cut
- To welcome the report on flooding, but to convey concerns that the authority continued to give planning permission to areas which were prone to flooding
- Clarification of the improvements at Knostrop Cut in relation to walking and cycling
- Clarification if there would be any significant downstream effects in other areas arising from the proposals and the need for officers to liaise with Wakefield Council in this regard.

RESOLVED –

- a) That the report and pre-application presentation be noted.
- b) That this meeting notes that Plans Panel (East) would be consulted on the scheme and that the final proposals would be brought back to Plans Panel (City Centre) for approval.

12th July East Panel Minutes:

Pre-application presentation - Leeds Station to Knostrop Weir

The Chief Planning Officer submitted a report setting out pre-application proposals for the Leeds (River Aire) Flood Alleviation Scheme (FAS), Leeds Station to Knostrop Weir.

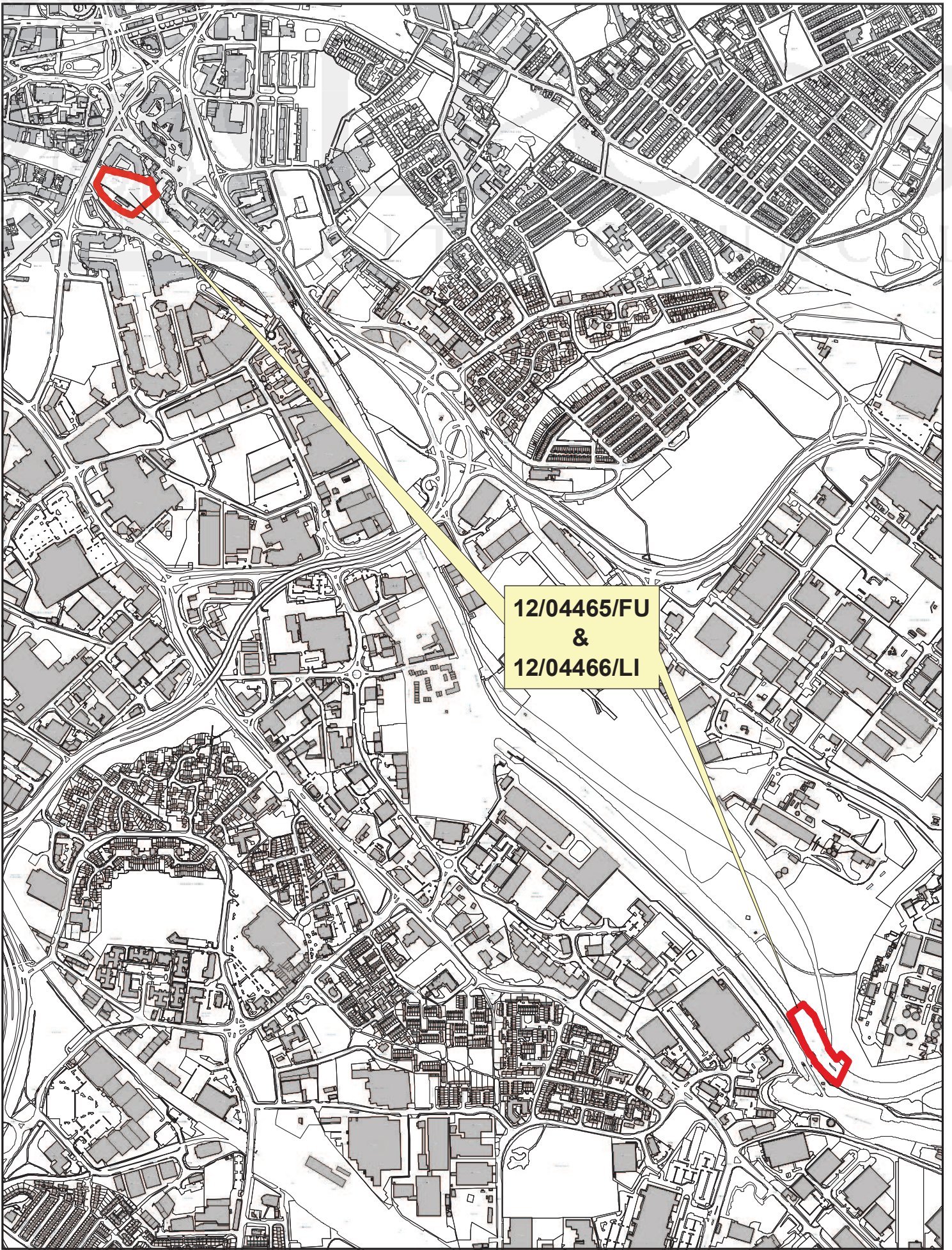
It was noted that no formal decision on the development was required at this point in the application process; however the presentation afforded the Panel the opportunity to ask questions, raise issues, seek clarification and comment on the proposals at this stage.

The Panel heard from Mr N Foster, Arups and Mr A Wheeler, LCC Highways and Transportation, who introduced the scheme proposing 1:75 year flood defences. An earlier scheme had been revised following the 2011 DEFRA decision not to fund the 1:200 year scheme proposed by the Authority. It was noted a 1:75 year scheme would meet the requirements of insurers and would protect approximately 3000 properties.

The proposals included the removal of the Grade 2 listed weir at Crown Point and replacement with movable weirs. Public consultation had been undertaken with local residents and at the Leeds Waterside Festival.

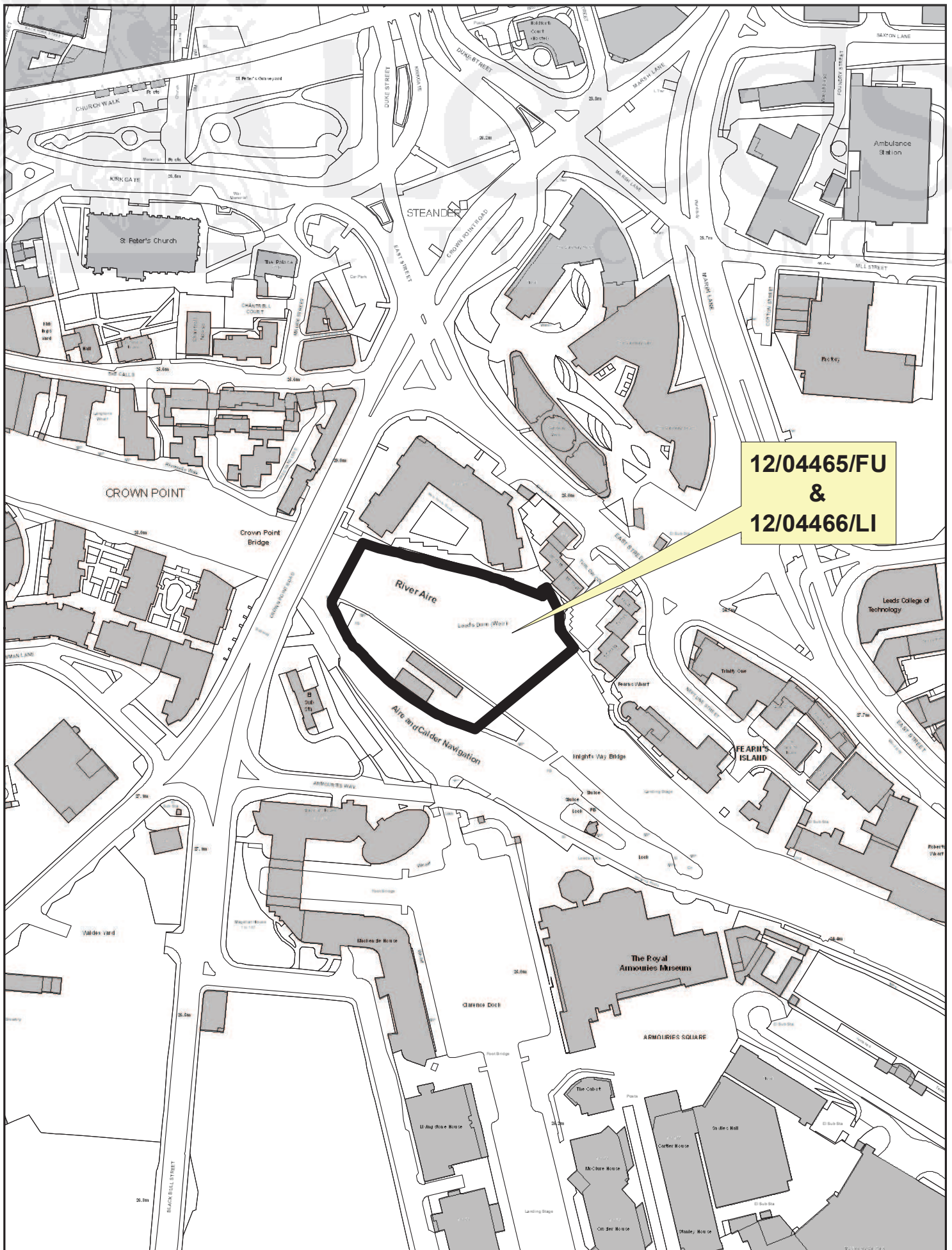
Architects drawings showing examples of suitable flood defences in situ and photographs of the weirs proposed for Crown Point and photographs of the type of weir proposed for Crown Point were displayed for reference.

RESOLVED – To note the contents of the report and the comments made by Members



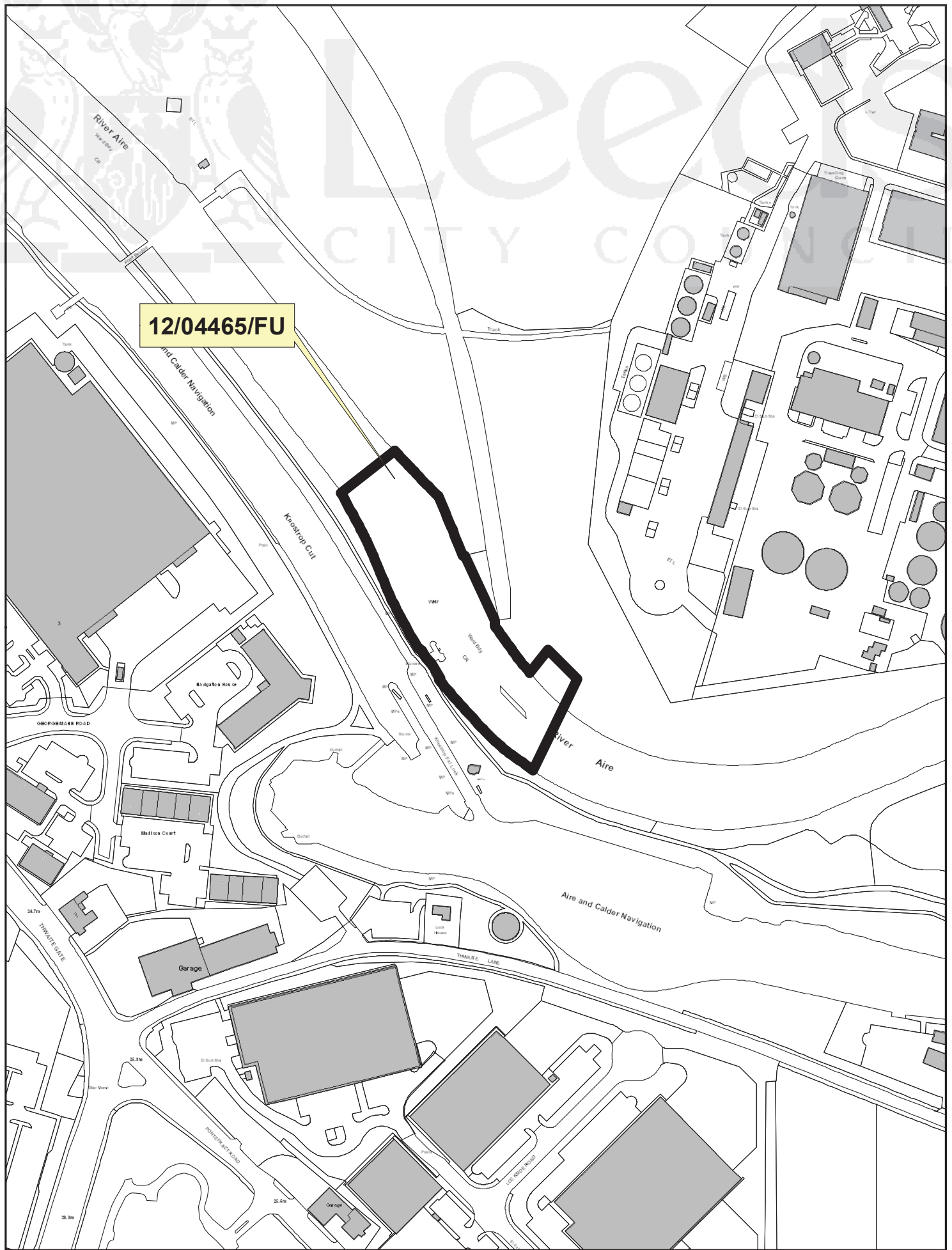
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CITY PLANS PANEL



**12/04465/FU
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12/04466/LI**

CITY PLANS PANEL



CITY PLANS PANEL



Originator: Andrew Windress

Tel: 3951247

Report of the Chief Planning Officer -

CITY PLANS PANEL

Date: 17th January 2013

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

APPLICANT	DATE VALID	TARGET DATE
Globe Road Ltd	17/8/12	22/2/13

Electoral Wards Affected:

City & Hunslet

Yes Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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

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

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

1.0 INTRODUCTION:

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

2.0 PROPOSAL:

- 2.1 The proposed scheme is for 609 residential units, ground floor commercial units, associated parking and landscaping across a development of up to 17 storeys. The scheme includes a mix of 179 one bed apartments, 8 one bed duplexes, 353 two bed, 19 two bed duplexes and 49 three bed apartments and 1 three bed duplex. The different apartment sizes are spread across the site. The duplex units are located on the ground floor and help create 'mews streets'. There would be small commercial units on the ground floor of buildings fronting Whitehall Road and the building on the land adjacent to the canal. 439 parking spaces will be provided under or adjacent to individual buildings and in a three storey car park that runs along the boundary of the site adjacent to the railway lines.
- 2.2 Three buildings of 10 storeys are located on Whitehall Road and three buildings of eight storeys on Globe Road. Behind these buildings that front the main roads, the scale of the buildings steps down to six and then four storeys. On the separate piece of land to the east of Globe Road and adjacent to the canal is a 17 storey building. The 3 storey car park along the southern/railway boundary adjoins the adjacent residential buildings.
- 2.3 The car park and 4-10 storey residential buildings in the main part of the site bounded by Whitehall Road, Globe Road and the railway are in red brick and have a common design approach of a brickwork frame with defined base, middle and top with punched and recessed window openings. The common design unites the buildings but differing designs to the balconies provide some distinction to individual blocks. The 17 storey building located on the parcel of land between Globe Road and the canal has a similar design approach but is finished in a black brick. The car park elevations will incorporate a growing 'green' wall of climbing plants.
- 2.4 Vehicular access is from both Whitehall Road and Globe Road. The proposed level of parking would provide a space for every 3 bed unit, a space for 65% of the 2 bed units and for 55% of the 1 bed units.
- 2.5 An area of public open space is located within the centre of the site primarily accessed from Globe Road. A smaller area of public open space will also be located adjacent to the canal. The total public open space equates to less than 10% of the site area. Open space for residents is provided in communal courtyards on top of single storey car park decks within the site and on the roof of the three storey car park.
- 2.6 The adopted Holbeck Urban Village Revised Planning Framework identifies a possible foot bridge link across the canal adjacent to the proposed 17 storey building. This bridge would help link Holbeck Urban Village and other communities

to the city centre and train station in particular. The developer sees this bridge link as being integral to the success of their scheme and proposes to fund and procure the bridge that will provide important pedestrian and cycle links.

2.7 The application is supported by the following documents:

- Planning Statement.
- Design and Access Statement.
- Transport Assessment.
- Travel Plan.
- Sustainability Statement.
- Energy Demand Statement.
- Wind Assessment.
- Daylight and sunlight Report.
- Drainage Assessment.
- Flood Risk assessment including Sequential and Exception Test.
- Contamination Report.
- Habitat Survey.
- Acoustics Report.
- S106 Heads of Terms.
- Financial Viability Appraisal.

2.8 The sequential test has examined the potential for developing alternative less vulnerable sites but these have been discounted for various reasons, the sequential test has been accepted.

2.9 The scheme will be delivered on a phased, building by building basis. The applicant has committed to submitting a phasing and temporary works plan by condition that will identify how the site will be delivered and the temporary works (landscaping, pedestrian/cycle routes, hoardings) that will be carried out on those parts of the site to be delivered in a later phase.

3.0 SITE AND SURROUNDINGS:

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

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

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

4.0 RELEVANT PLANNING HISTORY:

4.1 Application 20/499/04/FU proposed a multi level predominantly residential development up to 31 storeys with 833 flats, commercial units, car parking and landscaping; this was approved 22nd September 2005 after being agreed at Panel

28th April 2005. A subsequent extension of time application, 10/01670/EXT, was approved 17th November 2010.

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

5.0 HISTORY OF NEGOTIATIONS:

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

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Ward members were notified of the application on 21/8/12, no comments have been received.
- 6.2 Site notices were posted 31/8/12 and an advert was placed in the Yorkshire Evening Post 13/9/12.
- 6.3 Leeds Civic Trust state they have had the benefit of a presentation from the developer, elements are supported but many of the issues raised at the presentation have not been addressed. The Trust believe the scheme has many benefits including its overall concept, the public space, green wall to the car park plus the mix of apartment sizes. Comments are made regarding the potential overshadowing of the canal, light and wind to the courtyards and need to ensure the bridge is attractive and responsive to desire lines. The Trust feel the tower is too dark and 'stumpy' and would benefit from a lighter and more slender appearance, the buildings are 'monolithic' and should include more variation, the buildings have a significant impact on some of the key views and some of the CGIs are not accurate. Overall, the Trust would like to support the scheme but feel they must object as they believe the design has significant flaws.

7.0 CONSULTATION RESPONSES:

- 7.1 Statutory:
- 7.2 Highways: No objection to the principle of the development, the development impact on the local network is acceptable, subject to off-site highway works and the parking numbers and access locations are appropriate.
- 7.3 Highways Agency: There will be no adverse impact on the Strategic Highway Network and the revised travel plan is acceptable.
- 7.4 Environment Agency: No objection subject to the development being carried out in accordance with the Flood Risk Assessment.

- 7.5 Non-statutory:
- 7.6 Licensing: Premises licences would be required for the A3-A5 uses.
- 7.7 Streetscene Services: The collection arrangements appear acceptable.
- 7.8 West Yorkshire Archaeological Advisory Service: No objection subject to a condition requiring archaeological recording.
- 7.9 Natural England: The proposal does not affect any statutorily protected sites or landscapes. Further bat surveys were requested (and have been carried out) and biodiversity enhancement and mitigation should be provided.
- 7.10 Network Rail: No objection.
- 7.11 Flood risk Management: No objection subject to conditions.
- 7.11 Yorkshire Water: No objection subject to conditions.
- 7.12 Leeds Bradford International Airport: No objection provided any lighting is positioned to avoid causing glare or dazzle to pilots.
- 7.13 Travelwise: The revised travel plan is acceptable, the section 106 should secure the travel plan, monitoring fee, provision of two car club spaces and a free trial membership package for the car club.
- 7.14 Metro: Following confirmation that 'super shelters' on Whitehall Road are delivered via the planning approval on the former Doncaster Monkbridge site on the northern side of Whitehall Road, there is no objection in principle provided a public transport contribution is provided.
- 7.15 Public Transport Contribution Officer: A contribution of £137,142 should be sought.
- 7.16 Children's Services: The three bed apartments are considered to be family units and there is a high demand for school places at the nearest schools therefore a full contribution to both primary and secondary provision is required. For 50 three bed units this equates to £238,190.78.
- 7.17 Contaminated Land Team: No objection subject to conditions.
- 7.18 Wind Consultant: Further information and final comments are still outstanding and will be reported verbally to the Panel. The appraisal section sets out the current position.
- 7.19 Police Architectural Liaison Officer: Secured By Design principles should be adopted and controls should be in place to ensure unauthorised access is prevented into buildings and parking areas.
- 7.20 Affordable Housing Officer: 5% affordable units (31 units) should be delivered and spread across the site.
- 7.21 Canal and River Trust: No objection.

8.0 PLANNING POLICIES:

- 8.1 Development Plan Policies
- 8.2 Regional Spatial Strategy (RSS): The RSS for Yorkshire and Humber was adopted in May 2008. The vision of the RSS is to create a world-class region, where the economic, environmental and social well-being of all people is advancing more rapidly and more sustainably than its competitors. Particular emphasis is placed on the Leeds City Region. There are no RSS policies of particular relevance; all issues are covered by the UDPR policies identified below.
- 8.3 Unitary Development Plan (Review 2006) (UDPR): The whole site is located within the City Centre and the parcel of land adjacent to the canal is within Holbeck Urban Village. The Leeds Liverpool Canal is adjacent to this parcel of land and is a Site of Ecological or Geological Importance (SEGI).
 GP5: Proposals should resolve detailed planning considerations.
 GP11, GP12: Sustainable Design.
 BD2: New buildings should complement and enhance existing skylines, vistas and landmarks.
 BD4: Seeks to minimise impact of plant and machinery.
 BD5: Seeks to ensure a satisfactory level of amenity for occupants and surroundings.
 T2: Development proposals should not create new, or exacerbate existing, highway problems.
 T5: Satisfactory provision for pedestrians and cyclists.
 T6: Satisfactory disabled access.
 T24: Parking to reflect detailed UDP parking guidelines.
 A4: Development and refurbishment proposals should be designed to secure a safe and secure environment, including proper consideration of access arrangements.
 SA9, SP8: Promote development of City Centre role and status.
 CC4: High quality design and appropriate scale at city centre gateway locations.
 CC10: Sites over 0.5ha require 20% public open space.
 LD1: Landscape proposals should allow sufficient space around buildings to retain existing trees in healthy condition & allow new trees to grow to maturity.
 N12: Fundamental priorities for urban form.
 N13: requires all new buildings to be of high quality and have regard to character and appearance of surroundings.
 N25: Boundaries should be appropriate to the character of the area.
 N50: Development will not be permitted that would seriously harm a SEGI.
- 8.4 Relevant Supplementary Planning Guidance.
- 8.5 Tall Buildings Design Guide (Adopted April 2010): This Supplementary Planning Document (SPD) provides guidance as to where tall buildings should and should not be built. The document highlights the importance of design and urban design and seeks to protect the best elements already established within the city.
- 8.6 Public Transport Improvements and Developer Contributions (2008): Developments that have a significant local travel impact will be subject to a requirement for paying a contribution towards public transport improvements.
- 8.7 Holbeck Urban Village Revised Planning Framework (2006) (HUVRF): The HUVRF seeks delivery of a footbridge over the canal landing on the parcel of land where the 17 storey tower is proposed.

- 8.8 Neighbourhoods for Living – A Guide for Residential Design in Leeds (2003): This SPD provides guidance regarding the themes and principles of residential design; the character and essence of Leeds and the submission requirements and analysis based process.
- 8.9 Building for Tomorrow Today – Sustainable Design and Construction (2011): Sustainability criteria is set out including a requirement to meet BREEAM standards.
- 8.10 National Planning Guidance
- 8.11 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. The NPPF states that unless material considerations indicate otherwise development proposals which accord with the Development Plan should be approved. The framework, which includes guidance regarding building a strong, competitive economy, ensuring the vitality of town centres, promoting sustainable transport, and conserving the historic environment, is a material consideration.
- 8.12 Emerging Policy
- 8.13 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.
- 8.14 As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination

9.0 MAIN ISSUES

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

10.0 APPRAISAL

- 10.1 Design approach and amendments to the design of the 17 storey tower.
- 10.2 The design proudly takes its cue from the brickwork industrial heritage of Leeds and the design clearly acknowledges the solid environmental context of Leeds. An enthusiastic design it is clearly a project designed to be for this site, and for Leeds,

rather than an anonymous visual offering that could be encountered in any British city.

- 10.3 Notably the design only uses the brick as the underlying primary organisation tool of the visual aesthetic to provide a solid optical cohesion so necessary in larger scale works such as this. The 'tripartite' organisation of the elevations also offers an interesting feature and further enhances the visual unity of the scheme.
- 10.4 The design then cleverly encapsulates its true modernity in the secondary elements of the windows and balconies with modern materials and colour. These secondary visual elements then provide strong visual interest with the deep reveals and the coloured panels which exploit the light and shadow to give visual interest and activity. The larger openings within the overall brickwork frame also clearly mark this scheme in the modern style whilst acknowledging its local cultural and environmental context. The larger balcony and window openings are also a skilful tool to avoid a cacophony of domestic scale openings which would be swamped and distracting in a scheme of this size.
- 10.5 It is interesting, and a clue to the modernity of the scheme, that the brickwork is actually not the dominant material element of the scheme. It is the larger openings containing the activity of the balconies and window elements that are in the majority thereby avoiding a hard visual conclusion. Although cleverly acknowledging the brickwork context of Leeds it is a contemporary design for the modern age providing a sound offering to the Leeds townscape.
- 10.6 In response to the Leeds Civic Trust comments the buildings fronting Globe road would be sited at least 17m away from the edge of the canal and it is considered that these would not unduly overshadow or dominate the canal setting. The proposed tower block on the east side of Globe Road would be sited adjacent to the canal but its proportions as a tower building and context of being seen along the canal along with other tower buildings (both existing and proposed) at granary wharf, the tower works site and the approved towers on the development site to the north side of Whitehall Road would ensure that it is compatible with the existing and emerging context for this area. A daylight and sunlight assessment has been undertaken for the proposed courtyard areas and it is considered that the dimensions of the courtyards and form of development would ensure provision of an acceptable standard of light penetration to these areas.
- 10.7 In response to the Leeds Civic Trust and Member's comments the 17 storey tower has been revised and reduced in width at its western end. The number of bays in this elevation has been reduced from 6 to 5 and has therefore reduced the width of this part of the tower by approximately 4m. This design change reduces the visual impact of the tower when viewed from Whitehall Road and 'upstream' and makes the tower appear more slender and less 'blocky'.
- 10.8 This change has resulted in a reduction in the number of apartments in this building from 112 to 96 with all 16 three bed apartments being removed, a reduction in the number of one bed apartments and an increase in the number of two bed apartments.
- 10.9 In addition, the windows in the top two floors of the northern elevation facing the canal have been recessed to reflect the recessed windows in this part of the eastern and western elevations. This has the effect of reducing the dominance of this longer elevation and therefore further ensuring the building has a lighter and slender appearance.

- 10.10 The reduction in the width of the tower and recessing of the windows also helps to emphasise the gentle curve of the building that was not evident on the images presented at the previous Panel. The footprint of the tower follows the gentle curve of the canal and therefore provides a subtle but important softening of the tower in this sensitive location.
- 10.11 A number of additional images of the tower will be presented to Members that will highlight the important design detail of the tower including the varying planes of the brickwork, recessed windows and the white mortar. The varying planes and recesses give the building distinction and interest whilst the white mortar will actually make up around 20% of the total façade treatment and therefore lighten and further soften the building.
- 10.12 Improved images will also be presented for the red brick element of the proposal on the land bounded by Whitehall Road, Globe Road and the railway lines. These images will also show the detailing of the buildings in greater clarity to emphasise the quality of the design.
- 10.13 The design changes highlighted above are subtle but considered to significantly improve the appearance of the tower in response to Members' comments. The tower is a bold architectural statement that is considered to complement other bold statements at Granary Wharf such as Candle House and Waterman's Place. Members will be shown a number of additional and enhanced images that will provide greater clarity and highlight the architectural quality of the scheme that is considered to significantly enhance this gateway location.
- 10.14 Improvements to the provision of child-friendly play spaces and increase in green areas/reduction in hard surfacing.
- 10.15 The development has a significant number of three bed apartments and Members were keen to ensure there was an appropriate provision of play space for children that may reside in the development. In response to this the developer has increased the green/play space in the public open space at ground level, introduced a play area at this level and provided a 250m² artificial beach with play sand on the open space on the roof of the car park.
- 10.16 The level of hard surfacing within the public open space has been significantly reduced whilst still maintaining the necessary pedestrian desire lines/footpaths serving entrances. Additional grassed areas have been provided and a play area with play equipment has been introduced. This play area includes a variety of play equipment (rocking equipment, inclusive see-saw and spinners) intended primarily for younger children below school age but also providing for children up to 8 years old. The surface to the play area will be a mix of rubber safety matting with grass and wetpour rubber crump safety surface.
- 10.17 The stone block seats proposed in and around the public open space/play areas now incorporate timber slat tops to provide a softer appearance and therefore provide for a more appealing place to sit and play.
- 10.18 The one-way service road adjacent to the play space is a shared surface providing service access, access to the six on-street disabled spaces and two car club spaces plus access to the 18 space car park under block A. It is expected that this road will be a lightly used route therefore the road has a shared surface. The road is at a slightly higher level than the open/play space and is separated by the bioswale

therefore there are no safety concerns regarding the relationship between the road and open space.

- 10.19 A 250m² artificial beach is to be located within the amenity space provided for residents on the roof of the car park. This creates opportunities for residents' to bring their children to this space and play and provide a private retreat in what would be a sunny aspect of the site. To complement this play space and the fruit trees proposed in the amenity space, raised planters have been introduced that will allow residents to grow their own fruit, vegetables and herbs and therefore ensure this communal amenity space is well used by all.
- 10.20 The changes to the provision of green space, play space and communal beach is considered to provide attractive and varied opportunities for residents' children to play within the site. Older children would also benefit from the site being located adjacent to more formal recreational activities associated with the canal and river (walking, cycling and biodiversity opportunities) and the pocket park at the former Doncaster Monkbridge site across Whitehall Road.
- 10.21 Wind
- 10.22 A computer modelling analysis of the local wind environment around the Globe Road development, Leeds has been carried out, this study has been independently examined by a wind consultant appointed by the Council. The wind conditions are predicted to be very comfortable and no areas fall outside the recommended safety criteria, with only one monitoring point falling outside of acceptable and into the tolerable category. In terms of pedestrian safety, overall, the wind conditions are predicted to be safe for the general public at all monitoring points, as such, mitigation measures are not required.
- 10.23 The highest local wind speeds are experienced at the Globe Road and Whitehall Road junction. A combination of funnelling and corner effects for most wind directions leads to relatively high wind speeds in this area. However, these speeds are still within the comfort and safety criteria and are not sufficient to warrant mitigation measures.
- 10.24 The tallest building to the east of the site is responsible for causing the most notable air flow features for most wind directions. These mainly consist of downwash and the associated corner effects and the complex re-circulating flows in the wake or leeward side. However, the downwash is not predicted to be particularly strong and therefore is not predicted to be problematic. A reason for this is that the building has a relatively small footprint, which reduces the blockage it creates, particularly in the east-west direction. An additional reason for much of the predicted low wind speed is that much of the interior of the design for the proposal consists of highly sheltered internal courtyard type areas. In general, the passage ways between buildings within the proposal are not predicted to cause significant funnelling.
- 10.25 However the wind study does not fully consider gusting winds and does not fully explore the impact on cyclists and vehicles. These issues have been raised with the applicant and further comment and updates will be provided verbally at Panel.
- 10.26 Section 106 and viability
- 10.27 The scheme generates a requirement for the following S106 clauses/contributions:

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

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

10.29 A viability assessment has been submitted that shows the scheme to be unviable therefore the applicant has stated they are unable to deliver the affordable housing provision or the education contribution. Further details on the viability assessment are contained within a supplementary report. The information contained in this supplementary report is exempt as it relates to the financial or business affairs of the applicant. It is considered that it is not in the public interest to disclose this information as it would be likely to prejudice the affairs of the applicant. It is therefore considered that the supplementary report should be treated as exempt under Access to Information Procedure Rule 10.4 (3).

10.30 Highways

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

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

10.33 Sustainability

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

11.0 CONCLUSION

11.1 This is a key regeneration site in an area of the city that is both prominent to those arriving by train and car. The proposed development is considered to be a well designed scheme that will significantly enhance the arrival into Leeds at this gateway location. The scheme reflects the cities industrial past and the character of other historic and contemporary buildings within the Holbeck Urban Village area. The development delivers on site play space to meet the needs of the anticipated resident demographic and will deliver a much needed pedestrian connection across the canal toward the railway station. Whereas the scheme has been identified as unviable in the current market, the developer is keen to develop the site and therefore achieve a return on their investment to date. Negotiations are ongoing regarding the viability and deliverability of the scheme and this will be discussed further at Panel.

12.0 BACKGROUND PAPERS

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

12.2 Certificate of Ownership signed by the agent.

APPENDIX 1 – Conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 13) Landscaping works for a phase shall not commence until full details of both hard and soft landscape works for that phase, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include

- (a) proposed finished levels and/or contours,
- (b) boundary details and means of enclosure,
- (c) car parking layouts,
- (d) other vehicle and pedestrian access and circulation areas,
- (e) hard surfacing areas,
- (f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs etc.),
- (g) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).
- (h) lighting (to ensure there is no adverse impact on the flight path to Leeds Bradford airport and no detriment to otters and bats)

Soft landscape works shall include

- (i) planting plans
- (j) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- (k) schedules of plants noting species, planting sizes and proposed numbers/densities.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape

Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

To ensure the provision and establishment of acceptable landscape in accordance with adopted Leeds UDP Review (2006) policies GP5, N23, N25 and LD1.

- 14) A landscape management plan for each phase, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the relevant phase of development. The landscape management plan shall be carried out as approved.

To ensure successful aftercare of landscaping, in accordance with adopted Leeds UDP Review (2006) policies GP5 and LD1.

- 15) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) 10 February 2012 and the following mitigation measures detailed within the FRA:
 1. Managing the surface water run off in accordance with the Leeds City Council's 'Minimum Development Control Standards for Flood Risk' document.
 2. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
 3. Finished floor levels are set as stated in Section 7.1 of the submitted FRA.

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

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

- 16) Development shall not commence until a Phase I Desk Study has been submitted to, and approved in writing by, the Local Planning Authority and:
 - (a) Where the approved Phase I Desk Study indicates that intrusive investigation is necessary, development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority,
 - (b) Where remediation measures are shown to be necessary in the Phase I/Phase II Reports and/or where soil or soil forming material is being imported to site, development shall not commence until a

Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site suitable for use in accordance with national and Leeds City Council's planning guidance.

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

To ensure that any necessary remediation works are identified to make the site suitable for use in accordance with national and Leeds City Council's planning guidance.

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

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use in accordance with national and Leeds City Council's planning guidance.

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

reduction target and plan for the development to ensure that there is a minimum 20% reduction on carbon emissions against 2012 Building Regulations requirements (iv) the operation of a gas-fired combined heat and power (CHP) unit producing a minimum of 245kW and approved by the Local Planning Authority and the development shall be carried out in accordance with the detailed scheme; and (a) Prior to the occupation of each phase of the development a post-construction review statement for that phase shall be submitted by the applicant including a BRE certified BREEAM and CfSH final assessment and associated paper work to the agreed standards and approved in writing by the Local Planning Authority (b) The development and buildings comprised therein shall be maintained and any repairs shall be carried out all in accordance with the approved detailed scheme and post-completion review statement or statements unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

- 21) If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

To ensure maintenance of a healthy landscape scheme, in accordance with adopted Leeds UDP Review (2006) policies GP5 and LD1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 29) Typical detailed 1:20 scale (or other appropriate scale) working drawings of the following elevational features shall be submitted to and approved in writing by the Local Planning Authority prior to their construction on a phase:

- (a) Sections through external windows and door reveals;
- (b) External entrance areas at ground floor level;
- (c) Junctions of materials;
- (d) Changes in plane to the building elevations; and
- (e) Details of roof parapets, eaves line and soffits to the buildings.

The works shall be implemented as thereby agreed.

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

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

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

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

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

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

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

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

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

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

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

Reason for Approval

In reaching a decision the case officer dealing with the application has worked with the applicant/agent in a positive way by negotiating design and seeking a pragmatic approach to the viability of the scheme to produce an acceptable scheme in accordance with paragraphs 186 and 187 of the National Planning Policy framework.

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 and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR) and the emerging Publication Draft Core Strategy Nov 2012 (DCS) .

GP5, GP11, GP12, BD2, BD4, BD5, T2, T5, T6, T24, A4, SA8, SP9, CC4, CC10, LD1, N12, N13, N25, N50.

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.

APPENDIX 2 – Minutes of the 12th April 2012 Plans Panel City Centre regarding PREAPP/11/00711

The report of the Chief Planning Officer informed Members of a new major residential scheme proposed on land either side of Globe Road adjacent to the canal and Whitehall Road. The site benefited from extant permissions for a predominantly residential development of up to 33 storeys high for a total of 887 flats. Members were asked to comment on the emerging scheme.

Members were reminded of the car park application that had recently been refused at the site and the previously approved scheme.

The applicant's representative addressed the meeting. It was reported that the new proposals presented a more commercially viable scheme and would be a major residential component of a regeneration area. The main frontage of the scheme would face Whitehall Road and Globe Road and Members were shown photographs of the area, drawings of the proposed scheme and a 'fly through' video of what the scheme would look like.

In response to Members comments and questions, the following issues were discussed:

- The development would include 1, 2 and 3 bedroom apartments and duplex apartments. Members expressed concern that there were already a number of vacant flats and apartments in the City Centre.
- Members expressed concern regarding the design of the blocks of buildings, that they appeared "blocky" and very similar and that the taller building lacked elegance. Members stressed this was a prominent site for people arriving in the city and should therefore be built to a high quality. It was reported that the images shown were still at an early stage of design.
- The boundary to the railway viaduct should not become a graffiti wall. It needs to provide visual interest from the railway line.
- Concern regarding the lack of school spaces in the area.
- Car parking – concern regarding the number of spaces provided.
- Members were asked to consider specific matters outlined in the report and gave the following response:
 - o With reference to the layout, scale and massing of the buildings, this was felt generally to be acceptable but concern reiterated regarding the quality of the design at this stage.
 - o Members felt the mix of properties proposed in the development to be fine.
 - o Members supported the possibility of there being less than 20% open space in return for delivering the footbridge over the canal but would like to see further discussion on this.

RESOLVED – That the report and pre-application presentation be noted.

APPENDIX 3 – Minutes of the 22nd November 2012 City Plans Panel regarding 12/03459/FU

Application 12/03459/FU -Multi-level development up to 17 storeys with 625 residential apartments, commercial units (class A1 to A5, B1, D1 and D2), car parking, associated access, engineering works, landscape and public amenity space - land at Whitehall Road and Globe Road LS12 - Position statement

Plans, photographs and graphics were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented the report which provided the current position on proposals for a major mixed-use development close to the city centre. Panel noted that a pre-application presentation of the proposals had been made to Plans Panel City Centre on 12th April 2012 (minute 78 refers)

Members were informed that a mix of apartments across 7 units, were proposed which would include some 3 bedroom apartments and duplex units

The main public open space would be in the centre of the site, although this was less than 10% of the site area and Officers were considering whether a lower level of POS could be accepted in return for the provision of a footbridge over the canal

The main material proposed for the six lower buildings would be red brick which would provide a reference to the former industrial uses of this area. The tall building set apart from the rest of the blocks would be in a black brick with some relief being provided through the inclusion of gold-coloured detailing on the balconies of this block

To prevent graffiti on the elevation to the railway, green climbing plants were proposed which would also add interest and soften this area

Details of the vehicular access arrangements were provided and Members were informed that a cycle lane would be introduced into the scheme

A wind assessment had been submitted and this was currently being considered. A viability statement had also been received which was being examined

Members commented on the following matters:

- the need to see a sample of the gold-coloured cladding and to ensure that its appearance did not deteriorate over time. Members were informed that sample materials would be provided and the materials would be conditioned
- that the POS had to cater for families living on the site and from the image shown to Panel it appeared there was a road running through it
- whether houses should be considered for the site as opposed to flats
- the change of colour for the tall building and the reasons for this

- the need for the colour of the red brick to resemble that used on the developments at Granary Wharf, rather than that on the Courts
- the need for a more balanced housing structure in the city centre and the need for more family accommodation, e.g. houses/town houses in a traditional street pattern
- concerns about the density of the proposals
- the design of the buildings with a mix of views on this
- that the provision of the bridge would be beneficial if it could be achieved and would provide a link to Granary Wharf and the southern entrance of the railway station
- the importance of the views of the city to visitors arriving by train and the need for an image showing this development when entering Leeds station by rail
- the likelihood that conventional housing on this site would not be viable

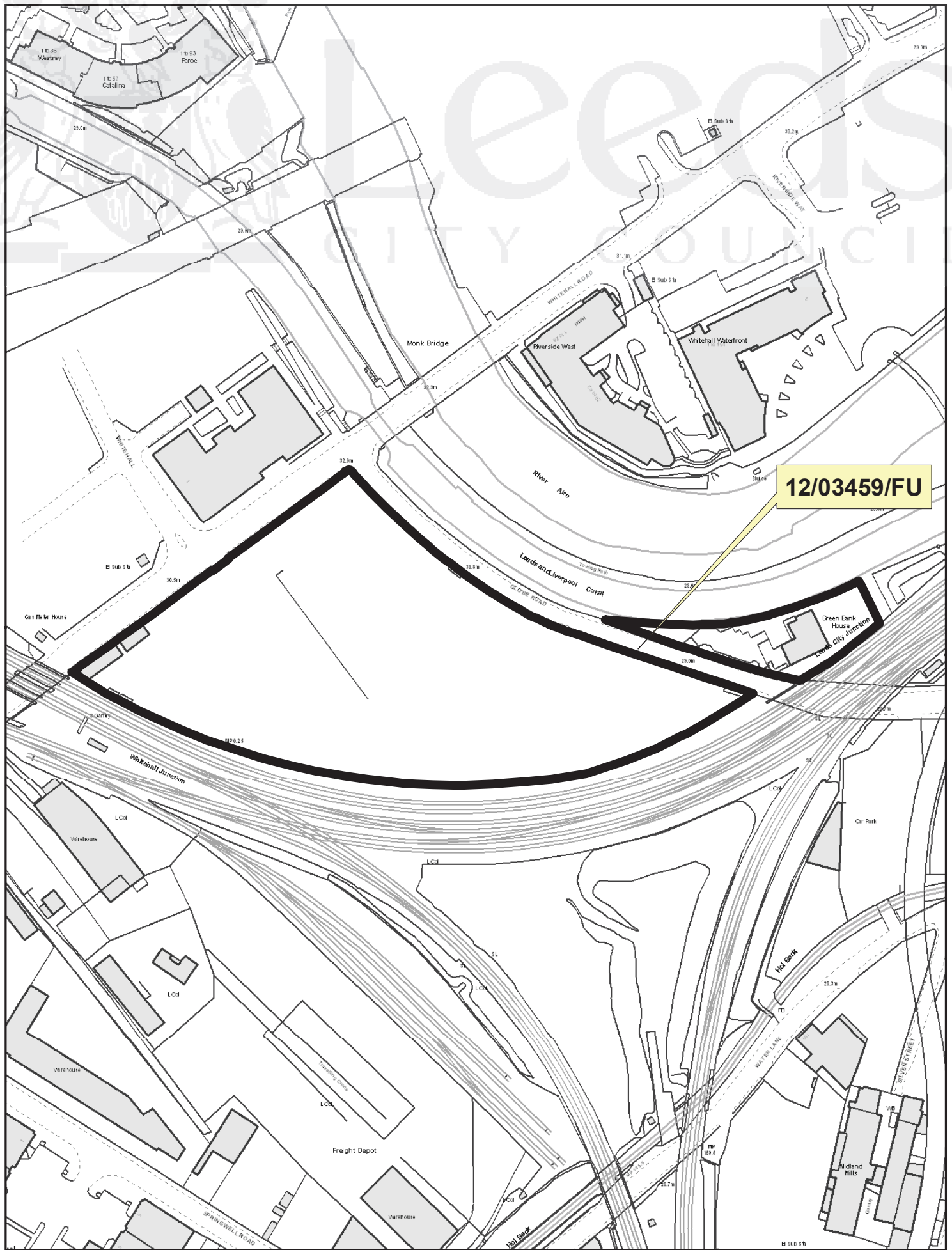
The Head of Planning Services stated that in terms of viability the site was a marginal one. Regarding the design of the scheme, the comments from the pre-application presentation had indicated the buildings at that time were too 'blocky' and the amendments made were in response to those comments. In relation to the tall building, it was felt that elements of the nearby No.1 Whitehall were picked up in that block and that it was possible that the images provided did not fully indicate this

On the quantum of development, it was important to ensure this was correct

In response to the specific points raised in the report for Members' comments, the following responses were provided:

- that there were mixed views on the design approach adopted for the development and that a 'wow factor' was needed
- that there was support to the approach to private and public outdoor amenity space but that if families were to be accommodated, more child-friendly play spaces were required and there should be increased green areas and reduced hard landscaping
- that there was support for the proposed car parking in the scheme

RESOLVED - To note the report and the comments now made



12/03459/FU

CITY PLANS PANEL



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