



CITY PLANS PANEL

**Meeting to be held in Civic Hall, Leeds on
Thursday, 27th April, 2017 at 1.30 pm**

MEMBERSHIP

P Gruen
N Walshaw
J McKenna
(Chair)
A Khan
A Garthwaite
J Heselwood
B Selby
C Macniven

C Campbell

R Procter
G Latty

T Leadley

D Blackburn

**Agenda compiled by:
John Grieve
Governance Services
Civic Hall
Tel: 0113 224 3836**

A G E N D A

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

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY 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 -16 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES OF THE PREVIOUS MEETING</p> <p>To consider and approve the Minutes of the previous meeting held on 6th April 2017.</p> <p>(Copy attached)</p>	3 - 12
7			<p>MATTER ARISING</p> <p>To consider any matters arising from the minutes of the previous meeting.</p>	

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8	Wetherby		<p>APPLICATION NO. 16/05226/OT - OUTLINE PLANNING APPLICATION FOR CIRCA 874 DWELLINGS; A 66 BED CARE HOME; A 1 FORM ENTRY PRIMARY SCHOOL; A NEW LOCAL CENTRE INCLUDING A CLASS A1 CONVENIENCE STORE (UP TO 420M2), A 5 UNIT PARADE OF SMALL RETAIL UNITS (UP TO 400M2), CLASS D1 USES (UP TO 750 TO LAND AT THORP ARCH ESTATE, WETHERBY</p> <p>To consider a report by the Chief Planning Officer which sets out details of an outline planning application for circa 874 dwellings; a 66 bed Care Home, a one form entry Primary School, a new Local Centre including a Class A1 Convenience Store (up to 420M2), a 5 Unit Parade of small Retail Units (up to 400M2), Class D1 uses (up to 750M2) to land at Thorp Arch Estate, Wetherby.</p> <p>(Report attached)</p>	13 - 48
9	Beeston and Holbeck		<p>APPLICATION NO. 16/05198/FU - DEMOLITION OF EXISTING BUILDINGS AND ERECT MULTI LEVEL DEVELOPMENT COMPRISING 224 APARTMENTS AND COMMERCIAL UNITS AT THE RADIUS, SPRINGWELL ROAD, HOLBECK, LEEDS, LS12 1AW</p> <p>To consider a report by the Chief Planning Officer which sets out details of an application for the demolition of existing buildings and erect multi-level development comprising 224 Apartments and Commercial Units at the Radius, Springwell Road, Holbeck, Leeds, LS12 1AW.</p> <p>(Report attached)</p>	49 - 66

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10	City and Hunslet		<p>APPLICATION NOS; 16/07322/RM AND 16/07323/RM - RESERVED MATTERS APPLICATION FOR OFFICE BLOCK, (PURSUANT TO OUTLINE PLANNING PERMISSION 13/02619/OT) AND RESERVED MATTERS APPLICATION FOR MULTI-STOREY CAR PARK WITH GROUND FLOOR A3 CAFÉ/D2 GYM, (PURSUANT TO OUTLINE PLANNING PERMISSION 13/02619/OT) TO LAND AT WHITEHALL RIVERSIDE, WHITEHALL ROAD, LEEDS, LS1 4AW</p> <p>To consider a report by the Chief Planning Officer which sets out details of a Reserved Matters Application for Office Block (pursuant to outline planning permission 13/02619/OT) and Reserved Matters Application for Multi-Storey Car Park with ground floor A3 Café/D2 Gym (pursuant to outline planning permission 13/02619/OT) to land at Whitehall Riverside, Whitehall Road, Leeds, LS1 4AW</p> <p>(Report attached)</p>	67 - 76

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11	City and Hunslet	10.4(3)	<p>APPLICATION NOS: 16/06877/FU & 16/06878/LI - PARTIAL DEMOLITION OF 17 WELLINGTON STREET AND TOTAL DEMOLITION OF 49 AIRE STREET, CHANGE OF USE AND SEVEN STOREY EXTENSION WITH A NEW BASEMENT TO REMAINING BUILDING TO FORM RESTAURANT AND CAFE USE (A3) ON GROUND AND FIRST FLOOR AND 22 APARTMENTS AT 17 WELLINGTON STREET, LEEDS, LS1 4DL</p> <p>To consider a report by the Chief Planning Officer which sets out details of an application for the partial demolition of 17 Wellington Street and total demolition of 49 Aire Street, change of use and seven storey extension with a new Basement to remaining building to form Restaurant and Café use (A3) on ground floor and first floor and 22 Apartments at 17 Wellington Street, Leeds, LS1 4DL</p> <p>(Please note that Appendix 3 contains confidential information and is classed as Exempt under Schedule 12A Local Government Act 1972 and Access to Information Procedure Rule 10.4 (3))</p> <p>(Report attached)</p>	77 - 132
12			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note that the next meeting will take place on Thursday 18th May 2017 at 1.30pm in the Civic Hall, Leeds.</p>	

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Third Party Recording

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

Use of Recordings by Third Parties– code of practice

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

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To all Members of City Plans Panel

Planning Services
The Leonardo Building
2 Rossington Street
Leeds
LS2 8HD

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

Our ref: City Site Visits
Date: 18.04.2017

Dear Councillor

SITE VISITS – CITY PLANS PANEL – THURSDAY 27th APRIL 2017

Prior to the meeting of City Plans Panel on Thursday 27th April 2017 the following site visits will take place.

Time	Ward	Site
10.40am 11.10am	Wetherby	16/05226/OT – Thorp Arch Estate
11.40am 11.55am	City & Hunslet	16/07322/RM & 16/07323/RM - Whitehall Riverside, Whitehall Road, Leeds, LS1 4AW

A mini-bus will be leaving from the Civic Hall at **10am**. Please notify Daljit Singh (Tel: 3787971) if you will be attending and meet in the Ante Chamber at **9:50am at the latest**.

Yours sincerely

Daljit Singh
Central Area Team Leader

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CITY PLANS PANEL

THURSDAY, 6TH APRIL, 2017

PRESENT: Councillor J McKenna in the Chair

Councillors P Gruen, R Procter,
D Blackburn, G Latty, T Leadley,
C Campbell, A Khan, A Garthwaite,
J Heselwood, B Selby and C Macniven

A Member site visit was held in the morning in connection with the following proposals: PREAPP 16/00567 – 16 -18 Manor Road, Holbeck, Application No. 16/04778/FU – Temporary car park at Woodhouse Square and PREAPP 16/00303 – Manston Business Centre, Melbourne Street and was attended by the following Councillors: J McKenna, A Garthwaite, C Campbell C Macniven, D Blackburn, S McKenna, P Gruen, A Khan and T Leadley.

148 **Declarations of Disclosable Pecuniary Interests**

There were no declarations.

149 **Apologies for Absence**

Apologies for absence were submitted on behalf of Councillor N Walshaw.

Councillor S McKenna was in attendance as substitute.

150 **Minutes**

RESOLVED – That the minutes of the meeting held on 16 March 2017 be confirmed as a correct record.

151 **Planning Application 16/01115/FU - for a mixed use development across three buildings, comprising residential apartments (use class C3), flexible office (use class B1) or food and drink (use class A3), D1 (Clinics and health centres), undercroft parking and associated landscaping, at Granary Wharf Car Park, Wharf Approach, Holbeck, Leeds, LS11 5PY.**

The report of the Chief Planning Officer presented an application for a mixed use development across three buildings, comprising residential apartments (use class C3), flexible office (use class B1) or food and drink (use class A3), D1 (Clinics and Health Care), undercroft parking and associated landscaping at Granary Wharf Car Park, Wharf Approach, Holbeck, Leeds, LS 11 5PY.

The application had been deferred at the previous meeting of the Panel for further clarification as to how the commuted sum is calculated, further information on why on-site affordable housing provision was not possible in

this case and if it would be feasible / acceptable for Housing Leeds to take on the management of the on- site affordable housing units.

Further issues highlighted included the following:

- The commuted sum had been based on the buy to rent value of the properties.
- Reasons why it was not possible to deliver affordable housing on site as outlined in the report.
- Reasons why it was not possible for Housing Leeds or another social landlord to take on management of affordable housing units as outlined in the report.
- Reference was made to the recent Executive Board approval which enabled consideration of the reinvestment of commuted sums in such cases.

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

- Concern regards the applicant's comments in the report which referred to points of uncertainty caused by Brexit. The applicant's representative reported that this was not aimed directly to affordable housing but to the overall viability as there had been an impact on values since Brexit.
- The need to see more affordable housing in the city centre and where could this be delivered in inner city areas.
- The need for clarity on when, where and how commuted sums were spent. It was suggested that this could possibly be reported to Joint Plans Panel.
- Concerns that commuted sums would not provide the equivalent of on-site affordable housing and also that the buy to rent model did not meet affordable housing requirements. Reference was also made to the lack of a management structure for on-site affordable housing and whether Leeds City Council could set up its own management group to deal with this. It was also requested that information be provided on the effectiveness of contributions to car clubs. It was suggested that these issues could be considered at Joints Plan Panel or at a workshop for Plans Panel Members.

RESOLVED – That the application be deferred and delegated 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:

- To accept a commuted sum of £755,996.87 towards off site affordable housing provision in lieu of on-site affordable housing provision to be paid on occupation of the first residential unit. The retention of the building as a Private Rented Scheme (Build to Rent) for a minimum period of 10 years from first occupation. To secure payment of an additional sum of £757,867.13 on the sale of the first of any unit to be sold within 10 years of the occupation of the building.

- Publicly accessible areas
- Employment and Training for Local People
- A contribution of £3,567 towards monitoring and evaluation of a Travel Plan
- A contribution of £17,500 for provision of a Car Club provider free trial membership package of 2 year membership with drive time and contribution of £42,650 for provision of a Sustainable Travel Fund for sustainable travel incentives to encourage the use of public transport and other sustainable travel modes.
- A Traffic Regulations Order contribution of £15,000 is required, for changes to waiting restrictions and park and display bays in the vicinity
- A contribution of up to a maximum of £34,015 towards the planting of trees within the wider Holbeck area with a potential planting in an area of public realm to be created in front of Temple Works
- To use reasonable endeavours to agree the re-surfacing of the canal towpath

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.

Following the discussion and decision on this item and in response to issues raised, the Chief Planning Officer informed the Panel that a workshop would be arranged as part of the development program for Plans Panel Members. This would give an opportunity to look at the broader issues surrounding affordable housing.

152 Planning Application 16/04778/FU - Proposal for Student Residential Accommodation Building Comprising 117 Studio Flats, including Ancillary Communal Facilities and Associated Landscaping at Woodhouse Square, Leeds

The report of the Chief Planning Officer presented an application for student residential accommodation comprising of 117 studio flats including ancillary communal facilities and associated landscaping at Woodhouse Square, Leeds.

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

Further issues highlighted in relation the application included the following:

- The site was to the north west of the City Centre and was the site of the former St Anne's School.
- Original buildings at the site had been demolished and the site was now in use as a temporary car park.

- The proposal was for student residential accommodation of 117 studio flats and the design of the building would reflect the character of the area.
- The building would be aligned with existing buildings to face Woodhouse Square.
- There would be communal facilities at ground floor level which would include common rooms, study areas and a gym.
- The size of the studios would range from 22 to 31 square metres.
- There would be angled windows to the northern walls facing existing residential properties to protect privacy.
- The existing boundary wall to the site to Brandon Road would be repaired and retained.
- Floor plans were shown. Studio sizes were smaller than national standards but due to the regular shapes of the rooms it was demonstrated that they were adequate for everyday living needs. In addition to this there was also significant ancillary/communal provision within the development.
- The style of the building would reflect the character of the existing buildings in the area.
- There would be no on-site parking provided. The development was close to the Universities, City Centre and services. The developer would provide some on street disabled parking and some on street parking opposite the development.
- Additional letters of objection had been received following the publication of the report. New issues included concern regarding lack of consultation, issues relating to the right of light and the loss of a silver birch tree. In response to this it was reported that the application had been advertised within the usual procedures, right of light was not a planning matter and there had been an amendment to the plans to retain the silver birch tree.

A local resident addressed the Panel with concerns and objections to the application. These included the following:

- The Little Woodhouse Neighbourhood Planning Forums aim was for the area to remain a balanced and sustainable community.
- The proposals would mean an excessive student population which was contrary to policy as it would undermine the balance of the local community.
- Reference was made to the density of the student population in this and surrounding areas.
- Loss of opportunity for family housing.
- The proposed building would overshadow and overlook properties on Back Claremont Grove.

The applicant's representative addressed the Panel. Issues highlighted included the following:

- The applicant had provided student accommodation in various locations across Britain and had been well received in other areas.
- There had been extensive work with planning officers in developing the proposals.
- The development would enhance this part of Woodhouse Square and the conservation area.
- It was recognised that there was a level of angst regarding proposals for student accommodation.
- The area had an eclectic mix of housing and was not just student accommodation.
- More purpose built student accommodation could potentially release HMOs for family housing.
- The plans had been significantly reduced from an initial proposal for 152 studio flats.
- The applicant was willing to work with local residents and community associations to address any concerns.
- In response to questions from the Panel, the following was discussed:
 - Room sizes were larger than what was typical for student accommodation. There was a range of different sizes to suit market needs.
 - It was felt that shared communal areas would be sufficient in size.
 - With regards to concern that the building could cause a wind tunnelling effect it was reported that it had not been felt necessary to carry out a wind assessment.
 - A report had been submitted regarding the operation of student arrivals.
 - With regard to concerns of overshadowing/overlooking properties on Back Claremont Grove, it was reported that the distances involved would exceed minimum space standards. The building would also be at a lower level.
 - In response to concerns regarding disturbance from students, it was reported that managed student accommodation would not present the problems that unmanaged student housing could. Students had to sign a tenancy agreement which made reference to expected behaviour.
 - The unadopted road to the rear was not in the applicant's ownership.
 - Lease length for the studios would be for a period of 51 weeks. These would be more suited to postgraduate students.
 - There would be one 8 person capacity lift within the building and entrances would be wheelchair accessible.
 - There would be internal and external CCTV for the security of the building. This would not overlook other residential properties.
 - There would be planning conditions controlling the facing materials to be used for the construction of the building.
 - There would be hard landscaping for pedestrianized areas and the courtyard and towards the boundaries some planting, shrubbery and lawn areas.

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

- There would be potential for disabled residents to have off site permit parking during their tenancy.
- The amount of communal space required had been assessed on its likely use by future residents.
- There was a clear aspiration from the universities deliver purpose built student accommodation that was both close to the learning facilities and the city centre.
- It was felt that the impact on established communities in the area would be minimal as the general flow of the student occupiers would be in the other direction towards the universities and the city centre.
- A previous scheme had been recommended for approval 9 years ago but this had been refused by the Panel at the time.
- There was a view that the communal space was sufficient. This was not based on a calculated formula but on experience of other similar schemes.
- Concern that not all upstairs areas could be accessed by lift.
- Concern that the rooms and communal areas were not big enough.
- With regard to use of national space standards, the Panel was advised that only limited weight could be given to this as Leeds did not yet have a local policy in relation to this. It was also mentioned that a student scheme with similar sized studios had been approved by the Panel at its last meeting.
- Further to concerns regarding detail and design it was reported that Members could be consulted at the condition discharge stage for the proposed materials.
- Size and massing of the building – the relationship of the proposed building to those already in the area was discussed. There was a view that a building of the proposed size was needed to fit with existing buildings.
- Concern that Little Woodhouse would be the next area to have a high concentration of student accommodation.
- A gable ended roof would be preferable to the proposed hipped design.

RESOLVED – That the application be deferred and delegated to the Chief Planning Officer for approval subject to the specified conditions set out below and any others which he might consider appropriate, and also the completion of a Section 106 agreement to include the following obligations:

- Use of residential accommodation only by students in full-time higher education;
- Restrictions on student car ownership and use through lease agreements
- Cooperation with local employment and training initiatives
- £10,000 for the delivery of the revised Traffic Regulation Order required for the proposed off-site highway works
- 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.

Members to be consulted at the condition discharge stage regarding use of materials.

153 PREAPP/16/00567 Pre-application presentation for proposed residential development on land at 16-18 Manor Road, Holbeck, Leeds LS11 9AH

The report of the Chief Planning Officer informed the Panel of a pre-application presentation for a proposed residential development on land at 16-18 Manor Road, Holbeck, Leeds, LS11 9AH.

Members attended the site prior to the meeting and site plans and photographs were displayed and referred to throughout the pre-application presentation and discussion.

The applicant's representatives addressed the Panel. The following was highlighted:

- The site was within the Holbeck Urban Village Area.
- There had previously been consent for a development of 57 apartments with mixed commercial and business uses.
- There was a mixed use of buildings in the area with commercial, business and residential uses.
- Improving links between Siddal Street and Manor Road.
- The site previously housed brick warehouses and steel fabricators. The design of the building would reflect the history of this with a metallic design. Members were shown examples of the materials to be used.
- Residential amenities included a lounge area, cinema and a gym.
- There would be a mix of studio; one, two and three bedroom apartments with a total of 101 units.
- In terms of scale and relation to other buildings in the area it was considered that a 10 storey building was of an appropriate size.
- Use of meshed steel window shutters.

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

- The angle of the walls would prevent overlooking of other properties. The meshed shutter would feature on all sides of the building.
- The height of the link through the building was felt to be sufficient and would allow the flow of natural light.
- Affordable housing – whilst the applicant would like to commit to on-site provision of affordable housing, experience on similar projects had shown this to be difficult due to the low number of units available and

the difficulty in engaging a social landlord to manage these. It was considered that a commuted sum may be the most appropriate route. It was further mentioned that there could be other options through buy to rent or sub market discounted housing.

- Footpaths around the site and relation to adjacent sites which would be subject of future development.
- The cladding would be a copper coloured aluminium and with correct maintenance would retain its quality of finish. There would not be an issue with reflections from car headlights as the lower part of the building would not have the cladding finish.
- Some concern regarding the lack of on-site affordable housing.

In response to questions outlined in the report, the following was discussed:

- Members supported the size and quality of residential dwellings proposed.
- Members agreed that the proposed building layout, height and emerging design was generally acceptable.
- With regard to the lack of on-site parking there was some concern that this could cause problems to neighbouring areas. Questions were asked whether basement parking could be provided. It was stated that basement parking would not be feasible due to space. It was considered that due to the location of the development that a no car scheme was potentially suitable. Further consideration to this matter would be given as part of the Transport Assessment at the next stage of the application.

RESOLVED - That the report, presentation and discussion be noted.

154 PREAPP/16/00303 for the erection of 152 apartments in a single building between 5 and 9 storeys with ground floor car parking located between Melbourne St and Lower Brunswick St, Leeds

The report of the Chief Planning Officer informed the Panel of a pre-application presentation for erection of 152 apartments in a single building between 5 and 9 storeys with ground floor car parking located between Melbourne Street and Lower Brunswick Street, Leeds.

Members attended the site prior to the meeting and site plans and photographs were displayed and referred to throughout the pre-application presentation and discussion.

The applicant's representatives addressed the Panel. The following issues were highlighted:

- The site was currently home to the Marston Business Centre which was a two storey building.
- The site was in a sustainable city centre location with easy access to transport, leisure/retail facilities and employment opportunities.

- There would be 100% cycle storage provision and the site was close to the cycle super highway and proposed city centre cycle loop.
- There would be non-allocated parking on site for up to 18 vehicles and 2 spaces for city car club parking for which tenants would receive two years free membership. There would also be free metro bus provision.
- Pedestrian entrances to the site.
- Floor plans – these had been designed to minimise the number of north facing apartments. All apartments met national space standards.
- The proposed development would step down from 8 storeys to 6 storeys and the scale and massing reflected that of surrounding developments.
- In summary it was felt that the proposals provided much needed residential accommodation in a suitable and sustainable location and that the scale and design was suitable.
- With regard to affordable housing, the applicant was open minded to keeping this on-site.

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

- Footpaths around the site would be widened to 2 metres to create a safer environment for pedestrians. Concern was expressed regarding ground floor apartments and their relation to the footpaths. It was reported that there was no commercial viability for alternative uses for the ground floor.
- The size of the proposed building had been designed to fit in with the scale of buildings in the surrounding area. To reach viability there also had to be a certain amount of units in the development.
- It was not viable to convert the existing building to residential accommodation.
- Concern regarding the scale and massing of the proposed development.
- Concern regarding the lack of amenity space.
- Members accepted that the site needed to be re-developed but that the proposals at this stage were not suitable or acceptable and the proposed design did not contribute an improvement to the area.

In response to questions outlined in the report, the following was discussed:

- The site was suitable in principle for residential development.
- There were concerns regarding the emerging scale and design of the development.
- Concern that there was no amenity provision on site and the proposals did not respect the amenity of occupiers or surrounding properties. There was some concern regarding the size of studio apartments. It was felt that the proposed building was too large and did not enhance the surrounding area.
- The mix of units was considered to be acceptable.

- Car parking provision – there was some concern as to whether 15% was acceptable in this location. The level of parking required more justification

RESOLVED – That the report, presentation and discussion be noted.

155 Date and Time of Next Meeting

Thursday, 27 April 2017 at 1.30 p.m.



Originator: Andrew Crates

Tel: 0113 222 4409

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 27th April 2017

Subject: 16/05226/OT - Outline planning application for circa 874 dwellings; a 66 bed care home; a 1 form entry primary school; a new local centre including a Class A1 convenience store (up to 420m²), a 5 unit parade of small retail units (up to 400m²), Class D1 uses (up to 750m²); onsite open space, including areas for both public access and biodiversity enhancements, together with associated highway and drainage and infrastructure on land at Thorp Arch Estate, Wetherby, LS23

Applicant – Rockspring Hanover Property Unit Trust

Electoral Wards Affected:

Wetherby

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: To contest the appeal that has been made against the non-determination of the planning application for the following reasons:

- 1. The Local Planning Authority considers that the applicant has so far failed to demonstrate that the local highway infrastructure, including the wider network and specifically Thorp Arch bridge and the junction of Bridge Road / High Street in Boston Spa, which will be affected by additional traffic as a result of this development, is capable of safely accommodating the proposed development and absorbing the additional pressures placed on it by the increase in traffic which will be brought about by the proposed development. The proposal is therefore considered to be contrary to Policy T2 of the Core Strategy, Policy GP5 of the adopted UDP Review and the sustainable transport guidance contained in the NPPF which combined requires development not to create or materially add to problems of safety, environment or efficiency on the highway network.**
- 2. The Local Planning Authority considers that there is insufficient information submitted with the application to demonstrate that an acceptable level of accessibility can be achieved for the scale of development proposed. In the absence of such information and measures, as may be secured, there is a danger**

that future residents will be overly reliant on the private car. The proposals are therefore considered to be contrary to policies SP1, T2 and H2 of the Leeds Core Strategy and policies T2 and GP5 of the adopted UDP Review and guidance in the NPPF.

- 3. In the absence of a signed Section 106 agreement the proposed development fails to provide necessary contributions and/or obligations for the provision and delivery of affordable housing, housing for independent living, greenspace, travel planning, public transport enhancements, local facilities and off site highway works, without which would result in an unsustainable form of development that fails to meet the identified needs of the city and prospective residents, contrary to the requirements of Policy GP5 of the adopted UDP Review and related Supplementary Planning Documents and contrary to Policies H5, H8, P9, T2, G4 and ID2 of the Leeds Core Strategy and guidance in the NPPF.**

1.0 Introduction:

- 1.1 The application is presented to City Plans Panel following the submission of an appeal against non-determination to the Planning Inspectorate by the applicant. In these circumstances, the Local Planning Authority is no longer able to determine the application itself. Until this point in time, officers have been working with the applicant to resolve as many of the technical issues as possible. As part of the appeal, the Authority will need to submit evidence as to its assessment of the application as it currently exists. Therefore, given the views of officers on the application as submitted (that is it is not acceptable) it is necessary for the Authority to determine how it would have been minded to determine the application, and evidence what its reasons for refusal would have been, had it had the opportunity to determine the application. Accordingly, this report recommends to Members what those reasons for refusal would have been in order that evidence for the appeal can be drafted accordingly and seeks a decision from Panel.
- 1.2 The planning application was submitted in August 2016 and since that time officers have sought to consider consultation responses and local representations in order to negotiate with the applicant and narrow the areas of disagreement.
- 1.3 Some Members may recall a previous planning application, reference 13/03061/OT, that sought outline planning permission for a residential development for up to 2,000 dwellings with associated parking, landscaping, primary school, village centre, retail development, sports pavilion, play area, amenity space and associated off site highway works. The latter element included a new section of road that cut through open fields to west of the site. Ultimately that application was withdrawn by the applicant. Whilst the applicant did not set out the precise reasons why they did not want to pursue the scheme, it is known that there were issues around the viability of the development and concerns about whether it was deliverable as it relied on a new section of road that cut across land in the ownership of third parties.
- 1.4 The current application sought to address some of the shortcomings of the previous withdrawn scheme and is described as comprising circa 874 dwellings; a 66 bed care home; a 1 form entry primary school; a new local centre including a Class A1 convenience store (up to 420m²), a 5 unit parade of small retail units (up to 400m²), Class D1 uses (up to 750m²); onsite open space, including areas for both public access and biodiversity enhancements, together with associated highway and drainage and infrastructure.

1.5 Members should also be aware that the applicant has recently submitted a new application in an attempt to resolve outstanding issues and negate the need to pursue the appeal. This application is a copy of application 16/05226/OT, though at the time of writing, it is still being processed and validated and so has not been formally advertised as yet.

2.0 Site and Surroundings:

2.1 The Thorp Arch Estate (TAE), Wetherby covers approximately 159 hectares (391 acres) with 103 hectares (254 acres) of developed land providing a range of employment uses, a retail park, and ancillary leisure and other supporting services. The Estate with its 140 plus businesses has approximately 2000 employees with a significant number of people employed on the adjoining British Library, HMP Wealstun and Rudgate sites (it is believed that approximately 3000 jobs exist).

2.2 The development is proposed to take place on approximately 60.67 hectares of land on the western part of the Estate bounded by Street 5 to the east and Avenue D to the south. This land is currently occupied by a retail park, a large area of rubble that has become overgrown with the passage of time, an area of open land with a small number of industrial buildings in active business use and significant areas of woodland, scrub and open grass land.

2.3 The land surrounding the Estate is rural agricultural land. Immediately to the north of the Estate the large buildings of the British Lending Library dominate the landscape. The northwest boundary is formed by the solid fencing surrounding HMP Wealstun; although partially screened by trees, the perimeter fence would benefit from further screen planting.

2.4 To the west of the Estate is a section of a Sustrans route that links the Estate to Wetherby. This Sustrans route utilises a former railway line and is in part set within a former railway cutting. Two stone listed field bridges (Grade II) cross the Sustrans route. The southern end of the route falls within Thorp Arch Conservation Area and the central section forms part of a Leeds Nature Area. The fields to the south west of the Sustrans route fall within a Special Landscape Area. At the southern end of the Sustrans route is a residential property known as Station House (Grade II listed) and to the northwest at its junction with Wetherby Road is a pair of semi-detached houses, often referred to as Walton Gates.

2.5 To the north of the Estate is the village of Walton and to the southwest are the settlements of Thorp Arch and Boston Spa. Access from Thorp Arch to Boston Spa is gained via Thorp Arch Bridge. This is a Grade II listed structure and is of single carriageway width. Wetherby is the nearest large town and is some 3 miles to the west. There are other residential neighbourhoods and individual dwellings in the immediate vicinity of the site.

2.6 The local road network has a rural character.

3.0 Proposals

3.1 This outline application proposes circa 874 dwellings; a 66 bed care home; a 1 form entry primary school; a new local centre including a Class A1 convenience store (up to 420m²), a 5 unit parade of small retail units (up to 400m²), Class D1 uses (up to 750m²); onsite open space, including areas for both public access and biodiversity

enhancements, together with associated highway and drainage and infrastructure. The application is made in outline with all matters reserved. The application is submitted with supporting documentation, including an illustrative masterplan and other associated drawings.

- 3.2 The proposals evolved at pre-application stage which confirmed the extent of areas that may be developed without encroaching in the areas of ecological interest. Following advice from officers, much of the grassland and wooded areas (including the area designated as a Site of Ecological or Geological Importance (SEGI)) to the north of Avenue B have been excluded from development, in addition to the land west of Street 1. Development is therefore contained within the remainder of the application site, including re-development of the existing retail park, development of the rectangle of land bounded by Street 1, Street 3, Avenue B and Avenue D, and the partially developed areas between Avenue B and HMP Wealstun.
- 3.3 The applicant has provided some indicative details on phasing, given that the scale of development would require phasing into smaller parcels of land, taking into account the physical and technical constraints. The applicant has identified 3 phases:
- 3.4 Phase 1 – (northern half of the site) This includes the delivery of the main vehicular access point onto the site from Street 5, which then links through the site and onto the new bus only link to Church Causeway. The sites for the primary school and local centre are also included. The delivery of the new primary school is required by the occupation of the 400th residential unit. Phase 1 also includes a large area of open space, much of which will become the new country park.
- 3.5 Phase 2 – (eastern part of site currently occupied by retail park) This phase of development is currently occupied by the existing retail park. This phase delivers further parcels of residential development as well as providing secondary access onto the site by utilising the existing access from Avenue D.
- 3.6 Phase 3 – (southern part of the site) This phase delivers mainly residential development as well as open space provision and habitat areas.
- 3.7 The applicant anticipates that the whole site will deliver an average of 100 dwellings per year across all tenure types with two or three house builders on site at the same time. Allowing for an initial start-up period, it is anticipated that the development process will take approximately 9 years, though this will be subject to market forces over the lifetime of the development.

4.0 Relevant Planning History

- 4.1 PREAPP/16/00383 - Residential development, primary school, local centre, public open space.
- 4.2 13/03061/OT - Outline Planning Application for residential development with associated parking, landscaping, primary school, village centre, retail development, sports pavilion, play area, amenity space and associated off site highway works - Withdrawn
- 4.2.1 It is worth noting that application 13/03061/OT was last reported to City Plans Panel on 12th December 2013, with an officer recommendation to defer and delegate approval. The minutes note that the resolution was to defer final determination of the

application and seek Members' agreement to the scheme and associated range of measures subject to:

- Further work and analysis on junction design and traffic flows.
- Report back on viability and the composition of the Section 106 package.
- Resolution of bus services.
- The Highways Agency lifting their Holding Direction.
- Expiry of public response period.

It was agreed that these matters would be subject to a further report to Panel. Nevertheless, the application was subsequently withdrawn in January 2016.

5.0 Engagement

5.1 Officers have had a number of discussions with the applicant's representatives concerning the nature of the proposed development and the scope of any information to be submitted as part of any application. A meeting has also been held to discuss the originally submitted draft masterplan and this focussed on officers concerns about the impact of the proposals on areas of ecological importance. Subsequent to that meeting a revised masterplan has been received that primarily addresses officer concerns about the loss of areas of ecological importance.

5.2 The applicant has also held two consultation events with representatives of the Thorp Arch, Walton and Boston Spa Parish Council's and representatives from neighbourhood plan groups and the Thorp Arch Action Group. At the first of these meetings the original draft masterplan was presented and at the second feedback was given from the public consultation event. Representatives for the landowners have also met to outline and discuss the proposals with Ward Members and a public consultation event has also been held. It has been confirmed that the event was attended by 207 people with transportation being the biggest concern raised by those attending, together with concerns expressed over contamination, sustainability and the impact upon the local environment.

6.0 Public / Local response

6.1 The application has been advertised by site notices posted 7th October 2016 and through publication in the press, dated 30th September 2016.

6.2 A total of 109 representations have been received in relation to the application.

6.2.1 Boston Spa Parish Council objected to the previous application in relation to residential development at Thorp Arch Trading Estate (13/03061/OT) on the basis that it did not believe it would be possible to implement measures that would satisfactorily mitigate the impact of the development on Boston Spa, and in particular the impact on Bridge Road. The Parish Council considers that the current application does nothing to alleviate these concerns. The proposed traffic lights on Thorp Arch bridge linked to lights on Boston Spa High Street will result in greatly increased congestion with the environmental knock-on effect that is caused by queuing traffic. The impact of any proposal to restrict parking for Bridge Road residents is also unacceptable. Boston Spa Parish Council therefore objects to the outline application.

6.2.2 Thorp Arch Parish Council object to the application and have made representations on the following grounds:

- Land Contamination – The application fails to provide sufficient environmental information regarding the nature/extent of contamination on the Site, as well as a sufficient evaluation of the likely degree of remediation required. The application also does not provide a sufficient appraisal of the possible effects of remediation on site ecology, the proposed surface water drainage strategy and other aspects of the indicative site design shown on the illustrative Master Plan.
- Highways/Traffic – The application inadequately assesses the likely impacts of the proposed development on the local highway network through traffic generation and the associated environmental effects.
- Transport Sustainability – The application lacks a robust planning rationale for locating the proposed quantum of housing growth in a place poorly served by public transport, with limited community facilities/amenities and poor connectivity by walking/cycling modes to community infrastructure. The proposed development also lacks adequate proposals to address possible impacts on local public transport services and achieve sustainable travel outcomes.
- Ecology – The proposed development will result in the loss of ecological land protected by planning policy. The application also provides an inadequate assessment of the likely effects of the proposal on this designated land and the ecology of those parts of the site not formally designated.
- Development Viability – The application fails to provide an appraisal of the viability of the proposed development given the scale/nature of the mitigation proposed/relied upon by the applicant and the other ‘benefits’ promised, as well as further mitigation which might be required bearing in mind the current deficiencies/uncertainties of the application proposals.

6.2.3 Walton Parish Council have made representations that whilst they do not per se object to the idea of development in the area, they are disappointed by the lack of consideration for the existing houses and the surrounding villages of Walton and Thorp Arch and the undoubted impact this development would have on the locality. In particular, they raise the following issues:

- No consideration has been given to the massive impact on road traffic in the area, in particular on the main Wetherby Road. This area is already severely strained and the traffic is queuing at peak times at the Walton and Wetherby roundabouts causing tailbacks and increasing the likelihood of an accident.
- The Parish Council have noticed a significant rise in heavy goods vehicles and lorries in particular in the last 12 months. This is presumably as a result of increased trading at the Thorp Arch Trading Estate. In addition the collapse of the bridge at Tadcaster has affected the area greatly. This alone has exacerbated traffic conditions without the addition of a further 800 plus houses in the area. No proper consideration has been given to this, a matter which has been previously raised.
- The Parish Council consider a new link road is required – a request for inclusion in the plan for a relief road was instigated and driven by Walton Parish Council to alleviate and address the concerns previously raised.
- The fact that plans for the relief road have completely disappeared and no other infrastructure plans have been outlined to be put in place causes grave concern.
- The vulnerability of the bridges at Tadcaster, Boston Spa and Linton has in recent times been greatly highlighted – the increased traffic has all diverted through Walton, which serves to illustrate the severe pressure on roads in the area already.

- The presentation of a scheme and provision of amenity initially could be seen as a positive advantage to area – but that this can only be deliverable after a significant amount of housing has been built, causes great problems and additional pressure on the current limited services. For example the local primary school and doctors will suffer a negative impact as they are already at full capacity.
- Contamination is also an area of concern, with many locals knowing the full history of the Thorp Arch Trading Estate. Its use as a munitions site, factory site and the presence of asbestos in the ground illustrates the clear danger in disturbing known contaminants on the site. This is of particular concern for the residents of Walton.
- The above issues affect the potential for the site to provide credible and safe housing.
- The implications of disturbing contaminated land and the effect on the local community and agriculture has not been given due consideration.
- Walton Parish Council would welcome a full report and Phase 1 and 2 studies to quell concerns of its Parishioners.

6.2.4 One letter of objection and detailed appendices have been received from Thorp Arch Trading Estate Action Group (TAG), who summarise their concerns on the following grounds:

- Unsuitable location
- Poor highways fed by two 'pinch points'
- Car dominated dormitory community
- Inadequate buses
- No train service
- Walking/cycling accessibility - badly failing against accessibility standards
- Unsupported by Core Strategy, SAP draft, local PC's, neighbourhood plan
- 70% of the site is not brownfield
- Significant numbers of people living/working onsite are not achievable
- Determining this application before the SAP is finalised would be premature
- Contamination and remediation are detrimental to the financial viability and preservation of the ecology

More detailed comments are then made as follows:

1. As a former Royal Ordnance Filling Factory (ROFF), the site was chosen to be remote from habitation, and away from large roads, in order to be less easy to identify from the air.
2. The site is at the furthest point of Leeds district boundary, with a round trip distance to Leeds City centre of about 30 miles.
3. The site is separated from all destinations in the Leeds area by the A1(M) running north/south, and by the River Wharfe, running approximately east/west. The only practical routes to Leeds area destinations (without a very large detour) are either via the single track bridge linking Thorp Arch to Boston Spa, or via the roundabout on the Walton-Wetherby road (situated on the local access road which runs alongside, and to the west of, the A1(M)). Both of these access routes are already showing significant traffic queuing at peak hours (despite what is reported in the Environmental Statement volume 6).
4. The local road network is not resilient. The recent (June 15, 2016) fatal accident on the A1(M) demonstrated the problem. The local network completely grid-locked (not surprising, it can't be expected to cope with the complete closure of the A1(M)). However it remained grid-locked for over two hours after the A1(M) was running freely. The bridge/Bridge Road/A659 junction acts as one complex

traffic obstacle. It is not amenable to modelling, because of the unusual and multiple obstacles to traffic flow. With on-street parking (required by Boston Spa residents) it is effectively a 250m long “single track road with passing places” - the passing places being the very limited gaps between the parked cars. A characteristic of such roads is that once traffic volumes reach a critical level, the “passing places” no longer have the capacity to cope, and the system grid-locks. To make matters worse, the junction with the A659 has very tight turning radii. Visibility for the full length of the single track section is very limited, and sometimes completely obscured. It is therefore very difficult for a driver to assess whether to enter the single track section of road. Additionally, the vulnerability of old bridges was demonstrated by flooding at the turn of the year, which has closed both Tadcaster and Linton bridges over the Wharfe. If the same happened to Thorp Arch Bridge that would leave the area with only one, overloaded and congested, point of access. Clearly the local highways network is unsuitable for the addition of the traffic generated by the proposed development.

5. Public Transport is totally inadequate for a site of this size and location. The 770/771 is the only all-day practical service. It runs at half-hourly intervals to Leeds or to Harrogate via Wetherby. The journey times are over 1 hour to Leeds, and about 40 minutes to Harrogate. It is also very expensive, with a return ticket to Harrogate costing £7. There is no local train station, with the nearest station for Leeds being at Garforth, 12 miles away.
6. The site has virtually no facilities (apart from the proposed primary school) within a 2km walking distance. A convenience store is proposed, but there is no evidence that a site of this size, even when fully occupied, is sufficiently large for such a store to be financially viable. The employment areas are sufficiently distant from such a store that people are unlikely to walk there, particularly as almost all employees have their own transport. So they would shop by car. But if they are using their cars, then there is no reason to shop on the Estate - they can shop at bigger, cheaper and more convenient locations on their commute to and from the site.
7. The application proposes providing premises for health facilities, but again there is no evidence that they would be taken up.

6.2.5 The 109 letters of representation from local residents (all objections) have stated concerns in relation to the following matters:

- The local highway network will be unable to cope with the volumes of traffic from the development.
- Access is via existing pinch points – Thorp Arch bridge and the roundabout to Wetherby on Walton Road.
- The area is very poorly served by public transport.
- It is too far to walk / cycle to local amenities.
- New development would be car dominated.
- The site is too far from schools and shops.
- Question the viability of shops on site.
- No indication that health facilities will be set up on site.
- Question what would happen if Thorp Arch bridge had to close for some reason.
- Question whether a Neighbourhood Watch scheme would be implemented.
- Housing would not be compatible with the surrounding employment land uses.
- Dust, dirt and noise during construction would cause a nuisance to existing residents.
- The site will need a lot of remediation to make it safe for housing, destroying existing flora and fauna.

- The Statement of Community Involvement misrepresents the views of local people.
- Absence of up to date ecological surveys.
- Absence of intrusive ground investigation report.

7.0 Consultation responses

Statutory

Highways: - It is considered that the Transport Assessment does not accurately reflect existing conditions on the local highway network and fails to properly assess the impact of the development on the local highway network. In particular the impact and operation of Thorp Arch Bridge and High Street/Bridge Road junction which is known to be sensitive to variations in traffic flow and vulnerable to congestion. In addition accessibility to the proposed development is not considered acceptable.

The site currently falls well short of the Council's Accessibility Standards, from a transport perspective the site is not considered to be sustainable, it is considered that future residents would be overly reliant on the use of the private car. The rural location of the site exacerbates the limited public transport provision as journey times will also be unattractive. Reasonable opportunities to enhance the accessibility credentials of the site have not been provided so far. As submitted the application is not supported.

Highways Agency: - Although the Transport Assessment does not assess the impact of the traffic generated by the development at the Strategic Road Network (SRN) junctions it can be concluded through previous work on the site that the development will not have a severe impact on the SRN, therefore no remedial action is required. Although the Travel Plan appears to have accurately assessed the current transport provision for the site, there are areas of the plan that require improvement and advice is provided on this.

National Grid: - No objections raised to the proposal, which is in close proximity to a High Voltage Transmission Overhead Line.

Environment Agency: - No objections subject to the imposition of conditions to deal with remediation and groundwater, verification of remediation, unexpected contamination, surface water drainage and details of ground penetration.

Natural England: - No comments on the application, but suggests obtaining advice from the Council's Nature Conservation officer.

Historic England: - Given its history, it is considered that the Thorp Arch Estate falls under paragraph 139 of the NPPF: *non designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments*. Historic England are supportive of redevelopment which seeks to retain the historic layout and cohesion of the site (the significant elements). Historic England considers it essential that prior to determination a detailed design code is agreed for the site in order to minimise harm to and better reveal the heritage significance.

Explosives Inspectorate: - The plans indicate that the development falls within the consultation distances of a nearby explosives facility licensed by the HSE. The area of development affected includes the Local Centre and residential development

closest to Street 5. If the development is allowed to proceed, the external population density permitted in this reference zone for this explosives facility will be exceeded. Should planning permission be granted, the Explosives Inspectorate would review the explosives facilities licence.

Non-statutory

West Yorkshire Combined Authority: - The accessibility criteria detailed in the Core Strategy stipulates that new housing developments should be located within 400 meters of bus services offering a 15-minute frequency to a key destination, namely Leeds, Bradford or Wakefield. Whilst WYCA supports this policy in principle; consideration needs to be given to the semi-rural location and the proximity of the site to other centres that could be considered such as Wetherby and Harrogate.

It is inevitable that on large sites, parts of the site will fall outside this 400m standard which is the case at this site. When assessing development sites, we generally take a pragmatic approach to walk distances to take the size of development sites into account. Consideration is given to the level and quality of service (frequency and destinations served) at the closest bus stops and the likelihood of the bus operator diverting the service into the site. It should be noted that the site TA identifies public transport services that are not considered to be accessible from the site. The TA should be amended to acknowledge that some of the services listed are some distance from the site and are less likely to be used. It is our view that a service diversion would be required to make the site accessible.

The application proposals follow on from a number of other applications for this site where a significant time has been spent developing a public transport strategy which focuses on improving the existing bus services and achieving bus penetration through the site. Whilst the application layout and Travel Plan includes a bus gate which suggests that bus penetration is supported by the applicant, there does not appear to be any reference to funding or bus service diversions through the site. This is disappointing given WYCA have had pre application discussions with the transport consultants for this and previous applications at this site.

The primary service past the site is the 770 service which provides an hourly service between Leeds, Wetherby and Harrogate. WYCA do not share the view that the current level of service to be adequate. As a minimum, the development should be required to pay for the diversion of the 770 through the site to utilize the bus gate. From initial discussion with Transdev, they are willing to divert the 770 service as for a cost of between £150,000 and £200,000 per annum (subject to start date). It is suggested that this should be provided for a minimum of 5 years.

The development should also be conditioned to provide funding for a bus shelters with real time passenger information displays. These should be placed within the site at appropriate positions to match the diverted service. It is suggested that 4 shelters would be required, a total cost of £80k.

To ensure that sustainable transport can be a realistic alternative to the car, the developer needs to fund a package of sustainable travel measures. It is recommended that the developer contributes towards sustainable travel incentives to encourage the use of public transport and other sustainable travel modes through a sustainable travel fund. The fund could be used to purchase discounted MetroCards for all or part of the site. Based on our current RMC scheme, there is an option for the developer to purchase (in bulk) heavily discounted Residential MetroCards (circa 40% discount) as part of a wider sustainable travel package.

Other uses could include personalised travel planning, car club use, cycle purchase schemes, car sharing promotion, walking / cycling promotion or further infrastructure enhancements that come to light as the development commences. The payment schedule, mechanism and administration of the fund and RMC scheme would be agreed with LCC and WYCA and detailed in a planning condition or S106 agreement. The contribution appropriate for this development would be £420,612.50. This equates to 874 bus only Residential MetroCards.

TravelWise Team: - The submitted document is considerably less comprehensive than the WYG Travel Plan submitted for the previous application (Latest version on file Revision F, dated 9/10/15). Whilst this is a new application, the Travel Plan measures need to be improved to include the measures previously proposed as well as those in the submitted document. In addition, there are elements which have not been included, which are required as per the LCC Travel Plan SPD.

In accordance with the Travel Plans SPD the Travel Plan should be included in the Section 106 Agreement along with the following:

- a) Leeds City Council Travel Plan Review fee of £8,870 (£6,370 residential, plus £2,500 for the school)
- b) A contribution to upgrading walking and cycle routes
- c) Bus service improvements
- d) Provision of a residential travel plan fund of £420,612.50
- e) mitigation measures if mode split targets not met

A Full Residential Travel Plan is appropriate for this development at outline application/approval stage; the Travel Plan should be revised accordingly. An additional School Travel Plan will then be required for the school.

Contaminated Land: - Following the submission of further information, no objections are raised subject to conditions requiring the submission of a site wide preliminary site investigation, site investigation methodology, remediation statements for each phase, dealing with unexpected contamination and the submission of verification reports.

Environmental Protection Team: - The report identifies traffic as the main noise source whilst the only identifiable source from the trading estate comes from Steel Fabricators, R H Mawson Engineers Ltd. The method assessment includes a BS 4142 'Methods for rating and assessing industrial sound' assessment. The specific sound source from the steel fabricators has been calculated at the closest noise sensitive properties and compared to background levels. The resulting rating level complies with Leeds city Council noise criteria however there are some issues with the data. It is not clear the monitoring period they obtained data when the roller shutter doors were open and closed. In addition, the monitoring was undertaken end of April 2012 therefore any changes or addition of equipment that may have increased noise emanating from the factory, need to be verified and included in the assessment and calculation.

Noise from development such as building services and deliveries are currently unknown and will be considered during the design stages where consideration to mitigation measures to ensure the impact will not be unacceptable to both existing and future residents.

Conditions are recommended to deal with construction activity delivery hours, Statement of Construction Practice, noise and dust control.

Environmental Studies: - No objections on transportation noise grounds.

Air Quality Management Team: - No objection on the grounds of local air quality. Electric Vehicle Charging Points (EVCPs) should be accommodated in future development, secured by condition.

Flood Risk Management: - No objection subject to the imposition of conditions dealing with surface water drainage.

Yorkshire Wildlife Trust: - Concerns about the proposals as submitted on local wildlife sites which will come under increasing pressure from public use as a result of development and detailed advice is provided in relation to the proposed Country Park and impact on protected species. The subsequent additional information is noted and the Reptile Survey and Bat reports are welcomed.

Yorkshire Wildlife Trust does not agree with this approach. In order to assess the proposed country park's effectiveness of safeguarding the interest features of the Local Wildlife Site the size and boundary of the country park is needed. This is essential in order to know if the country park is in the right place so that it can protect the most valuable habitats from being lost and to know if the size of the country park is big enough to compensate for the loss of habitats across the rest of the site. Without knowing the boundary and size of the country park it will be difficult to make such an assessment. In addition, the location and size of the country park will be required in order to secure its establishment by a condition. Knowing the area that the country park will cover will give assurance that the land will be managed as a country park. In addition, assurance on who will be managing the habitats onsite for the long term would also be beneficial in order to ensure that the park will be managed long term for biodiversity. Yorkshire Wildlife Trust has a long history of managing nature reserves and grassland sites within Yorkshire, which includes country parks, for both recreation and biodiversity. We would be happy to provide additional advice on this to the applicant.

Public Rights of Way: - It is noted that the developer's intention is to provide a connecting route for the cycle route between bridge over the river Wharfe and the existing section leading north-west to Walton Road. This is to be welcomed as it has been a long term aspiration of both Leeds City Council and Sustrans who have been instrumental in developing the route between Wetherby and Thorp Arch.

It should be noted that the cycle route over the Grade II listed Wharfe bridge is being funded by the redevelopment of housing on the old Papyrus Works site to the south of the river and this is due to be completed very soon. An interim route to connect the cycleway at both sides of the river will therefore be required in the near future.

The proposal to route the national cycle network route through a green linear park along the south-western boundary of the site is to be welcomed. However, as well as providing for walkers and cyclists this route should be open to horse-riders, who are currently able to use the rest of the existing route. This can be achieved by creating a reinforced grass verge next to the harder surfaced cycle route.

It is noted that there are three cycle way and footpath links shown on the master plan running north east from the disused railway route. These appear to be running through corridors of green space parallel with the existing estate roads and are to be welcomed subject to further discussion regarding their width, surfacing and signposting etc.

It is noted from the landscape master plan that a central path link alongside the proposed ponds area is to be provided and will form a link to the proposed country park – this is to be welcomed. Also the network of paths within the country park area and extending through the grassland area in the northern part of the site are also to be welcomed. Once again the issues of width and surfacing would need further discussion with the developer before being agreed.

With such a large number of new paths and green space areas being created as part of this development, thought needs to be given at an early stage as to the future maintenance requirements here and who is going to be responsible for carrying this work out. The Public Rights of Way Section do not have the resources to maintain such a large network of new paths and it would be better if they were to be maintained as an integral part of the green space management regime (either by the developer or by the Council via a commuted sum arrangement). We would therefore not be seeking to create these routes as public rights of way at this stage.

Regarding the National Cycle Network route, this could either be maintained as above or alternatively a funded arrangement could be made with Sustrans, who manage other parts of this cycleway.

West Yorkshire Archaeology Advisory Service: - There is no apparent significant archaeological impact associated with the outline application. This assessment is based on the retention of previously undeveloped grass land to the north of the application site as open space and it not being developed. The majority of the remaining proposed development area overlies parts of the former Royal Ordnance Factory (ROF) which were either developed or employed for burning unwanted explosives and subsequently cleared and remediated. Based on the WYAAS understanding of how the ROF was constructed and subsequently decommissioned it is thought unlikely that there will be good preservation of earlier buried remains in these areas. Therefore the WYAAS do not consider it necessary to carry out any archaeological works based on the application presented.

Yorkshire Water: - No objections, subject to conditions to ensure separate foul and surface water drainage systems, a drainage management plan, surface water from parking areas over 50 spaces to be passed through an interceptor and stand-off distances to the mains and sewers crossing the site.

8.0 Relevant Planning Policies

8.1 The Development Plan

8.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, the Development Plan for Leeds currently comprises the following documents:

1. The Leeds Core Strategy (Adopted November 2014)
2. Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013)

These development plan policies are supplemented by supplementary planning guidance and documents. The UDP allocates the southern part of the site (to the west of the southern half of the retail park) for employment purposes and the north

eastern quarter and a narrow strip of land running along the eastern boundary with Street 5 is identified on the Policies Map as being a Site of Ecological and Geological Importance (SEGI). A small area of SEGI is allocated close to the western boundary. In more recent times the ecological value of the site has been re-assessed and a larger area of the north eastern part of the site (comprising open grassland and wooded areas), and smaller pockets of land more central to the site, have been identified as being Local Wildlife Sites.

8.1.2 The following Core Strategy (CS) policies are relevant:

- Spatial policy 1 Location of development
- Spatial policy 6 Housing requirement and allocation of housing land
- Spatial policy 7 Distribution of housing land and allocations
- Spatial policy 8 Economic Development Priorities
- Spatial policy 9 Provision for employment land
- Policy H1 Managed release of sites
- Policy H2 New housing development on non-allocated sites
- Policy H3 Density of residential development
- Policy H4 Housing mix
- Policy H5 Affordable housing
- Policy EC1 General employment land
- Policy EC3 Safeguarding existing employment land
- Policy P8 Sequential and impact assessments for town centre uses
- Policy P9 Community facilities and other services
- Policy P10 Design
- Policy P12 Landscape
- Policy T1 Transport Management
- Policy T2 Accessibility requirements and new development
- Policy G1 Enhancing and extending green infrastructure
- Policy G4 New Greenspace provision
- Policy G8 Protection of species and habitats
- Policy G9 Biodiversity improvements
- Policy EN2 Sustainable design and construction
- Policy EN5 Managing flood risk
- Policy ID2 Planning obligations and developer contributions

8.1.3 The CS sets out a need for 70,000 new homes up to 2028 and identifies the main urban area as the prime focus for these homes alongside sustainable urban extensions and delivery in major and smaller settlements. It also advises that the provision will include existing undelivered allocations (paragraph. 4.6.13). It is noted that the application site falls within the Outer North East Housing Market Characteristic Areas identified in the CS. In terms of distribution 5,000 houses are anticipated to be delivered in the Outer North East Area.

8.1.4 Paragraph 4.6.16 states that: *“Notwithstanding the distribution set out in Table 2, the Council will consider opportunities outside the Settlement Hierarchy, where the delivery of sites is consistent with the overall principles of the Core Strategy, including the regeneration of previously developed land, and are in locations which are or can be made sustainable. Land at Thorp Arch has been identified as one such example.”*

8.1.5 The emerging Site Allocation Plan (SAP) identifies the same parts of the application site for employment purposes as in the UDP Review – i.e. E3B:21 and E3B:22.

8.1.6 Unitary Development Plan (UDP) policies of relevance are listed, as follows:

GP5: General planning considerations.
N23/N25: Landscape design and boundary treatment.
N24: Development proposals abutting the Green Belt.
N29: Archaeology.
N37: Special Landscape Area (to the north east of the site).
BD5: Design considerations for new build.
T7A: Cycle parking.
T24: Parking guidelines.
E3B:21: Employment allocation at TATE.
E3B:22: Employment allocation at TATE.
H3: Delivery of housing on allocated sites.
LD1: Landscape schemes.

8.1.7 The Natural Resources and Waste Local Plan (NRWLP) was adopted by Leeds City Council on 16th January 2013 and is part of the Development Plan. The plan sets out where land is needed to enable the City to manage resources, e.g. minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies relating to drainage, land contamination and coal risk and recovery are relevant.

8.1.8 Thorp Arch Estate is identified in the NRWLP as an industrial estate which is a preferred location for new waste management facilities. Policy Minerals 12 'Safeguarding Minerals Processing Sites' applies: "The mineral processing sites shown on the Policies Map are safeguarded to protect them against alternative uses unless it can be demonstrated that the site is no longer required to produce a supply of processed minerals." The explanatory text at 3.32 states that mineral-related activities such as facilities for concrete batching, asphalt plants and aggregate recycling facilities encourage recycling, and if they are lost to other uses then it may be very difficult to replace them in other locations.

8.1.9 Supplementary Planning Guidance / Documents:

SPG4 Greenspace relating to new housing development (adopted).
SPG10 Sustainable Development Design Guide (adopted).
SPG11 Section 106 Contributions for School Provision (adopted).
SPG13 Neighbourhoods for Living (adopted).
SPG22 Sustainable Urban Drainage (adopted).
SPD Street Design Guide (adopted).
SPD Public Transport Improvements and Developer Contributions (adopted).
SPD Designing for Community Safety (adopted).
SPD Travel Plans (adopted).
SPD Leeds Parking SPD (adopted).
SPD Sustainable Design and Construction (adopted).

8.1.10 The Draft Thorp Arch Neighbourhood Plan was published for consultation (which closed on 3rd October 2016). The Neighbourhood Plan proposes to allocate the site for employment purposes. As the plan is in its early stages in moving towards adoption only limited weight can be applied to this document at this time.

8.2 National Planning Policy Framework (NPPF)

8.2.1 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight they may be given.

8.2.2 The NPPF sets out the Government's planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so. The overarching policy of the Framework is the presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. The presumption in favour of sustainable development is the 'golden thread' that should run through both plan-making and decision-taking. Paragraph 14 states that, for decision-taking, this, this means approving development proposals that accord with the development plan without delay. Where the development plan is absent or silent or where policies are out of date, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits. The NPPF identifies 12 core planning principles (paragraph 17) which include that planning should:

- Proactively drive and support sustainable economic development to deliver homes
- Seek high quality design and a good standard of amenity for existing and future occupants.
- Conserve and enhance the natural environment
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land)
- Promote mixed use developments and encourage multiple benefits from the use of land in urban areas
- 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

8.2.3 The Government attaches great importance to the design of the built environment. Section 7 (paragraphs 56-66) states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:

- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimising the potential of the site to accommodate development;
- Respond to local character and history;
- Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Development to be visually attractive as a result of good architecture and appropriate landscaping.

8.2.4 Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

8.2.5 At paragraphs 111, 113 and 118 the NPPF gives guidance relevant to this proposal in respect of ecological and related matters:

111. Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.

113. Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;...”

8.2.6 The NPPF also sets out guidance that regard should be had to contamination and that development sites should be made suitable for their end use and mineral interests should be protected/safeguarded.

9.0 Main issues

1. Principle of development
2. Contaminated Land
3. Ecology
4. Layout and form of development
5. Composition of the development
6. Highways and Transportation
7. Landscape
8. Conservation Area and Listed Buildings
9. Drainage and flood risk
10. Housing land supply
11. Other matters
12. Section 106 obligations and CIL

10.0 Appraisal

10.1 Principle of development

Site context:

10.1.1 This site is largely ‘white land’ and the application boundary contains two employment allocations (under saved UDP policies E3B:21 and E3B:22). The wider Thorp Arch Trading Estate (TATE) is surrounded by Rural Land. It is within the Outer North East area of the emerging Site Allocations Plan (SAP) which has a Core

Strategy target of 5,000 dwellings to meet (8% of the overall Core Strategy total). The SAP is at an advanced stage, due to be submitted to the Secretary of State in Spring 2017. The SAP seeks to retain the UDP employment allocations. TATE is not identified for housing in the SAP. However, it is worth noting that the SAP is promoting a housing allocation on land to the north of Wealstun Prison (site reference HG2-227) with an indicative capacity of 142 units.

Location of Development and CS Policy:

- 10.1.2 Core Strategy Policy SP1 established the principles against which to deliver the spatial development strategy based on the Leeds settlement hierarchy and to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance of brownfield and greenfield land. The primary aim is to deliver the largest amount of development in the Main Urban Area and Major Settlements. Smaller Settlements will contribute to development needs, with the scale of growth having regard to the settlement's size, function and sustainability.
- 10.1.3 Paragraph 4.6.16 of the Core Strategy states that: "Notwithstanding the distribution set out in Table 2, the Council will consider opportunities outside the Settlement Hierarchy, where the delivery of sites is consistent with the overall principles of the Core Strategy, including the regeneration of previously developed land, and are in locations which are or can be made sustainable. Land at Thorp Arch has been identified as one such example."
- 10.1.4 Policy H2, further expands on the sustainability and place-making of sites by stating that housing development on land not allocated for housing is acceptable in principle, providing that the number of dwellings does not exceed the capacity of transport, educational and health infrastructure and that the site accords with the accessibility standards (set out in Appendix 3 of the CS).
- 10.1.5 Officers remain concerned about the accessibility and sustainability of the site and without the relevant and appropriate infrastructure provided as part of the application, these are material considerations against policies SP1 and H2.

Thorp Arch Trading Estate (TATE)

- 10.1.6 It is worth noting that the principle of housing at TATE has previously been considered by Executive Board. The text below is taken from para 2.16 of Executive Board Report 21st September 2016:

"The idea of a new settlement at Thorp Arch Trading Estate (TATE) has been an aspiration of the landowners for over a decade, and previously promoted as part of the UDP Review, but there has yet to be a viable scheme which addresses local constraints. Various planning applications for residential schemes on this brownfield site have yet to come to a resolution, with deliverability and viability proving to be key challenges, alongside detailed highway, ecological, heritage and other material requirements. TATE is recognised in the SAP as an established mixed use site with predominantly employment and retail uses serving the Outer North East. The TATE also contains parcels of undeveloped and underutilised land, part of which have Nature Conservation designations. To that end, the Publication Draft SAP detailed the extent of the existing Thorp Arch Trading Estate on the Policies Map and retained previous undeveloped UDP employment allocations as identified SAP allocations."

Executive Board resolved that the publication of the revised draft Site Allocations Plan for the Outer North East HMCA, together with the sustainability appraisal reports and other relevant supporting documents be approved for the purposes of public participation and also to formally invite representations to be made.

5 year housing land supply

- 10.1.7 The Council currently lacks a 5 year deliverable supply of housing land, and as such under paragraphs 14 and 49 of the National Planning Policy Framework, the Council's policies as set out within the UDP and Core Strategy are now considered out of date where they relate to the supply of housing. Nevertheless, case law dictates that whilst policies may be considered out of date, this does not mean that the policies are rendered irrelevant. The weight that can be given to existing policies is dependent on their consistency with national policy and other relevant guidance and legislation.
- 10.1.8 In turn, the weight that can be given to draft policy within the Site Allocations Plan is dependent upon the stage of preparation the Plan is at. At present the Plan has limited weight as it has not yet been submitted to the Secretary of State for Examination in Public.
- 10.1.9 Whilst a windfall development could help to remedy the Council's 5 year housing land supply position in advance of the adoption of SAP, officers remain concerned that the current planning application does not fully set out how a housing scheme here will be progressed swiftly. However, it is recognised that the applicant has said that they are likely to have three house builders on site.

Current Housing supply

- 10.1.10 In terms of housing delivery in the Wetherby and Boston Spa area, a number of sites are on, or coming, to the market assisting in providing for local housing need. This equates to 711 units (14%) of the Core Strategy Target, within the plan period so far. The Site Allocation Plan identifies alternative sites to meet the remainder of the target.
- 10.1.11 In total, there are currently 18 sites with capacity for 740 units with planning permission in Outer North East as at 31 December 2016 – 67 units have been completed which leaves an outstanding capacity of 673 units. In Wetherby, there are 8 sites with current planning permission and 1 UDP allocation with no permission with an outstanding capacity of 478 units. Of these sites, 3 are under construction (with a capacity of 127). This leaves 5 with planning permission for 367 units left to start.

In addition:

- There is the remaining UDP allocation for 30 units at Bowcliffe Road, Bramham.
- There are 15 completed sites that have been brought forward in the Core Strategy period (2012-2028). In total, 284 units across 15 sites – 8 of those in Wetherby with a total of 217 units including the 153 at Churchfields, Boston Spa with the final completions on that site in December 2015.
- There is the recently granted Grove Road (104), Boston Spa PAS site which was upheld at appeal.

Affordable Housing

- 10.1.12 In conformity with national planning guidance, affordable housing is required to meet local needs. The Core Strategy Policy H5 seeks a contribution of 35% in the Outer North East. It is therefore important for a scheme such as the application proposal is

policy compliant and provides for 35%, though it is known that the scheme will be subject to a viability appraisal, discussed later.

Employment loss:

- 10.1.13 This application proposes to redevelop the site for residential use which would result in loss of existing employment sites (Avenue B and D Thorp Arch, UDPR E3B:22 and the northern part of E3B:21). These two sites are now proposed in the Site Allocation Plan to carry forward the employment allocation, i.e. EG1-63 (4.32ha) and the northern part of EG1-65 (approximately 5.5ha), being part of the deliverable employment land necessary to meet the employment needs during the plan period. Core Strategy Policy EC3 is therefore applicable.
- 10.1.14 This application site is within the Outer North East sub area which has been identified as one of the areas of shortfall in employment land provision in the Leeds Employment Land Review (2010 update). The shortfall area is a result of comparison between estimated existing general employment land and that would be expected according to the sub area population size. The Outer North East area does not have as many local job opportunities in the general employment sector against its population, on average, that would be expected to be working in this sector.
- 10.1.15 Within the area of employment land shortfall, the key question to consider is whether there is a planning need for these two employment sites to remain in employment use, and if the loss could be offset sufficiently. The detailed policy is set out in EC3 Part B.

Assessing the loss of existing employment land in shortfall areas

- 10.1.16 Policy EC3 Part B requires that, within the shortfall area, loss of employment land *“will only be permitted where the loss of the general employment site or premises can be offset sufficiently by the availability of existing general employment land and premises in the surrounding area (including outside the areas of shortfall) which are suitable to meeting the employment needs of the area”*.
- 10.1.17 Paragraph 5.2.59 of the Core Strategy states that *“in areas where there is identified shortfall in the provision of general employment land there will be presumption against loss of general employment sites to other uses.”*
- 10.1.18 It is crucial to establish whether there is sufficient supply of currently available employment land for the surrounding area, and whether the loss can be offset sufficiently.

1) EC3 Part B Assessment methodology

The Council has adopted a methodology to assess loss of existing employment sites within the shortfall area, as indicated in the supporting text of EC3. The starting point is to define the appropriate “surrounding area” with reference to the Core Strategy accessibility criteria. Within the defined “surrounding area”, the availability of suitable sites and past take up can be used to assess how much supply should be maintained to achieve the economic objectives of the Core Strategy. These will be checked and validated to reflect the Council’s best knowledge on the local area and sites. A conclusion can then be reached on whether the loss of the current employment site would be acceptable.

2) Define “surrounding area”

This site is largely ‘white land’ surrounded by Rural Land. For employment use at smaller settlements and other rural areas, Core Strategy Accessibility Standards define the catchment area to be a 30 minutes journey time.

3) Past take up trend

Fifteen years is the normal plan period, and on this basis, the past general employment land take up rate within the defined surrounding area is 0.30 ha/annum. (data source: LCC planning record as on 18th October 2016). However, the above general employment take up rate should be used with caution. The annual take up rate for the Outer North East Housing Market Characteristic Area (HMCA), within which this surrounding area is located, is 0.34 ha per annum. This represents a very small fraction of the City average employment land take up (6.82ha per annum). Rather than being an indicator of low employment need, the low take up rate in this surrounding area may well be an indication of the lack of general employment land supply for operators to move in to this area.

4) Currently available and suitable general employment land

According to the most up to date planning record and Employment Land Assessment database, after discounting recent completions prior to April 2012 and the two employment sites within the application boundary, the following sites are identified within the defined catchment area. These amount to a total of 7.6 hectares of employment land supply within the defined catchment area.

ELR Ref	Address	Site Area (Ha)
3103750	Wighill Lane, Rudgate, Street 7, TATE	3.7
3100820	Avenue E West, TATE	3.9
	Total area	7.6

5) Supply based on past trend

Based on the employment land take up rates over the previous 15 years, the total available employment land in this surrounding area can provide approximately 25 years ($=7.6/0.30$) of supply for the surrounding area without windfall sites.

Sustainability

10.1.19 It is noted that the location of the site and the nature of the existing public transport infrastructure is such that the site falls significantly short of the Core Strategy accessibility standards. It is therefore for the applicant to demonstrate that they can make the development sustainable. In the context of the application, officers have had regard to the level of on-site provision of community facilities (school, open space, shops etc, and improvements to local bus services to provide an appropriate alternative to the use of the private car. This is discussed in further detail later in the report.

10.1.20 It is noted that paragraph 4.6.16 of the Core Strategy states that: “*Notwithstanding the distribution set out in Table 2, the Council will consider opportunities outside the Settlement Hierarchy, where the delivery of sites is consistent with the overall principles of the Core Strategy, including the regeneration of previously developed*

land, and are in locations which are or can be made sustainable. Land at Thorp Arch has been identified as one such example.”

- 10.1.21 Historically, the complete TATE site has been regarded as previously developed land, as above. It is acknowledged that the application site comprises areas which are clearly developed, areas which have been developed and re-vegetated to some degree over the passage of time and areas which have the appearance of being undeveloped. In the context of the application proposals, large parts of the greenfield areas are not proposed to be developed upon. The previous application, 13/03061/OT, albeit covering a larger part of the TATE site and a greater area of previously developed land, was considered acceptable in principle when the matter was considered by City Plans Panel.
- 10.1.22 It is also noted that a mixed, but mainly greenfield site is being promoted through the SAP on land to the north of Wealstun Prison (site reference HG2-227), which is shown to have an indicative capacity of 142 units. It is also noted that recent appeals for other residential developments with similar accessibility issues have been allowed.
- 10.1.23 In light of the above, the officer view is that the acceptability of the development will depend on whether a sustainable form of development can be achieved and whether the technical aspects of the proposals can be satisfactorily resolved, discussed in the remainder of the report.

Summary

- 10.1.24 The proposed development would result in a loss of existing employment land within an area of shortfall in employment land provision. The assessment concludes that there are currently available and suitable general employment sites that would satisfy supply based on past take up trends for the next 25 years, however this has to be used with caution as the historic low take up rates do not necessarily indicate low employment need. As above, the margin is small and officers remain concerned that the availability of the other sites may not adequately off-set the loss of 9.82Ha of general employment land in an identified area of general employment shortfall which has implications on the district wide provision of general employment. However, given the employment land take up rate previously, it is not considered that a reason for refusal on loss of employment land could be robustly defended.
- 10.1.25 Whilst the Council is not able to demonstrate a 5 year housing land supply, a windfall development on this site could help to remedy the Council's 5 year housing land supply position in advance of the adoption of SAP. However, officers remain concerned that the current planning application does not fully set out how a housing scheme here will be progressed swiftly. In addition, without the relevant and appropriate infrastructure to be provided as part of the application, the material considerations of policies SP1 and H2 in regard to accessibility and sustainability remain a strong concern and these are discussed later in the report.
- 10.1.26 Overall, the acceptability of the principle of a residential led development on the site is finely balanced, and whilst noting the above concerns, the loss of employment land and the timeline for housing delivery are not considered so substantial that they could constitute reasons for refusal that could be adequately evidenced at appeal. Officers have been working with the applicants to address the concerns around accessibility – referred to later in the report. The Council's lack of a 5 year housing land supply remains a strong consideration and given the weight attached to the other issues, on balance, the principle of a residential led development is acceptable.

10.2 Contaminated land

- 10.2.1 As a former ROF site and as currently an operational trading estate, there are inherent characteristics that mean that the application site is likely to contain contamination to greater or lesser degrees. There are areas which are currently developed, known areas where development has existed previously, as well as areas of open land which do not appear to have been previously developed, but clearly carry some risk in terms of the history of the site. At the heart of the matter is ensuring that the various parts of the site are suitable for their end use.
- 10.2.2 The approach to dealing with contamination has been subject to detailed discussion with the Council's Contaminated Land Team, who have also liaised with their counterparts in other authorities where ROF sites have been re-developed. In reviewing the submitted Phase 1 Desk study and liaising further with the applicant, it has been noted that, subject to approval, a preliminary intrusive site investigation would take place and in areas with the most sensitive uses, i.e. residential or play areas, the number of bore holes would be increased to one hole per 25m grid, which is considered to be an acceptable approach. The findings would then inform the detailed site investigation and remediation strategy, which would be subject to appropriate conditions.
- 10.2.3 It is also noted that the Site Investigation will include a combination of targeted and non-targeted sampling in order to ensure that all areas of potential contamination are suitably investigated. The fieldworks are likely to comprise a combination of trial pitting, window sampling and cable percussion boreholes with ground gas and water monitoring wells in selected boreholes. A comprehensive suite of soil and waters laboratory testing will be carried out with the determinands selected on the basis of the anticipated contaminants. Due to the size and complexity of the site, these site investigation works are likely to be carried out in separate stages.
- 10.2.4 In the areas to be developed (including gardens, highways and building footprints), the applicant also intends to carry out a confidence scrape. This will take place after the intrusive ground investigation. It has been explained that this involves the removal of all of the made ground associated with the historic development of the site. The depth of the scrape will vary across the site in light of the varying land levels. Prior to the original development being built the site was levelled to create a development platform - this pre dates the military use of the site and as such will not be removed by the confidence scrape. In areas in and around trees to be retained, investigations will be undertaken by hand to avoid damage to root systems.
- 10.2.5 Nature Conservation officers are comfortable with the above approach – their first preference would be to not confidence scrape the area shown as the Country Park (this contains a large proportion, but not all of the areas designated as Local Wildlife Site and Leeds Habitat Network), but if required, this does present an opportunity to create new calcareous grassland, though there are risks to the ecology. Following advice from the Nature Conservation Officer that they are comfortable with that risk, it is considered that the approach is appropriate and officers therefore do not consider that it would constitute a reason for refusal.
- 10.2.6 It is noted that the cost associated with remediating the site appropriately is likely to be significant. Objectors have drawn attention to paragraph 008 of the NPPG (which deals with information required for planning applications), amongst other things, the authority should ensure *'it has sufficient information to be confident that it will be able to grant permission in full at a later stage bearing in mind the need for the*

necessary remediation to be viable and practicable. Given the above, Contaminated Land Officers are confident that the approach described above is appropriate. Nevertheless, consideration has also been given to the planning balance in terms of the information before the Council at this time. Some initial viability work has been undertaken by the applicant and the Council and District Valuer have reviewed the costings only and consider them appropriate for the nature of the site. Whilst a full viability appraisal is yet to be submitted and assessed, it is not considered at this stage that the approach to contamination is so demonstrably unviable that permission should be refused on this basis. It is of course true that if permission were granted or the appeal allowed, it may transpire that the cost of remediation is more significant than first envisaged and in those circumstances the applicant could seek to vary any planning obligation policy requirements based on viability.

- 10.2.7 In summary, officers consider that the approach to dealing with contamination and remediation is appropriate and could, if permission were granted be dealt with by way of appropriate conditions.

10.3 Ecology

- 10.3.1 The development affects land designated as SEGI (Site of Ecological or Geological Importance). This non-statutory designation (i.e. of West Yorkshire importance rather than national importance) is a designation that exists in the Unitary Development Plan and should be afforded appropriate weight. There are also areas outside of this designation that have ecological value. More recently the ecological value of the site has been re-assessed by West Yorkshire Ecology in consultation with the council's Nature Conservation Officer and additional areas of SEGI-value land have been identified. Together with the previously identified SEGI area these additional parts of the site are now referred to as a Local Wildlife Site (LWS). LWS is the new name for SEGIs, as SEGIs are reassessed across Leeds they will be renamed LWS (in order to use a standard terminology across the country as requested by Defra in 2006). There is a written, publically-available scientific criteria for the designation of a LWS (which follows Defra guidance). The recently identified LWS boundary in effect increases the identified area of nature conservation value to the north east and north west of the site and introduces a new area close to the western boundary and another within the site towards the southern portion. There is approximately 20ha of LWS designated land within the red line boundary of this 60ha residential proposal, and approximately 15% of the LWS within the red line boundary will be lost. It may be that some of this would be lost as a result of decontamination works in any event.
- 10.3.2 The presence of the LWS has had a significant influence on the proposed layout of the masterplan with much of the larger area of LWS in the north eastern and north western parts of the site being kept free from development. Other parts of the LWS in the central, western and southern parts of the site will be lost. It has been suggested by the Nature Conservation Officer that the northern third of the site (which has had less previous development and contamination than the rest of the site) would be the ideal basis for the establishment of a Country Park (made up of the existing mosaic of calcareous grassland, scrub and young woodland with attractive widened glades for people to walk and cycle through) to benefit new residents and nearby local communities.
- 10.3.3 The loss of LWS has been judged against relevant planning policies including CS Policy G8. This included an assessment of the extent and significance of potential

damage to the local site, whether the need for the development outweighs the importance of the ecological value lost and the extent that any adverse impact could be reduced and minimised through protection, mitigation, enhancement and compensatory measures imposed through planning conditions or obligations. This matter has been the subject to ongoing discussions which have clarified the amended extent of a country park (incorporating land to the west of the school site) and omitting the northernmost play area that had been proposed, as well as omitting the allotment area at the far southern end of the site. An objective has been to work with applicant on agreeing a mechanism whereby the country park will be managed by an appropriate body with specialist ecological land management experience, such as the Land Trust, and this could otherwise be secured through planning obligations secured by the S106 agreement with regard to management of the various greenspaces on site.

- 10.3.4 In summary, officers consider that the approach to dealing with ecology is correct and if permission were granted could be dealt with by way of appropriate conditions and obligations in a S106 agreement.

10.4 Layout and Form of Development

- 10.4.1 The application is submitted in outline with all matters reserved. Nevertheless, the application is accompanied by an indicative masterplan which shows areas identified for development (including housing, local centre and school), public open space and the proposed accesses.

- 10.4.2 The principal access is shown to be off Street 5 just to the south of the main area of retained open space. The local centre is shown to be located close to the junction of the access and Street 5, while the proposed primary school is proposed to be located further towards the western boundary, adjacent to the linear park. In this way the shops will be well placed to serve the residential development and existing businesses. The areas of open space generally reflect existing areas of nature conservation interest and woodland. The general street pattern reflects the historic street pattern set by the munitions factory and the schematic landscaping proposals are considered to reflect that of the landscaped setting that characterises much of the Estate. The comments from Historic England are noted and their input would be especially beneficial at the detailed design stage, should the appeal be allowed. The Council's Conservation Officer has also assessed the proposals and given the heritage value of the site, considers that the proposals indicated on the masterplan the best opportunity for development of the former munitions factory, due to the limited impact on the special interest and retained character of this extremely well-preserved munitions factory.

- 10.4.3 The detailed form and design of the dwellings will be addressed through an agreed set of design parameters. This would cover matters such as the scale of buildings, use of architectural detailing and form, spatial setting and external materials. In the event of planning permission being granted the terms of the permission would require the detailed design of the various phases of development to meet the requirements of an agreed design code. The Design and Access Statement illustrates key design principles which seek to accord with those in Neighbourhoods for Living, as well as providing sections through various street types. In terms of scale, it is noted that most dwellings will be 2 storey, with occasional 2.5 and 3 storey buildings to add character and variation. It is intended that the local centre facilities will be 3 storeys high to act as a visual focus, also enabling the provision of apartments over shops. Subsequent to the Design and Access Statement, an

additional Design Code Principles document was submitted which seeks to character areas and design requirements in more detail and is considered acceptable as a framework.

10.5 Composition of the development

10.5.1 The composition of the development is one of the key factors in providing a sustainable new settlement. The development proposes circa 874 dwellings; a 66 bed care home; a 1 form entry primary school; a new local centre including a Class A1 convenience store (up to 420m²), a 5 unit parade of small retail units (up to 400m²), Class D1 uses (up to 750m²); onsite open space, including areas for both public access and biodiversity enhancements, together with associated highway and drainage and infrastructure

10.5.2 The statement progresses to state that up to 874 dwellings will be provided at the following (indicative) mix:

	Policy H4 Min %	Policy H4 Max %	Policy H4 Target %	Rudgate Village Housing Mix %
1 Bed	0	50	10	10
2 Bed	30	80	50	30
3 Bed	20	70	30	40
4 Bed	0	50	10	20

10.5.3 The indicative mix broadly complies with the requirements of Policy H4. The affordable housing policy requirement for this area is 35%. As noted earlier, due to the abnormal costs of dealing with contamination, it may not be possible to deliver 35% affordable housing, but this will only be known once a full viability assessment has been submitted for consideration. The submitted Housing Needs Assessment notes that there is a projected need for specialist types of accommodation in Wetherby by 2028, including accommodation for the elderly (extra care housing and nursing home accommodation). The delivery of a 66 bed care home together with two bed bungalows and additional one and two bed apartments will help to meet this need.

10.5.4 The local centre is described as providing the following:

- Convenience store (420sqm);
- A parade of retail units (400sqm);
- A site for a Class D1 uses (750sqm);
- 66 bed Care home;
- 1 Form Entry primary school (with ability to extend to a 2FE school).

10.5.5 The primary school is afforded a plot of 1.8Ha. The applicant has consulted with Education Officers and they set out that it has been agreed that a 1FE primary school on 1.1Ha will meet the needs of the new village, with the use of the remaining land (0.7 Ha) for recreation and school activities until it may be required in the future to expand the school into a 2FE.

10.5.6 To the north of the site a country park is proposed to provide a new resource for existing and new residents. The park would also provide linkages with further areas of green infrastructure on and off site, including the linear park running along the full

extent of the western boundary of the site. The open space provision will exceed policy requirements.

10.6 Highways and Transportation

10.6.1 The surrounding highway network is predominantly rural in nature. To the north of the site Walton Road/Wetherby Road/Wighill Lane connects the site to the A1(M) and Wetherby to the west and Tadcaster to the east. To the west of the site Walton Road/Church Causeway/Bridge Road which lies on a predominantly north/south alignment connects Walton, Thorp Arch Village and Boston Spa. A key issue is the ability of the local highway network to accommodate the number and nature of trips that would arise from the proposed development. This is a specific concern in relation to the impact that additional traffic would have over Thorp Arch bridge (a Grade II Listed structure), which is of a single carriageway width and does not have the capacity to accommodate significant extra traffic movements. Additionally, concerns are raised at the lack of information to demonstrate that the development can be made acceptable in accessibility terms.

10.6.2 It is anticipated that vehicular traffic will approach the site via the junction of Wighill Lane/Street 5, junction of Wighill Lane/Street C East roundabout. A bus only gate is proposed, connecting to Church Causeway. The applicant has proposed potential mitigation to accommodate the impacts of the development, including the signalisation of the junction of Wighill Lane/Street 5 and signalisation of High Street Boston Spa/Bridge Road (including signal control across Thorp Arch bridge) in order to coordinate traffic flows through this part of the network. Recently, discussions with officers have also included environmental enhancements to High Street Boston Spa in order to create a more pedestrian / cycle friendly space and dissuade traffic from the development taking this route, though this remains unresolved.

10.6.3 The application has been submitted with a Transport Assessment, which has been considered by highway officers. Subsequently, officers have been in negotiations with the applicant to address areas of concern relating to the accessibility of the development and its traffic impact on the local highway network.

Site Access and Internal Layout:

10.6.4 It is accepted that to provide a robust assessment the TA has been based on all traffic associated with the development entering and exiting the development via the Street 5/Wighill Lane junction. The applicant has acknowledged that there will be a preference for some traffic to access the site via the Avenue C East/Wighill Lane Roundabout, which could provide a suitable second point of access. It is recognised that not all of this route is adopted and the applicant has agreed to upgrade the unadopted section of Avenue C East, which is in the applicant's ownership, to adoptable standard and offer for adoption. It is considered that this will provide a suitable second point of access. The unadopted section of Avenue C East should be included in a revised redline boundary plan.

10.6.5 It is acknowledged that the internal access route, which it is assumed is indicative only at this stage, accords with the design requirements of a Type 1 Connector Street, with a 6.75m wide carriageway, flanked by a 1m verge and 2m wide footways. This is acceptable in principle and would allow a bus route to be accommodated. However, it should be noted that a verge width of 3m would be required to sustain tree planting.

Trip Rates:

- 10.6.6 The transport assessment uses trip rates based on surveys undertaken at the existing residential developments of Woodland Drive and Walton Chase. It is acknowledged that the trip rates for the development of Spofforth Hill were derived from a single survey at Glebe Field Drive, Wetherby, which it is considered reflect car ownership levels and car travel mode share in the locality.

Impact of Development:

- 10.6.7 The use of alternative higher trip rates was requested by officers as a sensitivity test, so that the effect of using higher trip rates could be better understood. Highway officers are of the view that the assessment methodology should take a consistent approach with regard to trip rates and peak periods, which should be based on the identified local network peak hours, i.e. (07.30 08.30 and 16.30 17.30).
- 10.6.8 The surveys upon which the locally derived trip rates have been calculated suggest that the majority of school related travel takes place outside the network peak i.e. after 08.30. Highway officers are of the view that the primary purpose of trips during the morning network peak hour are journeys to work and that therefore no special consideration of education trips is needed. It is considered that any education trips occurring before 08.30 are likely to be escorting pupils to schools beyond the immediate locality or part of a linked trip the primary purpose of which is to travel to work. Highway officers are of the view that the proposed methodology is flawed and overestimates the proportion of education trips during the morning network peak hour.

Distribution/Assignment:

- 10.6.9 Highway officers are of the view that the surveyed turning movements to/from the developments of Woodland Drive and Walton Chase (used to calculate the trip rate) are a good reflection of how existing residential traffic is assigned on the local highway network and that this assignment offers the most appropriate representation of how traffic from the proposed development will be assigned on the local network.
- 10.6.10 It is unclear how the percentage distributions referred to in the applicant's latest technical note have been calculated. Highway officers are of the view that development traffic approaching the Wetherby Road/Wighill Lane/Walton Road junction should be assigned in accordance with the arrival/departure characteristics of the existing residential developments and local network peak periods, and that no special consideration of education trips is needed.
- 10.6.11 Highway officers remain of the view is that the proposed assignment methodology fails to assess the true impact of traffic generated by the proposed development, particularly its impact on the operation of Thorp Arch Bridge and Bridge Road/High Street junction, areas of the local highway network which are known to be sensitive to variations in traffic flow and vulnerable to congestion.

Thorp Arch Bridge and High Street Junction, and Wighill Lane/Street 5 Junction:

- 10.6.12 At present, highway officers are not convinced that signalisation of the Thorp Arch Bridge and High Street Junction is an appropriate form of mitigation in order to deal with the level of traffic that officers consider is likely. Due to the presence of on-street parking on the southern side of Bridge Road, which regularly obstructs the free flow of traffic between Thorp Arch Bridge and the High Street/Bridge Road junction, there are concerns regarding the validity of the modelling and whether this is a true reflection of how the junctions will operate in practice. There are also concerns regarding the cycle times, which are considered to be high and may

actually increase queueing during peak periods. Officers require that consideration should be given to other potential methods of managing/controlling traffic flows over Thorp Arch Bridge and through Boston Spa. At the time of writing, this view has been expressed to the applicant and they have indicated that they are willing to explore this further, potentially by making a financial contribution in order to pay for works, though it is not known what those works would involve in detail or the extent to which they would offer successful mitigation.

Highway Safety:

10.6.13 For ease of identification, officers have requested that the review of road traffic accidents should include a plan showing the location, accident reference and date of each accident. It is unclear from the junctions and connecting roads listed exactly what the extent of the assessment areas are. Safety Audits were requested in December 2016, though to date nothing has been submitted. Highway officers have some concerns regarding the design of the proposals and it is standard practice to request an independent third party safety audit. Subject to the findings, this may result in the need for further design changes.

10.6.14 Stage 1 Safety Audits area required for the proposed bus gate on to Church Causeway, the signalised Wighill Lane/Street 5 junction and signalised High Street/Bridge Road /Thorp Arch Bridge junction.

Accessibility:

10.6.15 The accessibility standards for residential development serving 5 or more dwelling are set out in the Leeds Core Strategy. Although these standards apply across the whole of the Leeds District, as this site is at the outer edge of the Leeds District some of the standards may be more difficult to be met and it may be reasonable to substitute Leeds, Bradford and Wakefield for York or Harrogate.

Buses:

10.6.16 The applicant has indicated that they are willing to commit to the costs of diverting the existing 770 / 771 Service through the site via the proposed bus gate on Church Causeway, which will provide a combined service frequency of 2 buses per hour between Leeds, Wetherby and Harrogate. Whilst this is welcomed this will only maintain the existing 30 minute service between Leeds, Wetherby and Harrogate, which, falls significantly below the required 15 minute service frequency to a major transport interchange. Highway officers are of the view that, in addition, peak hour services between Boston Spa and Wetherby should be funded at peak times to ensure there is sufficient bus capacity to serve the local schools and services. The applicant has indicated that they are willing to provide the requisite additional bus stops with real time information. A plan showing the indicative position of the proposed bus stops, together with 400m walking distance catchment area has subsequently been submitted. At the time of writing, highway officers are considering further information submitted by the applicant with regard to enabling enhanced bus provision.

Walking/Cycling:

10.6.17 Officers consider that clarification is required regarding the range of pedestrian and cycle facilities proposed. The view of Highways officers is that the existing pedestrian infrastructure is limited and/or unattractive and that this would be likely to increase reliance on the car.

10.6.18 The Council, in conjunction with Sustrans, is developing proposals to create cycle/pedestrian links from Walton to NCR 665 (Walton Cycle Link) and a link from Thorp Arch Estate to NCR 665 where it crosses the old railway bridge to the south

of the site linking to Newton Kyme. To enhance pedestrian/cycle accessibility the Council would otherwise be seeking the provision of / contribution towards the provision of these links, as well as improvements on the footway routes between the site and Walton, Thorp Arch and Boston Spa. This has been an area of discussion although, at the time of writing, the applicant has suggested that these measures could be funded as from the planning obligation that seeks sustainable travel measures.

- 10.6.19 Overall, the site currently falls significantly short of the Council's Accessibility Standard. From a transport perspective the site is not considered to be sustainable, resulting in a high reliance on the use of the private car. The rural location of the site exacerbates the limited public transport provision as journey times will also be unattractive. Improvements to the bus services and pedestrian and cycle infrastructure are possible to significantly enhance the accessibility credentials of the site, though these are currently matters which are still under discussion and unresolved.
- 10.6.20 Notwithstanding the above, it is recognised that there are other housing sites in the Outer North East area which are being promoted through the SAP, including site reference HG2-227 (land to the north of Wealstun Prison) with an indicative capacity of 142 units. It is also noted that recent appeals for other residential developments with similar accessibility issues have been allowed. As set out above, while there are concerns about the sustainability of the development in this location, it is possible that they could be resolved, but in the absence of sufficient information the application is also recommended for refusal on this basis.

Summary:

- 10.6.21 Highway officers are of the view that the traffic assessment methodology should use a consistent approach with regards to trip rates, peak periods and trip assignment, which should be based on the trip rates, identified local network peak hours and assignment characteristics of existing residential developments. Officers remain of the view that the proposed assignment methodology is flawed and fails to properly assess the true impact of traffic generated by the proposed development on the local highway network, in particular the impact and operation of the Thorp Arch bridge and High Street / Bridge Road junction.
- 10.6.22 The site currently falls significantly short of the Council's Accessibility Standards from a transport perspective and without sufficient investment in infrastructure, future residents would be overly reliant on the use of the private car. The rural location of the site exacerbates the limited public transport provision as journey times will also be unattractive. Reasonable opportunities to enhance the accessibility credentials of the site have not been provided so far, but are an area of ongoing discussion.

10.7 Landscape

- 10.7.1 As part of the 2013 planning application the applicant undertook a detailed tree survey. The submitted masterplan shows groups of trees and individual trees that are to be retained. This includes a significant number of trees that form part of the open land, wooded areas and tree buffers to the western and northern boundaries. The existing boundary planting, in combination with the buildings at Wealstun Prison, serve to screens views into the site from public vantage points outside of the Trading Estates boundaries. Accordingly, the wider visual impact of any development will be limited.

- 10.7.2 Whilst the earlier tree survey has not been submitted with the current application, a landscape masterplan and outline tree retention plan have been submitted, informed by the discussions around the extent of the Country Park and the need to retain the most ecologically sensitive parts of the site. Given the need to deal with remediation matters, as described above, and the proposal to confidence scrape in the development areas of the site, the submitted Environmental Statement assumes that all trees and vegetation within those areas would be lost. If permission were granted, following remediation of the site, subsequent reserved matters applications could consider the fine detail of relationships of buildings to retained trees.
- 10.7.3 Landscape issues are also important in creating an attractive environment for the new residents and in having regard to the established character of the area. Part of which, in the context of the estate, are buildings set in mature landscaped grounds. In this sense it is clearly desirable to retain as many of the trees that are in good health and are good specimens. Again, the detailed level of tree retention would only be known following remediation and the confidence scrape, but the intention is that the edges of the development cells and indeed the wider development site would be framed with a strong landscaping scheme, comprising a mixture of retained and/or new planting, as appropriate.

10.8 Conservation Area and Listed Buildings

- 10.8.1 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a Conservation Area, the Local Planning Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the Local Planning Authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses. Further, in accordance with paragraph 132 NPPF, great weight should be given to a designated heritage asset's conservation when assessing the impact of a proposed development.
- 10.8.2 In this instance, whilst the application site is largely outside the neighbouring Thorp Arch Conservation Area, a small part of the red line boundary incorporating the adopted highway along Church Causeway does fall within it. It is noted that Station House, the former station and engine shed, to the west of Church Causeway, are all Grade II Listed. There is also a Grade II listed gun emplacement on the eastern side of the Trading Estate.
- 10.8.3 In considering the proposals, they are entirely contained within the historic curtilage of the TATE and the strong landscape buffers to the western boundary ensure that there is not an adverse urbanising effect when viewed from outside the site, i.e. when viewed from Church Causeway to the west or south. The works associated with alterations to the highway and provision of the bus gate are considered to be relatively minor and would not have a harmful effect, thereby preserving the character and appearance of the Conservation Area and preserve the setting of the Listed Buildings.

10.9 Drainage and flood risk

- 10.9.1 The site falls within Flood Risk Zone 1 and is therefore at low risk of flooding. The applicant has submitted a comprehensive Flood Risk Assessment that the Council's Flood Risk Management Team, the Environment Agency and Yorkshire Water are all satisfied with, subject to the imposition of appropriate conditions relating to surface water drainage and groundwater protection.

10.10 Housing supply

- 10.10.1 The Council is not able to demonstrate a 5 year housing land supply and so a windfall development on this site could help to remedy the Council's 5 year housing land supply position in advance of the adoption of SAP. The test that then applies is whether any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. The conclusion of this test will be a material consideration to be weighed in the balance when considering whether material considerations exist to outweigh the presumption in favour of the development plan in accordance with Section 38(6).
- 10.10.2 In considering the above, officers have serious concerns about the traffic impact of the development and specifically its impact on Thorp Arch bridge. Additionally, at present there is a lack of information on how the development would be made acceptable in accessibility terms, which is of significant importance given the rural location, lack of public transport infrastructure and concerns about over reliance on the private car and traffic. Without a signed S106 agreement, it is unknown to what extent necessary planning obligations may be delivered. In the circumstances, it is considered that there are sound reasons as to why the adverse impacts would outweigh the benefits of otherwise granting planning permission.

10.11 Other Matters

- 10.11.1 The Hope Concrete Batching Plant located at Unit W40 within the application site is a protected facility under Policy 12 (Safeguarding Mineral Processing) of Natural Resources and Waste DPD. The loss of this facility in the absence of securing a replacement is considered to be contrary to policy. The applicant is currently in negotiations with the operator to secure the relocation of the plant to a site located in the south east corner of the existing TATE, off Avenue E, between units 333 and 372. The site is considered a convenient location set within the backdrop of Trading Estate and located a sufficient distance from residential properties.
- 10.11.2 In the circumstances that the Council were able to grant planning permission, it would be recommended that a planning obligation be required or that a condition be imposed that would secure the delivery of an appropriate alternative facility.
- 10.11.3 When the Local Planning Authority is able to determine major planning applications, it is common practice to include a planning obligation to deal with training and employment initiatives arising from the development. Whilst this would arguably form part of the S106 agreement if the Council were approving the application, officers are mindful of criticism from Inspectors on previous appeal decisions where it is considered that such an obligation, no matter how laudable, does not meet the CIL Regulations tests. Accordingly, it may not be possible to secure this in the circumstance that the appeal is allowed.

10.12 Section 106 obligations and CIL

- 10.12.1 In the circumstances that the Council were able to determine the application, any approval would also be subject to several planning obligations to be secured via a S106 agreement. The S106 Agreement would include the provision and delivery of affordable housing, housing for independent living, greenspace, travel planning, public transport enhancements, local facilities, off-site highway works and training and employment clauses.
- 10.12.2 The applicant has already intimated that there are viability concerns in relation to the scheme, though a viability assessment has not been submitted as yet. Such an assessment would be subject to independent scrutiny on behalf of the council. In circumstances where there is a justifiable viability issue, it will be necessary to look at the overall package of planning obligations and take a view on what the priorities are in each case.
- 10.12.3 Notwithstanding the above, the applicant has signalled that they may not be able to achieve a scheme which is fully policy compliant in terms of affordable housing. For this part of the city, the affordable housing requirement is 35% in accordance with Core Strategy policy H5. Accordingly, the development should seek to meet this requirement in the first instance. Of course, Members may signal that they have different priorities, but this can only be debated once the Council is furnished with further information on this. Matters such as secondary school contributions will be addressed through the Community Infrastructure Levy.

11.0 Conclusion

- 11.1 It may be that over time officers could have, through continued negotiations with the applicant, overcome the technical highway issues, as well as the provision of those matters currently identified as planning obligations, so as to be able to recommend approval. However, in the circumstances of an appeal being submitted, the Local Planning Authority must assess the application as submitted. The serious concerns about the accessibility of the site and the lack of sufficient information at this time are noted and again, in time these matters could otherwise have been resolved.
- 11.2 Whilst a viability appraisal has yet to be submitted to the Council, it is known that the abnormal cost of remediation would otherwise likely impact on the planning obligations achievable. Again, in the circumstances that the Local Planning Authority could make a decision, Members would need to take an informed view on the benefits of delivering a residential led development on this site. As matters stand, officers do not know what the level of affordable housing might be and there is currently no S106 agreement. Officers reserve the right to bring a future report to Members on viability matters at the appropriate time in order to agree a position from which the Local Planning Authority can defend the appeal. It is also noted that the applicant has submitted a second identical planning application with a view to seeking resolution on the outstanding matters.
- 11.3 Notwithstanding the above issues, officers consider that, on balance, the principle of development is acceptable, acknowledging the potential concerns around loss of employment land. Whilst these concerns are noted, it is not considered that they are so substantial that they could be substantiated as reasons for refusal which could subsequently be robustly defended at appeal. Additionally, weight should be given to the delivery of much needed housing, unless the grant of permission would

significantly and demonstrably outweigh the benefits – as is the case here, due to the concerns outlined above.

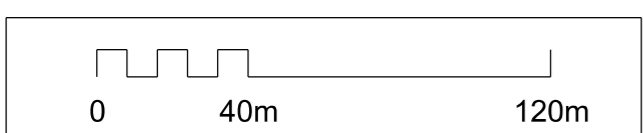
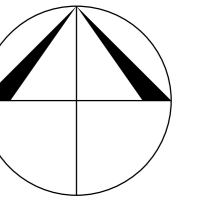
- 11.4 Whilst the application is in outline with all matters reserved, the illustrative masterplan is considered to offer a positive approach to developing the site – acknowledging the heritage aspect of the layout of the estate, retaining the most ecologically sensitive areas and promoting the country park, together with a network of greenspaces through the development. The provision of the local centre, care home and primary school are also welcomed. The Council's lack of a 5 year housing land supply is such that, in principle, the delivery of a significant amount of housing on this site would also be welcomed, as would the economic contribution that such a development would make.
- 11.5 As a former ROF site requiring remediation in order to make it suitable for the uses proposed, officers have carefully considered the technical approach to the proposed method of site investigation and dealing with contamination, which is considered to be acceptable. It is noted that the applicant has also chosen to undertake a confidence scrape for the development and/or sensitive parts of the site. It is understood that the abnormal cost of remediation is likely to have an impact on the level of affordable housing that can be achieved (on which a view must be formed once a viability assessment is submitted), but the remediation itself is not considered so costly as to render the scheme entirely unviable.
- 11.6 Despite the positive components and effects of the application proposals, it is considered that these are outweighed by the significant detrimental impact that the development would have on the local highway network, as well as the lack of certainty of affordable housing and planning obligations that might otherwise be contained within a S106 agreement. It is noted that these matters, particularly the highway impact, are significant issues in representations received locally. On this basis, officers recommend that Members should be minded to refuse the application for the reasons specified. These reasons will then form the basis for defending the appeal at public inquiry.
- 11.7 Members should note that as part of the appeal process, there is an onus placed on both parties to continue to discuss the proposals with a view to narrowing the issues between them. It is likely that the applicant, in preparing for the appeal, will submit a draft S106 Agreement and this may serve to overcome the concerns raised in Reason for Refusal 2.

Background Papers:

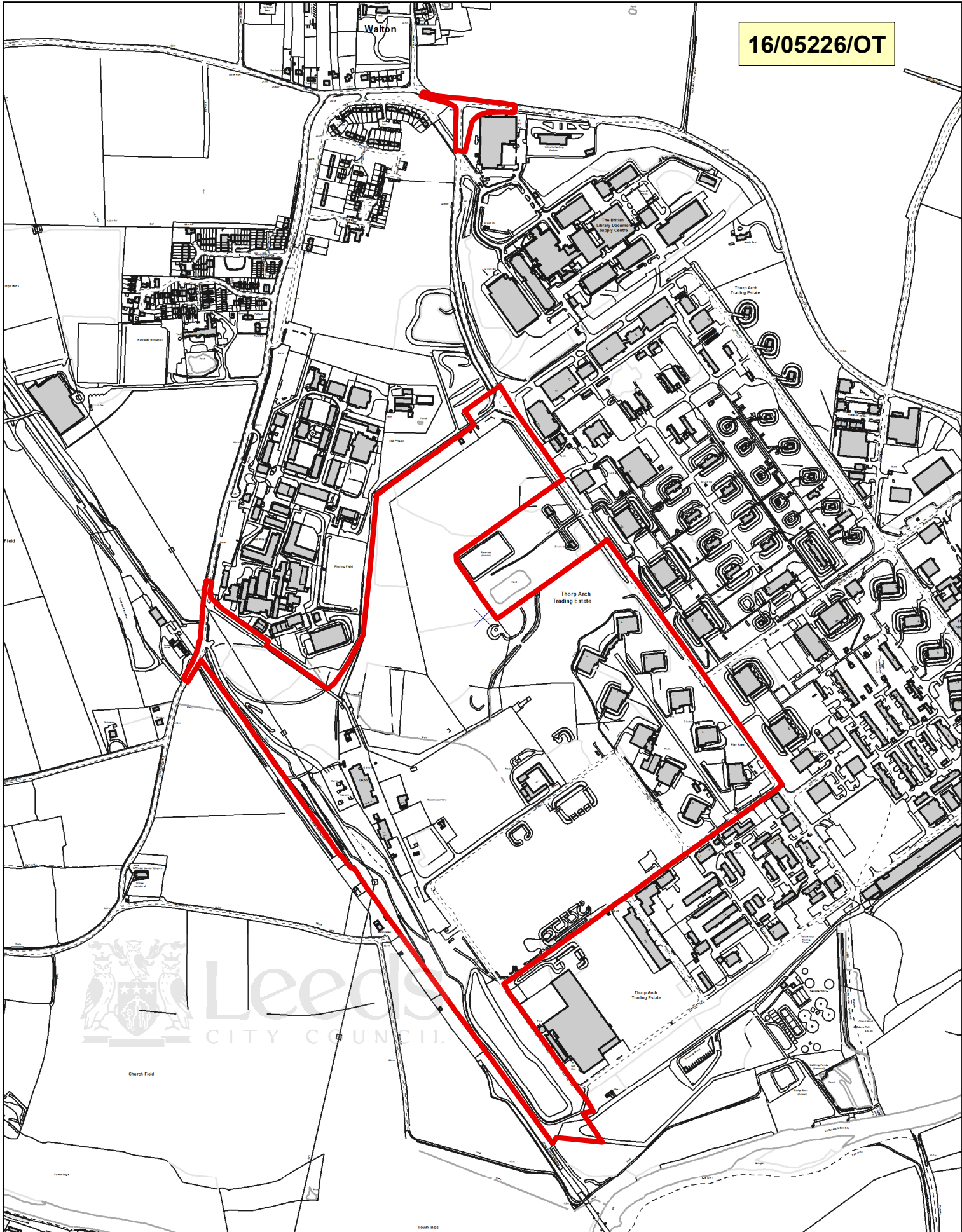
Application file: 16/05226/OT

Notice served on Leeds City Council (in respect of highway works)

ILLUSTRATIVE MASTERPLAN



16/05226/OT



CITY PLANS PANEL





Originator: Ian Cyhanko

Tel: 0113 2474461

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 27th April 2017

Subject: Planning Application 16/05198/FU

Proposal for demolition of existing buildings and construction of multi-level development comprising 224 apartments and commercial unit with associated parking and landscaping, at Land At Corner Of Whitehall Road And Springwell Road, Holbeck, Leeds, LS12 1AW

Applicant: Citylife

Electoral Wards Affected:

Beeston and Holbeck

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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

- Affordable Housing commuted sum of £634, 474
- Employment and Training for Local People
- Contribution of £15,000 Traffic Regulation Order (including car club space);
- Contribution of £5,000 Loss of revenue for lost parking space for Car Club space;
- £15,000 Car Club fund for residents;
- £38,900 Sustainable Travel Fund; and
- £3,120 Travel Plan Monitoring fee.

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.

Conditions

1. Time limit – 3 years.
2. Development to be carried out in accordance with approved plans.
3. Section 106 agreement.
4. Wall, paneling and roofing materials to be submitted and approved.
5. 1:20 section of junctions and window reveals to be submitted
6. Vehicle areas laid out prior to occupation.
7. Cycle parking.
8. Construction Management Plan to be submitted and approved prior to commencement of development
9. Provision for contractors during construction.
10. Development not to commence until drainage drawing, calculations detailing surface water have been submitted to, and approved in writing.
11. Development not to commence until Ground Floor levels, including basement entry level have been submitted to, and approved in writing by the Local Planning Authority.
12. Full Landscaping (including tree, planting, surfacing and boundary treatments).
13. Landscape management plan to cover maintenance of all new landscaping for the first 5 years, and the management of on-site open space and areas of landscaping not within individual plots for the lifetime of the development.
14. Specialist landscape management for the lifetime of the development to cover all landscaping upon the private roof terraces.
15. Details of extraction ventilations systems form ground floor uses to be submitted to, and approved by the LPA.
16. Details of Grease Trap
17. Details of bin storage and enclosures.
18. Deliveries including refuse collection restricted to 08:00 to 20:00 Monday to Friday and 08:30 to 16:00 on Saturday with no deliveries on Sundays
19. Hours of Ground floor uses restricted between 08:00 and 23:00 hours
20. Limit of 55dB at the nearest noise sensitive premises to plant and machinery
21. Submission of Phase 2 contaminated land survey
22. Amended remediation statement in the event of unexpected contamination.
23. Verification reports following remediation.
24. Importing of soil (to be tested)
25. Removal of asbestos
26. No construction or deliveries to be understand outside the hours of 08:00 and 18:00 Mondays to Saturdays

1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel for a decision. The application was previously presented to Members of the City and Strategic Panel on 7th July 2016, to gain Members views on the emerging plans, at the pre-application stage. The main concern of members was the fact that some flats did not meet with the national described spacing standards. The plans have since been revised to make the 2-bed flats larger in size, so that now all of the units meet with the national spacing standards (on lower levels of occupancy). The number of units has also increased by 9, from 215 units to 224. This has been achieved by having an additional floor to the lowest part of the building. The lowest part of the building is now 4 storey's in height, not 3, as previously proposed at the pre-application stage.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site lies at the junction of Whitehall Road, Springwell Road and Springwell Street, in an inner city part of Leeds, which is located in an area of transition just outside the boundary of the city centre. The site is also located along the Whitehall Road corridor, which is a main vehicular route, heading south-west from Leeds Train Station. The site is currently occupied by a low rise, industrial shed type buildings. It is not clear what the previous use of these buildings were. The form of these buildings is considered to be poor and there is no objection to their demolition.
- 2.2 The site lies in area which historically was characterised by heavy industry and the railway. As the historical industries have ceased, many nearby sites have been cleared and benefit from planning consent for large, new mixed uses which are predominantly residential blocks.
- 2.3 The most notable site nearby is the Green Bank site which lies directly to the north of this site, across the adjacent train line. The Latitude building at the former Doncaster Monk Bridge site lies nearby on the opposite side of Whitehall Road. Heading north, towards Leeds Train Station, there is a number of large scale office currently under construction along the Whitehall Road corridor, such as Wellington Place, and recently completed developments include a new Premier Inn hotel, and a large mixed used development 'Central Square' on the former Lumiere site. Directly south of the site is a relatively modern 4 storey mixed use block which accommodates a carpet and sandwich shop on the ground floor, with flats above.
- 2.4 The western edge of Holbeck Conservation Area and Holbeck Urban Village lies approximately 300m to the east of the site. Holbeck itself lies about 400m to the south west. The site is unallocated through the Leeds UDP.

3.0 PROPOSAL

- 3.1 The proposal is for a new residential apartment block, which steps up in height, from 4 storeys up to 16 storeys, with ground floor commercial units. The proposal comprises of 224 apartments, some with external roof terraces. The proposal is to be constructed from brick. It is proposed for all apartments within the block to be Private Rental Sector model (PRS model). This is a model where the freehold of the building is retained and all the apartments would be owned and managed by a sole company, and only available on the rental market.
- 3.2 The proposal comprises of the following residential units.
- 45 x studio apartments
 - 95 x one bed apartments
 - 69 x two bed apartments
 - 15 x three bed apartments
- 3.3 Two of the flats on each floor have a sizable external roof terrace (created by the stepped form of the building), these vary in size but most offer spaces between 36 sq m and 42 sqm. 53 parking spaces are proposed for the apartments. The parking area is located to the rear of the building and has a landscaped deck roof which will offer the future occupiers a further sizable external amenity area, which is approximately 650 sq m in size.
- 3.4 The ground floor includes two cycle store areas at 100 sq m and 31 sq m, two other stores at 35 and 48 sq m each, two offices each at 33 sq m, a plant room at 66 sq

m, and a 520 sq m of commercial space divided into two units (160 sq m and 384 sq m) with the following uses - A1, A3, A4, B1.

4.0 HISTORY OF NEGOTIATIONS AND PLANNING HISTORY

- 4.1 Officers have had one pre-application meeting with the developers and their professional team in June 2016. This was also attended by highways and design officers. At the meeting the proposal to redevelop the site was welcomed and advice was given on housing mix; elevation treatment; need to be in accordance with the Tall Buildings SPD; landscaping of the site and the building; parking numbers; access matters; trip generation; affordable housing provision (5% of total) etc. The applicants were also informed of need to address potential obligation issues including affordable housing, greenspace, Travel Plans etc. and the need to undertake wind study analysis and impact on views.
- 4.2 The developers presented this proposal to Holbeck Neighbourhood Forum on 14th May, where Councillors Gabriel and Ogilvie were in attendance. The emerging plans were presented to City Plans on 7th July 2016.
- 4.3 There is no relevant planning history to this site which is concerned with the comprehensive redevelopment of the site.

5.0 PUBLIC/LOCAL RESPONSE:

- 5.1 The application was publicised by site notices which were posted adjacent to the site on 1st September 2016. An advert was also placed in the local press on 23rd September 2016. To date, the only representation received to the application has been from Leeds Civic Trust, who has confirmed their support to the application. The points made in their letter, are highlighted below.

- The scheme is 'trailblazing' in a unloved corner of Holbeck
- Support new people living in central Leeds City Council
- Hope the traffic island in front of the site is closed, and turned into a small pocket park

- 5.2 All three Ward Members, Councillors Congreve, Ogilvie, and Gabriel have confirmed their support to the application.

6.0 RELEVANT PLANNING POLICIES

- 6.1 National Planning Policy Framework (NPPF)
The National Planning Policy Framework (NPPF) came into force in March 2012 and represents the government's commitment to sustainable development, through its intention to make the planning system more streamlined, localised and less restrictive. It aims to do this by reducing regulatory burdens and by placing sustainability at the heart of development process. The National Planning Policy Framework (NPPF) sets out the Governments planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so.

The NPPF identifies 12 core planning principles (para 17) which include that planning should:

- Proactively drive and support sustainable economic development to deliver homes.
- Seek high quality design and a good standard of amenity for existing and future occupants.
- Encourage the reuse of existing resources, including conversion of existing buildings.
- Conserve heritage assets in a manner appropriate to their significance.
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

The NPPF states that LPA's should 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 to residential use where there is an identified need for additional housing in the area (para 50).

Planning should proactively support sustainable economic development and seek to secure high quality design. It encourages the effective use of land and achieves standards of amenity for all existing and future occupiers of land and buildings. One of the core principles is the reuse of land that has previously been developed. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF states that local authorities should deliver a wide choice of homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (para 50).

On 6 March 2014 the Government launched the National Planning Practice Guidance, which brought together most national planning guidance and circulars under one web-based resource.

Development Plan

6.2 The Leeds Core Strategy was adopted by the Council on 12th November 2014. This now forms the development plan for Leeds together with the Natural Resources & Waste Plan and saved policies from the UDPR. A number of former UDP saved policies have been superseded by Core Strategy policies and have been deleted as a result of its adoption. Appendix 1 of the Core Strategy provides a full list of 'deleted' UDP policies and policies that continue to be 'saved' (including most land use allocations). Relevant Saved Policies would include:

- Policy BD2 (Design and siting of new buildings)
- Policy BD5 (All new buildings and amenity)
- Policy GP5 (All planning considerations)
- Policy LD1 (Landscaping)

6.3 Relevant Core Strategy Policies include:

- Spatial Policy 7 – Sets out the spatial distribution of the district wide housing requirement between Housing Market Characteristic Area. The site is in the City Centre HMCA with a requirement to provide 10,200 units (2012-28) Being consistent with the site allocation in the draft AVLAAP, the proposed development will contribute to the achievement to the housing targets set out under both the above policies.

- Spatial Policy 8 states that training/skills and job creation initiatives would be supported by planning agreements linked to the implementation of appropriate developments given planning permission.
- Spatial Policy 11 – Transport Investment Priorities – includes a priority related to improved facilities for pedestrians to promote safety and accessibility, particularly connectivity between the edges of the City Centre and the City Centre itself.
- Policy EC3 – Safeguards existing employment land and industrial areas unless specific criteria are met.
- Policy H2 – New housing development on non-allocated sites & Policy T2 accessibility requirements – refers the capacity of infrastructure and accessibility standards in Appendix 3. Links to local shops, primary schools, secondary schools, parks and employment locations are important.
- Policy H3 – Density of development. A minimum density target of 65 dwellings per hectare is set for edge of centre locations.
- Policy H4 says that developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long-term taking into account the nature of the development and character of the location.
- Policy H5 – Affordable Housing. The affordable housing requirement would be 5% of the total number of units, with 40% for households on lower quartile earnings and 60% for households on lower decile earnings
- Policy EC3 Safeguarding existing employment land and industrial areas.
- Policy G4 – Open space requirements. Outside the City Centre the normal requirement is 80 sqm per dwelling. The delivery of a proportionate amount of open space per dwelling, both private and shared communal, and the provision of public realm, is important and is currently being discussed with the developer. Contribution to specific off-site greenspace enhancements to mitigate a shortfall on-site may be required.
- Policy G9 Biodiversity improvements
- Policies EN1 & EN2 Policy set targets for CO2 reduction and sustainable design & construction, including meeting the energy and carbon emissions reduction targets of the former Code for Sustainable Homes Level 4 and at least 10% low or zero carbon energy production on-site.
- Policy P10: Good design appropriate to its scale and function.
- Policies T1 and T2 identify transport management and accessibility requirements for new development.

6.4 Natural Resources & Waste Plan

The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies regarding flood risk, drainage, air quality,

trees, and land contamination are relevant to this proposal. The site is within the Minerals Safeguarding Area for Coal (Minerals 3) and Sand and Gravel (Minerals 2).

6.5 Relevant Supplementary Planning Guidance includes:

- SPD Street Design Guide
- SPD Travel Plans
- SPD Building for Tomorrow Today: Sustainable Design and Construction
- SPG Neighbourhoods for Living
- SPD Parking
- Tall Building Design Guide SPD 2010
- Emerging Holbeck Neighbourhood Plan (Draft May 2016) encompasses the following matters;
 - Need for affordable housing.
 - Need for single bedroom properties, larger family homes (4 beds plus) and independent living facilities.
 - Provision of pedestrian and cycle links, and green corridors, along with active frontages. Encourage cross links between Holbeck and Holbeck Urban Village.
 - Encouraging a mix of uses in appropriate areas, improving look of the area, enhanced public realm.
 - The application site is marked as for general employment/commercial uses, within the strategic green infrastructure, and the small triangle of land in the road junction to the front is earmarked as local green space.

Other material considerations

6.6 Vision for Leeds 2011-2030

One of the aims is that by 2030 Leeds' economy will be more prosperous and sustainable. This includes having a skilled workforce to meet the needs of the local economy, and creating significant job opportunities. The vision also states that Leeds will be a great place to live, where local people benefit from regeneration investment, and there is sufficient housing, including affordable housing, that meets the need of the community.

6.7 The Leeds Standard

The Leeds Standard was adopted by the Council's Executive Board on 17 September 2014. The introduction of a Leeds Standard seeks to ensure excellent quality in the delivery of new council homes under three themes: Design Quality, Space Standards and Energy Efficiency Standards. It sets out how the Council can use the Leeds Standard in its role as Council landlord through its delivery and procurement approaches. Through its actions the Council can also seek to influence quality in the private sector. Those aspects of the Standard concerned with design quality will be addressed through better and more consistent application of the Council's Neighbourhoods for Living guidance. The Leeds Standard sets out the importance of excellent quality housing in supporting the economic growth ambitions of the council.

7.0 MAIN ISSUES

- Principle of Development
- Design / Landscaping Matters
- National Spacing Standards/ Level of Amenity Offered to Future Occupiers
- Car parking provision and accessibility

- Over-looking/ Over-shadowing
- Wind Issues
- Affordable Housing
- S106
- Conclusion

APPRAISAL

7.1 Principle of development

The principle of this application lies with development of an under-used site, which is currently used for parking and storage, on an unallocated site, for a predominately residential use. The site lies just outside the boundary of Leeds city centre, on a strategic route (A58) in and out of the city centre which leads to Leeds Train Station. It is considered that the proposal accords with both national and local planning policy on new build housing, and developing and regenerating brownfield sites, within existing urban areas.

7.2 SP4 of the adopted Core Strategy identifies South Leeds as a Regeneration Priority Programme Area, where priority is given to improving housing quality, affordability and choice. Policy SP6 identifies the need for 70,000 new homes within Leeds over the Plan period from 2012 to 2028, with 500 per annum being delivered from small and unidentified sites. It is considered that the proposal will make an important contribution towards housing delivery and complies with policy SP6.

7.3 Policy H1 of the adopted Core Strategy states that 65% of new housing, within the first 5 years of the plan period (2012- 17) should be delivered on brownfield sites. Policy H2 supports new housing development on non-allocated land providing that:

- (i) The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development,
- (ii) For developments of 5 or more dwellings the location should accord with the Accessibility Standards in Table 2 of Appendix 3.

It is not considered that the proposal exceeds the capacity of transport, educational and health infrastructure. Highways have raised no objections to the proposal with regard to the impact on the local highway network, this issue is discussed in full later in this report in paragraph 7.22. CIL contributions would be made available to provide additional health care and education provision. Given the size of the units proposed, and location of the development it is considered the demand on education provision would be very minimal. It is also considered the proposal complies with the adopted Accessibility Standards. The site lies adjacent to the boundary of the city centre and is within a 10-15 minutes' walk to local services both within the city centre and Holbeck. Imgram Road Primary School (within Holbeck) is within a 20 walk and direct bus service from the site, and Ruth Gorse Academy, Black Bull Street (secondary school) is also within a direct 30 minute walk from the site.

7.4 Policy H3 states that in 'fringe' locations such as this, housing development should meet or exceed 65 dwellings per hectare. This site has an area of 0.3 hectares, and 224 apartments are proposed. This works out at a density of 746 units per hectare, which is way in excess of the minimum density requirements, and provides a very efficient use of the site.

7.5 Although the proposed development does provide a mix of unit sizes, the number of 3 bed units is under the minimum requirements of policy H4. The table below highlights Policy H4 (Housing Mix) outlining the suggested min. and max levels of accommodation sizes and the proposed mix of accommodation:

Size	Max%	Min%	Target%	Actual Number	Actual %
1 bed	50	0	10	140	62.5
2 Bed	80	30	50	69	30.8
3 bed	70	20	30	15	6.7
4 bed	50	0	10	0	0

7.6 As can be seen the proposal does not provide for the target identified in Policy H4 however it does reflect the draft neighbourhood plan, which calls for single bedroom properties, larger family houses (4 beds +) and independent living facilities. Whilst the proposal does not provide the latter two, it would not necessarily be felt appropriate to have larger family housing within such a flatted scheme due to the lack of immediate outdoor amenity space. Given the proximity to the city centre, it is likely that the demand for single room units would be higher and could help to take the demand away from the existing larger terraced properties in Holbeck which are under threat of conversion to HMO's and flats.

7.7 The principle of this application is very much supported. The proposal would regenerate an unused brownfield site, which is located in a very sustainable location. The proposal would provide a new quality building, pushing the regeneration of this part of Holbeck further south along the Whitehall Road corridor, and the development has the potential to act as a catalyst to promote further regeneration in this part of Holbeck, and provide a new link, activity and focal point between the new developments which are sited to the east and within Holbeck Urban Village, such as Tower Works and the new developments situated along the Whitehall Road corridor. The proposal would provide an active ground floor frontage, and a degree of interaction with the street scene.

Design / Landscaping Matters

7.8 The proposal steps up in height from 4 storey to a peak of 16 storeys (81m). It is considered that the proposal complies with the general design principles of the adopted 'Tall Buildings' SPD which is that the site would provide a gateway along one of the routes to the train station, at the end of an existing ribbon of tall buildings that stretches out along Whitehall Road (including buildings still under construction or proposed). The design has taken on-board comments made by Officers at the pre-application stage, with regard to the building being constructed from a single brick material, this is contextual to Leeds. It is considered having a single brick material as opposed to a mixture of brick colours, gives the building an increasing simple and elegant appearance. It is considered that the panels located to the side of the windows, within the recessed window openings should be a simple linear appearance as opposed to some of the more complicated and heavily patterned options. It is also considered that the windows arrangements within the recessed sections which have been simplified, also create a gentle and simple pattern within the elevations, which aids the quality of the development.

7.9 The elevation has as a very simple ordered appearance. The brickwork grid creates a frame for identical openings in which the windows and recessed brick panels sit. Variety is created, both with a subtle change in window type, and the introduction of

a coloured panel set in place of the brick recess. Windows are vertically proportioned, high performance, dark grey PPC aluminium framed. They are set within an equal opening that is split into three equal sections of which either double doors, 2 x single windows, or a single window sit. The remainder is predominantly a recessed brick panel with the exception of approximately 30% that is replaced with a coloured panel to add interest and variety. It is considered the rising height of the building, from 4 storeys to 16, reduces significantly the mass of the building and creates visual interest, whilst creating a striking landmark building which successfully provides assimilation with the relatively low heights of the surrounding buildings.

- 7.10 It is noted that the building will appear tall within the context of the current surroundings, which comprise of low rise warehouses and cleared sites. However it is important to note that this section of the Whitehall Road corridor is likely to change in the future. Pre-application discussions have commenced on the opposite site, which was occupied by Polestar printers for a high density residential scheme. Members will recall a pre-application presentation which was given recently on 27th October 2016, upon the former Doncaster Monkbridge site, for a residential block which reaches 21 storeys in height, which lies on the opposite side of Whitehall Road, to the north-west.
- 7.11 The planting of trees along the Whitehall frontage is again something which is very much welcomed by Officers and will continue the boulevard theme of tree planting which is emerging along Whitehall Road. Nearby recent developments such as Whitehall Place and Latitude (Doncaster Monkbridge site) have all included tree planting along Whitehall Road. This also fits with the aspirations of the emerging Holbeck Neighbourhood Plan to provide 'green corridors'. This will contribute towards the quality and perception of the Whitehall Road as a main route leading to and from Leeds Train Station.
- 7.12 The Landscape Officer has raised concerns regarding the longevity and health of the landscaping which is proposed for the roof terraces due to the exposed location and heights of these areas. Further details on this landscaping have been submitted including information on trees types and soil volumes. These details confirm both evergreen and deciduous trees are to be planted on the roof terraces in planters which are 1m in height and offer soil volumes of 4 cubic metres, which will include an irrigation system. The wind issues of this application are detailed in full in this report in paragraphs 7.25 – 7.30. The landscaping upon the roof terraces do not part of the wind mitigation measures to ensure safe and comfortable conditions for people at ground level on the street, but its function is to reduce wind levels on these external terraces, to ensure they are useable and comfortable to the future occupiers. The maintenance of all of the landscaping within the roof terraces will require specialist care, and this will be secured by a planning condition.
- 7.13 At the pre-application stage, there was a discussion regarding the potential to include a small area of highways land, which is triangle in shape (historically accommodating a Public Convenience, now demolished) which lies between Whitehall Road, Springwell Road and Springwell Street. This discussion included closing off part of Springwell Street, to increase the area of landscaping and public realm in front of the building. Officers have queried why this scheme has not been proposed as part of this planning application. The agent has replied by stating this land is not within their control and ownership, and could be developed using CIL money with the Neighbourhood Forum by the Council.

7.14 The development offers a large communal roof terrace, above the car park, and 20 apartments have individual roof terraces. The size of the units varies from studios, to 3 bed apartments. Leeds have adopted a set of Standards, based on the Department for Communities and Local Government Technical nationally described space standards, and this applies to Council Housing. When looking at private housing schemes it is appropriate to assess the scheme against either the Leeds Standard or the DCLG standard, both will carry limited weight at the moment due to the fact that we do not yet have adopted policy for private developers. However they do provide a useful guide against which to assess the practicalities and amenity provision of a housing scheme. When the application was presented to Members at the pre-application stage, Members raised concerns on the size of 2 – bed flats as they did not meet the DCLG housing standard. The plans have been amended to address these concerns and now all the flats meet with the minimum DCLG minimum size standards.

7.15 The table below shows the size of the proposed apartments, against the DCLG Standards, it should be noted that the size standards apply to gross internal floor areas and the figures given are minimum sizes.

	Proposal – square metres (minimum size)	DCLG housing standards – square metres
Studio	31	n/a
One bed	37	37
Two bed	61	61
Three bed	74	74

7.16 The Local Government Technical nationally described space standards, does not explicitly identify the minimum space for a studio flat, i.e one which lacks a separate bedroom. Other recent approved scheme in Leeds, such as the redevelopment of Centenary House, North Street (which gained planning approval on 31.10.16) granted consent for studio flats which are 33 sq m in size. It is considered that the 31 sq m proposed in this instance is typical of the size of studio flats, which do not have a separate bedroom area. The size of the studio flats was not raised as an issue by Members when the scheme was considered at the pre-application stage.

7.17 It is noted that the bedroom sizes given here are those for the lowest number of people considered to reside in each type of accommodation. The National Space Standards provides varying sizes of accommodation depending on both the number of bedrooms and the number of occupants, so for example whilst a one bed, one person flat should be 37 sq m, a one bed, two person flat is recommended to be 50 sq m. More recently Plans Panel have been considering space standards based on the “worst case” scenario, or the maximum number of people recommended for the number of bedrooms. This ensures the unit is an appropriate size for all intended residents as it is not possible to control the number of occupants within a unit. However, at the time that this application was presented to Plans Panel at the pre-application stage this was not the approach taken, and consequently it is seen as unreasonable to insist on compliance with the larger sizes for this particular scheme. This would not prejudice the determination of other schemes on the “worst case” scenario. It is important to note this scheme does meet with minimum spacing

standards based on bedroom numbers alone, but not the maximum occupation of the bedrooms in terms of number of people.

- 7.18 It is not considered the two ground floor commercial units which total 520 sq m in size, would have an adverse impact on the residential occupiers of the upper floors. As the proposal is for an entire new build scheme, the building will be constructed to provide a noise buffer to the residential occupiers. Quite often, conflict exists between differing uses when the building is old, and been converted and there is no scope to 'design out' potential conflict issues. Within Leeds City centre there are successful examples of residential units co-existing above commercial units in mixed used developments such as Leeds Dock (formerly Clearance Dock). Conditions are recommended which relate to openings hours (08:00 until 23:00) which is considered to be acceptable within an inner-city location such as this. Other conditions including sound insulation are proposed, and further conditions which relate to extraction and ventilation equipment, should the commercial units be occupied by a hot food / restaurant use.

Over-looking/ Over-shadowing

- 7.19 The proposal will introduce a new residential block, in an inner area which historically has been an industrial and commercial area. The proposal will be significantly taller than any surrounding properties and as such there are no over-looking issues envisaged. Similarly it is not considered that the proposal would prejudice the development of adjacent sites. A distance of 20m lies to the former Polestar printing site, which lies opposite across Whitehall Road. It is likely that this site will come forward in the near future for residential development, and any development upon this site will be set within the site, and not directly adjacent to the highway, further increasing this distance. The site lies approximately 80m to the south-west, of the Green Bank site, which lies on the opposite side of the train line.

Car parking provision and accessibility

- 7.20 The scheme proposes 53 covered car parking spaces, which would equate to 23.6% parking provision. The site is located in a sustainable location with good access to public transport on Whitehall Road and is located approximately 1km (1/2 mile) to Leeds City Train Station, which is within a good walking distance. The facilities of the City Centre are also within walking distance, and there are also shops, restaurants, bars, gyms etc. along Whitehall Road and its environs. Highways have raised no objection to this level of parking. It is considered that future occupiers of this development would choose this development, due to its proximity to the Train Station and city center, and the fact most amenities are within reach, without the need to own a car.
- 7.21 It is not considered the proposal would be occupied by persons where car ownership levels are high. The anticipated low levels of car ownership are also strengthened by the type of housing proposed (flat development of a high density) is typically occupied by professionals, on a relatively short term basis, before they enter the housing market as owner occupiers. Experience within Leeds on other city center and inner city flats scheme has shown car ownership is low. It is also not considered that the proposal would lead to high levels of on-street parking surrounding the development. All of the adjacent streets are subject to Traffic Regulation Orders and the nearest unrestricted street parking lies approximately 750m away to the south. It is not considered this distance would encourage car ownership. Cycle parking is been provided at one space per unit.

- 7.22 Similarly, due to the low levels of car ownership within the site, it is anticipated that the Vehicular Trip Generations will be low. Using methodology based on

comparable flats, on developments over 80 units and town and edge of center locations, it is anticipated there would be 40 vehicular movements in the AM peak, and 42 in the PM peak.

7.23 The following off-site highway works have been agreed with the agent as part of the development proposals.

- £15,000 Traffic Regulation Order (including car club space);
- £5,000 Loss of revenue for lost parking space for Car Club space;
- £15,000 Car Club fund for residents;
- £38,900 Sustainable Travel Fund; and
- £3,120 Travel Plan Monitoring fee.

7.24 Highways Officers have also requested funding at a cost of £65,000 to fund a pedestrian/ toucan crossing at Whitehall Road, opposite the site. The applicants have declined to make this contribution stating it is not required to make the development acceptable in highway terms. It is not considered the application could be resisted on this ground alone. There is a crossing located approximately 192m away, further along Whitehall Road which offers a safe place for pedestrians to cross. At present the opposite side of Whitehall Road is derelict site, which was formerly occupied by the Polestar Printworks site, and suffered considerable fire damage in October 2016, during demolition works.

Wind Issues

7.25 The application has been supported by a full wind study, given the fact the proposal is for a tall building, in an area which is characterised by low rise buildings. Leeds City Council appointed ARUP as consultants to review this wind study. The study tested the existing situation, the situation with the proposed building, and the situation with the proposed building and mitigation measures. The methodology used demonstrates that by adding the building wind conditions across the site are made windier than exists already.

7.26 The increase in wind conditions can result in what is termed as “uncomfortable” conditions which should be avoided. The windier conditions are caused by channeling, corner accelerations and downdraughting as a result of the new building. During the summer months conditions are typically calmer overall. The roads around the site are also affected, and in the case of Whitehall Road, where it is proposed to site commercial units, then the channeling of wind down here will result in wind conditions that are too windy to be comfortable for people strolling through the area (due to the presence of retail units). Around the area of the southern stairs channelling between the blocks results in wind situations which are uncomfortable (this is described as wind that is a nuisance for most activities and wind mitigation is recommended). The podium communal roof terrace recorded winds as sitting and standing conditions which is considered acceptable. The rooftop terraces had wind conditions suitable for sitting and standing use. As sitting uses are generally desired in private amenity spaces the aim is therefore to achieve a sitting comfort level so mitigation would be required. This has been done with landscaping,

7.27 With regard to safety concerns these are measured by finding areas of Strong winds (over 15m/s for comparison this equates to Beaufort Force 7, near gale conditions when whole trees are in motion). A number of areas around the building were identified as exceeding the safety threshold.

- 7.28 The consultants have then implemented mitigation measures and tested the effects that these have on wind conditions in and around the new building. The mitigation strategy includes the following measures:
- Main building set back 1.5m on Whitehall Road frontage.
 - Three storey high undercut at the northern corner.
 - Northern corner chamfered.
 - Deflector canopy at the north western façade consisting of six, 4m square deflectors angles at 60 degrees (6.4m in height).
 - Twenty 6m high evergreen trees at ground level on Whitehall Road and to the north of the Proposed Development.
 - Porous screens near the northern corner at thoroughfare edge.
 - 3m wide by 6m high porous screen to south of the billboard on site boundary.
 - 2m high porous fence around the northern site boundary.
 - Southern stairs removed and a screen.
 - Billboard rotated to face Whitehall Road.
 - 5m high deciduous trees on the podium.
 - Hedges and trees have been added to balconies.
- 7.29 Revised plans have been submitted which include amendments and alterations to include these mitigation measures. The applicants have confirmed the proposed wind baffles are on land within their ownership and not upon the adopted highway. The impact of these mitigation measures was to reduce wind levels to those deemed appropriate for the area being measured. Perhaps most importantly however was that the mitigation measures resulted in there being no instances of wind speeds over the 15m/s safety threshold for more than 2.2 hours per year.
- 7.30 The report is considered to be thorough and appropriate and has been revised in line with Arup recommendations and it is considered to overcome issues of wind concern.
- Affordable Housing
- 7.31 Due to the site location, in a 'fringe' location (zone 4), following the advice of policy H5 of the adopted Core Strategy, the development would need to provide an Affordable Housing contribution of 5% provision. The applicants have stated due to the fact the development is contained within one single block, which would have shared service charges, it is unlikely a Social Registered Landlord (SRL) would be willing to take units within this development. Generally SRL's only take on flats when they are contained within their own block, so they are not subject to separate third party management and services agreements, which can be costly. It is considered more appropriate in this instance to accept a commuted sum towards Affordable Housing provision.
- 7.32 This approach is too accepted by Leeds City Council's Executive Board, who on the 22nd March 2017 endorsed an approach which recognises that the acceptance of commuted sums from Build to Rent (BTR) schemes may be appropriate and justified in accordance with Core Strategy Policy H5. Members may also recall at the previous Plans Panel meeting on 6th April 2017, the issue regarding the approach of accepting a commuted sum over on-site provision on large PRS/ BTR development was discussed in detail and explained by Officers on a scheme at Wharf Approach, Granary Wharf Car Park. The value of this commuted sum has been subject to much negotiation between the agent and Officers in Asset Management. All commuted sums are evidence based on sales values.

- 7.33 This commuted sum has been based on the PRS/ BTR value of the flats, rather than their value as open market housing. This approach accords with the requirements of the SPG3: Affordable Housing Supplementary Planning Guidance Annex Note at paragraph 5.3 with regard to the methodology for calculating off site commuted sums, whereby the calculation of the market price of the property(ies) minus the benchmark price equals the amount of subsidy the developer pays for affordable housing. The sum is therefore fully policy compliant and accords with long established practice.
- 7.34 The methodology of how a commuted sum is calculated for a PRS/ BTR development is currently under-going a review by colleagues in Asset Management as it is a growing, new emerging type of housing development within Leeds, and to date there is only one benchmark figure used, which is based on another established PRS/ BTB scheme in Leeds, Indigo Blu (which is located opposite Crown Point Retail Park). A workshop with Members is also due to take place in the near future on this topic. However until this work is complete, the methodology, and accepted benchmark figure used on calculating the affordable housing commuted sums on other recent PRS/ BTR schemes at Wharf Approach, Granary Wharf Car Park and the former Yorkshire Evening Post site, will also be adopted in this instance.
- 7.35 With a mix of flat sizes within this development ranging from a studio to a 3 bed unit, the 5% contribution has worked out using this sum, with a proportionate representative of the different units proposed. These calculations were based on a sale value of £185 per sq m. The commuted sum for Affordable Housing works out at £634, 474, this would be secured through a S106 agreement.
- 7.36 Whilst this is acceptable, provided the flats remain as PRS/ BTR units, The Council would expect an up-lift in value for open market flats. As a result it is proposed that, should the applicant decide to sell just one of the units within the first 10 years of the development, then the further payment of £240, 800 (in addition to the commuted sum of £634, 474) would be made to the Council. This is based on the assumption that the sale prices within this development would reach £205 per sq m on the open market. This sum has been based on evidence of the sale prices of other comparable development in city fringe locations.

Section 106 Obligations and CIL

- 7.37 The proposal would be subject to the Community Infrastructure Levy (CIL) which is estimated at £63,750 based on the current proposal (this excludes the ancillary ground floor commercial uses, as it is unknown what use class will occupy this space).

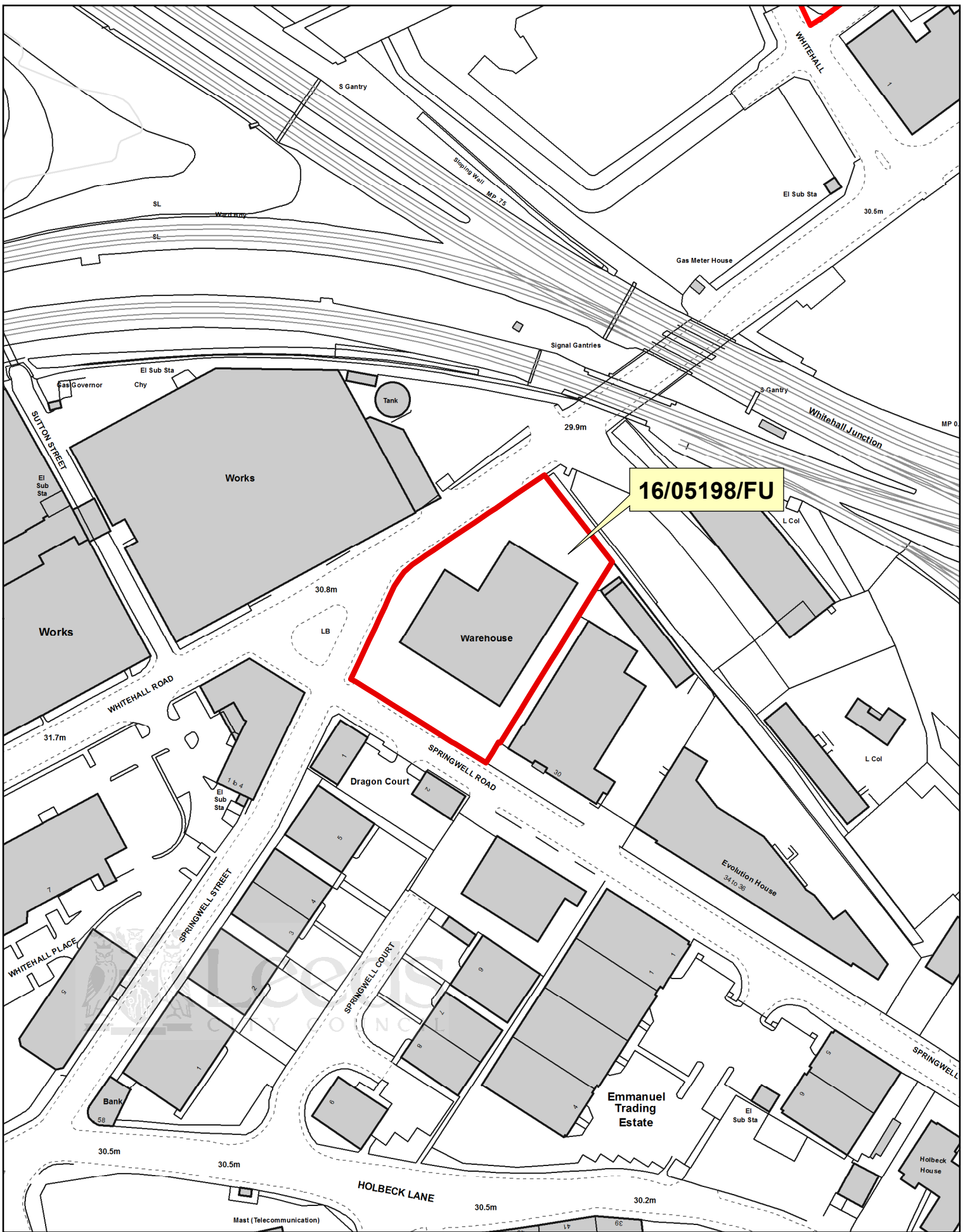
Adopted policies would result in the following necessary Section 106 matters:

- Affordable Housing – commuted sum of £634, 474
- Specific travel plan measure contributions to be agreed
- Travel plan monitoring fee
- Off-site greenspace contribution in accordance with Policy G4
- Cooperation with local jobs and skills initiatives
- Management fee

- 7.38 Other obligations may become apparent during the progress of any application, e.g. off-site highway works, metro contributions.

8.0 Conclusion

This scheme is a significant regeneration opportunity that will contribute positively to the regeneration of Holbeck and provide a striking, landmark building along the Whitehall Road corridor. The development is likely to act as a gateway into the city centre along Whitehall Road, but could also catalyze further redevelopment of the area to the west leading into Holbeck and bringing new investment and job opportunities. The proposal will provide quality new residential accommodation, upon a brownfield site, contributing towards housing delivery. The proposal also offers significant CIL contributions and commuted sum towards affordable housing. The proposal is recommended for approval subject to conditions,



CITY PLANS PANEL



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Originator: C. Briggs
Tel: 0113 2224409

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 27th April 2017

Subject: Reserved Matters application 16/07322/RM for office block and Reserved Matters application 16/07323/RM for multi-storey car park with ground floor A3 café/D2 gym, both pursuant to outline permission 13/02619/OT for 3 office buildings, multi-storey car park and pavilion unit, with ground floor food, drink and gym uses and public realm at Whitehall Riverside, Whitehall Road, Leeds LS1 4AW

Applicant	Date Valid	Target Date
Town Centre Securities PLC	23.11.2016	28.04.2017 (extended)

Electoral Wards Affected:

City and Hunslet

Yes Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT Approval of Reserved Matters for application 16/07322/RM for office block

GRANT Approval of Reserved Matters for application 16/07323/RM for multi-storey car park with ground floor A3 café/D2 gym

1.0 Introduction:

1.1 These applications for reserved matters are brought to Plans Panel because they relate to proposed major office and multi-storey car park developments respectively, pursuant to an outline planning permission granted by City Plans Panel in 2013. This is a joint report covering both reserved matters applications. The approved outline scheme consists of 3 office buildings, multi-storey car park and pavilion unit, with ground floor food, drink and gym uses and landscaped public realm. Outline planning permission for the scheme was approved in principle by Members at Panel in October 2013, and permission was granted following the completion of the legal agreement.

2.0 Proposal

- 2.1 The first office building (phase one) and a multi-storey car park (phase two) are the subject of these two reserved matters applications, with the remaining two office buildings, a pavilion unit, and their associated landscaping, to follow in later phases. The extant planning permission is in outline only, however it was supported by an indicative scheme and phasing plan. The outline permission conditions control the maximum building heights, footprints and floorspace, means of access, and level and types of car parking as shown on the indicative scheme proposals. The submitted reserved matters proposals are in line with the parameters for footprints of the buildings, the heights of each building, routes through the scheme, linkages to surrounding routes and hard and soft landscaped public open space areas set out previously, and therefore the main considerations for the reserved matters applications are the architectural treatment of the two buildings and the landscape design of the public realm.
- 2.2 The phase one Reserved Matters proposal would relate to an 8 storey office building identified as No. 2 Whitehall Riverside, which would face both the riverside and Whitehall Road, occupying the full depth of the site. It would consist of approximately 19,000sqm square metres B1 office space. It would feature a large glazed atrium space, which would give views through the building from the east and west from the public realm. This building would have a basement car park accessed from the western service access road, with a drop-off facility at the eastern access road. The maximum proposed height of the building would be approximately 36m. The building would have an angled facade and be located between 8m and 16m from the riverbank. It would be located some 37m from its neighbour at No.1 Whitehall Riverside, with a new tree-lined greenspace formed between the two buildings. 66 car parking spaces (including 8 EV charging points) and 130 cycle parking spaces would support this building in the basement, and a further 48 car parking spaces allocated for its sole use in the proposed multi-storey car park. The architectural treatment for the office building would consist of an aluminium projecting framework around full height glazing, louvred bands around each floor level to accommodate ventilation systems, gold anodised aluminium vertical bands, clear glazed ground floor treatment with bronze anodised aluminium fascia, and a framed louvred parapet. The building would be designed to BREEAM Excellent standard, generate at least 10% low or zero carbon energy on-site.
- 2.3 In phase two, a 10 storey multi-storey car park would face Whitehall Road, and be accessed from the western service road. The approved outline specified that it would provide the maximum parking standard allocation for car parking for all the buildings on the site (173 spaces), plus public short stay car parking (351 spaces). The car park would be sited between 11m and 12m from building No.3. The maximum proposed height would be approximately 30m. The ground floor of the building would feature active frontages with flexible A3 café/B1 office/D2 gym space up to 800 square metres. The architectural treatment for the multi-storey car park would consist of aluminium framing around large double height void, which would be infilled with Siberian larch timber louvres. The ground floor would be glazed, with a bronze coloured aluminium fascia. The roof of the multi-storey car park would feature solar PV panels. The detailed reserved matters proposal for the car park would provide 512 spaces including 486 standard bays, split 173 for operational parking for all phases of the development and 339 short stay spaces. Included in this total parking figure there would be 13 disabled bays and 13 electric vehicle charging bays (some of these will be both). In addition there are 2 car club bays. Prior to the completion of the whole three building scheme, the management of the

surplus spaces intended for the remaining two office buildings will need to be discussed and agreed with the applicant in accordance with the Parking SPD.

- 2.4 In terms of public realm, the Reserved Matters proposals would include tree planting along Whitehall Road to complement the trees on the northern side at Wellington Place, offer three principal north-south pedestrian routes linking Whitehall Road to the riverside walkway and provide one of the two larger soft landscaped garden areas at the eastern end of the site facing the riverside. In accordance with the approved parameters, the application proposal would provide a wide landscaped permanent riverside walkway, and it is considered that the proposal would enhance the visual amenity and biodiversity opportunity along the waterfront. Landscaped pedestrian routes are proposed between all the buildings, with two service routes providing limited access to buildings. Hard surfacing would be a mix of natural stone setts, natural stone slabs, tarmac road surfaces to heavily trafficked vehicular routes, and bonded gravel to the riverside walkway. Sustainable drainage systems would be integrated into the landscape design, including a water garden, surface run-off retention systems and swales. The hierarchy of soft landscaping would feature tree planting to the Whitehall Road frontage and to the raised lawns facing riverside, drainage swales and ornamental planting, and river edge riparian planting.
- 2.5 The issue of wind conditions and safety were assessed as part of the outline application and it was established, after an independent peer review of the submitted desk top wind report, that the wind environment would be suitable for the desired uses. A condition is attached to the outline permission which requires details of each building to be subject to a wind tunnel test to ensure that there would be no areas where the wind would cause distress or safety issues. The applicant has submitted a wind tunnel test report for phases one and two of the approved scheme in support of these reserved matters applications.

3.0 Site and Surroundings:

- 3.1 The Whitehall Riverside site takes in most of the south side of Whitehall Road in the City Centre West End, with an area of approximately 1.73 hectares. The site is in close proximity to a number of large redevelopment sites, some partially built out in the early 2000s, including the Whitehall Quay scheme (including the Novotel hotel), the West Point residential scheme (former Royal Mail building to the north east), No. 1 Whitehall Riverside (immediately to the south), the 16 storey residential and office block at the western end of the Whitehall Riverside site known as 2 Riverside Way, and the Riverside West residential/office scheme. The Whitehall Riverside site lies in flood risk zone 3a (i) and (ii) and the designated City Centre. A new nine storey hotel building, sited opposite the junction of Northern Street and Whitehall Road, approved at Plans Panel 1 August 2013 (13/01872/FU) is now complete. The building is clad in black and natural finished aluminium panels, with elongated raked windows, arranged in vertical slots along each elevation.
- 3.2 On the opposite side of Whitehall Road lies the Wellington Place site. A number of reserved matters approvals have been granted pursuant to the outline planning permission for a mixed use multi-level development with offices, residential, hotel, shops, financial and professional services, restaurants and cafes, drinking establishments, hot food takeaways, cultural and community uses, basement car parking, associated landscaping and public space. Part of the site is in use as temporary car parking, with a number of other temporary uses. Along Whitehall Road, Office Building No. 6 and Office Building No. 5 (at the corner of Northern Street) are complete. The buildings are seven storeys in height fronting the road, and are a mixture of Portland stone cladding and glazing.

4.0 Planning History

- 4.1 Under planning reference 13/02619/OT an outline application for 3 office buildings, multi-storey car park and pavilion unit, with ground floor food, drink and gym uses and public realm was approved in 2013 (City Plans Panel 24th October 2013).

5.0 History of Negotiations

- 5.1 The applicant's team presented their initial scheme to City Plans Panel on 7th July 2016, and Members visited the site. Members supported the emerging designs for the office block and multi-storey car park along with the emerging public realm, landscape design and vehicular access and circulation proposals. Members also made comments regarding the use of local employment, and regarding traffic in the immediate area which already saw congestion at peak times. There is a planning obligation attached to the outline planning permission that requires the developer to use reasonable endeavours to work with the Council's jobs and skills service and promote local employment during the construction works and beyond. Highways and transportation matters were assessed at outline stage, and in the appraisal section of this report. City and Hunslet Ward Councillors were consulted by email on 14 June 2016 at pre-application stage. Cllr. Nash commented that the proposed trees should be water-loving species to complement the riverside environment.
- 5.2 At pre-application stage, officers had one meeting with the applicant and their professional team in May 2016. Officers were broadly supportive of the emerging design for the calm, well-ordered office building, but expressed concern regarding the initial multi-storey car park design. The initial car park design featured a diagonal grid treatment and officers did not consider that this would complement the new offices at No.2 or the emerging streetscene along Whitehall Road/Wellington Place. The applicant responded positively to officer advice, and the façade treatment for the car park has now been amended with a well-ordered and proportioned framework, which would complement the new office building, and sit well in the emerging streetscene.

6.0 Public/Local Response:

- 6.1 Planning application publicity for both applications consisted of:
- 6.1.1 Site Notices posted 02.12.2016
- 6.1.2 City and Hunslet Ward Councillors consulted by email 28.11.2016
- 6.2 Leeds Civic Trust have written in support of the application, noting that the buildings would be an attractive, crisp modern design which would reflect the new dynamism of the northern powerhouse. They also note that the mixed variety of uses at street level would bring much needed life to this part of Whitehall Road.

7.0 Consultations Responses:

7.1 Statutory:

- 7.1.1 LCC Transport Development Services:
No objection
- 7.1.2 Environment Agency:

No objection

7.1.3 Canal and Rivers Trust:

The landscape strategy is well thought through, resulting in a variety of spaces and a good quality pedestrian riverside route. A key challenge here is creating a relationship with the river which is lower than the site. The seating areas/stopping places will help this, as will the vistas created by the built form, linking the roadside and wider development to the river. As for the [office] building, the D&A sets out the material palette and design details - the building appears to fit into the wider context of the riverside development. The riverside façade has some interest added by the 'cut out' feature in addition to the breaking up of the elevation through the design treatment. The building is set back from the river to allow for a decent width of riverside path.

7.2 Non-statutory:

7.2.1 LCC Flood Risk Management:

No objection.

7.2.2 LCC Nature Conservation:

No objection.

8.0 Relevant Planning Policies

8.1 The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, the Development Plan for Leeds currently comprises the following documents:

1. The Leeds Core Strategy (Adopted November 2014)
2. Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013)

These development plan policies are supplemented by supplementary planning guidance and documents.

8.2 Leeds Core Strategy

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. The most relevant policies are:

Policy P10 design

Policy P12 landscape

Policies T1 and T2 identify transport management and accessibility requirements for new development.

Policies EN1 and EN2 set out the sustainable construction and on-going sustainability measures for new development. In this case, BREEAM Excellent and at least 10% low or zero carbon energy generation on-site is required.

Policy EN5 Managing flood risk

Policy ID2 Planning obligations and developer contributions

Policy G1 Enhancing and extending green infrastructure

Policy G2 Creation of new tree cover

Policy G5 Open space provision in the City Centre

Policy G9 Biodiversity improvements

8.3 Leeds Unitary Development Plan Review 2006 (UDPR) Saved Policies

The site lies within the designated City Centre. Saved policies that are relevant to this scheme are:

GP5 all relevant planning considerations

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

LD1 landscaping

8.4 Leeds Natural Resources and Waste DPD 2013

The plan sets out where land is needed to enable the City to manage resources, e.g. minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. The policy requirements of this plan were taken in to account when determining the outline proposal. Policies regarding flood risk and trees are relevant to these applications.

8.5 Relevant Supplementary Planning Documents/Guidance includes:

SPG City Centre Urban Design Strategy

SPG Leeds Waterfront Strategy

SPD Building for Tomorrow Today: Sustainable Design and Construction

SPD Street Design Guide

SPD Biodiversity and Waterfront Development

SPD Parking

8.6 National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so. It identifies 12 core planning principles (para 17) which include that planning should:

- Proactively drive and support sustainable economic development to deliver homes
- Seek high quality design and a good standard of amenity for existing and future occupants.
- Conserve and enhance the natural environment
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land)
- Promote mixed use developments and encourage multiple benefits from the use of land in urban areas
- 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

The Government attaches great importance to the design of the built environment. Section 7 (paras 56-66) states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:

- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimising the potential of the site to accommodate development;
- Respond to local character and history;

- Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Development to be visually attractive as a result of good architecture and appropriate landscaping.

9.0 Main Issues

- 9.1 Building layout, scale and appearance
- 9.2 Landscaping
- 9.3 Access and detailed highways and transportation matters

10.0 Appraisal

10.1 Building layout, scale and appearance

10.1.1 It is considered that the proposed building heights, which make provision for rooftop plant on the indicative plans, would be appropriate to the site, in the context of surrounding buildings, the outline approved parameters for the site, and the planning permissions granted and buildings constructed to the north at Wellington Place. The design and scale of the proposed buildings at 8-10 storeys is considered to be appropriate to the scale and character of neighbouring buildings and the surrounding area. It is considered that the scale responds to the existing and future context and scale of Whitehall Road as it leads away from the railway station towards the Leeds One and Green Bank sites (Former Doncaster Monkbridge sites). The scale of existing and proposed buildings is generally around 8-10+ storeys across the West End (Whitehall Quay, West Point, Whitehall Riverside and Wellington Place sites). It is considered that this form of development would enhance the setting of Whitehall Road and the waterfront, and deliver the next steps in the regeneration of the West End of the City Centre. The elevations offer a simple and defined order, with features of interest such as the 'cut' to the riverside elevation on the office building. The use of a restricted palette of materials of gold/bronze coloured metal cladding and glass for the office building, and bronze metal/grey metal/timber louvres for the multi-storey car park is supported. The surrounding area features a wide range of building materials, mainly brick, glazing, metal cladding and stone cladding, and it is considered that the proposed palette of materials with contemporary detailing is acceptable in this context. The exact materials and architectural detailing would be agreed by the Local Planning Authority through the conditions specified at outline stage.

10.1.2 The applicant has submitted a quantitative wind tunnel test report for both buildings, prepared by a qualified wind expert. This report has been independently peer reviewed on behalf of the Council by a qualified wind expert. The applicant's report finds that the proposal should not lead to adverse safety issues. Discussions are ongoing at the time of writing. Members will be updated verbally at Plans Panel on the outcome. Further wind testing will be required for the phase 3 and 4 buildings in due course when reserved matters are prepared.

10.2 Landscaping

The scheme would provide significant publicly accessible hard and soft amenity spaces between the new buildings and along the waterfront. The siting of the buildings, provision of public realm, balance of hard and soft landscaping, and location of future pedestrian routes, would be appropriate to create a sense of place to the waterfront and to Whitehall Road. It would also provide good pedestrian connections linking across the site from the riverside walkway to the rest of the West End via Wellington Place to the north. It is considered that the proposal retains the

key principles of the outline permission, and would create a well-connected and landscaped high quality commercial destination in the City's West End, that complements both the riverside and Whitehall Road. The routes and spaces around the building would be appropriate to the continuing regeneration of this part of the city, by providing opportunity for active frontages to the waterfront, key pedestrian routes and Whitehall Road. The scheme would also be served by sustainable urban drainage systems, which would reduce surface run off, help to manage flood risk, promote biodiversity, and create visual interest. Exact details of the tree and planting species and sustainable drainage systems would be determined by the planning conditions attached to the outline permission.

10.3 Access and detailed highways and transportation matters

This detailed proposal would deliver new pedestrian improvements that would link the north of the office quarter, through Wellington Place, onto the Whitehall Riverside site and the waterfront. The site lies within the city centre core parking area, and car parking provision in the multi-storey car park is in accordance with the outline permission and the maximum permitted by the Council's adopted parking standards for operational parking for the development, with the remaining balance as short-stay public car parking. The Council's current parking policies for this location would support public short-stay car parking, but restrict free-standing commuter car parking. In accordance with the outline permission, the scheme also makes provision for more sustainable means of travel, including cycle parking provision, electric vehicle parking and 2 car club spaces in the multi-storey car park. In principle, the scheme would provide appropriate servicing and delivery access for the office building, and provide appropriate access and circulation for the car park. Conditions and Section 106 planning obligations attached to the outline approval would control the detailed management of the car park and the servicing of the buildings. On this basis it is considered that the proposals would not lead to adverse road safety, amenity or planning policy concerns.


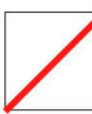





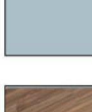
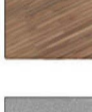

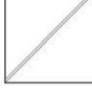

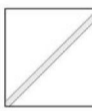

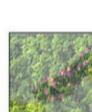
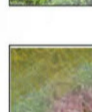


11.0 Conclusion

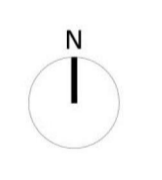
Further to the approved outline planning permission, these reserved matters applications present high quality detailed design proposals for the first two phases of a significant longstanding brownfield regeneration site on the Leeds waterfront, which will be a major Grade A office location in the West End of the City Centre. The development would promote Leeds as a high quality business location, create employment and contribute to the City's economy. The applications accord with Development Plan policies set out above, and the NPPF, and are therefore recommended for approval.

Background Papers:

Application files: 16/07322/RM, 16/07323/RM and 13/02619/OT



- KEY**
-  Outline Consent Planning Boundary
 -  Reserved Matters Planning Boundary
 -  Proposed building
 -  Natural stone slabs
 -  Natural stone setts
 -  Cafe/pavilion terrace paving
 -  Resin bonded gravel
 -  Cycle lane
 -  Timber decking
 -  Macadam surfacing
 -  Proposed kerb
 -  Bench unit
 -  Raised plant/seat edge
 -  Rain garden stepping stone units
 -  Proposed buffer/shrub planting
 -  Proposed rain garden
 -  Proposed lawn
 -  Proposed feature tree
 -  Proposed tree



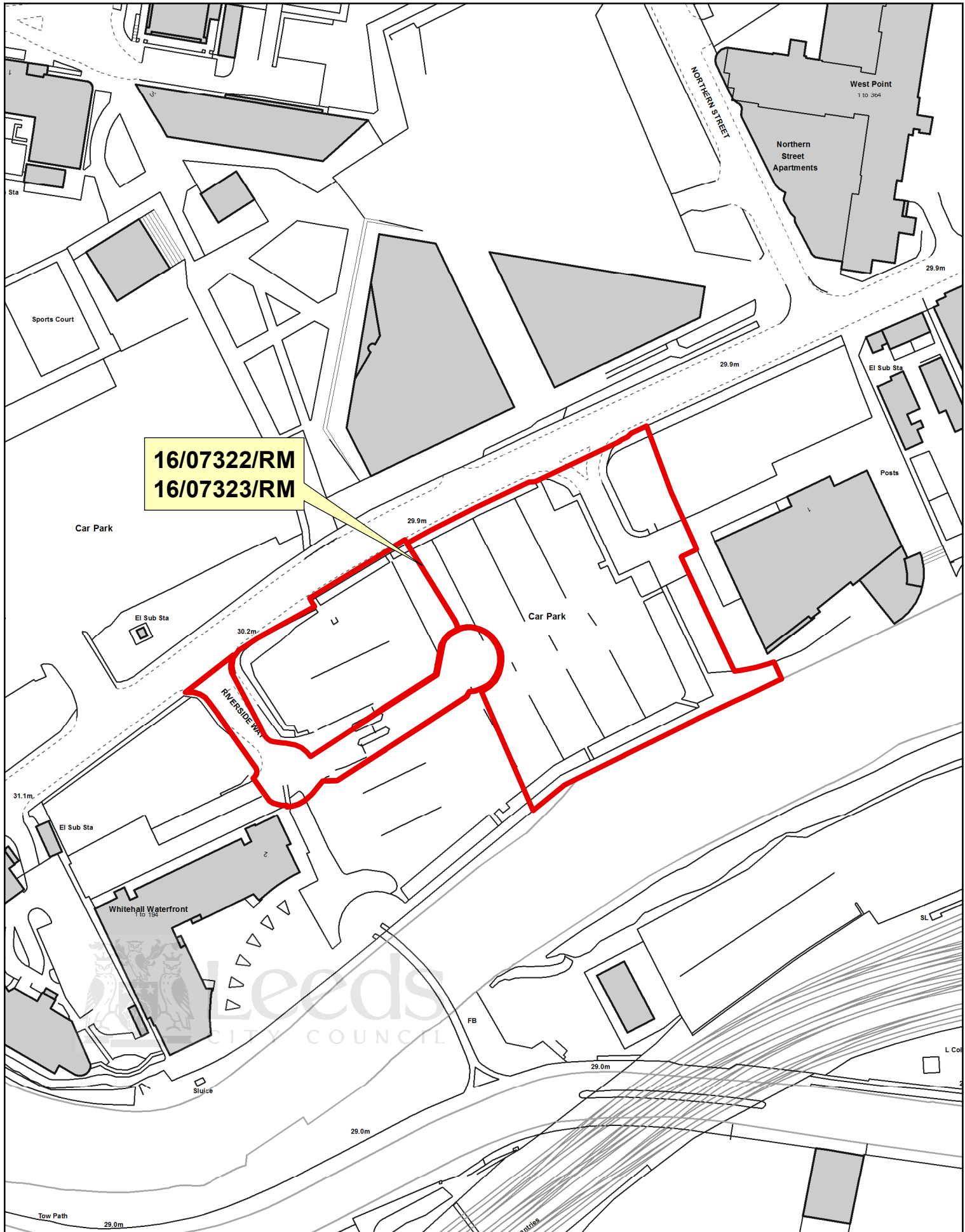
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 All dimensions in mm, unless otherwise stated.
 Do not scale from this drawing.

DATE	DRAWN	DESCRIPTION OF REVISION	REVISION LETTER	CHECKED BY
08.03.17	JB	CYCLE LANE ADDED TO WHITEHALL ROAD	PD3	AP
14.02.17	JB	ROAD LAYOUT UPDATED FOLLOWING VEHICLE TRACKING	PD2	AP

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Drawing status - **PLANNING**
 Client - **TOWN CENTRE SECURITIES**
 Project - **WHITEHALL RIVERSIDE RESERVED MATTERS**
 Drawing title - **ILLUSTRATIVE MASTERPLAN**

Drawing scale - 1:500	Drawn by - JB	Drawn date - SEPT 2016
Paper size - A1	Checked by - AP	Checked date - SEPT 2016
Drawing number - RF16-312 - L02	Revision - P03	



16/07322/RM
16/07323/RM

CITY PLANS PANEL





Originator:	Sarah McMahon
Tel:	0113 222 4409

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 27 April 2017

Subject: Applications 16/06877/FU and 16/06878/LI for the partial demolition of 17 Wellington Street and total demolition of 49 Aire Street, a change of use and seven storey extension with a new basement to the remaining building to form a restaurant and cafe use (A3) to the ground and first floors and 26 apartments above at 17 Wellington Street, Leeds, LS1 4DL

APPLICANT

Hallborough Properties Ltd - Mr S Drane

DATE VALID

3 November 2016

TARGET DATE

Extended 5 May 2017

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 conditions at Appendix 1 and any others which the Chief Planning Officer considers appropriate and subject to the completion of a Section 106 agreement to secure the following:

1. The employment and training of local people
2. Affordable housing provision at 5% is one single bedroomed unit
3. The provision of a free car club trial for the sum of £3200.00

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

Conditions

A full list of Conditions is provided in Appendix 1.

1.0 INTRODUCTION:

- 1.1 This is a joint report for the applications for planning permission (reference 16/06877/FU) and Listed Building Consent (16/06878/LI) for a major proposal for a

mixed use development comprising the reuse and regeneration of a Grade II Listed Building, partial demolition of the said Listed Building and another building within its demise, and the addition of a new block to accommodate residential and restaurant uses. The proposal is brought back to City Plans Panel as the development is a major investment in an important heritage asset which is located in a key location within the City Centre

- 1.2 The proposals have progressed through a number of different iterations since the Developer first initiated preapplication discussions with Officers in January 2016. Initially the Developer had considered full demolition of the listed building however following discussions with Officers they recognised the importance and value of retaining as much as possible of the listed structure. The scheme at preapplication stage was for an eleven storey new building. This was reduced to a seven storey building when the scheme was brought to Members in February 2017. The proposals have now been amended to respond to Members comments of the Plans Panel of 2 February 2017 as a larger proportion of the listed building is now to be retained. The revisions to the scheme are set out in paragraphs 10.14 to 10.25 of the appraisal below.
- 1.3 The Applicant has submitted a financial viability appraisal to inform the discussions on viability of the use of the building and in relation to the proposed partial demolitions affecting the listed building and No.49 Aire Street. This has been appraised by the District Valuer which is referred to in paragraph 10.8 below
- 1.4 All other material planning considerations remain as previously reported in the Plans Panel report from 2 February 2017, which can be found at Appendix 2 of this report for information

2.0 PROPOSAL

- 2.1 The proposed development has been revised seen the City Plans Panel of 2 February 2017 and now seeks to provide 26 apartments, of which 2 would be duplex one bed roomed apartments in the listed building, 4 would be studios and 9 would be two bed roomed and 11 one bed roomed apartments in the new building. This would require internal reconfiguration of the retained listed building with the demolition of some parts of the existing rear extension to the listed building, and the demolition of a stand-alone building in the rear of the site.
- 2.2 At the ground floor and lower ground floor levels of the retained listed building it is proposed to site an A3 restaurant which would stretch back into the ground and first floor of the proposed new block to the rear. In addition, an internal bin store would be created at the ground floor level, and basement cycle storage is proposed. Also at basement level a laundry area and gymnasium for residents is proposed.
- 2.3 The restaurant uses will be accessible from both Wellington Street and Aire Street, however the residential dwellings will only be accessible from Aire Street. As such glazed bridge links are proposed between the listed building and the new block.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located between Wellington Street and Aire Street in Leeds City Centre and comprises two properties, 17 Wellington Street, as the principal building facing Wellington Street and to the rear an annexe building, 49 Aire Street. 17 Wellington Street is a 6 storey L shaped former warehouse converted for office use in the late 1980's and 49 Aire Street, is a small detached three storey property in the south

eastern corner of the site. 17 Wellington Street is a Grade II listed building and is within the boundary of the City Centre Conservation Area. To the east is an open triangular shaped site which is currently in use as a surface car park, but on which a 14 storey building, known as City Square House, is proposed. Wellington Street is characterised by a number of red brick, stone and terracotta historic buildings of 4 to 6 storeys (with 19, 21 to 23, 34, 38 and 52 Wellington Street and the Majestic building all being Grade II Listed Buildings) with more contemporary taller buildings sited further to the west along the street. Aire Street has a mix of 4 to 6 storey historic former warehouse buildings set between the taller Princes Exchange and other taller contemporary office and hotel buildings.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Previous consent was granted for the demolition of 49 Aire Street and the erection of a 7 storey block of 6 two bedroom flats at the rear of the site fronting on to Aire Street on 2 April 2005, planning reference 20/459/04/FU. This consent has expired.
- 4.2 Approval was granted on the adjacent site for City Square House a multi-level office block up to 14 storeys with basement car parking on 10 January 2008, planning reference 07/04127/FU. This scheme had its timescale extended on 2 August 2011 under planning reference 10/05681/EXT. The Applicant undertook some piling at the site and discharged some Planning Conditions, however the site remains in use as a surface car park.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The proposals have been the subject of pre-application discussions between the Developers, their Architects, and Local Authority Officers since 13 January 2016. These discussions have focused on scale massing and design, flood risk, cycle parking levels and access, heritage designation and the level of demolition, affordable housing and room size standards.
- 5.2 Members considered the subsequent applications at the City Plans Panel meeting on 2 February 2017 and made the following comments:
- Members were supportive of the proposals for the frontage of 17 Wellington Street. However, mixed views were expressed about the proposal for 49 Aire Street and the rear wing of 17 Wellington Street, some Members were supportive of the demolition and its replacement with a modern quality building, and some Members were opposed to the demolition of the building
 - It was suggested that the proposals for Aire Street be amended to create a building similar in appearance and quality to Wellington Street, incorporating a treatment more in keeping with the historic character of the Conservation Area (the brick colour to be lighter, more decorative string courses and greater detailing to the windowsills)
 - The cladding to the courtyard area should be lighter to provide better light conditions to residential windows
- In summing up the Chair stated that there were mixed views about the proposals for Aire Street and a deferral of the applications to allow further discussions with the developers and officers would be beneficial. It was resolved that determination of the applications be deferred to allow further discussions with the developers and officers on the Aire Street proposal
- 5.3 Ward Members were consulted on 9 November 2016. No response have been received to date however at preapplication stage Councillor Nash advised, via an email dated 18 May 2016, that she has concerns regarding the height of the new

block. The height of the block has been reduced from eleven storeys at preapplication stage to seven storeys on the submitted planning application.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 One former Objector from the adjacent No. 19 Wellington Street has now stated from their perspective, as a neighbour to the site, the new design is far more acceptable than the previous submission. They advise that although they have still to finalise the arrangements for what will happen to the party wall between No. 17 and No. 19 plus a right to light issue (which are not material planning considerations) they consider that they can now support the scheme going forwards.

6.2 The other third party objection from No.19 Wellington Street remains as stated in the Plans Panel report of 2 February 2017 in Appendix 2.

6.3 A further letter of objection has been received from 24 Cottage Road reiterating their previous concerns, which were reported to Plans Panel of 2 February 2017 verbally due to the late receipt of the initial objection. In addition the objector adds a concern regarding the width of the footway being an issue for the handling of bicycles in and out of the cycle store and smoking patrons of the restaurant obstructing pedestrian movement on the footway.

Response: The pavement is a common width for a City Centre street and the number of bicycle movements in and out of the building will be relatively low. As such the proposal would not have a significant impact on the free use of the footway.

The operation and control of a smoking area for restaurant patrons is an issue for that will be dealt with via the restaurant's management regime, however there is an area of setback under the first floor of the building where the restaurant will be able to set out tables, chairs and a smoking area on the Applicant's own land without hindering the movement of people on the public highway.

7.0 CONSULTATIONS RESPONSES:

7.1 Historic England have provided further comments and state that the revised plans go some way to addressing some of our concerns, however the scheme would still cause harm to the significance of the listed building and the character and appearance of the conservation area, resulting from the loss of 49 Aire Street, the L-shaped plan form of the Listed Building and the east elevation of the rear wing. Development across the full width of the site, losing visibility through to the side elevation which allows the form and function of the listed building to be appreciated will be harmful to the Listed Building. Therefore, if minded to accept this proposal, the Local Planning Authority should be satisfied that there is a clear and convincing justification for the harm to the two designated heritage assets affected and that the public benefits deriving from this particular scheme outweigh the harm.

They also advise as follows:

1 that the façade should be set back in line, or behind the existing 47 Aire Street elevation to allow its prominence in the streetscape to be maintained.

2. that the existing doorway to 47 Aire Street be used as the entrance into the residential apartments and the right-hand front window should be retained as existing.

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

7.2 The Victorian Society previously stated that they had a very strong objection to the proposal to demolish the return wing (extending to Aire Street as No.47) of the main building fronting Wellington Street and also of the adjacent smaller building No.49

Aire Street. They stated that there was no objection to the proposed change of use of both premises but that their view was that both buildings have properly designed elevations to Aire Street, especially No.49, and they urged that they should be retained, converted and restored, thus preserving the integrity of this part of Aire Street, which retains its Victorian character.

Response: The Victorian Society has been re-consulted on the revised scheme but have made not further formal comments. As such their original objection remains in place.

8.0 RELEVANT PLANNING POLICIES:

8.1 All relevant policy remains as stated in the Plans Panel report of 2 February 2017 in Appendix 2.

9.0 MAIN ISSUES

1. Principle of the proposed demolitions and the proposed mix of uses
2. The impact on the character and visual amenity of the host site and surrounding area

10.0 APPRAISAL

10.1 Principle of the proposed demolitions and the proposed mix of uses

10.2 Following the Plans Panel of 2 February 2014 the proposal has been revised. As such the scheme still involves the partial demolition of the rear wing, however it is now proposed to retain both the boundary wall with No.19 Wellington Street and the detailed historic façade of the rear wing as it fronts Aire Street. The scheme still proposes the full removal of an internal staircase of the Grade II listed building as well as demolition of the standalone building to the rear, No. 49 Aire Street which is a curtilage listed building.

10.3 The layout of the existing listed building has some key constraints which prevent it being easily adapted for other uses. These include a large central stair core which dominates the interior of the main floors of the building, and the fact that there are level changes negotiated by steps between the main building and the rear extension. This has led to a proposal for parts of the rear extension, the rear standalone building (49 Aire Street) and for the modern internal stair core within the main listed building to be demolished to allow the main building to be put back into a meaningful use. The Applicant has advised that it is also the case that if a new staircore were to be installed in the existing host building, it would need to be of such a size and be in a such a position, to allow access to the stepped rear wing as well as the main building, that it would also compromise the floorspace layout to a level that would make the building remain an unattractive proposition for office and hotel providers, or would create an unviable level of accommodation for residential use. The revised partial demolition of the rear wing would allow for the creation of a new block to the rear that would connect to the retained walls of the rear wing as well as to the retained main part of the listed building at 17 Wellington Street, and would create more useable spaces within the listed building.

10.4 Officers consider that the revised level of demolitions will lead to less than substantial harm to the significance of the designated heritage asset, and as such the proposals need to be justified in accordance with the considerations of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that decision makers should give considerable importance and weight to the

desirability of preserving the setting of listed buildings. Case law has held that once harm to a listed building is established, considerable weight needs to be attached to that harm. The National Planning Policy Framework (NPPF) advises that there is a presumption against the granting of planning permissions for the schemes requiring the demolition of listed buildings unless it can be demonstrated that the public benefits outweigh the harm including securing its optimum viable use. Due to the view from Officers that there will be less than substantial harm, it is considered that paragraph 134 rather than paragraph 133 of the NPPF is applicable for this proposal.

- 10.5 Historic England have agreed that appraisal against paragraph 134 is the correct mechanism for considering the revised scheme. It is the case that there is a statutory requirement to consult Historic England and designated National Amenity Societies on such matters. In instances where Historic England or a designated National Amenity Societies objects to proposed demolition works to a listed building they may also ask that the application/s be referred to the Secretary of State (SoS). The SoS would then decide whether or not to call the application in for determination. In the case of the current proposals both Historic England and the Victorian Society have been formally consulted and the Victorian Society have stated that they object to the demolitions on the basis that they consider the works would cause major harm to the significance of the listed building and its setting within the conservation area. Historic England have updated an earlier objection and based on the revised scheme consider that there would be less than substantial harm to the host listed building. Although they have both expressed concerns about the demolitions neither the Victorian Society nor Historic England have requested that the applications be referred to the Secretary for State. As such it is considered that no referral is required in this case.
- 10.6 Officers consider that the parts of the rear wing now to be demolished, and the standalone building No.49 Aire Street are of little architectural or historical significance in relation to the main body of the Grade II listed building that fronts Wellington Street. In addition Officers consider that removal of the rear wing, provided the facades to Aire Street and 19 Wellington Street are retained, would mean the loss of only a small part of the listed building, with the main body of 17 Wellington Street and the important Aire Street elevation of the rear wing becoming important elements of the proposed development. Due to this lesser significance it is considered by Officers that the demolitions would result in less than substantial harm to the Grade II listed building and this part of the wider City Centre Conservation Area.
- 10.7 The Applicant undertook marketing and feasibility work to look at other options to bring the building back into use. Their evidence suggests that in all instances the physical constraints of the host building (i.e. the large existing staircore, which would need to be replaced by a new staircore and the stepped floor plan) have resulted in no interest in the building in its current form. In addition, to enable the Applicant to be able to bring the listed building back to use, a certain level of income needs to be generated from the addition of the new build element.
- 10.8 It is the case that trying to accommodate the entirety of the existing rear wing in the new building would be a costly exercise which may result in the overall scheme becoming unviable. The Applicant has submitted a financial viability appraisal which states that the development is not viable with the full retention of the rear wing and No.49 Aire Street, in support of their case for partial demolition of the rear areas of the listed building as identified above in this report. Officers have instructed the District Valuer to independently assess the viability report, costs, returns and the

S106 obligations. The District Valuer has determined that a refurbishment of the listed building based on the sale of completed residential apartments and a letting at the ground and lower ground floors as restaurant/s, without the removal of some parts of the host listed building and the full demolition of No. 49 Aire Street, would result in a level of profit that would not be sufficient to incentivise a developer to carry out such a scheme. As such the District Valuer concludes in his report that such a refurbishment would not be a viable option. Members should be aware that consideration of this application is to be accompanied by a separate paper. The findings are discussed at Confidential Appendix 3 of this report. This part of the report is classed as Exempt under Schedule 12A Local Government Act 1972 and Access to Information Procedure Rule 10.4 (3) which provides financial information concerning the 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 applicant's commercial position.

- 10.9 Therefore, whilst Officers acknowledge that whilst there will still be harm in the level amended level of demolition, this would be a tolerable level and the demolitions would allow the main body of the listed building to be brought back into use, which would be of public benefit. The most recent use of the former warehousing building has been as offices. The developer has advised that the spaces in the building are not of a standard and layout that modern office operators are seeking.
- 10.10 Therefore, the developer has explored other potential uses but these have proved to be unfeasible for the site. As a result the proposal is for a predominantly residential scheme with the two lower floors operating as A3 restaurant use, which would provide a feasible mix of uses that would allow the listed building to be reused. The proposed mixed use development would be compliant with the aspirations of the Core Strategy and relevant retained Leeds Unitary Development Plan policies, which encourage a mix of uses to ensure a wide range of activities in the area. The proposed range of uses would contribute to the ongoing creation of a vibrant and lively community in Leeds City Centre. The scheme would be a sustainable development that would allow an appropriate level of use of the land, whilst retaining the majority of the Grade II listed building intact. The proposed development would be of high quality in respect of its design and materiality in its own right and would be an aesthetically positive addition to the streetscene.
- 10.11 It is also the case that the Applicant advises that the development will provide amongst others, the following key benefits:
1. An estimated 53 direct construction jobs and 37 indirect supporting jobs (through the supply chain)
 2. When completed the development will create some 36 jobs.
 3. That the scheme will generate £26,000.00 in Council Tax
 4. That over a 6 year period a New Homes Bonus payment of £123,300.00 is anticipated.
 5. That the proposal would deliver 22 new dwellings within the City Centre, contributing to the Council's housing land supply
 6. That the new A3 restaurant unit/s will generate new employment opportunities.
- As such the public benefits are considered to outweigh the harm in this instance and the principle of the proposal is considered acceptable on balance.
- 10.12 It is also the case that the amended demolitions would continue to have an impact on the character and visual amenity of this part of the City Centre Conservation Area. Officers consider that such demolitions will lead to less than substantial harm to the significance of the City Centre Conservation Area and as such the proposals

again need to be justified in accordance with the considerations of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 134 of the National Planning Policy Framework (NPPF). The said character is predominantly Victorian, with former warehousing buildings still being evident and spaces and streets retaining the dimensions of the urban Victorian environment. However it is the case that other contemporary buildings can also be found in the immediate street scape. As such it is an area where it is common for contemporary buildings to sit adjacent to heritage assets. Whilst the proposals would result in the loss of part of a listed building and the standalone No.49 Aire Street, the attractive historic façade of the host listed building to Aire Street will now be retained and the remainder of this side of the site would accommodate a new block of a high quality design. This new build element, that would wrap around the retained Aire Street façade, would utilise an appropriate brick as its principle material fronting Aire Street and would be of a scale in keeping with the built form in the wider area. As such it is considered that the proposal would enhance the character and visual amenity of this part of the City Centre Conservation Area and that the above noted public benefits are considered to outweigh the harm in this instance.

- 10.13 The impact on the character and visual amenity of the host site and surrounding area
- 10.14 The revised proposal involves the erection of a seven storey contemporary block to the Aire Street side of the site; with a two storey connecting extension between the new block and the 6 storey Grade II listed building fronting Wellington Street. The proposal has been reduced in height since the preapplication stage where it was proposed to be eleven storeys tall. In addition, the scheme has been revised following comments from Members at the City Plans Panel of 2 February resulting in the change in apartment numbers from 22 to 26 with these being 2 one bedroomed duplexes, 4 studios, 11 one bedroomed and 9 two bedroomed flats, as well as a number of physical alterations. The Applicant has responded with the following amendments to the proposed development. Historic England have asked if the footprint of the new built element can be pushed back in-line or behind what will now be the saved façade of the rear wing of the listed building, This would adversely affect the ability of the residential units to achieve the national space standards and as such would result in residential amenity issues. Therefore, this requested amended has not been made.
- 10.15 The historic facade of the rear wing facing Aire Street is to be retained as well as the west facing historic gable wall to the adjoining property No.19 Wellington Street. The uppermost run of brickwork to the top of this retained Aire Street facade is to be removed to enable glazing to be introduced to the apartment at 4th floor. This also has the benefit of allowing a run of decorative brick corbelling to become the defined top of the historic wall that is to be retained. The glazing above this important saved architectural feature is treated as a horizontal band that carried through the south, west and north elevations but is set back from the historic facade. This provides a visual separation between the retained and new elements to the southern elevation.
- 10.16 A distinctive copper clad feature projects above the retained facade (separated by the glazing strip) at the fifth floor level. This provides a visual stop to the facade and forms an important element in the composition of the existing and new architectural elements.
- 10.17 The ground floor windows to the retained historic facade would be altered to create the entrance to all apartments, with the existing stone detailed doorway retained as an entrance also. Historic England have asked if the retained stone entrance could

be used as residential entrance rather than access to the bin store and if the adjacent window could be retained. Officer have had detailed discussions with the Applicants about this matter. It is the case that the required location of the stair core, to allow it to link to the bridge links for the listed building, has meant that it is not possible to configure the doorways in this manner. As such the retained door must be used to access the bin store and the creation of new residential entrance door in the position of the existing window is a requirement. Therefore, this requested amended has not been made.

- 10.18 Adjacent to the retained façade as it faces Aire Street, a glazed slot would separate the retained frontage from a new brick frontage, with deeply recessed punched windows. In contrast rather than compete with the retained facade the new brickwork facade will be simply detailed, using bevelled brick cills to accentuate the feeling of a solid facade with recessed openings. This three dimensional aspect of the composition of frontage pieces is accentuated by the setting back of the glazed facade at ground, first and sixth floor levels.
- 10.19 To visual lift and lighten the east, west and north elevations the previous proposal zinc clad has been amended to a copper cladding. This would provide a more subtle yet high quality finish, whilst also being more sympathetic to the red/ purple brick tones of the existing host listed building and other heritage buildings present along Aire Street and Wellington Street.
- 10.20 The ground and first floor plans (predominantly A3 use) remain largely unchanged from the original submission, other than entrance positions and doorways are slightly altered to the Aire Street frontage.
- 10.21 Due to the levels changes in the listed building at ground floor and basement levels it has not been possible to create accesses for both the residents and the restaurant uses from Wellington Street. As such all residents would access both residential areas of the development from a defined entrance on Aire Street. This would mean the requirement for three stacked slender bridge links between the new buildings and the main listed building at 2nd, 3rd and 4th floor levels. The bridge links would be as lightweight as possible and would be faced in glazing set into copper coloured aluminium cladding.
- 10.22 The west face of the new block will be built up off the existing retained boundary wall and is to be also faced in brickwork, the glazing strip that wraps through the design and the side of the copper clad feature projection. The said glazing strip to the gable with No. 19 Wellington Street would be obscured look-a-like panels to ensure that there are no issues of overlooking.
- 10.23 The site to the east adjacent to 17 Wellington Street, whilst currently being used as a surface car park, is a development site (for the proposed City Square House) where a future building would be likely to conceal the east facing façade of the new seven storey block and 17 Wellington Street. Therefore, the Applicant proposes a render finish to the east facing façade of the proposed new block and the listed building. This would be a coloured render and detailing could be introduced in the finish to add visual interest. This detailing could pick out the chimney lines of the listed building as a visual motif in the render on both buildings (listed and new), to visually enhance the elevations.
- 10.24 Externally the Wellington Street frontage of the listed building remains largely unaltered. The exception to this will be the removal of the steps to the entrance of the building. The removal of the external steps is required to create a fully

accessible entrance into the building from Wellington Street. An internal lobby, which will have a lift and steps serving both the lower and upper ground floors, will be created leading from this level threshold. The removal of the external steps would serve to increase the grandeur of the entrance and would not result in any significant harm to its character and visual amenity.

- 10.25 The revised design approach to the new seven storey block remains to create a contemporary building which retains the most important facades and external historic features of the rear wing and that would complement rather than compete with the host listed building and the surrounding heritage rich, but architecturally mixed setting. The revised proposal would sit comfortably within the context of the existing retained Grade II listed building (17 Wellington Street) and retained elements of the its rear wing, and within the mixture of historic and contemporary buildings along Aire Street, as well as this part of the City Centre Conservation Area.

11.0 CONCLUSION

- 11.1 In conclusion it is considered that the proposal is an appropriate mix of uses, scale, design and style for this site. The scheme would allow an important listed building to be brought back into use and the level of harm caused by the demolition of part of the heritage asset is outweighed by the public benefits of the proposal. The design of the seven storey building would be a high quality, contemporary addition which would sit comfortably within the context of the host listed building, street scene and this part of the City Centre Conservation Area. Therefore, the proposal is recommended for approval

Background Papers:

PREAPP/16/00017

16/06877/FU

16/068787/LI

Appendix 1

Applications 16/06877/FU and 16/06878/LI – Planning Conditions

16/06877/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) The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made and produced for the Local Planning Authority. .

To avoid the creation of derelict sites to the detriment of this part of the City.

- 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. Samples shall be made available on site prior to the commencement of building works, for inspection by the Local Planning Authority which 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.

- 5) No building works shall take place until details and samples of all surfacing materials to the Wellington Street entrance and the paving to Aire Street have been submitted to and approved in writing by the Local Planning Authority. The surfacing works shall be constructed from the approved materials.

In the interests of visual amenity.

- 6) No building operations shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning Authority-

- (i) 1 to 20 scale drawings of the detail of roof line and eaves treatments and ground floor treatments
- (ii) 1 to 20 scale section drawings of each type of window
- (iii) 1 to 20 scale section drawings of all new external doors and entrances
- (iv) 1 to 20 scale section drawings of the junctions of different materials

(v) 1 to 20 scale section drawings of the resident's elevated walkways and their connections to the buildings

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

In the interests of visual amenity.

- 7) No works shall begin on the relevant phase of development until a Statement of Demolition and Construction Practice for that phase has been submitted to and approved in writing by the Local Planning Authority. The Statement of Demolition and Construction Practice shall include full details of:

- a) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
- b) measures to control the emissions of dust and dirt during construction;
- c) location of site compound and plant equipment/storage
- d) details of access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles (including workforce parking) and
- e) how this Statement of Construction Practice will be made publicly available by the developer.

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

In the interests of residential amenity of occupants of nearby property in accordance with adopted Core Strategy Policy T1 and the National Planning Policy Framework.

- 8) No Demolitions or noisy construction works shall take place before the hours of 8am Monday to Friday and 9am on Saturdays, nor after 6pm Monday to Friday and 1pm on Saturdays, or at any time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

- 9) No development shall take place until a scheme detailing the method of storage and disposal of litter and waste materials, including recycling facilities, has been 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, details of recyclable materials collection with timescales. The approved scheme shall be implemented before the development is brought into use and no waste or litter shall be stored or disposed other than in accordance with the approved scheme.

In the interests of residential amenity and to promote recycling.

- 10) No external storage of any commercial or residential refuse or recycling bins shall take place on any part of the site and internal bin store areas will be provided as part of the development.

In the interests of residential amenity, visual amenity and public safety, in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.

- 11) Prior to the commencement of the development a scheme for protecting existing nearby residents and future occupiers of the proposed residential units from noise from the restaurant unit/s shall be submitted to and agreed in writing by the Local Planning Authority.

The use of the restaurant unit/s shall not commence until the agreed sound insulation works have been completed and any such noise insulation as may be approved shall be retained thereafter.

In the interest of residential amenity and to accord with saved Unitary Development Plan Review policy GP5 and the National Planning Policy Framework.

- 12) No installation of externally mounted plant or equipment shall take place until details of the installation and/or erection of any air conditioning or extract ventilation system, flue pipes, window cleaning equipment or other excrescences proposed to be located on the roof or sides of the building, including details of their siting, design, noise attenuation, and external appearance have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details and retained as such thereafter.

Plant and machinery operated from any commercial premises shall limit noise to a level at least 5dBA below the existing background noise level (L90) when measured at the nearest noise sensitive premises with the measurements and assessment made in accordance with BS4142:1997.

In the interests of amenity and visual amenity, in accordance with Saved Unitary Development Plan Policies GP5, BD2 and BD4, Leeds Core Strategy policy P10 and the NPPF.

- 13) No development shall take place until details of the proposed means of disposal of surface water drainage, including the point(s) of connection, details of any balancing works, off-site works and the rates of discharge to the respective public sewers, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

To ensure that no surface water discharges take place until proper provision has been made for its disposal and in accordance with the saved Leeds Unitary Development Plan Policy GP5 and the National Planning Policy Framework.

- 14) No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including the point(s) of connection, details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

To ensure that no foul water discharges take place until proper provision has been made for their disposal and in accordance with the saved Leeds Unitary Development Plan Policy GP5 and the National Planning Policy Framework

- 15) No building works shall take place until plans of the site showing details of the existing and proposed ground levels, proposed floor levels, 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 retained Leeds Unitary Development Plan Review (2006) Policy GP5 and the National Planning Policy Framework.

- 16) Prior to the commencement of development a Sustainability Statement shall be submitted which will include a detailed scheme to demonstrate compliance with Core Strategy policies EN1 and EN2 and comprising:

- (i) a recycle material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit);
- (ii) a Site Waste Management Plan (SWMP),

Within 6 months of the first occupation of each phase a post-construction review statement for that phase shall be submitted and approved in writing by the Local Planning Authority;

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.

To ensure the adoption of appropriate sustainable design principles in accordance with Core Strategy Policies EN1 and EN2, Leeds Sustainable Design and Construction SPD and the NPPF.

- 17) Notwithstanding the approved details, before development is commenced full details of cycle/motorcycle parking and facilities 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 the interests of highway safety.

- 18) Development shall not commence 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.

- 19) The local planning authority shall be notified in writing immediately where unexpected significant contamination is encountered during any development works and operations in the affected part of the site shall cease.

Where remediation of unexpected significant contamination is considered by the Local Planning Authority to be necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the recommencement of development on the affected part of the site. The Remediation Statement shall include a programme for all remediation works and for the provision of verification information.

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 necessary verification information has been approved in writing by the Local Planning Authority.

To enable the local planning authority to ensure that unexpected contamination at the site will be addressed appropriately and that the development will be suitable for use.

- 20) Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use. A methodology for testing these soils shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto site. The methodology shall include information on the source of the materials, sampling frequency, testing schedules and criteria against which the analytical results will be assessed (as determined by risk assessment). Testing shall then be carried out in accordance with the approved methodology. Relevant evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto the site.

To ensure that contaminated soils are not imported to the site and that the development shall be suitable for use.

- 21) Documentation demonstrating the absence or total removal of asbestos from any building(s) to be demolished shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Should documentation be unavailable or insufficient, post-demolition surface soil sampling of future landscaped or garden areas shall be carried out and the results shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any post-demolition development.

Where surface soil sampling indicates remediation to be necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction. The Remediation Statement shall include a programme for all remediation works and for the provision of verification information.

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 necessary verification information has been approved in writing by the Local Planning Authority.

To ensure that the site is safe and suitable for use.

- 22) Notwithstanding the details on the hereby approved plans and to avoid doubt, deliveries, collections and servicing shall not take place Monday to Friday before 10.00am or between 4pm and 7pm from Aire Street only with no deliveries or collections on Saturdays, Sundays and Bank Holidays.

In accordance with the loading restrictions along Aire Street and Wellington Street and in the interests of amenity and highway safety, saved UDPR policy GP5, Core Strategy policy T2 and advice within the NPPF.

16/06878/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 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. Samples shall be made available on site prior to the commencement of building works, for inspection by the Local Planning Authority which 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.

- 4) No building works shall take place until details and samples of all surfacing materials to the Wellington Street entrance and the paving to Aire Street have been submitted to and approved in writing by the Local Planning Authority. The surfacing works shall be constructed from the approved materials.

In the interests of visual amenity.

- 5) No building operations shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning Authority-

- (i) 1 to 20 scale drawings of the detail of roof line and eaves treatments and ground floor treatments

- (ii) 1 to 20 scale section drawings of each type of window

- (iii) 1 to 20 scale section drawings of all new external doors and entrances

- (iv) 1 to 20 scale section drawings of the junctions of different materials

- (v) 1 to 20 scale section drawings of the resident's elevated walkways and their connections to the buildings

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

In the interests of visual amenity.

- 6) Prior to commencement of development full details of any new partitions, floors, staircases and lifts and suspended ceilings hereby approved, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The new partitions, floors, staircases and lifts and suspended ceilings shall be installed in accordance with the approved details.

In the interest of the character and appearance of the host listed building and in accordance with the National Planning Policy Framework and Core Strategy Policies P10 and P11.

Appendix 2



Leeds
CITY COUNCIL

Originator: Sarah McMahon
Tel: 0113 222 4409

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 2 February 2017

Subject: Applications 16/06877/FU and 16/06878/LI for the partial demolition of 17 Wellington Street and total demolition of 49 Aire Street, a change of use and seven storey extension with a new basement to the remaining building to form a restaurant and cafe use (A3) to the ground and first floors and 22 apartments above at 17 Wellington Street, Leeds, LS1 4DL

APPLICANT

Hallborough Properties Ltd - Mr S Drane

DATE VALID

3 November 2016

TARGET DATE

2 February 2016

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:

The two applications reference 16/06877/FU and 16/06878/LI are intrinsically linked in respect of the proposed development and as such both applications reference 16/06877/FU and 16/06878/LI are to be referred to the Secretary of State due to the proposals including the partial demolition of the Listed Building at 17 Wellington Street and there being an objection to this demolition from Historic England and should the Secretary of State decide not to call in the application for determination then defer and delegate approval for both applications to the Chief Planning Officer, subject to the conditions at Appendix 1 and any others which the Chief Planning Officer considers appropriate and subject to the completion of a Section 106 agreement to secure the following:

1. The employment and training of local people
2. Affordable housing provision at 5% is one single bedroomed unit
3. The provision of a free car club trial for the sum of £3200.00

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

Conditions

A full list of Conditions is provided in Appendix 1.

1.0 INTRODUCTION:

- 1.1 This is a joint report for the applications for planning permission (reference 16/06877/FU) and Listed Building Consent (16/06878/LI) for a major proposal for a mixed use development comprising the reuse and regeneration of a Grade II Listed Building, partial demolition of the said Listed Building and another building within its demise, and the addition of a new block to accommodate residential and restaurant uses. The proposal is brought to City Plans Panel as the development is a major investment in an important heritage asset which is located in a key location within the City Centre

2.0 PROPOSAL

- 2.1 The proposed development seeks to provide 22 apartments, of which 8 would be duplex two bedroomed apartments in the listed building and 9 would be two bedroomed and 5 one bedroomed apartments in the new building. This would require internal reconfiguration of the retained listed building with the demolition of an existing rear extension to the listed building, and the demolition of a stand-alone building in the rear of the site.
- 2.2 At the ground floor and lower ground floor levels of the retained listed building it is proposed to site an A3 restaurant which would stretch back into the ground and first floor of the proposed new block to the rear. In addition, an internal bin store would be created at the ground floor level, and basement cycle storage is proposed. Also at basement level a laundry area and gymnasium for residents is proposed.
- 2.3 The restaurant uses will be accessible from both Wellington Street and Aire Street, however the residential dwellings will only be accessible from Aire Street. As such glazed bridge links are proposed between the listed building and the new block.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located between Wellington Street and Aire Street in Leeds City Centre and comprises two properties, 17 Wellington Street, as the principal building facing Wellington Street and to the rear an annexe building, 49 Aire Street. 17 Wellington Street is a 6 storey L shaped former warehouse converted for office use in the late 1980's and 49 Aire Street, is a small detached three storey property in the south eastern corner of the site. 17 Wellington Street is a Grade II listed building and is within the boundary of the City Centre Conservation Area. To the east is an open triangular shaped site which is currently in use as a surface car park, but on which a 14 storey building, known as City Square House, is proposed. Wellington Street is characterised by a number of red brick, stone and terracotta historic buildings of 4 to 6 storeys (with 19, 21 to 23, 34, 38 and 52 Wellington Street and the Majestic building all being Grade II Listed Buildings) with more contemporary taller buildings sited further to the west along the street. Aire Street has a mix of 4 to 6 storey historic former warehouse buildings set between the taller Princes Exchange and other taller contemporary office and hotel buildings.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Previous consent was granted for the demolition of 49 Aire Street and the erection of a 7 storey block of 6 two bedroom flats at the rear of the site fronting on to Aire Street on 2 April 2005, planning reference 20/459/04/FU. This consent has expired.
- 4.2 Approval was granted on the adjacent site for City Square House a multi-level office block up to 14 storeys with basement car parking on 10 January 2008, planning reference 07/04127/FU. This scheme had its timescale extended on 2 August 2011 under planning reference 10/05681/EXT. The Applicant undertook some piling at the site and discharged some Planning Conditions, however the site remains in use as a surface car park.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The proposals have been the subject of pre-application discussions between the Developers, their Architects, and Local Authority Officers since 13 January 2016. These discussions have focused on scale massing and design, flood risk, cycle parking levels and access, heritage designation and the level of demolition, affordable housing and room size standards.

- 5.2 Members received a pre-application presentation for the scheme proposing a taller new build block of eleven storeys at the City Plans Panel meeting on 9 June 2016. In response to Members comments and questions the following was discussed:

- The possibility of conducting a wind survey;
 - The approximate size and type of flats that would be built;
 - What would be the parking and servicing provision for the flats.
- Members were informed there would be no parking provision for the flats but servicing bays would be available for deliveries on Aire Street;
- What the views of the tower would be like and confirmation that the tower would not be able to be seen from Wellington Street;
 - The importance of demonstrating that the building would provide a quality enhancement to the area bearing in mind the proposal to remove part of a listed building.

Members responded to the questions featured at paragraph 8 of the submitted report:

- 1) Members considered the uses to be appropriate;
- 2) In terms of the proposed demolition Members considered they were yet to be convinced;
- 3) Members views on the emerging scale, massing and design of the proposals were that the scale and massing were acceptable but more work needed to be done on the design of the building; and
- 4) Members considered the emerging scheme provided an acceptable mix and standard of residential accommodation.

The scheme has been revised most notably the height of the new build block has been reduced from eleven storeys at preapplication stage to seven storeys and the applications has been submitted taking account of Members comments.

- 5.3 Ward Members were consulted on 9 November 2016. No response have been received to date however at preapplication stage Councillor Nash advised, via an email dated 18 May 2016, that she has concerns regarding the height of the new block. The height of the block has been reduced from eleven storeys at preapplication stage to seven storeys on the submitted planning application.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Two letters of objection received from occupiers of the adjacent No. 19 Wellington Street, stating that they object for the following reasons:
1. The height of the development will result in the overshadowing of their property reducing natural light.
 2. The development will result in overlooking of their property and result in a loss of privacy.
 3. The party wall will require support during demolition and construction work which would result in the temporary loss of their car parking spaces for scaffolding.
 4. Deliveries to the development would cause traffic congestion problems and increase exhaust fumes.
 5. Concern regarding the hours of demolition and construction works and the impact of noise and disturbance from them.
 6. Concern regarding noise from the servicing and deliveries for the restaurant/s.
 7. Concern that the proposals would devalue their own properties.

Responses:

Points 3 and 7 are not material planning consideration and will be addressed by the Developers outside of the Planning Application process.

Points 1, 2, 4, 5 and 6 will be addressed in the appraisal below.

- 6.2 One letter of support received from Leeds Civic Trust stating that given the fact the interior of 17 Wellington Street has been greatly altered in the past the proposal will ensure the high quality of the building's exterior is retained for the foreseeable future and the removal of the front steps will enhance the grandeur of the entrance. In addition they consider the demolition of the part of the building fronting Aire Street to be acceptable due to it being of lesser architectural significance than the part of the building fronting Wellington Street.

7.0 CONSULTATIONS RESPONSES:

- 7.1 Historic England object to the proposals stating that they consider that the demolitions would cause major harm to the significance of the host Grade II Listed Building and the character and appearance of the conservation area. They state that this irreversible harm would result in the permanent erosion of the heritage of the textile industry in Leeds and consider that it has not been demonstrated that there is no other option for the future of the listed building. They also consider the height of the seven storey new building to be out of character with the host building and wider streetscene.

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

- 7.2 Yorkshire Water have not commented to date.

Response: In the absence of their comments Planning Conditions will be applied requiring full drainage details.

- 7.3 The Victorian Society state that a very strong objection is made to the proposal to demolish the return wing (extending to Aire Street as No.47) of the main building fronting Wellington Street and also of the adjacent smaller building No.49 Aire Street. They state that there is no objection to the proposed change of use of both premises but that their view is that both buildings have properly designed elevations to Aire Street, especially No.49, and they urge that they should be retained, converted and restored, thus preserving the integrity of this part of Aire Street, which retains its Victorian character.

Response: These comments will be addressed in the appraisal below

- 7.4 The Coal Authority state that the application site does not fall within the defined Development High Risk Area and is located instead within the defined Development

Low Risk Area. This means that there is no requirement for a Coal Mining Risk Assessment to be submitted.

- 7.5 The Highways Team state that they have no objections subject to a car club contribution for a free trial for residents and planning conditions to cover cycle parking provision details and the closing of any redundant access points.
Response: These matters will be address via the Section 106 Legal Agreement and Planning Conditions.
- 7.6 The Travelwise Team states that the site is below the threshold for the Travel Planning Supplementary Planning Document and as such a travel plan is not required.
- 7.7 The Nature Conservation Officer states that there are no significant nature conservation concerns with this application.
- 7.8 The Contaminated Land Team state that they have no objections subject to planning conditions to cover unexpected contamination and any importing of soils.
Response: such Conditions will be applied.
- 7.9 Environmental Health have not commented to date.
Response: In the absence of their comments Planning Conditions will be applied controlling the hours and methods of demolition and construction as well as the hours of delivery and servicing to ensure the amenity of neighbouring and future residents are taken into account.
- 7.10 The Flood Risk Management Team have not commented to date.
Response: In the absence of their comments Planning Conditions will be applied requiring full drainage details.

8.0 RELEVANT PLANNING POLICIES:

- 8.1 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.
- 8.2 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 state that there should be a presumption in favour of sustainable development.
- 8.3 Paragraph 17 of the NPPF sets out the Core Planning Principles for plan making and decision taking. 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.
- 8.4 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.
- 8.5 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.

- 8.6 Paragraph 126 states that it is desirable to sustain and enhance the significance of heritage assets and that new development should make a positive contribution to local character and distinctiveness.
- 8.7 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.
- 8.8 Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 8.9 The Development Plan for Leeds currently comprises the following documents:
1. The Leeds Core Strategy (Adopted November 2014)
 2. Saved Leeds Unitary Development Plan Policies (Reviewed 2006), included as Appendix 1 of the Core Strategy
 3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013)
 4. Any Neighbourhood Plan, once Adopted
- 8.10 **Leeds Core Strategy**
- 8.11 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. Relevant Policies include:
- 8.12 Policy CC1: City Centre Development
The City Centre will be planned to accommodate at least the following:
- (i) 655,000 sqm of office floorspace.
 - (ii) 10,200 dwellings.
 - (iv) Supporting services and open spaces and improvements to the public realm
This will be achieved through implementation of outstanding permissions, decision making on planning applications, master-planning, and identification of appropriate sites and mixed use allocations through LDF allocations documents, according to the following criteria:
 - a) Favours locations with the best public transport accessibility for large scale offices,
 - b) Encouraging residential development including new buildings and changes of use of existing providing that it does not prejudice the town centre functions of the city centre and that it provides a reasonable level of amenity for occupiers
 - (iii) Requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigated where appropriate.

(iv) Reducing the speed and volume of surface water run-off as part of new build developments.

(v) Making space for flood water in high flood risk areas.

8.13 Policy H2 Policy to consider the merits of windfall housing development proposals on brownfield and greenfield sites.

8.14 Policy H4: Policy to achieve an appropriate Housing Mix on residential sites, for setting targets for different dwelling sizes and types as detailed in the table below.
Table H4: Preferred Housing Mix (2012 – 2028)

Type	Max %	Min %	Target %
Houses	90	50	75
Flats	50	10	25
Size	Max %	Min %	Target %
1 bed	50	0	10
2 bed	80	30	50
3 bed	70	20	30
4 bed+	50	0	10

8.15 Policy H5 which incorporates Targets and Thresholds for affordable housing. In this case 5% of the total units to be provided on site must be affordable housing

8.16 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.

8.17 Policy P11: Conservation states that development proposals will be expected to demonstrate a full understanding of historic assets affected. Heritage statements assessing the significance of assets, the impact of proposals and mitigation measures will be required to be submitted by developers to accompany development proposals.

8.18 Spatial Policy 8: Economic Development Priorities states that a competitive local economy will be supported through:
(iii) Job retention and creation, promoting the need for a skilled workforce, educational attainment and reducing barriers to employment opportunities.
(vi) Supporting training / skills and job creation initiatives via planning agreements linked to the implementation of appropriate developments given planning permission.

8.19 **Leeds Unitary Development Plan Review 2006 - Retained Policies**

8.20 Relevant Policies include:
Policy BD2 (Design and siting of new buildings)
Policy BD5 (All new buildings and amenity)
Policy GP5 (All planning considerations)

Policy N15 (Changes of use of listed buildings)

Policy N16 (Extensions to listed buildings)

Policy N17 (All listed buildings)

8.21 **Leeds Natural Resources and Waste DPD 2013**

The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013. The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies regarding land use, energy, coal recovery, drainage, and waste will be relevant to this proposal.

8.22 **Supplementary Planning Guidance**

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

8.24 **Other Material Considerations**

8.25 The site is identified in the draft site allocations plan for the provision of potentially 6 residential units (draft allocation HG2-191)

8.26 DCLG – Technical Housing Standards 2015 – Sets out internal space standards within new dwellings and is suitable for applications across all tenures. The housing standards are a material consideration in dealing with planning applications. The government's Planning Practice Guidance advises that where a local planning authority wishes to require an internal space standard it should only do so by reference in the local plan to the nationally described space standard. With this in mind the city council is currently developing the Leeds Space Standard. However, as the Leeds Standard is at an early stage within the local plan process, and is in the process of moving towards adoption, only limited weight can be attached at this stage but this may change as the proposals are progressed through the planning system.

9.0 **MAIN ISSUES**

1. Principle of the proposed demolitions and the proposed mix of uses
2. The impact on the character and visual amenity of the host site and surrounding area
3. Residential Amenity
4. Vehicle Parking, Sustainable Transport and Travel Planning
5. Sustainability Measures
6. Section 106 Legal Agreement

10.0 **APPRAISAL**

10.1 Principle of the proposed demolitions and the proposed mix of uses

10.2 The proposal involves the demolition of the rear wing and an internal staircase of the Grade II listed building as well as demolition of the standalone building to the rear, No. 49 Aire Street which is a curtilage listed building. The layout of the existing listed building has some key constraints which prevent it being easily adapted for other uses. These include a large central stair core which dominates the interior of the main floors of the building, and the fact that there are level changes negotiated by steps between the main building and the rear extension. This has led to a

proposal for the rear extension, rear standalone building (49 Aire Street) and for the modern internal stair core within the main listed building to be demolished to allow the main building to be put back into a meaningful use. The Applicant has advised that it is also the case that if a new staircore were to be installed in the existing host building, it would need to be of such a size and be in a such a position, to allow access to the stepped rear wing as well as the main building, that it would also compromise the floorspace layout to a level that would make the building remain an unattractive proposition for office and hotel providers, or would create an unviable level of accommodation for residential use. The demolition of the rear wing would allow for the creation of a new block to the rear that could be connected into the retained main part of the listed building at 17 Wellington Street, as well as creating more useable spaces within the listed building.

- 10.3 Officers consider that such demolitions will lead to less than substantial harm to the significance of the designated heritage asset, and as such the proposals need to be justified in accordance with the considerations of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that decision makers should give considerable importance and weight to the desirability of preserving the setting of listed buildings. Case law has held that once harm to a listed building is established, considerable weight needs to be attached to that harm. The National Planning Policy Framework (NPPF) advises that there is a presumption against the granting of planning permissions for the schemes requiring the demolition of listed buildings unless it can be demonstrated that the public benefits outweigh the harm including securing its optimum viable use. However the view of Officers is that there will be less than substantial harm and for this reason paragraph 134 rather than paragraph 133 of the NPPF is applicable for this proposal. In addition, It also the case that there is a statutory requirement to consult Historic England and designated National Amenity Societies on such matters. In instances where Historic England or a designated National Amenity Societies objects to proposed demolition works to a listed building there is a requirement for Local Planning Authority's to notify the Secretary of State (SoS) of the proposals and the objections. The SoS will then decide whether or not to call the application in for determination. In the case of the current proposals both Historic England and the Victorian Society have been formally consulted and have stated that they object to the demolitions on the basis that they consider the works would cause major harm to the significance of the listed building and its setting within the conservation area. As such this proposal will be referred to the Secretary for State.
- 10.4 Officers consider that the rear wing, and the standalone building No.49 Aire Street are of little architectural or historical significance in relation to the main body of the Grade II listed building that fronts Wellington Street. In addition Officers consider that removal of the rear wing would mean the loss of only a small part of the listed building, with the main body of 17 Wellington Street being retained. Due to this lesser significance it is considered by Officers that the demolitions would result in less than substantial harm to the Grade II listed building and this part of the wider City Centre Conservation Area. The Applicant has undertaken marketing and feasibility work to look at other options to bring the building back into use. Their evidence suggests that in all instances the physical constraints of the host building (i.e. the large existing staircore, which would need to be replaced by a new staircore and the stepped floor plan) have resulted in no interest in the building in its current form. In addition, to enable the Applicant to be able to bring the listed building back to use, a certain level of income needs to be generated from the addition of the new build element.

- 10.5 It is the case that trying to accommodate the existing rear wing in the new building would be a costly exercise which may result in the overall scheme becoming unviable. Therefore, whilst Officers acknowledge that whilst there will be harm in the level of demolition, this would be a tolerable level and the demolitions would allow the main body of the listed building to be brought back into use, which would be of public benefit. The most recent use of the former warehousing building has been as offices. The developer has advised that the spaces in the building are not of a standard and layout that modern office operators are seeking. The interior of the building is dominated by a centrally located modern stair core which splits the floor areas into awkward spaces. In addition, there is a levels change between the main part of the host listed building and the rear extension.
- 10.6 Therefore, the developer has explored other potential uses but these have proved to be unfeasible for the site. As a result the proposal is for a predominantly residential scheme with the two lower floors operating as A3 restaurant use, which would provide a feasible mix of uses that would allow the listed building to be reused. The proposed mixed use development would be compliant with the aspirations of the Core Strategy and relevant retained Leeds Unitary Development Plan policies, which encourage a mix of uses to ensure a wide range of activities in the area. The proposed range of uses would contribute to the ongoing creation of a vibrant and lively community in Leeds City Centre. The scheme would be a sustainable development that would allow an appropriate level of use of the land, whilst retaining the majority of the Grade II listed building intact. The proposed development would be of high quality in respect of its design and materiality in its own right and would be an aesthetically positive addition to the streetscene.
- 10.7 It is also the case that the development will provide an estimated 53 direct construction jobs and 37 indirect supporting jobs (through the supply chain) and when completed the development will create some 36 jobs. The Applicant also advises that the scheme will generate £26,000.00 in Council Tax and over a 6 year period a New Homes Bonus payment of £123,300.00 is anticipated. In addition, the proposal would deliver 22 new dwellings within the City Centre, contributing to the Council's housing land supply and the new A3 restaurant unit/s will generate new employment opportunities. As such the public benefits are considered to outweigh the harm in this instance and the principle of the proposal is considered acceptable on balance.
- 10.8 It is also the case that the demolitions would have an impact on the character and visual amenity of this part of the City Centre Conservation Area. Officers consider that such demolitions will lead to less than substantial harm to the significance of the City Centre Conservation Area and as such the proposals again need to be justified in accordance with the considerations of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 134 of the National Planning Policy Framework (NPPF). The said character is predominantly Victorian, with former warehousing buildings still being evident and spaces and streets retaining the dimensions of the urban Victorian environment. However it is the case that other contemporary buildings can also be found in the immediate street scape. As such it is an area where it is common for contemporary buildings to sit adjacent to heritage assets. Whilst the proposals would result in the loss of part of a listed building and the standalone No.49 Aire Street, these would be replaced with a new block of a high quality in respect of design, an appropriate use of brick as its principle material fronting Aire Street and of a scale in keeping with the built form in the wider area. As such it is considered that the proposal would enhance the character and visual amenity of this part of the City Centre Conservation Area and that the above noted public benefits are considered to outweigh the harm in this instance.

- 10.9 The impact on the character and visual amenity of the host site and surrounding area
- 10.10 The proposal involves the erection of a seven storey contemporary block to the Aire Street side of the site; with a two storey connecting extension between the new block and the 6 storey Grade II listed building fronting Wellington Street. Historic England have objected to the height of the seven storey proposal. The proposal has been reduced in height since the preapplication stage where it was proposed to be eleven storeys tall. In addition, Aire Street and Wellington Street are characterised by a variety of building types and heights with some buildings being of similar scale to the proposed seven storey new building and some being taller than the proposal. The wider street scene has a tight urban grain with buildings siting on the back edge of the footways. The proposal sits in the context of a series of buildings that rise in height along the street in the view to the west and is also viewed in the same range of these buildings when looking east. Directly across Aire Street to the south stands Princes Exchange which is of a similar height range to that proposed. The position and height of the new block is such that the building would not project above the listed building at 17 Wellington Street. As a result Officers consider that the new seven storey block would not be unduly dominant in the street scene in respect of its scale, massing and position and its relationship to the listed retained part of 17 Wellington Street.
- 10.11 Within the retained part of the listed building at 17 Wellington Street ground and lower ground floor level openings will be created to the southern face of the building, to allow the A3 restaurant use/s to connect through a link between the listed building and the new block to its south. The connecting element between the existing and proposed buildings would be a two storey glass roofed atrium, and further connections between the two buildings would be provided for residents via glass and zinc clad walkways at the third and fourth floor levels. These walkways are required due to the fact that the layout of the proposed uses means that only the A3 restaurant unit/s can be accessed from the existing Wellington Street entrance. All residential dwellings (in both the listed building and the new block) are to be accessed via a new entrance from Aire Street in the proposed new seven storey building.
- 10.12 The east facing wall of the listed building is currently a blank wall, due to the past demolition of the attached building to the east. This end wall is visually untidy and is set onto the boundary with the adjacent site with insufficient room to provide a new skin of brickwork. As a result the developer proposes to render this side wall of the listed building. Officers consider this to be an acceptable solution subject to full details of the colour and finish coming forward via a Planning Condition.
- 10.13 Above the ground and lower ground floor A3 restaurant uses, the remaining floors of the listed building and the new floors of the seven storey block would all be set out as residential dwellings. The existing basement level would be extended such that it could accommodate the base of the new circulation core for the new block, cycle storage and extraction and ventilation plant. Internally within the listed building existing partitioning and the existing stair and lift core will be removed. New partitioning to create the residential and restaurant units and the spaces within them, are proposed as well as new seals and replacement ironmongery to the windows and new infills to the voids created by the staircore removal. There may be the need for other types of new flooring and new suspended ceilings in some locations dependant on the types of spaces being created (eg kitchens and bathrooms). Full details of these potential insertions will be required under Planning

Conditions however it is considered that the removed elements would not adversely affect the historic fabric. In addition, because the building has been significantly altered in past refurbishments the interior is largely devoid of historic detailing. Therefore the indicative installation of the new partitions, floors and ceilings, in the locations suggested would not have any significant adverse impact on the architectural and historic detailing of the host listed building and are considered to be acceptable.

- 10.14 Externally the Wellington Street frontage of the listed building will be largely unaltered. The exception to this will be the removal of the steps to the entrance of the building. The removal of the external steps is required to create a fully accessible entrance into the building from Wellington Street. An internal lobby, which will have a lift and steps serving both the lower and upper ground floors, will be created leading from this level threshold. The removal of the external steps would serve to increase the grandeur of the entrance and would not result in any significant harm to its character and visual amenity.
- 10.15 The demolition of the rear wing of the listed building would result in an opening running up the south face of 17 Wellington Street above the level of the new glass roofed atrium. This upper floor opening will be faced with vertical standing seam zinc panels with inset double glazed windows in powder coated aluminium frames. This would be largely concealed from view by the new Block from Aire Street although there may be some angled views of this when viewed from the west. Within this contemporary section openings would be left to allow the aforementioned resident's access walkways to connect into the building. The placing of these walkway links would be such that they would allow the required access between the two buildings, whilst ensuring no further historic fabric needs to be removed from the Aire Street face of the listed building.
- 10.16 The design approach to the new seven storey block is to create a contemporary building which would complement rather than compete with the host listed building and the surrounding heritage rich , but architecturally mixed setting. Therefore whilst at preapplication stage the building was predominantly glazing with metal cladding, the principle material will now be brick, accompanied by zinc cladding and glazing. The ground and first floors of the building would be set back some 1.5 metres, creating an area for external tables and a more generous area in front of the ground floor residential entrance. The ground and first floor facades will be predominantly glazed, however the internal bin store frontage is proposed to be vertical standing seam zinc panels. Above first floor the building would be elevated in a pattern of punched vertically orientated windows of different sizes, with deep reveals, set into brickwork of a red/purple hue. The sixth floor apartment is set back behind the façade creating a deeper reveal at this top level. Glass balustrading is to be positioned in the openings at this top level. The north face of the new block is to be treated in vertical standing seam zinc panels to match that which is to be used elsewhere within the scheme and to create a contrast to the brickwork of the listed and new buildings. To visually strengthen the relationship between the cladding and the brickwork a small return of brick will wrap around the edges of the north façade.
- 10.17 The west face of the new block will be built up off the existing boundary wall and is to be also faced in brickwork within inset openings for the upper floor roof terrace. The site to the east adjacent to 17 Wellington Street, whilst currently being used as a surface car park, is a development site (for the proposed City Square House) where a future building would be likely to conceal the east facing façade of the new seven storey block and 17 Wellington Street. Therefore, the Applicant proposes a render finish to the east facing façade of the proposed new block. This would be a

coloured render and detailing could be introduced in the finish to add visual interest. It is considered that the overall design of the building would be of a crisp, high quality, contemporary addition. The proposal would sit comfortably within the context of the existing retained Grade II listed building (17 Wellington Street) and the mixture of historic and contemporary buildings along Aire Street, as well as this part of the City Centre Conservation Area.

10.18 Residential Amenity

10.19 The proposal provides a good mix and size of units with 22 apartments of which 8 would be duplex two bedroomed apartments in the listed building and 9 two bedroomed and 5 one bedroomed apartments in the new building. The relevant Core Strategy policy H4 on Housing Mix requires a minimum provision of 20% of units to be 3 bedrooms across the Local Authority area. However, the policy does allow the Local Planning Authority to take into account the nature of the scheme as well as its location. The constraints of redeveloping a listed building and creating a new block on a constrained site have meant the Developer has not been able to provide any three bedroomed apartments in this case. In this context the proposed mix of apartment types is considered to be acceptable by officers.

10.20 The apartments in both sides of the development would be generously sized. The new block offering one bedroomed flats in excess of 47 sq metres and two bedroomed flats in excess of 61 sq metres floorspace. The apartments in the listed building would be large duplex flats ranging from around 80 sq metres to over 100 sq metres in floorspace. As such all apartments would accord with the guidance in the DCLG – Technical Housing Standards 2015 in respect of space standards.

10.21 Concerns have been raised within the letters of objection with regard to the potential for overlooking of the existing residences in the adjacent properties to the west, in No. 19 Wellington Street. The windows in the proposal face north and south and where they face each other across the proposed glazed link they are angled to ensure there will be no direct views in to other apartments. As a result of these proposed window positions views of the dwellings in the adjacent No.19 Wellington Street would also be oblique in angle to prevent direct overlooking. At the 6th floor level of the proposed new block a roof terrace is proposed with glazed balustrades to its elevations. As such there is the potential for overlooking from the roof terrace. Therefore the applicant has agreed to etched glazing and to increasing the height of the balustrades where they face to the west, to protect the amenity of the neighbouring residents.

10.22 Objections received cite concerns that the development will overshadow the dwellings in the adjacent properties within 19 Wellington Street. The Applicant provided a sunlight and daylight assessment undertaken by their consultants. This assessment concluded that there would be only one infringement on daylight as a result of the new building, and this would be to a single ground floor bedroom window where a 25% loss of light would occur. As such it is considered that the proposal would not result in a significant worsening of the current levels of overshadowing caused by the existing rear extension that abuts the boundary with No.19 and that would be replaced by the proposed new block.

10.23 The potential for noise and fumes from increased numbers of vehicles visiting the site to deliver and service the restaurant unit/s, as well as noise from the operation of the restaurant/s has been raised in the submitted objections. These matters will be controlled via Planning Conditions in respect of the controlling the hours when deliveries and servicing can be undertaken to restrict the presence of vehicles and

thus limit noise and fumes from them, as well as the requirement for a noise report and full details of any extraction and ventilation details. Further concerns have been raised with regard to potential noise disturbance from the demolition and constructions works. Planning Conditions will be applied to control the hours of these works as well as for the submission of a Demolitions and Construction Management Plan detailing the methods to be employed in implementing these works.

10.24 Vehicle Parking, Sustainable Transport and Travel Planning

Due to the sustainable location of the site, close to Leeds Train Station and a high number of bus stops at the train station, around City Square and at Aire Street and Wellington Street no car parking spaces are proposed. However an area in the basement will be laid out for 28 long stay secure cycle parking spaces. This is supported in this location and the scheme is unlikely to cause any highways network or parking problems due to on-street parking controls in the wider area.

10.25 The proposal is below the threshold for requiring a Travel Plan. However as stated above the site is in a sustainable position , close to transport links, secure cycle parking spaces are to be provided and in addition a car club membership trial is to be provided via a S106 obligation (see paragraph 10.30 below).

10.26 Sustainability Measures

10.27 The proposal incorporates a variety of sustainability measures including;

- The reuse of an existing developed site, and the reusing of a large proportion of the existing building envelope (circa 78%).
- The scheme promotes reduced carbon dioxide emissions from delivered energy consumption by minimising operational energy demand through passive and best practice measures. Low and zero carbon (LZC) technologies will be incorporated into the design, as part of an integrated services strategy.
- Fabric first approach taken to design and energy reduction. High level of insulation to be used to reduce heat loss. High levels of natural daylight through effective window design, coupled with the use of high performance glazing to reduce solar heat gain whilst providing excellent thermal values.
- Use of heat recovery systems for both residential and A3 uses.
- Effective intelligent control and metering used to ensure efficient operation of the buildings services.
- Air Source Heat pump installations is to form the back bone of the mechanical engineering design solutions for the restaurant areas, and the apartment heating and hot water. The air source heating and cooling systems can both heat and cool simultaneously allowing the transfer of waste heat from warm to cold parts of the building. Such systems have performance levels often in excess of 550%. This should achieve in excess of a 60% reduction in the dwelling emission rate and target emission rate.
- Use of low flow fittings and aerated taps to reduce water consumption. Leak detection in all flats to reduce waste.
- Use of the latest lighting technology including LED's to reduce energy consumption, whilst minimising glare and light pollution to surrounding areas.
- Location adjacent to major public transport hub and stops.
- Secure cycle parking provided.

Full details of the sustainability measures will be required by Planning Condition.

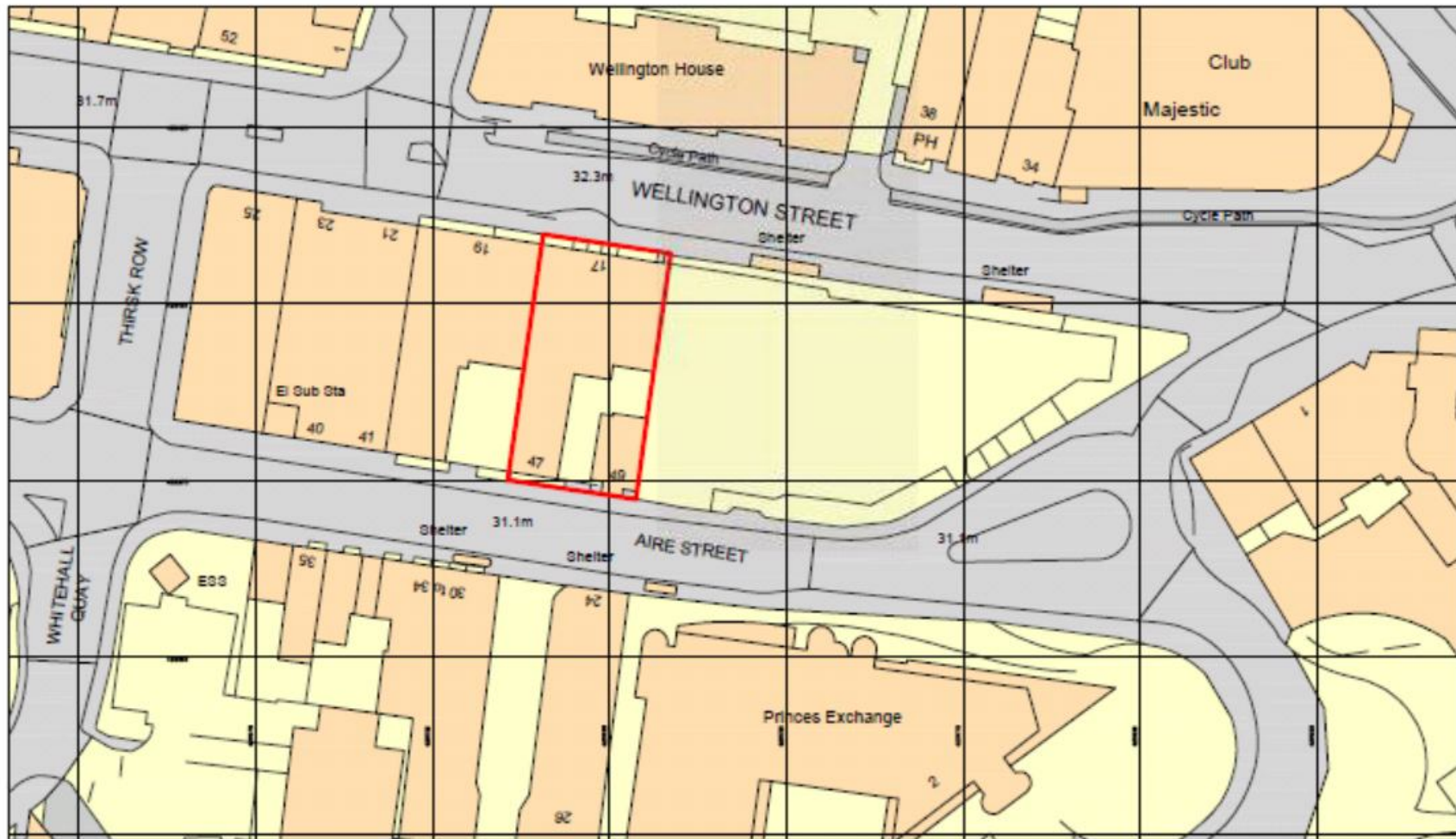
10.28 Section 106 Legal Agreement

- 10.29 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.
- 10.30 There is a requirement for the following obligations that sit outside the Community Infrastructure Levy regime:
1. The employment and training of local people
2. Affordable housing provision at 5% is one single bedroomed unit
3. The provision of a free car club trial for the sum of £3200.00
- 10.31 The proposed obligations have been considered against the legal tests and are 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.
- 10.32 As stated in the above S106 list commitment to the promotion of employment and training opportunities for local people during construction works as well the operation of the commercial uses will be secured through the development's associated Section 106 Legal Agreement. The commitments will cover the procedures for appointing contractors/ sub-contractors; details of job vacancies, apprenticeship opportunities, work placements as well as identifying numbers/ types of employment and training opportunities, updating regular details of recruitment and retention of employees.
- 10.33 The development is Community Infrastructure Levy (CIL) liable. The CIL contribution is estimated to be £16,993.00 and CIL is payable on the commencement of development. The payment of CIL is not material to the determination of the planning application. The CIL payment will be allocated to one or more of the projects or type of infrastructure set out in the Regulation 123 List. Accordingly, this information is presented simply for Members information.

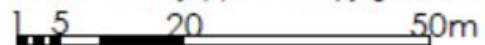
11.0 CONCLUSION

- 11.1 In conclusion it's considered that the proposal is an appropriate mix of uses, scale, design and style for this site. The scheme would allow an important listed building to be brought back into use and the level of harm caused by the demolition of part of the heritage asset is outweighed by the public benefits of the proposal. The design of the seven storey building would be a high quality, contemporary addition which would sit comfortably within the context of the host listed building, street scene and this part of the City Centre Conservation Area. Therefore, the proposal is recommended for approval

Background Papers:
PREAPP/16/00017
16/06877/FU
16/068787/LI

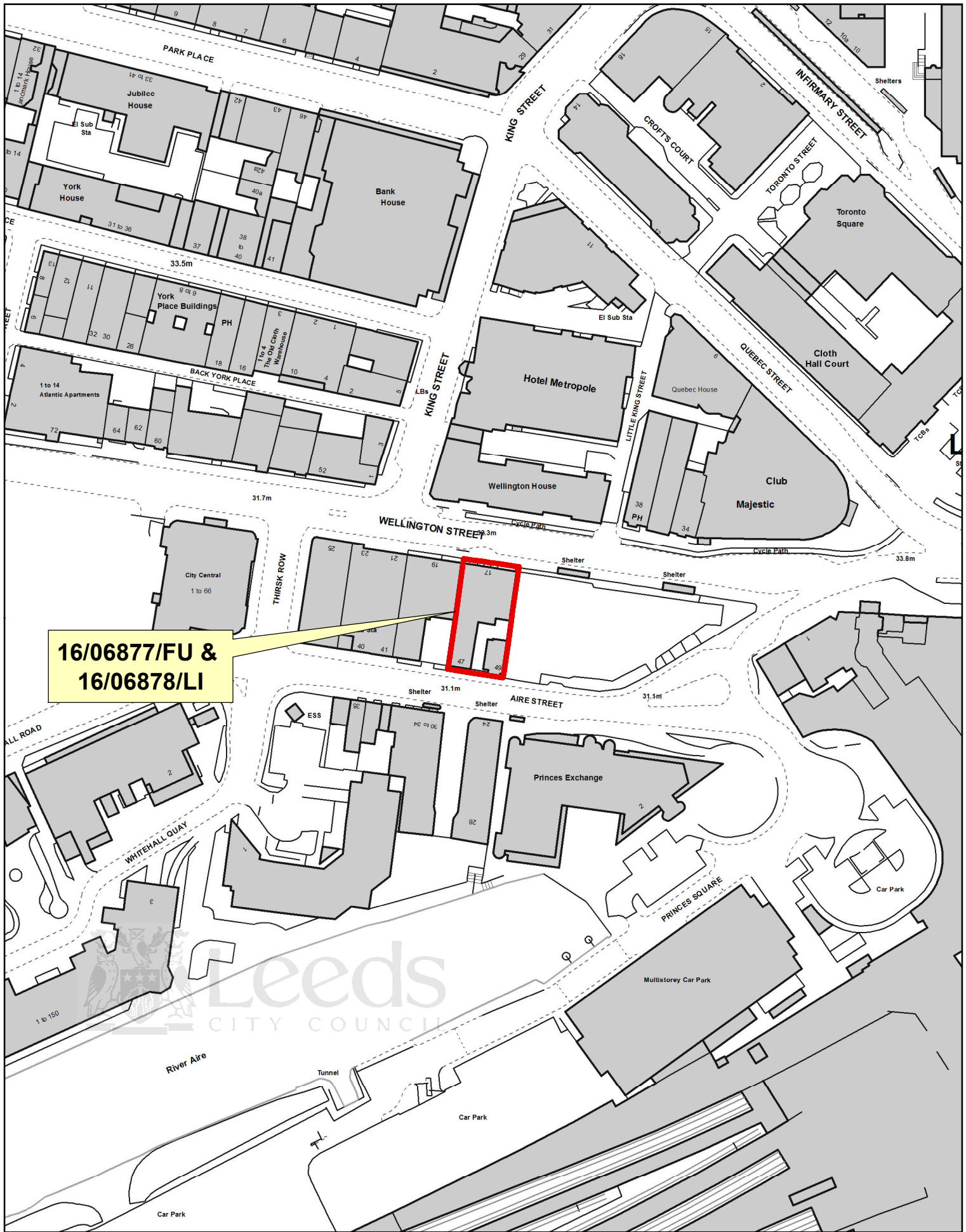


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Location Plan

Scale 1:1250



**16/06877/FU &
16/06878/LI**

CITY PLANS PANEL



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