



## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 1<sup>st</sup> AUGUST 2013

**POSITION STATEMENT - DEMOLITION OF 14-18 THE CALLS, 28 THE CALLS AND THE MISSION HUT BUILDING, AND CONSTRUCTION OF 77 APARTMENTS AND BAR / RESTAURANT / OFFICE SPACE (USE CLASSES A3/A4/ B1) AND LAYING OUT OF PUBLIC OPEN SPACE, 14-28 THE CALLS, LEEDS 2 (REF 13/02034/FU).**

**APPLICANT**  
Commercial Development  
Projects Ltd

**DATE VALID**  
14<sup>th</sup> May 2013

**TARGET DATE**  
13<sup>th</sup> August 2013

#### 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: For Members to note the content of the report and to provide feedback on the questions raised at section 9 of this report.**

## 1.0 INTRODUCTION

1.1 This presentation is intended to inform Members of the details of the current planning application for a large riverside site at Warehouse Hill between The Calls and the River Aire. The site has been the subject of several planning permissions during recent years. The latest, involving offices, A3/A4 uses and public space was approved in July 2011 following a lengthy design process. The current proposals involve a mixed use development comprising apartments, commercial space and a new public space laid out in a similar arrangement to that most recently approved. A pre-application presentation of the current scheme was presented to City Plans Panel in April 2013. The minutes of that meeting are attached as Appendix 1.

- 1.2 This report is brought to City Plans Panel for information. Officers will present the current position reached in respect of this application to allow Members to consider how the scheme responds to comments made regarding the pre-application proposals and to consider a subsequent issue that has arisen regarding viability.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The application site is located within the City Centre Conservation Area between The Calls and the River Aire. The site contains a number of buildings originally built to serve trade on the river. The existing buildings fronting The Calls are of traditional design, with the rear elevations onto the riverside being functional and plain in appearance. The open wharf has been used for surface car parking for some time. There is no public access to the site at present.

- 2.2 A number of buildings have been neglected, appear rundown and adversely affect the appearance of the area and the character and appearance of the City Centre Conservation Area. In particular, 18 The Calls has been derelict for a number of years, and is in a precarious state, supported by scaffolding. Although a listed building there is an extant consent for its demolition.

- 2.3 28 The Calls is a small warehouse building, possibly the earliest surviving building on The Calls. However, it was significantly altered in the 20<sup>th</sup> Century including rendering of the original brick skin both to the front and rear elevations and alterations of window openings. Internally the structure was drastically altered and only the original roof trusses and beams survive.

- 2.4 The Mission Hut is a stone built former chapel building used by the Leeds canal and waterfront workers in the 19<sup>th</sup> and early 20<sup>th</sup> Century. The building has fallen into disrepair and has no viable function at present. There is an extant consent for its demolition.

- 2.5 2 to 12 The Calls to the northwest of the site is occupied by offices. 32 The Calls is located on the eastern fringe of the site. The listed building comprises 6 storeys fronting The Calls and 7 storeys to the riverside. The building primarily contains apartments. The Aire Bar is situated at lower level within the building with an open terrace area extending towards the river. Buildings on the southern side of the river facing the application site are primarily in residential use, including Navigation Walk. However, in common with the wider riverside area there is a mix of leisure, office and residential use.

## **3.0 PROPOSALS**

- 3.1 The current proposals work closely with the principles of the approved scheme. As with earlier schemes 14-16 The Calls, 28 The Calls and The Mission Hut are proposed to be demolished allowing opportunities for opening up views of the river and public access into the site.

- 3.2 An "L" shaped building is proposed towards the west end of the site. The 4-7 storey building would step up in height from The Calls towards the river. The building would front The Calls close to the existing location of 14-16 The Calls, project directly towards the river, then run alongside the river behind 2-12 The Calls. The building

would accommodate two levels of parking (47 spaces) at lower ground floor level accessed from Riverside Court. The ground floor is identified as commercial space fronting The Calls and residential facing the river. Above this level the use is entirely residential. Levels 4-7 have a reduced footprint, with the top level being solely located parallel to the riverside.

- 3.3 The extant planning approval identifies the extension of 20-24 The Calls at two levels on the southern side. This extension is no longer proposed enabling the provision of a larger area of open space. The retained building would be converted to commercial space at lower ground and ground floor, with access to apartments proposed at first floor level.
- 3.4 A new building with a predominantly rectangular footprint is proposed at the eastern end of the site between 24 and 32 The Calls. The building would have a commercial use at lower ground and ground floor with 3 levels of residential accommodation above. A public route into the site is now located on the west side of this building.
- 3.5 The proposed new building materials are identified as ashlar sandstone at plinth level, rustic variegated red-blue brick walling, with aluminium/timber composite windows. The residential element of the scheme incorporates projecting and integral balconies constructed utilising mild steel balustrades and hardwood handrails overlooking the river.
- 3.6 A large public space is proposed at the heart of the site. The primary public access would be located between 20-24 The Calls and the new “L” shaped building, with additional access from the walkway at the end of Riverside Court, and from the cut to the east of 20-24 The Calls. The space will be primarily hard-surfaced with levels falling in a series of stages towards the river. A lift would be provided to allow level access between the levels.
- 3.7 The flood defence comprises a flood wall incorporated into the new development, linked into a flood wall along the terraced area. Access to the riverside is achieved by openings which would be protected by floodgates. The flood defences are designed to be consistent with the long-term standard intended for the Leeds Flood Alleviation Scheme.

#### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 Application 20/262/03/FU was approved in April 2007 for redevelopment of the site to provide 74 apartments, offices and A3 bar and restaurant uses. The scheme involved the demolition of 14-16 The Calls, 18 The Calls and The Mission Hut. This consent which included a requirement for 15% affordable housing expired in April 2012.
- 4.2 Application 08/05307/FU was approved in July 2011. It involved demolition of 14-18 The Calls, 28 The Calls and The Mission Hut and the construction of two new blocks containing 5070 square metres of office accommodation and 1500 square metres of A3/A4 floorspace, with basement parking facilities. The proposed buildings framed a south-facing public space with terracing stepping down to the river.

- 4.3 Consent is in place for the demolition of 14-16 The Calls (10/04387/CA), 18 The Calls (10/04388/LI) and 28 The Calls (08/05309/CA). Each of those consents is subject to a condition that there should be no demolition before a contract for the carrying out of the works of redevelopment of the site has been agreed and planning permission has been granted for the redevelopment to which the contract relates.

## **5.0 PUBLIC/LOCAL RESPONSE**

- 5.1 Prior to submission of the application the developer presented the scheme to Leeds Civic Trust. The developer also held a public consultation event. Site notices were displayed around the site on 31<sup>st</sup> May 2013 and the application was advertised in the YEP on 6<sup>th</sup> June 2013. No public representations have been received.
- 5.2 Councillor Nash has commented on a related application. She has requested the re-use of the street sign on the Mission Hut when the substantive Calls Wharf development has been implemented.

## **6.0 CONSULTATIONS RESPONSES**

### **Statutory:**

#### Transport Development Services:

The details of the proposed crossing on The Calls need to be considered further. A car parking management strategy is required to ensure that the car parking is used efficiently. Cycle storage needs to be identified.

#### Environment Agency:

The development will only be acceptable if the measures detailed in the flood risk assessment are implemented.

#### English Heritage:

English Heritage (EH) is broadly supportive of the proposed scheme. EH question the metal cladding and substation close to the main entrance into the site. They also advise that consideration should be given to the provision of some form of interpretation materials as part of the development.

#### Canal and River Trust (CRT):

CRT has no objections to the development subject to conditions relating to boundary treatment, demolition, landscaping and litter management. They also encourage the addition of visitor moorings as part of the development and the use of the river for the transportation of demolition and construction materials.

#### The Coal Authority:

The Coal Authority does not object to the conclusion that it would not be economically viable to recover coal from the site. Intrusive investigation should be undertaken to enable the design of any mitigation measures that may be necessary to ensure the safety and stability of the proposed development.

## **Non-statutory**

### **Leeds Civic Trust (LCT):**

LCT supports the development. LCT welcomes the reduction in bulk relative to the approved scheme and the larger public space that will be created. They also welcome the way in which the scheme will enhance views of the river. LCT considers that the even spread of balconies represents an improvement on the details originally submitted. They oppose the provision of gates commenting that it would allow the area to be closed off. They also suggest additional greenery would be beneficial as would means to deter the area being used by skateboarders. LCT suggests the site would be a good location for public art or for casual play features for children. Riverside railings should be the minimum necessary. The site access road should be redesigned as a shared surface. Consideration should also be given to the potential for widening pavements and providing a shared crossing on The Calls.

### **The Victorian Society (TVS):**

TVS support Leeds Civic Trust comments. In particular, they comment that demolition should not be allowed until a main contractor for the scheme has been appointed.

### **LCC Regeneration Programmes:**

The site falls within the City Centre Housing Market Zone where there is a current requirement for 5% affordable housing split 40% social rent and 60% submarket housing. Therefore, there is a requirement for 4 affordable units (2 for social rent and 2 for submarket housing).

### **Transport Development Services – Travelwise:**

Refinements are required to the Travel Plan promoting additional information sources; the inclusion of a location plan identifying sustainable transport facilities; and a timescale for delivery of measures. A Travel Plan review fee of £2,500 will be required along with £6,000 compensation for loss of the pay and display bay, and £7,625 for free trial membership and usage of the car club.

### **Contaminated Land Team (CLT):**

CLT do not require any additional soil sampling to be undertaken, unless any visual and or olfactory contamination is encountered during the additional geotechnical investigations. Conditions are recommended.

### **Metro**

The proposals involve a significant parking reduction for this site which is welcomed. Metro support the application of the Public Transport SPD with NGT in mind to receive any contribution made.

### Access:

There is a significant change in level between The Calls down to the river. More details are required regarding the design of the public open space and external landscaping arrangements. If the lift is to remain as proposed it needs to be clearly signed and the route to and from it kept clear. The step design should comply with the British Standard. The tapering steps could be dangerous. The disabled persons parking bays should be closer to the lift core and a further 2 bays should be identified which are large enough to become disabled parking bays in the future.

### Flood Risk Management:

No objections subject to a condition regarding surface water drainage.

### Yorkshire Water:

If planning permission is granted drainage conditions should be included.

### NGT Project Team:

The development will have a significant travel impact. An indexed linked contribution of between £27,886 and £46,446 towards the cost of providing strategic public transport is required depending upon the extent of A3/A4 and B1 office provision in the scheme.

### Entertainment Licensing:

The site is located in the City Centre Cumulative Impact Policy Area. The area in which the development is situated has been designated as a crime and disorder hotspot (red area). It is current policy to refuse new licence applications for bars, pubs, clubs and for premises offering late night refreshments in such areas. It is therefore uncertain whether further premises would be successful in obtaining a Premises Licence within this area.

The density of existing licensed premises in the area will bring problems for residents. Noise attenuation measures therefore need to be built into the development, including adequate ventilation systems to avoid the need to open windows.

### Police Architectural Liaison Officer:

Demolition of the existing buildings and development of the scheme will benefit the community and the built environment. Gating is paramount to the scheme. The developer should also be required to include physical security hardware as required by the Secured by Design scheme.

### West Yorkshire Archaeology Advisory Service:

WYAAS recommend a condition that would secure a programme of archaeological recording before development of the site.

## LCC Nature Conservation:

There is a low to moderate potential for bat roosts on site. Therefore, conditions are recommended requiring up-to-date surveys and provision of bat roosting opportunities in the new buildings.

## **7.0 PLANNING POLICY**

7.1 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 that may be given.

### 7.2 Unitary Development Plan Review (UDPR)

7.2.1 The site is located in the City Centre Conservation Area and the Riverside Proposals Area. In the Riverside Area a range of generally complementary land uses are actively encouraged (CC28). The Warehouse Hill proposal area (27a) statement indicates that the site provides a major opportunity to combine new building and public space with conservation of adjoining buildings. It states that a significant element of leisure and tourism uses is particularly suitable. Leisure uses are encouraged to spill out into the public space part of the area.

7.2.2 Policy H4 allows for residential development on unidentified, brownfield sites subject to the proposals being compatible with the area and all other normal development control considerations. UDPR policies H11-H13 set out the requirement for the provision of affordable housing. The Interim Affordable Housing policy states that 5 per cent of dwellings should be provided as affordable housing if the development is implemented in two years.

7.2.3 Other relevant UDPR policies include GP5 (detailed planning considerations to be resolved) and BD5 (ensure a satisfactory level of amenity for occupants and surroundings); GP11 and GP12 set out sustainable design requirements; N12, N13, CC3 and BD6 (priorities for urban design); T2 (development should not create or materially add to problems of safety or efficiency on the highway network); and A4 (design of safe and secure environments, including access arrangements, public space, servicing and maintenance, materials and lighting). Policies T5 and T6 require satisfactory provision for disabled people, pedestrians and cyclists. Policies N14, N18A, N18B, N19 and CC5 identify requirements to preserve listed buildings and the character of the conservation area. As the site is in the city centre and exceeds 0.5 hectares a minimum of 20% of the area should be identified as public space (CC10).

### 7.3 Natural Resources and Waste Local Plan 2013 (NRWLP)

7.3.1 The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013. Policy Water 4 requires developments in flood risk areas to consider the effect of the proposed development on flood risk, both on-site and off-site including through submission of a flood risk assessment (Water 6). Policy Land

1 states that new tree planting should be introduced to create high quality environments for development.

#### 7.4 Draft Core Strategy (DCS)

7.4.1 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

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

7.4.3 Policy H2 confirms that new housing development will be acceptable in principle on non-allocated land subject to meeting accessibility standards. Policy CC1 identifies the intent to provide 10,200 in the city centre with residential uses sited on upper floors and away from major roads. H3 and H4 identify density and housing mix requirements. DCS Policy H5 states that the Council will seek affordable housing from all developments of new developments either on-site, off-site, or by way of a financial contribution if it is not possible on site.

7.4.4 Policy G5 sets out new open space requirements in city centre developments over 0.5 hectares. DCS Policies T1 and T2 identify transport management and accessibility requirements for new development. Specific accessibility standards are included in DCS Appendix 2. Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and enhancing existing landscapes and spaces, and development protects and enhance the district's historic assets in particular existing natural site features, historically and locally important buildings, skylines and views. Conservation Policy P11 states that innovative and sustainable construction which integrates with and enhances the historic environment will be encouraged. Policies EN1 and EN2 identify sustainable development criteria including achieving a BREEAM standard of Excellent from 2013 onwards.

#### 7.5 Supplementary guidance

7.5.1 Public Transport Improvements and Developer Contributions SPD identifies where development will need to make a contribution towards public transport improvements or enhancements.

7.5.2 Building for Tomorrow Today – Sustainable Design and Construction SPD identifies sustainable development requirements.

7.5.3 Current affordable housing policy comprises both the Interim Housing Policy and Supplementary Planning Guidance (SPG) (the SPG, Feb 2003 and SPG Annex July 2005, revision April 2010). The interim affordable housing policy was approved by Executive Board on 18 May 2011.



Any application for planning permission for 15 residential units or more has to provide affordable housing in accordance with policy. Permissions granted on the basis of the interim policy will normally be time limited to 2 years implementation to ensure that permissions are implemented swiftly.

- 7.5.4 City Centre Urban Design Strategy September 2000 seeks to reinforce the positive qualities of character areas, re-establish urban grain, provide enclosure to streets, create visual interest, encourage excellent design, improve pedestrian connections, develop a mixture of land uses, promote active frontages and promote sustainable development.
- 7.5.5 Leeds Waterfront Strategy 2002 (Review 2006) guides the regeneration of Leeds Waterfront through use, links and appropriate environmental enhancement.
- 7.5.6 Travel Plans SPD (September 2012) identifies the need for sustainable approaches to travel.
- 7.5.7 SPG6 Development of Self Contained Flats and SPG13 Neighbourhoods for Living (2003) identify amenity and design considerations in developing new flats.

## 7.6 National Planning Policy Framework

- 7.6.1 One of the core planning principles in the National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has previously been developed. Planning should proactively drive and support sustainable economic development; and seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (para. 17). Local Planning Authorities should recognise town centres as the heart of their communities and support their vitality and viability; and recognise that residential development can play an important role in ensuring the vitality of centres (para. 23).
- 7.6.2 Housing applications should be considered in the context of the presumption in favour of sustainable development (para. 49). Where it has been identified that affordable housing is needed policies should be set that deliver this on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (para. 50).
- 7.6.3 Design requirements are set out in section 7 noting that developments should establish a strong sense of place creating attractive and comfortable places to live, work and visit (para. 58). Shared spaces should be promoted to help deliver the social, recreational and cultural facilities communities require (para. 70). Section 12 refers to the historic environment. Para. 131 identifies the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; and the desirability of new development making a positive contribution to local character and distinctiveness.

## 8.0 MAIN ISSUES

Principle of the development  
Demolition  
Scale and layout  
Design and appearance  
Residential amenity  
Highways and access  
Section 106 obligations

## 9.0 APPRAISAL

Members are asked to comment on the scheme and to consider the following matters:

### 9.1 Principle of the development

9.1.1 The site is located within the city centre and constitutes previously developed land and buildings which are largely vacant and inefficiently used. Both local and national policies support the principle of the efficient and sustainable redevelopment of brownfield land in accessible locations such as this. The site benefits from an extant permission for a multi-level mixed use office and A3/A4 leisure development with basement parking. Prior to that, permission was granted for a mixed use residential, A3/A4 leisure and office development. The principle of the uses and general scale of the development have been previously agreed.

9.1.2 Entertainment Licensing have designated the wider Calls area as a hotspot area where the Cumulative Impact Policy would guide new premises licences to be refused. They comment that it is therefore uncertain whether the proposed A3/A4 premises would be successful in obtaining a premises licence. However, planning and licensing are two distinct regimes and decisions in each regime must be made in accordance with the material considerations relevant to that regime. Consequently, the Licensing Committee would be free to reach its own conclusions and will not be bound by the planning decision.

9.1.3 The Unitary Development Plan (Review) Riverside proposals area (CC28) and the related Warehouse Hill statement promote the development of the site with a range of uses to ensure vitality throughout the day; to create a significant publicly accessible riverside space; and to encourage leisure uses to spill out into the public space. The proposed mix of leisure/office and residential uses are entirely in accordance with these objectives. Further, the introduction of active uses in this location is important to the continued regeneration of the waterfront and is supported by West Yorkshire Police.

9.1.4 The extent of the proposed public space accords with UDPR policy CC10 and DCS policy G5. The proposals are in accordance with the Unitary Development Plan (Review) and also the aims of the Waterfront Strategy which seeks to increase the vitality of the area and to introduce pedestrian access to and along the river corridor. The principle of the development is therefore in accordance with the development plan.

**Do Members agree that the principle of the development, including the proposed mix of uses, is acceptable?**

## 9.2 Demolition

- 9.2.1 28 The Calls has lost its original appearance and its altered form has neither group value nor makes a strong contribution to the Conservation Area in its own right. The contribution of 28 The Calls to the conservation area is neutral to slightly positive.
- 9.2.2 It is not possible to adapt or reuse the building without major reconstruction, which is un-economic, and would change the building form yet further. The replacement building will be a high quality infill which will enliven The Calls frontage and also provide opportunity for a new public access route into the site.
- 9.2.3 The demolition of The Mission Hut and 14, 16 and 18 The Calls have been previously approved through earlier consents and their removal also formed part of the previously agreed schemes. Their condition has continued to deteriorate over time. Their removal continues to be justified by the benefits of the current proposals. However, in common with comments from Leeds Civic Trust, English Heritage and The Victorian Society, it is not considered that there is justification for demolition of these buildings before a contract for redevelopment of the site has been let. To do so would set an undesirable precedent and potentially leave gaps in the frontage without any remediation or public access for an unknown period of time.

**Do Members agree that the demolition of all buildings on site, other than 20-24 The Calls, is acceptable but only at a point when it has been established that the site will definitely be redeveloped?**

## 9.3 Scale and layout

- 9.3.1 The approved scheme was subject to a number of iterations before being agreed by Plans Panel. The proposed scheme is closely related to the mass and scale of that approval which itself represented a good response to its context.
- 9.3.2 The footprint of the “L” shaped building has been adjusted from that previously approved. The ground and first floor were previously splayed relative to The Calls but now are intended to be built up to the back of the footpath in common with neighbouring buildings.
- 9.3.3 The height of this “L” shaped building has increased by approximately 1 metre but the top level has a significant set back such that the increase is not discernible. The depth of the riverside limb of this building is also significantly reduced from that previously approved. This provides a greater separation to be achieved between the new building and offices in 2-12 The Calls.
- 9.3.4 The proposed layout involves an eastward extension of the riverside wing of the “L” shaped building towards The Calls. The projection is reduced at ground floor level enabling a pedestrian route access towards the river beneath upper floor levels of the building.
- 9.3.5 Towards the east of the site the new “Atkinson Building” is set back slightly further from the river than previously approved and is approximately 1.4 metres lower. The reduction in roofline improves the relationship with high level windows on the gable end of 32 The Calls to the east. The second public access route has also been relocated away from the eastern boundary creating a much greater separation from residential accommodation in 32 The Calls.

9.3.6 The removal of extensions to 20-24 Warehouse Hill enables a larger area of public space to be delivered. In response to the Plans Panel pre-application presentation Members commented that the larger public space was beneficial to the scheme but as part of the justification for the demolition of 14-16 and 18 The Calls, that as many

open views towards the river should be achieved. Views towards the river would be achievable at the main pedestrian entrance into the site and glimpses of the riverside should be possible across the eastern public access routes. The reuse of 20-24 The Calls may also enable views through the building to be attained.

9.3.7 In response to comments made regarding the proposed landscaping by Leeds Civic Trust revised landscaping details have been received which incorporate mooring rings for boats, anti-skateboarding measures and additional soft landscaping. This takes the form of two planters containing ornamental shrubs and one additional Tulip tree (two in total). The previously approved scheme contained five trees. In acknowledgement of policy Land 1 in the Natural Resources and Waste Local Plan, it is considered that the scale of public space created requires the provision of additional trees. These would help to provide a suitable setting for the development, help to provide a balance to the extent of hard surfacing, and provide other benefits including for biodiversity and provision of areas of shade.

**Do Members agree that the scale and layout of the development and views towards the river are acceptable? Do Members consider that the soft landscaping proposals are adequate?**

9.4 Design and appearance

9.4.1 The proposed new build elements of the scheme have adopted a more conventional approach than those previously approved. The elevational treatment is based upon a simple grid with regular openings. Consequently, the buildings are more closely related to the form and context of nearby riverside buildings.

9.4.2 The stone plinth to the new buildings, which is carried across the public space, reflects the vernacular of traditional warehouse buildings in the city. The predominant material at upper levels would be a variegated red brick. The upper levels of the L shaped building would be full height glazing to give the appearance of a light weight pavilion on top of the solid masonry. The proposed brick, natural stone and glazing materials are considered appropriate contextual response to this setting. Glazing is to be framed in aluminium / timber composite windows. Only three types of glazing are proposed. The larger windows would include etched glass in the side panels. The fenestration would be set in deep reveals generating a sense of solidity and permanence to the buildings.

9.4.3 The buildings have been designed with large balconies to take advantage of the south-facing riverside location. The applicant advises that the scale of the balconies, which are larger than those generally seen within the city, are required to make them usable, to help generate riverside activity and are fundamental to the scheme. Since the pre-application presentation the balconies have been reduced in number, moved away from building corners and now have a more uniform arrangement across the façade.

9.4.4 The proposed use of upper levels of the new Atkinson Building as residential accommodation has enabled the elevational treatment to be refined. In particular, windows would now have a closer relationship to the arrangement at 32 The Calls. At ground floor, openings to the commercial use would respond to both existing neighbouring buildings. Consequently, the proposed building responds well to its neighbours in both scale and appearance.

9.4.5 Demolition of 18 The Calls to form the pedestrian entrance into the site will expose the western end of the retained building at 20-24 The Calls. The condition of this gable end is not known. A narrow extension is proposed which would provide an entrance from the street into 20-24 The Calls, and also provide a recessed area to contain the proposed gates. English Heritage raised concerns regarding the intention to use painted steel for this extension. Subsequently, the applicant has confirmed that the gates themselves will be designed as a piece of public art, the details of which would ultimately be agreed by planning condition, whilst the extension itself is likely to be formed in metal, details of which would be agreed by condition as part of the discussion regarding other materials on the site.

**Do Members agree that the overall architectural approach is acceptable and that the revised arrangement of the proposed balconies is appropriate?**

9.5 Residential amenity

9.5.1 The impact of the proposed leisure (A3/A4) element of the scheme on nearby residential properties was reviewed in detail as part of the previously approved scheme. Previously no amplified music or external entertainment was permitted and the operator was required to clear patrons from the external space by 2200 hours. Whilst comments from the Environmental Protection Team have yet to be received as part of the current application it is likely that similar issues will apply. Consequently, subject to the receipt of EPT comments, it is expected that conditions will be designed to ensure that noise from within the building is adequately mitigated by a combination of building design and management control and the residential accommodation will be designed so as not to be adversely affected by external noise sources. Similarly, conditions will be proposed to manage the external use of the space.

9.5.2 The revisions to the form of the Atkinson Building are such that the building itself would have less of an impact upon 32 The Calls than previously approved. In particular, the relocation of the pedestrian access route to the opposite side of the new Atkinson Building would reduce the potential for disturbance.

**Do Members consider that the proposed approach to residential amenity is satisfactory?**

9.6 Highways and access

9.6.1 The site is located in a highly sustainable city centre location. The scheme provides 47 parking spaces which would be used by residents of the flats and potentially by staff of the commercial units. The details of how these spaces will be managed, and the location of disabled persons parking, has yet to be agreed.

- 9.6.2 One City Council Car Club parking space is sought for use by residents of the development. The space could be provided by the conversion of an existing pay and display space. Compensation for the loss of this bay equates to £6,000 and £7,625 is sought for use of the car club by residents.
- 9.6.3 The development will generate a significant number of trips, a proportion of which will have to be accommodated on the public transport network. In accordance with the Public Transport Improvements and Developer Contributions SPD a contribution of between £27,886 and £46,446 is sought.
- 9.6.4 Level access into buildings will be provided. The design of the public space will need to respond to the needs of all users. The provision of a public lift enables level access across the site where there is a significant change in levels.
- 9.6.5 The scheme proposes the provision of a new pedestrian crossing across The Calls outside the development. This would provide a safe route between the proposed development and the city centre and assist with wider connectivity in the area. Leeds Civic Trust has an aspiration for a reduction in the width of the highway and a shared surface crossing at this point. The details of this scheme would ultimately be designed by Leeds City Council Highways following the grant of planning permission in accordance with the normal approach albeit the costs of its design and implementation would need to be met by the developer.
- 9.6.6 The proposals identify gates around the development which would be closed at 2230 hours. Gates formed part of the earlier scheme. Leeds Civic Trust has raised concerns that the provision of gates would enable the site management or residents to close off the area. The provision of gates is intended to help to control the potential for disturbance and anti-social behaviour late at night. The proximity of buildings to the river in this area is such that a continuous pedestrian walkway is not achievable. Consequently, closing the gates at night-time would only affect those utilising the development. As with the previously approved scheme, it is intended that a clause would be inserted in the section 106 agreement ensuring public access into this area is achievable and maintained at all other times.

**Do Members consider that the general approach to access issues is appropriate and that the proposed use of gates is acceptable?**

9.7 Section 106 issues

- 9.7.1 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.

9.7.2 The proposed scheme produces the need for the following obligations which it is considered meet the legal tests:

- Employment and training scheme
- Retention of areas to be accessed by the public
- Public transport contribution between £27,886 and £46,446
- Car club contribution £7,625
- Compensation for loss of pay and display space £6,000
- Implementation of travel plan and travel plan review fee £2,500
- Provision of pedestrian crossing
- 4 affordable housing units (2 for social rent and 2 for submarket housing) if commenced within two years.
- Management fee £2,250

9.7.3 The applicant has not provided a viability statement but states that the development is not viable at the current time. In particular, the applicant is concerned regarding the requirement for affordable housing as part of the scheme. Consequently, the applicant has requested that a clause is inserted in the section 106 agreement which would allow for viability to be reviewed at a later date. The request would need to be accompanied by a full financial appraisal and a fee to enable the Council to consider the appraisal. If it was established that the scheme is unviable the components of the section 106 agreement would be brought back to Plans Panel for consideration. This approach was taken with the section 106 attached to the previous planning permission with the agreement of Plans Panel.

9.7.4 Earlier this year the Growth and Infrastructure Act inserted a new Section 106 application and appeal procedures for the review of planning obligations on planning permissions which relate to the provision of affordable housing. These new procedures are now operational and in force. They do not replace existing powers to renegotiate S106 agreements on a voluntary basis. The new powers only enable assessment of the viability of affordable housing requirements and do not reopen any other policy considerations or merits of the permitted scheme.

**Do Members consider that the proposed package of section 106 measures identified in paragraph 9.7.2 is appropriate and do Members have a view as to whether it would be acceptable for a clause to be inserted in the agreement enabling a subsequent review of viability to be undertaken?**

**Background Papers:**

13/02034/FU, 08/05307/FU, 08/05309/CA, 20/262/03/FU, 20/261/03/CA, 07/01174/FU, 08/01340/FU & 08/00353/FU

Certificate of ownership – signed on behalf of applicants.

**112 Preapp/13/00304 - Proposed development of 79 residential apartments, 1115 sqm of commercial floorspace (A3/A4) and new public space - 14-28 The Calls LS2**

Plans, photographs and graphics were displayed at the meeting. Members noted that a previous scheme on this site had been agreed by City Centre Panel in 2010, however revised proposals to include an element of residential accommodation were now being presented.

Officers presented a report of the Chief Planning Officer outlining preapplication proposals for a mixed use riverside development at The Calls and Members received a presentation on behalf of the applicant

Members were informed that key elements of the previously approved scheme had been retained but that the intention was to improve on the existing scheme with better pedestrian routes and improved views through to the river and provide apartments on the scheme, with nearly all of these residential units benefitting from a riverside view. Deep balconies which would provide a liveable area, rather than just for storage, would be included.

A more shallow floor plate would be used which would enable a larger area of public open space (POS) to be provided. Steps had been introduced down to the POS which was considered to be an improvement on the permitted scheme.

A quality landscaping scheme would be provided which would include hard and soft landscaping. Main materials would comprise stone at lower levels and red brick above.

If the formal application was granted planning permission, it was hoped to commence on site in 2014.

Members broadly supported the scheme and welcomed the wider balconies being proposed.

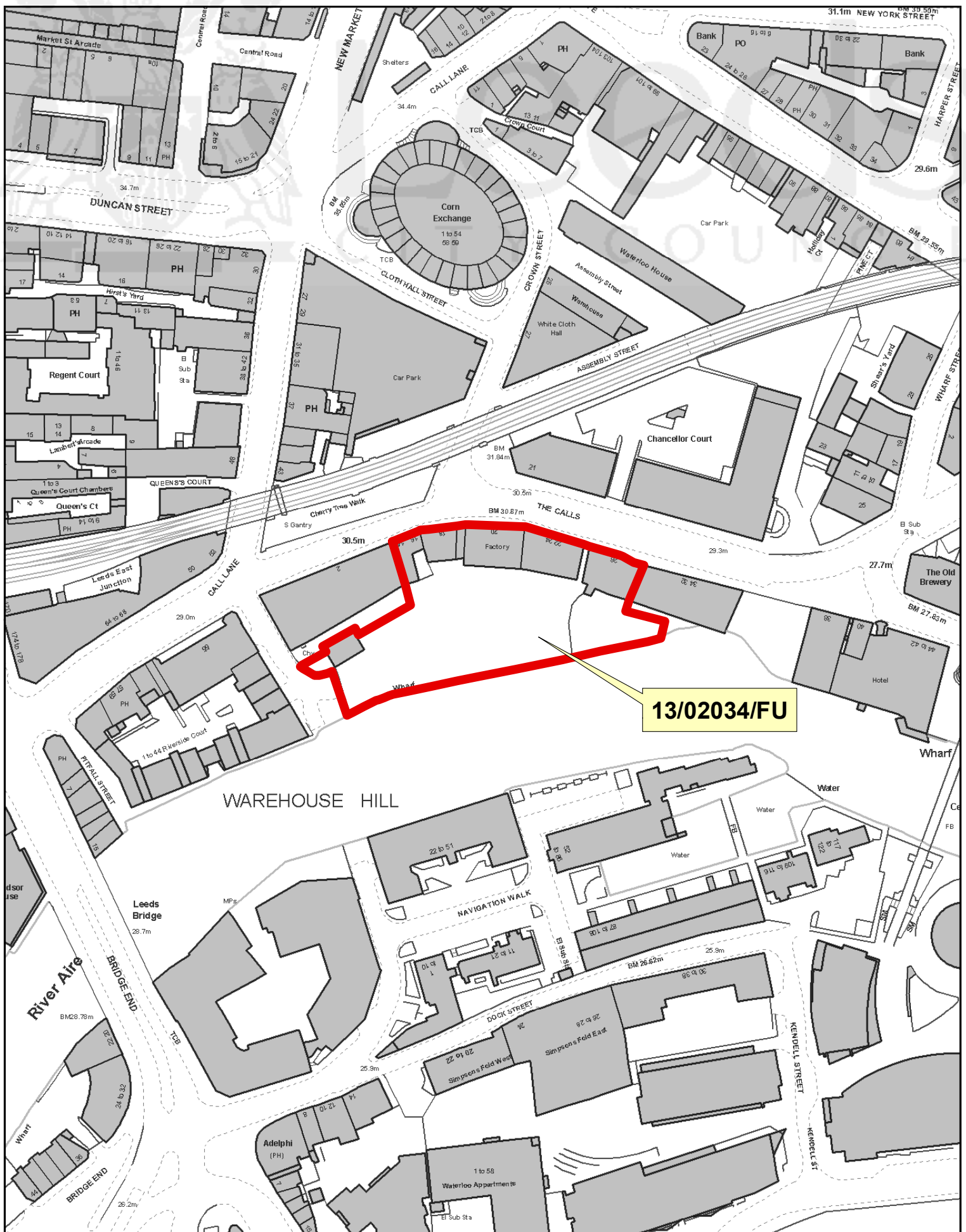
In response to the specific points raised in the report, Members provided the following comments:

- that Members agreed that the principle of the development was acceptable
- that the larger public space was beneficial to the scheme but that as part of the justification for the demolition of 14-16 and 18 The Calls, that as many open views towards the river should be achieved
- that Members agreed that the overall architectural approach was acceptable, subject to sensitive design and that the larger, usable balconies were appropriate

Safety issues were raised as a request was made for the entrances to The Calls to be gated. The Chief Planning Officer stated that safety was considered as part of the previous scheme but that the options for waterfront safety would be looked at again as part of a deliverable scheme.

**RESOLVED** – To note the report, the presentation and the comments now made.





13/02034/FU

# CITY PLANS PANEL

