



## Report of the Chief Planning Officer

### *City Plans Panel*

Date: 13<sup>th</sup> September 2018

**Subject: Planning application reference 18/02577/FU Eight storey building comprising 56 flats with flexible commercial units (A1, A2, A3, A4, B1 or D1) at ground floor and part first floor at land adjacent to Munro House, York Street, Leeds.**

Applicant	Date Valid	Target Date
West Park Properties	23.04.2018	17.09.2018

#### Electoral Wards Affected:

Little London and Woodhouse

Yes Ward Members consulted

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

**DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions set out in Appendix 1 (and any others which he might consider appropriate) and the completion of a Section 106 agreement to include the following obligations:**

- **5% Affordable housing on site in a pro-rate mix split 60:40 lower decile:lower quartile in accordance with the policy for the area.**
- **Residential travel fund £13,860 including car club contribution £5,000 to support Travel Plan measures at the site**
- **Travel plan monitoring fee £2,500**
- **Cooperation with local jobs and skills initiatives**

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

#### Conditions

Draft Conditions for 18/02577/FU See Appendix 1

## 1.0 Introduction:

This application is brought to City Plans Panel because it relates to a major residential development on vacant brownfield land in the City Centre.

## 2.0 Proposal

2.1 The proposal is for a part 6, part 7 part 8 storey residential block with a ground floor and part first floor flexible commercial unit. The building would be clad in red-brick to the York Street frontage, with standing seam zinc-type cladding to the upper levels, with glazing and look-a-like panels. The front doors to the flats would be arranged around an internal glazed atrium, allowing daylight into the flats from within the building, as well as outlook to the north and south. There would also be a rooftop amenity space for residents. The proposal includes the repair and restoration of the staircore to Munro House to the western boundary of the site.

2.2 The proposal is for 56 dwellings, in the following combination and size:

No.	Type	Typical Size	NDSS min.	Policy H4 %
32	1 bed	41-55sqm	37 sqm	Min. 0–50% Max.
21	2 bed	61-70sqm	61 sqm	Min. 30–80% Max.
3	3 bed	78sqm	74 sqm	Min. 20–70% Max.

2.3 At ground floor there would be a 642sqm flexible use commercial unit (A1 retail, A2 professional and financial services, A3 cafe, A4 bar, B1 office or D1 non-residential institution) at ground floor facing onto York Street and part first floor facing into the courtyard. No car parking is proposed as part of this development. 56 secure cycle spaces are proposed for residents, with 10 spaces for the commercial unit, and 6 short stay visitor cycle parking spaces. Refuse vehicles would collect waste from St Peter's Square using an existing layby and bins would be collected and returned from the internal bin store by a private waste contractor.

2.4 The scheme would also deliver a reduction of at least 20% on building regulations carbon emissions. A minimum of 10% energy demand on-site would be provided by roof-top solar panels, however alternative sources of low carbon energy may be used, subject to further detailed design work.

2.5 The proposal would provide 3 affordable housing units on-site in a pro-rata mix of units split 60:40 lower decile:lower quartile in accordance with the current policy for the area.

2.6 The application is supported by the following documents:

- Scaled plans
- Design and Access Statement
- Sustainability Statement
- Noise Report
- Air Quality Report
- Transport Statement
- Travel Plan
- Land contamination and Coal Report
- Drainage strategy
- Flood Risk Assessment
- Refuse strategy

## 3.0 Site and Surroundings:

3.1 The site is currently a vacant cleared brownfield site on the north side of York Street, in the designated City Centre, close to the City bus station and the Quarry Hill cultural quarter. Vehicular access would be from St Peters Square at the rear. The vacant plot forms part of a larger early 20th Century block known as St Peters Buildings, which is generally 4 large-scale 'industrial' storeys in red-brick. To the west of the site, Munro House is an attractive 4 storey red-brick building, which fronts onto Duke Street with a corner turning onto York Street. Munro House building is in use as offices, studios, workshops and event spaces. Opposite is a red-brick mid-20th Century 3 storey building in use as a York Street Health Practice. There are windows from Munro House to the east, the upper floors above The Wardrobe café/bar/music venue to the north that are used as a theatre rehearsal space, and a 4 storey dance studio to the east, facing onto the site on all three sides within the courtyard formed by the remaining wings of St Peters Buildings. The Wardrobe is open 11.30am – 11pm week nights and later on Friday and Saturday until approximately 2am and sometimes up to 4am, and is serviced by deliveries and waste collections typical of a city centre entertainment venue. The site is close to the railway, surrounded by a busy road network, with a number of food and drink and entertainment uses also located at the ground floors of nearby wings of St Peters Buildings. The site is within Flood Risk Zone 1 and at the edge of flood risk zones 2 and 3 relating to the culverted Meanwood Beck to the north and west of the site.

#### **4.0 History of Negotiations**

4.1 Three pre-application meetings took place between officers and the applicant team in 2017.

4.2 Ward Councillors were consulted at pre-application stage on 31st August 2017.

4.3 The applicant and agent presented the pre-application proposal to Members at City Plans Panel on 21 September 2017 for information. Members' made the following comments:

- The redundant staircores of the adjoining building would be incorporated into the new building. The retaining of the two shards of the previous building was a welcome feature
- Bringing a brown field site back into use was inspiring and welcomed
- A good positive scheme, well thought through, welcome the inclusion of the atrium
- Members were supportive of the principle of the proposed upper floor for residential use and ground floor for commercial use
- Members were supportive of the proposed mix of residential accommodation and welcome the inclusion of 3 bedroomed accommodation within the City Centre
- Members were supportive of the proposed indicative layout, height and emerging design
- Members were supportive of the approach to car parking and accessibility and requested that consideration be given to disabled parking
- Members welcomed the provision of 5% affordable housing on site in line with current adopted policy
- In summing up the Chair said Members were supportive of the proposal and welcomed the submission of a formal application.

#### **5.0 Relevant Planning History**

5.1 Under planning reference 20/214/01/FU planning permission was granted for the demolition of the existing building and erection of part 5, 7, 8 storey block of 49 flats, ground floor office & car parking.

## **6.0 Public/Local Response:**

- 6.1 Planning Application publicity
- Site Notice 18.05.2018
  - Press Notice 11.05.2018
  - Little London and Woodhouse Ward Councillors consulted 16.05.2018
- 6.2 Comments have been received from Leeds Civic Trust, Leeds College of Music, West Yorkshire Playhouse, The Wardrobe and Yorkshire Dance Centre.
- 6.2.1 All contributors have highlighted commercial noise including late at night from sources at The Wardrobe, Leeds College of Music, West Yorkshire Playhouse and Yorkshire Dance Centre that may affect the amenity of future residents at this proposal. They note that any residential development should be designed with appropriate glazing and mechanical ventilation specification to protect the future residents from noise intrusion, and allow existing businesses to function alongside.
- 6.2.2 Yorkshire Dance and West Yorkshire Playhouse comment that there is the potential to create overshadowing, overlooking and privacy issues relating to their rehearsal and changing facilities that are at the upper floors on the buildings to the north and east of the application site.
- 6.2.3 Leeds Civic Trust and Leeds College of Music whilst they welcome a proposal to fill this gap in the cityscape and that residential above a ground floor commercial use is acceptable subject to addressing noise issues, they object to the overbearing height and scale and design of the proposal. In their view Munro House should be the dominant building in this group, with the proposed building being above the 'natural' roofline of the overall block. The mass of the proposal and its materials would mean it is visible from a number of viewpoints and would appear incongruous in views down York Street.

## **7.0 Consultations**

### **7.1 Statutory**

- 7.1.1 Environment Agency  
No objection subject to the construction of the proposed development in accordance with the measures identified in the submitted Flood Risk Assessment.
- 7.1.2 Coal Authority  
No objection subject to conditions regarding further intrusive site investigations to assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity, specifically that posed by the outcropping Crow Coal seam.

### **7.2 Non-statutory**

- 7.2.1 Leeds City Council (LCC) Transport Development Services  
Highways officers have advised that the proposal is acceptable in principle, subject to the considerations in section 10.4 of this report.
- 7.2.2 LCC Flood Risk Management  
No objection subject to a condition requiring a detailed drainage scheme.
- 7.2.3 LCC Environmental Studies (Noise)  
No objection subject to a condition requiring a sound insulation and mechanical ventilation scheme to mitigate road, rail, mechanical plant and entertainment noise.

#### 7.2.4 LCC Environmental Health

There is potential for noise disturbance to future residents from noise break-out and plant and machinery noise from the existing neighbouring music venue (The Wardrobe). A submission of a building façade and ventilation scheme designed to protect residents from adverse effects of noise would need to be agreed prior to construction of these elements and finally, a condition requiring demonstration of the efficacy of the agreed glazing and ventilation scheme when completed, prior to occupation.

There is also potential for loss of amenity from:

- Noise from deliveries & collections (both waste collections and construction materials);
- Proposed and existing mechanical plant;
- Noise from any music within the proposed commercial units;
- Patron noise from inside the new commercial units on the ground floor/first floor, patrons using the outside areas (from all existing bars/restaurants);
- Cooking odours from any A1/A3 uses;
- Noise/dust nuisance during construction.

#### 7.2.5 LCC Nature Conservation

There should be no significant nature conservation concerns with the application proposal.

#### 7.2.6 West Yorkshire Police (WYP)

WYP encourages the developer to use Secured by Design accredited products and invites them to discuss detailed safety and security measures at this site.

#### 7.2.7 Yorkshire Water

No objection subject to conditions regarding separate systems of foul and surface water drainage and that there shall be no piped discharge from the development prior to the completion of approved surface water drainage works.

### 8.0 **Relevant Planning Policies**

#### 8.1 **Statutory Context**

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

1. The Leeds Core Strategy (Adopted November 2014)
2. Saved Unitary Development Plan Review Policies (UDPR Adopted 2006)
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013)

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

#### **The Development Plan**

##### 8.1.1 **Leeds Core Strategy**

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The most relevant policies are set out below:

Spatial Policy 1 location and scale of development.

Spatial Policy 3 the role of the City Centre

Spatial policy 6 housing requirement and allocation of housing land

Spatial policy 8 economic development priorities

Policy CC1 City Centre development

Policy EC2 office development  
Policy P2 Town centre uses  
Policy P4 Retail  
Policy P10 design  
Policy P11 heritage  
Policy T2 accessibility requirements and new development  
Policy H2 housing on unallocated sites  
Policy H3 housing density  
Policy H4 housing mix  
Policy H5 affordable housing  
Policy EN1 carbon dioxide reduction  
Policy EN2 sustainable design and construction  
Policy EN5 identifies requirements to manage flood risk.

#### 8.1.2 **Leeds Unitary Development Plan Review 2006 (UDPR) Saved Policies**

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

GP5 General Planning Considerations  
BD2 Design of new buildings  
BD4 All mechanical plant  
BD5 states that a satisfactory level of amenity for occupants and surroundings should be provided.

#### 8.1.3 **Leeds Natural Resources and Waste DPD 2013**

Relevant policies include:

Air 1 management of air quality through new development  
Water 1 water efficiency  
Water 2 protection of water quality  
Water 4 development in flood risk areas  
Water 6 flood risk assessments  
Water 7 surface water run-off  
Land 1 contaminated land  
Land 2 development and trees  
Minerals 3 coal

#### 8.2 **Relevant Supplementary Planning Documents and Guidance includes:**

SPD Building for Tomorrow Today: Sustainable Design and Construction  
SPD Accessible Leeds  
SPD Street Design Guide  
SPG City Centre Urban Design Strategy  
SPG Neighbourhoods for Living  
SPD Travel Plans  
SPD Parking

#### 8.3 **National Planning Policy Framework July 2018 (NPPF)**

The NPPF sets out the Government's planning policies for England and how these should be applied (para 1), and is a material consideration in planning decisions (para 2). It states that the purpose of the planning system is to contribute to the achievement of sustainable development (para 7). So that sustainable development is pursued in a positive way at the heart of the Framework is a presumption in favour of sustainable development (paras 10-11). It states that decision makers at every level should seek to approve applications for sustainable development where possible (para 38). The Framework sets policies on the following issues which are relevant to this planning application proposal (including section numbers):

2 Achieving sustainable development (paras 7, 8, 10, 11, 12)

- 4 Decision making (paras 38, 39, 40, 41, 43, 47, 48, 54, 55, 56, 57, 58)
- 5 Delivering a sufficient supply of homes (59, 63, 64)
- 6 Building a strong competitive economy (80)
- 7 Ensuring the vitality of town centres (85, 86)
- 8 Promoting healthy and safe communities (91, 92, 95)
- 9 Promoting sustainable transport (102-11)
- 11 Making effective use of land (117, 118, 119,122)
- 12 Achieving well designed places (124-131)
- 14 Meeting the challenge of climate change and flooding (148-165)
- 15 Conserving and enhancing the natural environment (including ground conditions para 178-179 and noise para 182)
- 16 Conserving and enhancing the historic environment (including paras 189-200 in particular relating to the setting of non-designated heritage assets)

## 8.5 **Other material considerations**

### 8.5.1 **Emerging Site Allocations Plan (SAP)**

The site is allocated for mixed residential and office development in the emerging SAP under reference MX2-22 for 49 units and 600sqm offices. The SAP has been the subject of public consultation and has been presented to the Secretary of State for Examination. The revised SAP carries weight now it has been submitted (in March 2018) and is in the formal examination process.

### 8.5.2 **Core Strategy Selective Review (Submission Draft)**

A selective review of the Leeds Core Strategy is presently being undertaken (CSSR). The CSSR includes a review of the housing requirement 2017-2033; the distribution of housing; affordable housing; housing standards; city centre green space; and climate change reduction policies. The submission draft plan was submitted to the Secretary of State for Housing and local government on 9 August 2018 and is evidence of the Local Planning Authority's emerging policy position.

## 9.0 **Main Issues**

- 9.1 Principle of the proposed development
- 9.2 Impact of the design, scale and layout of the proposed buildings on the setting of Munro House
- 9.3 Residential quality, mix and sustainability
- 9.4 Highways, transportation and access
- 9.5 Other matters
- 9.6 Planning obligations

## 10.0 **Appraisal**

### 10.1 **Principle of the proposed development**

- 10.1.1 Residential use is considered to be complementary to the main City Centre functions in the area, and would promote activity throughout the day and night, increasing levels of activity and natural surveillance. The redevelopment of this brownfield site for residential would also contribute to the continuing regeneration of the Quarry Hill area, and contribute towards the delivery of new homes in the emerging site allocation, and the wider City Centre. Three affordable homes would be provided in accordance with the current adopted policy for the area (5%). Therefore the proposed residential use is supported in principle in accordance with Core Strategy Policies SP3, CC1, H2, H3 and the emerging SAP site MX2-22.
- 10.1.2 The proposed ground floor and part first floor flexible offices, retail, financial and professional services, food and drink and non-residential institution uses are considered acceptable in principle in the City Centre, and subject to a restriction on A1 retail floorspace to 200sqm it is considered that this would not harm the retail

function of the Primary Shopping Area. It is considered that this range of uses would promote active ground floor frontage to a street that generally lacks natural surveillance, add life, variety and vitality throughout the day and into the evening, and provide facilities that would serve local residents, workers and visitors.

- 10.1.3 The principle of residential development with small scale commercial use at the ground floor and part of the first floor is considered acceptable in accordance with Core Strategy Policies SP3, SP8, H2, H3 and CC1, and the emerging SAP site MX2-22, subject to the heritage, amenity, highways and drainage considerations outlined in the remainder of this appraisal.

## **10.2 Impact of the design, scale and layout of the proposed buildings on the setting of Munro House**

- 10.2.1 There is a generally consistent height and building line to this block formed by St Peters Street, Duke Street and York Street. The proposed plan-form is in keeping with the historic grain. The proposal would present a glazed ground floor shopfront, and red-brick to the main body of the elevation to York Street. The recessed windows would create a vertical rhythm and order to the façade, which along with the proposed materials, would complement the adjoining buildings, and enhance the historic setting of Munro House. The proposed mixture of red-brick elevations with upper floors clad in zinc and Corten-type materials and glazing, presented in longer views, is considered an appropriate choice of material in this context beyond the roofline of Munro House.

- 10.2.2 Although there is a generally consistent emerging height and building line to this urban block, it is considered that because the proposed building form would step back from York Street, and is set back by the depth of Munro House from Duke Street, the proposal would not dominate the setting of Munro House in key views from the surrounding streets such as York Street, Duke Street, Marsh Lane or from the railway viaduct. The proposal would be a visible above the existing eaves lines in the St Peters Building block, including from the elevated railway viaduct. Although the proposal would be higher than the surrounding buildings, the additional height is set back sufficiently to avoid overdominance in key views from the south, west and east. It is considered that the proposal would not be unduly dominant within the context of the taller structures and buildings in the area around the site including the railway viaduct and gantries above it, the BBC studios, Leeds College of Music and associated halls of residence, Northern Ballet, Skyline apartments and Quarry House.

- 10.2.3 The application site is currently a rough-surfaced piece of land, with hoardings as a boundary treatment to York Street, with exposed gable ends to the neighbouring buildings. This current visual appearance is considered to have a negative impact on the character of the surrounding area, and the setting and significance of Munro House, a non-designated heritage asset. It is considered that the proposal would complement and preserve the historic setting of Munro House, and significantly enhance the character and visual amenities of the surrounding area, by regenerating a longstanding unsightly brownfield site, in accordance with paragraphs 197 and 200 of the NPPF.

- 10.2.4 In summary, the proposed development would sustain the significance and preserve the setting of the Munro House, and promote the delivery of new housing, employment, opportunities for active and viable retail and food and drink facilities appropriate to the character and function of the area, and the regeneration of an unsightly under-utilised site. Therefore the proposal addresses the requirements of



the Development Plan Leeds Core Strategy Policies P10, P11 and P12, Saved UDPR Policies GP5 and BD2, and NPPF paragraphs 189- 200 (heritage).

### **10.3 Residential Quality, Mix and Sustainability**

10.3.1 It is considered that the proposed dwellings would be an appropriate size and layout, and meet the overall minimum flat sizes set out in the Nationally Described Space Standard (NDSS).

10.3.2 In terms of outlook, privacy and daylight, in relation to neighbouring properties, a number of flats would have a living room with an outlook across St Peters Street and an outlook into the atrium, which would be a private space at each level for residents only. The atrium would be some 7.5m wide, and benefit from natural light through the glazed roof. Other flats would have a living room and some bedrooms with an outlook into the St Peters Building courtyard. The distance across the courtyard would be at least 7.3m at the lower floors, where the proposal would face onto the existing four storey West Yorkshire Playhouse/Wardrobe building, which has rehearsal spaces and support facilities for the theatre, which are used by a range of groups including children. Habitable rooms between the 2<sup>nd</sup>-4<sup>th</sup> floors on the courtyard elevation would feature oriel windows which would angle views away from any sensitive windows at the four storey Leeds Playhouse premises above The Wardrobe and the four storey Yorkshire Dance. The flats are proposed at second floor and above on the courtyard side, therefore it is considered to be only a small number of flats with a restricted outlook across this space. The flank windows facing the Yorkshire Dance studios and Munro House would be obscure glazed or feature glazed look-a-like cladding panels in order to avoid any inter-visibility between the neighbouring office or studio facilities. This would mean that the staircore and communal landing windows would be obscure glazed, a bedroom to a one-bedroom flat at floors one to four would require an obscure glazed window, and a number of secondary living room and bedroom windows on the eastern flank would require obscure glazed windows at floors one to four, however on balance this is considered acceptable given the open alternative aspect to the living rooms of the affected flats. The flats above the roofline of surrounding buildings on three sides would have an open outlook across the roof-tops beyond. A communal roof terrace is also proposed which would provide good outdoor amenities for future residents. On balance, noting the regeneration benefits of the overall proposal, and in the context of the site location, it is considered that the proposed building layout generally offers satisfactory privacy relationships with adjoining uses, good outlook for the majority of flats, daylight, circulation and juxtaposition of living functions within and around the building.

10.3.2 Core Strategy Policy H4 on Housing Mix requires a minimum provision of 20% of flats be provided containing 3 bedrooms across the Local Authority area. However, the policy allows the nature and location of the scheme to be taken in to account when assessing housing mix. Given that this scheme offers approximately 5% three-bed flats, and the provision of three-bed dwellings in the city centre currently stands at around 1%, this proposal would exceed the percentage of current provision in the area. Generally a 5% provision of three bed flats has been achieved in most major city centre residential planning applications approved since the adoption of the Core Strategy. On balance, it is considered that the proposed mix would offer a sufficient variety in unit type for a scheme of this size in this City Centre location.

10.3.3 The application seeks to introduce residential uses adjacent to existing Wardrobe club, Yorkshire Dance Studio and the Leeds College of Music venue and also significant transportation noise sources. Paragraph 182 of the NPPF states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as music

venues). The NPPF goes on to state that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the applicant (or “agent of change”) should be required to provide suitable mitigation before the development is completed. A planning condition would control the exact sound insulation scheme specification to ensure satisfactory amenity and minimise nuisance from existing road, entertainment noise and mechanical plant noise, and future proposed mechanical plant from within the proposed scheme. This will require a combination of insulation, glazing and mechanical ventilation to ensure that residents benefit from satisfactory amenity and are not adversely affected by road or entertainment noise, which in the warmer months may require mechanical ventilation to achieve cooling without opening windows. This planning condition will require post-construction testing to ensure it is effective and mitigation works if it is not, in order to avoid affecting the operation of nearby businesses including The Wardrobe. However, there is a long and complicated history in this area resulting from previous planning applications and an enforcement notice served on the Wardrobe relating to mechanical plant and break-out noise. The Wardrobe are required to undertake remedial works in order to meet the terms of their planning enforcement notice. At the time of writing, these details have not been submitted for approval or implemented. A noise report has been submitted in support of this application and details measurements undertaken at the site in February 2018. The findings concluded that road and rail transport noise sources were high and would require an acoustic glazing and ventilation scheme as opening windows would result in unacceptable living conditions. Once these works required by the Enforcement Notice at The Wardrobe are completed, a revised noise survey by the applicant can be undertaken to establish the revised noise environment, and an appropriately designed whole-dwelling ventilation system capable of providing purge ventilation and comfort cooling, along with glazing specifications, would be designed in order to demonstrate satisfactory living conditions for future residents with regard to transport, mechanical plant and entertainment noise. It is considered reasonable to agree these details after the grant of planning permission, taking account of requirements of the extant enforcement notice. The revised noise report and any subsequently agreed sound insulation scheme would also need to take account of other noise sources such as Yorkshire Dance, the Playhouse premises above the Wardrobe and Leeds College of Music. It is considered that other noise sources such as deliveries and waste collections from neighbouring commercial premises are a typical part of a busy City Centre mixed use environment, and that the overall approach to sound insulation at the flats would mitigate such sources. With regard to the proposed ground floor/first floor flexible commercial use, the wider area is characterised by a mixture of uses including existing bars and restaurants. It is considered that new bar and/or restaurant uses can be accommodated on the site with suitable controls by planning condition to avoid creating an amenity problem in the area and would be compatible with the vibrant mixed use character of this City Centre area. On the basis of the above, and taking account of the overall regeneration benefits of the proposal, it is considered on balance that the proposed approach to sound insulation is acceptable in this case and would be the subject of a further testing under a planning condition.

- 10.3.4 A planning condition would require details of how 10% on-site low or zero carbon energy generation, 20% reduction in carbon emissions above the 2013 building regulations target, and the water usage target, will be achieved on-site. The proposal would meet the 10% on-site renewable energy demand target with air source heat pumps. These measures are required by current Core Strategy Policies EN1 and EN2.

10.3.5 It is considered that the scheme would on balance meet the residential amenity, housing mix and sustainability objectives of Core Strategy Policies CC1, H4, EN1 and EN2 and Saved UDPR Policies GP5 and BD5.

#### **10.4 Highways, transportation and access**

10.4.1 The site is in a very accessible and sustainable location and no car parking is proposed to serve the site. It is within walking distance to the bus station, railway station, employment, and retail and leisure facilities. The Council's parking guidelines do not set a minimum parking requirement for development in the City Centre Core area but requires that the development does not result in adverse highway safety or amenity issues. In this case it is considered zero car parking provision is acceptable given the sustainable City Centre location of the development, the implementation of the Travel Plan, and the controlled and enforced nature of parking controls on surrounding streets. The implementation of the travel plan and monitoring fee would be controlled through the Section 106 agreement. This would also include a Residential Travel Fund of £13860 which includes a car club trial provision for residents at the site £5000.

10.4.2 The principle of the proposed bin storage locations are considered acceptable in terms of visual amenity, located in clearly defined bin stores, concealed from the street scene, with a private waste management collection strategy set out in the submitted refuse strategy document. The private waste contractors would collect the waste containers, empty them, and immediately return them to the bin stores, so that bins are not left blocking the footway or the service yard. The bin lorry would use the existing time-limited loading bays on St Peters Street. This is considered on balance to be an acceptable methodology given the constraints of the rear yard and the distance from the bin store to the on-street loading bay.

10.4.3 It is therefore considered on balance that the proposal would not give rise to additional road safety or amenity issues, and the application proposal would meet the objectives of Core Strategy Policies T2 and P10, Saved UDPR policy GP5 and the Parking SPD.

#### **10.5. Other matters**

In the representations made by neighbours, other issues have been raised, including:

- The need to manage the service yard in order to avoid blocking fire exits from The Wardrobe.

In this case, the submitted waste management strategy states that refuse containers from the new building shall not be stored externally, and this is reinforced by a planning condition. It is understood that the management of the service yard is the responsibility of all those who have access rights to it. It is also considered appropriate for neighbouring building owners to work together to agree a management regime where communal accesses are concerned.

- Overshadowing of the Playhouse premises above the Wardrobe.

It is considered that overshadowing to non-residential premises is less sensitive than overshadowing to residential premises, and in this case the overall regeneration benefits that the proposal would bring would on balance outweigh the minor harm to the amenities of non-residential premises in this case.

- Overlooking from proposed first floor commercial unit to upper floors above The Wardrobe theatre rehearsal spaces, welfare spaces and changing rooms.

The submitted plans show obscure glazing treatment in an alternative pattern to minimise direct overlooking from the commercial unit. Residential overlooking is mitigated by the use of oriel windows at floors one to four.

## **10.6 Planning obligations**

- 10.6.1 A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- a. necessary to make the development acceptable in planning terms,
  - b. directly related to the development; and
  - c. fairly and reasonably related in scale and kind to the development.
- 10.6.2 Adopted policies are likely to result in the following necessary Section 106 matters:
- Affordable Housing 5% on-site in a pro-rata mix of units split 60:40 lower decile:lower quartile in accordance with the current policy for the area
  - Residential travel fund £13,860 including car club contribution £5,000 to support Travel Plan measures at the site
  - Travel plan monitoring fee £2500
  - Cooperation with local jobs and skills initiatives
- 10.6.3 The proposal would be subject to the Community Infrastructure Levy (CIL) and the initial sum calculated is £31, 047.22. This is for information only and is not a material planning consideration.

## **11.0 Conclusion**

- 11.1 This application proposal is a significant regeneration opportunity that would contribute to the continuing enhancement of the Quarry Hill area, and is a high quality development which would bring with it a number of new residential dwellings. The scheme would provide a range of house types and sizes, with an active ground floor use, and provide jobs both during construction and once occupied. The proposed redevelopment would also enhance the character of the surrounding area and the setting of a non-designated heritage asset Munro House, by regenerating a prominently-located unsightly and under-utilised brownfield site that currently does not make the best use of City Centre land that currently detracts from the setting of Munro House. The proposal is on balance in accordance with the Development Plan, and national planning policy as described above, and it is recommended that planning permission is granted subject to the conditions and planning obligations set out.

## **Background Papers:**

Application file 18/02577/FU

## **Appendix 1 Draft Conditions for 18/02577/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 plans listed in the Plans Schedule

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

3) The approved Phase I Desk Study report indicates that a Phase II Site Investigation is necessary, and therefore development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority.

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

To ensure that the presence of past coal mine workings - specifically that posed by the outcropping Crow Coal seam - and contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site safe and 'suitable for use'.

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

To ensure that any necessary remediation works are identified to make the site suitable for use.

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

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use.

6) Prior to the commencement of development, a Statement of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The Statement of 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. measures to control vibration;
- c. location of site compound and plant equipment/storage;
- d. location of contractor and sub-contractor parking;
- e. how this Statement of Construction Practice will be communicated by the developer to neighbours and details of a developer contact in case of concern
- f. Construction works and delivery hours shall be restricted to 0800-1800 hours Monday to Friday, 0800-1300 hours on Saturdays, with no works on Sundays and Bank Holidays. 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 amenity.

7) Development shall not commence until details of a surface water drainage scheme including drainage drawings with summary calculations and levels of basement access has been submitted to and approved in writing by the Local Planning Authority. A 50 per cent reduction of the existing peak flow rates up to the 1 per cent AEP event plus Climate change would be allowed as the offsite discharge rate from the site unless otherwise agreed in writing with the Local Planning Authority. The works shall be implemented in accordance with the approved scheme before the development is brought into use. No piped discharge of surface water shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with the approved details.

To ensure sustainable drainage and flood prevention.

8) Prior to the commencement of building works, details of all external cladding materials, and a sample panel of all external facing materials, roofing and glazing types to be used shall be constructed on-site and approved in writing by the Local Planning Authority. The external cladding and glazing materials shall be constructed in strict accordance with the sample panel(s) which shall not be demolished prior to the completion of the development.

In the interests of visual amenity, the setting of a nearby heritage asset, the character of the surrounding area and railway safety.

9) No building works shall be commenced until full 1 to 20 scale working drawing details of the following have been submitted to and approved in writing by the Local Planning Authority:

- a. soffit, roof line and eaves treatments
- b. junctions between materials
- c. ground floor frontages
- d. each type of window bay proposed including east and west flank windows and oriel-type windows to the courtyard elevation. Notwithstanding the details shown the approved plans, all windows to the east and west facing elevations shall be obscure glazed and fixed shut at floors one to four.

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

In the interests of amenity, visual amenity, the setting of a nearby heritage asset and the character of the surrounding area.

10) No surfacing works shall take place until details and samples of all surfacing materials have been submitted to and approved in writing by the Local Planning Authority. Such

materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The surfacing works shall be constructed from the materials thereby approved and completed prior to the occupation of the building.

In the interests of visual amenity.

11) Notwithstanding the details shown on the plans hereby approved and prior to the commencement of above ground works, full details of the facilities for the parking of cycles for residents and staff shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the cycle parking facilities thereby approved have been provided. The facilities shall thereafter be retained and maintained as such.

In in the interest of promoting sustainable travel.

12) Prior to the installation of any commercial unit kitchen exhaust flues, extract ventilation system or air conditioning plant, details of such systems shall be submitted to and approved in writing by the Local Planning Authority. The systems 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. If a kitchen exhaust flue is proposed, details shall be provided of the treatment of odour, smoke and fumes. Works shall be carried out in accordance with the approved details, and maintained as such thereafter.

In the interests of visual and residential amenity and the setting of a nearby heritage asset.

13) No later than six months from the commencement of development, details of a sound insulation scheme shall be submitted to and approved in writing by the Local Planning Authority. Such scheme of works shall:

a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey that considers noise from road and rail transport sources and operational noise from the Wardrobe nightclub.

b) Be capable of achieving the following noise levels:

Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);

Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);

Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);

Bedrooms: LAFmax - 45dB (2300 to 0700 hours).

c) Where the above noise criteria cannot be achieved with windows partially open, the developer shall include a system of alternative acoustically treated mechanical ventilation capable of purge ventilation and comfort cooling to all habitable rooms.

Before the use of the development is commenced, verification testing of the sound insulation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such validation testing shall:

a) Be carried out in accordance with an approved method statement.

b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound insulation works thus far approved, a further scheme of works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be

retained.

In the interests of residential amenity.

14) Prior to the commencement of building operations an updated Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority for that phase, which shall include a detailed scheme comprising:

- a. a recycled material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit)
- b. a Site Waste Management Plan (SWMP)
- c. an energy plan showing the amount of on-site energy produced by the selected Low and Zero Carbon (LZC) technologies and that it produces a minimum of 10% of total demand
- d. details that demonstrate a minimum of 20% carbon dioxide emissions reduction against Part L of the 2013 Building Regulations
- e. details that demonstrate that the development meets the Government's Low Water Usage Target

The development shall be carried out in accordance with the details as approved above.

f. Within 6 months of the occupation of the development a post- construction review statement shall be submitted by the applicant including formal accreditation 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.

In the interests of sustainable development.

15) The development shall be operated in accordance with the approved Via Solutions Refuse Strategy Revision B August 2018. There shall be no external storage of refuse or recycling at any time.

In the interests of amenity and pedestrian and vehicular safety.

16) Prior to the first occupation of the building, details of a servicing and deliveries strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall operate in accordance with the approved strategy thereafter.

In the interests of amenity and pedestrian and vehicular safety.

17) Deliveries and loading / unloading from the commercial unit(s) shall be restricted to 0800 to 2000 hours Monday to Saturday. No deliveries shall take place on Sundays or Bank Holidays.

In the interests of residential amenity.

18) Opening hours of the commercial unit(s) shall be restricted to 0700 to 2300 hours Monday to Thursday and Sunday, and 0700 to 0000 hours on Friday and Saturday.

In the interests of residential amenity.

19) The commercial unit shall be acoustically insulated and treated to limit the break out of noise and vibration in accordance with a scheme of acoustic treatment that has been



submitted to and approved in writing by the Local Planning Authority prior to first occupation of the unit(s). The scheme shall be implemented in full before the approved use commences, and retained as such thereafter.

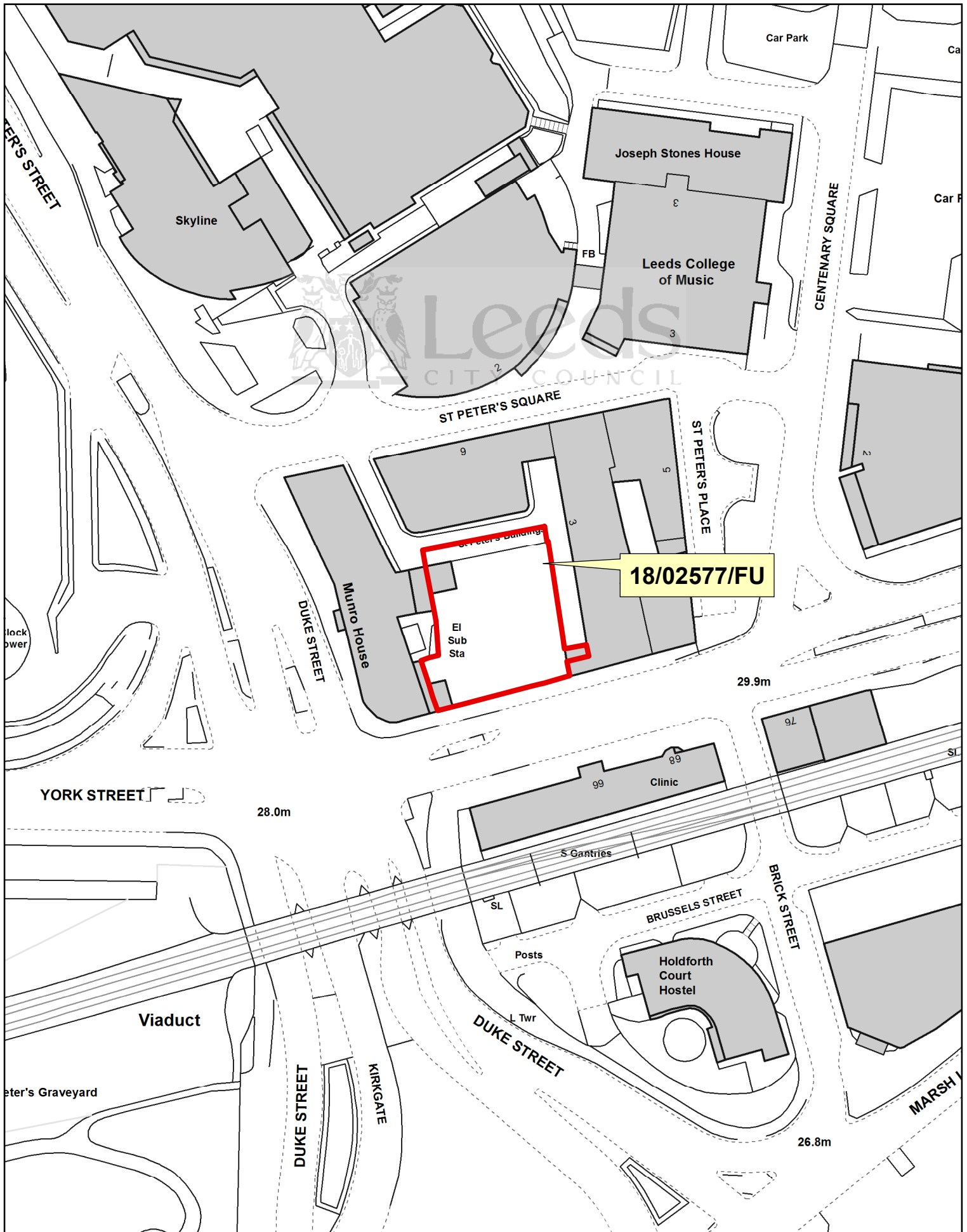
In the interests of residential amenity

20) The development shall be carried out in accordance with the approved Flood Risk Assessment reference 704/02r1a, Revision A dated 13 July 2018.

In the interests of safety in the event of a flood.

21) Notwithstanding the description of development, no more than 200 square metres of ground floor floorspace shall be used for Class A1 use (Retail) as defined in the Town & Country Planning (Use Classes Amendment) Order 2005 (or any order revoking or reenacting that order with or without modification). Any A1 retail use shall only be for convenience goods only.

In the interests of the vitality and viability of existing retail centres.



# CITY PLANS PANEL

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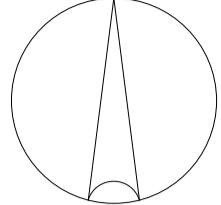
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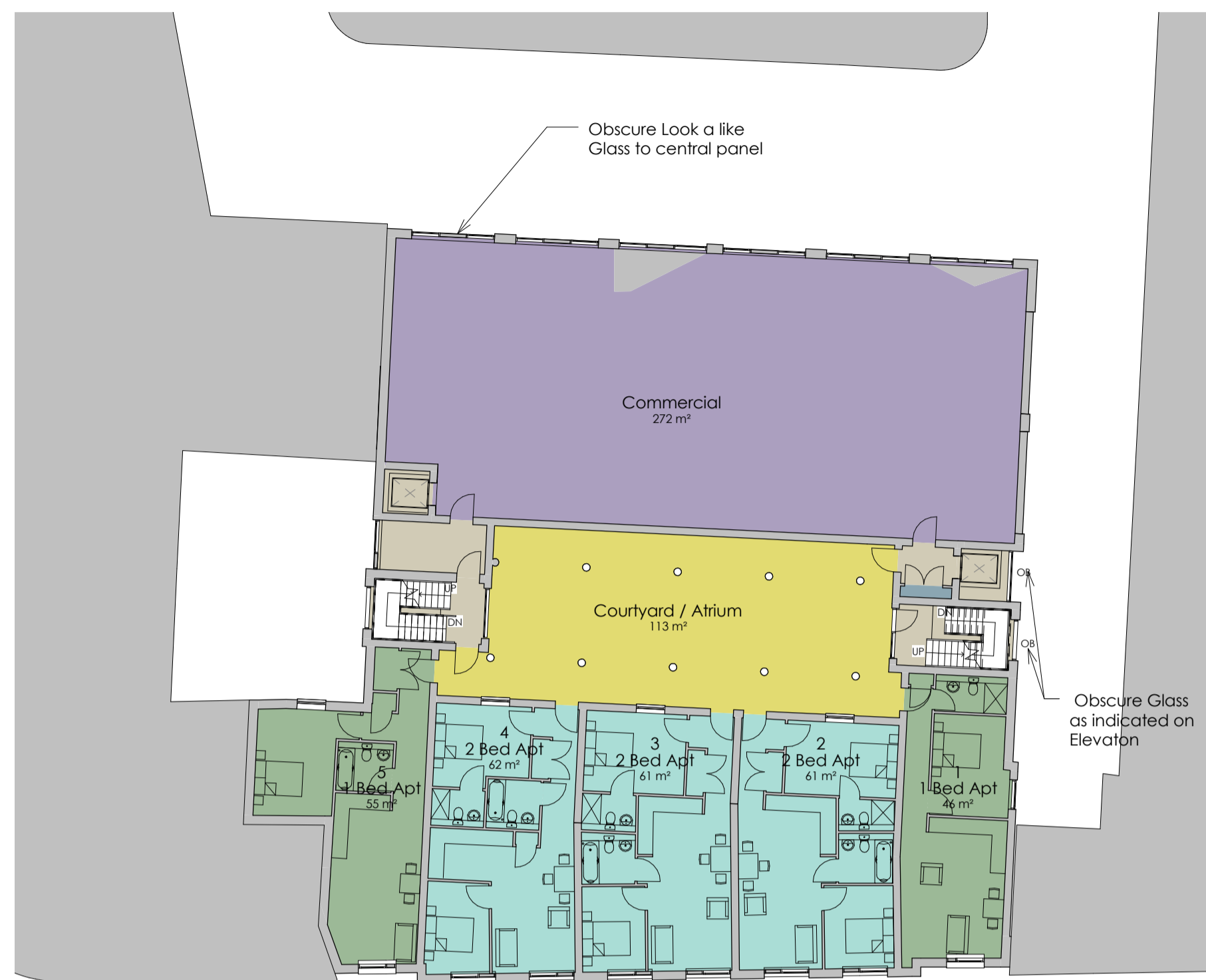
S:\2000 Projects\2945 St Peter's Buildings, Leeds\0.00 Drawings\0.01 Project Drawing\Building Model 029.rvt

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Northpoint:



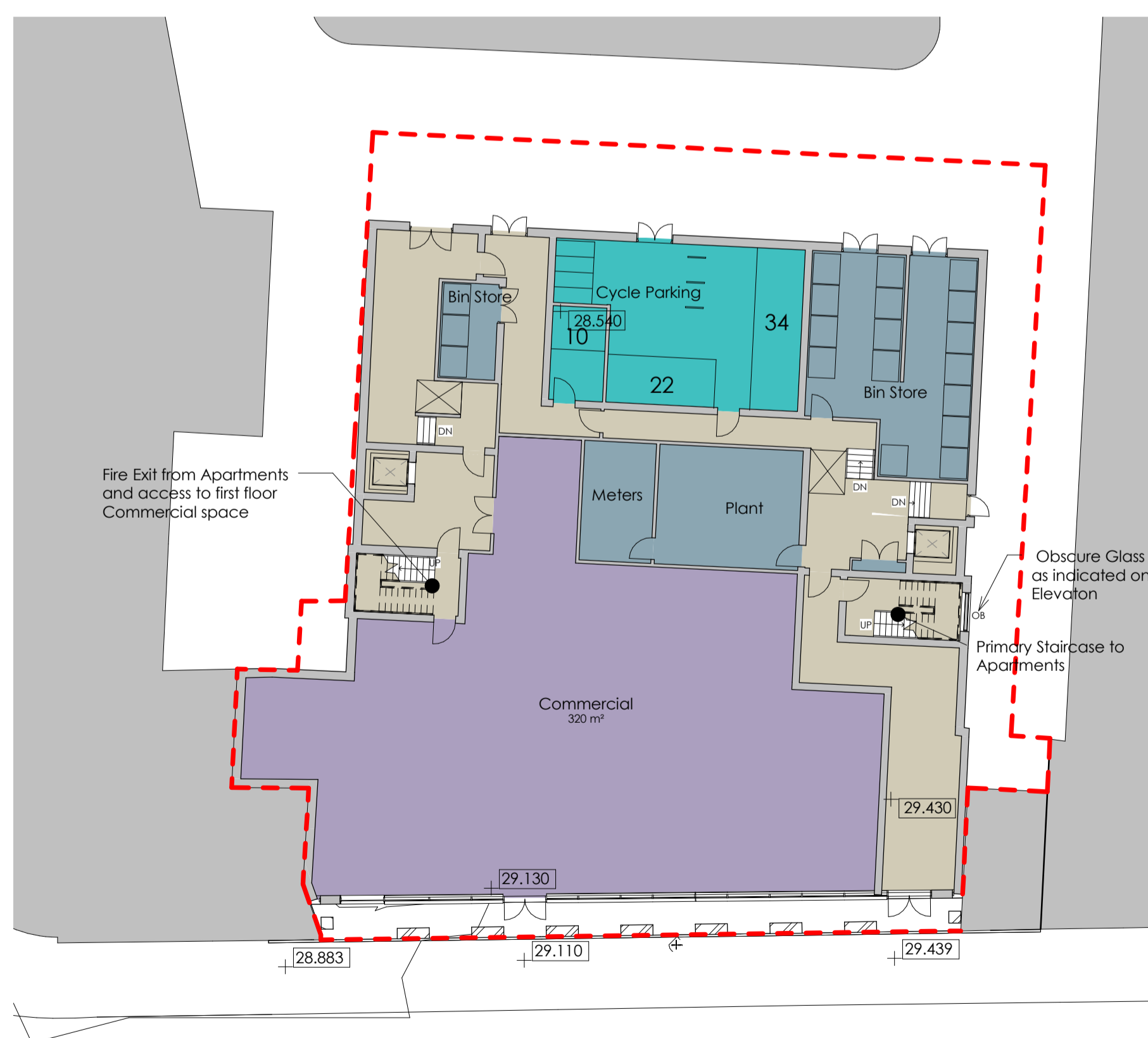
Rev	Date	Amendments	By	Chkd
A	08/11/16	Scheme amended to suit Clients comments	ST	SA
B	10/02/17	Scheme amended following Clients comments	ST	DKR
C	03/05/17	Scheme amended	ST	DKR
D	21/06/17	Scheme amended to suit Planners comments	LD	ST
E	24/06/17	8th Floor Removed. Apartment added	ST	DJR
F	17/07/18	Oriel Windows added to rear windows on 2nd, 3rd and 4th floors. Windows overlooking Yorkshire Dance removed on 2nd, 3rd and 4th floors.	ST	ADP
G	24/07/18	Obscure glazing notes added.	ST	DKR
H	26/07/18	Window pattern to 1st floor office amended following meeting with Leeds Firehouse.	ST	DKR



1st Floor



3rd Floor



Ground Floor



2nd Floor

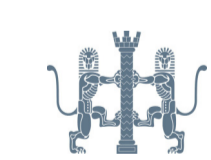
- 1 Bed Apt
- 2 Bed Apt
- 3 Bed Apt
- Commercial
- Courtyard / Atrium
- Circulation
- Cycle Store
- Meters
- Bin Store
- Plant
- Storage
- Rooftop Amenity Garden
- Cycle Parking

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Project:  
Proposed Development, St Peter's Building, York St, Leeds

Client:

Dwg Title:  
Proposed Ground - 3rd Floor Plans

Date:	Scale:	Size:	Drawn:	Checked:
Nov 16	1 : 200	A1	ST	SA
Project No:	Dwg No:	Rev:	Status:	
2945	200	H	Planning	