



## 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 incentives 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 delivery 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. Officers 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 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> 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) Favouring 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)

<b>Type</b>	<b>Max %</b>	<b>Min %</b>	<b>Target %</b>
Houses	90	50	75
Flats	50	10	25
<b>Size</b>	<b>Max %</b>	<b>Min %</b>	<b>Target %</b>
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 6<sup>th</sup> 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**

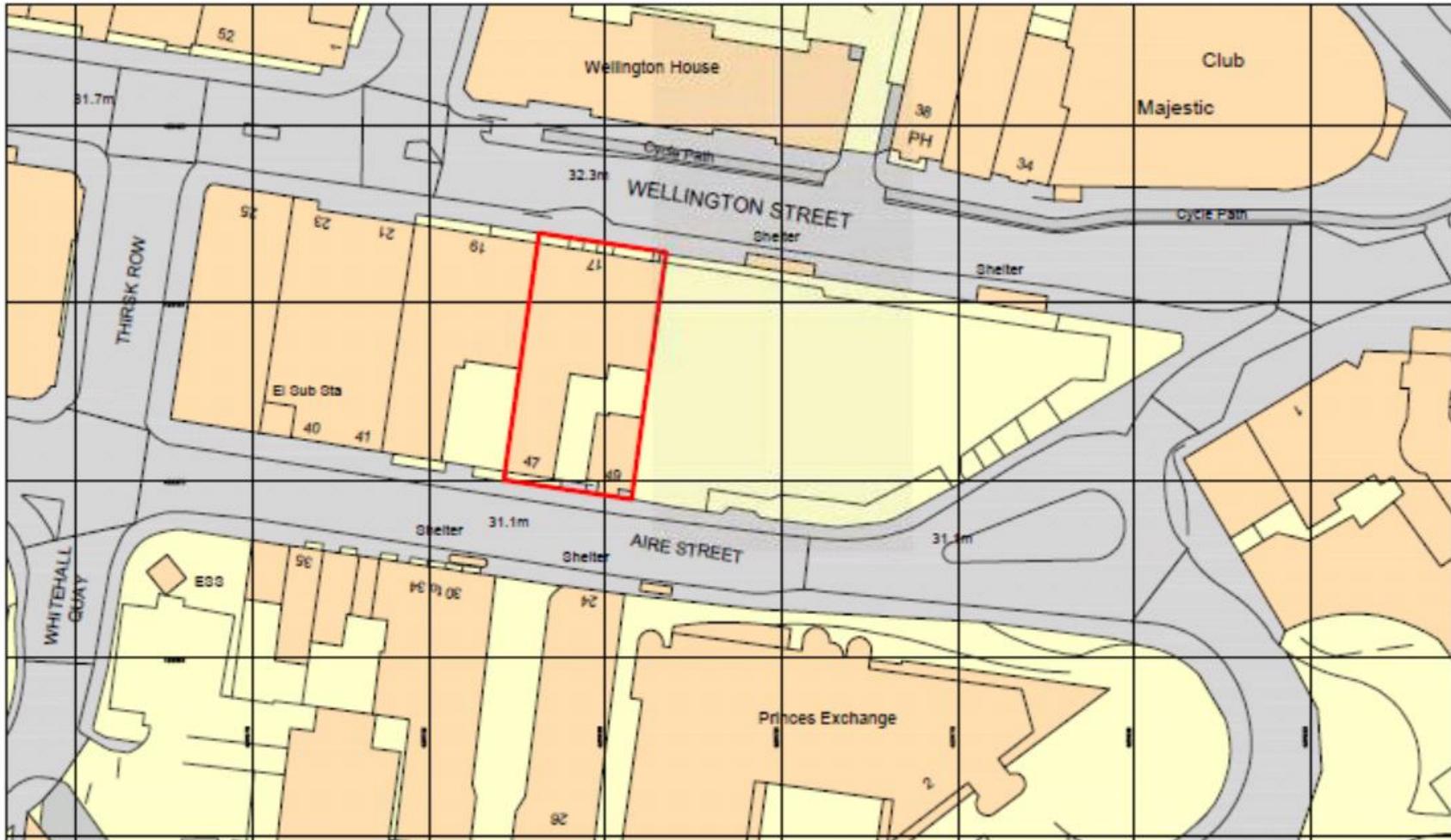
- 11.1 In conclusion it's considered that the proposal is an appropriate mix of uses, scale, design and style for this site. The scheme would allow an important listed building to be brought back into use and the level of harm caused by the demolition of part of the heritage asset is outweighed by the 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

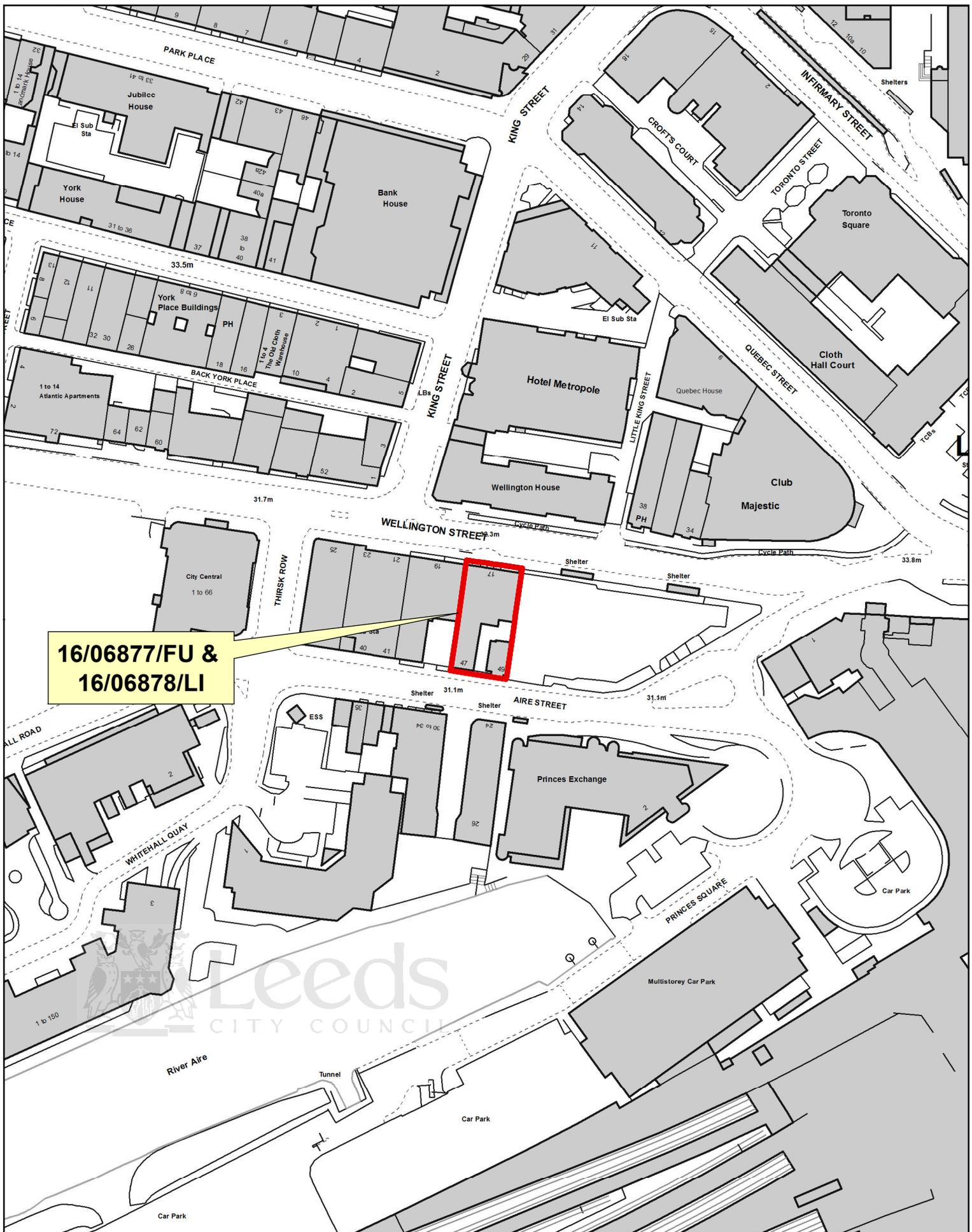


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# Location Plan

Scale 1:1250

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

# CITY PLANS PANEL

