



## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 24 January 2018

**Subject: Planning Application 18/04579/FU for the refurbishment of Midland Mills and the construction of a 32 storey tower comprising a total of 306 apartments; flexible commercial space (class uses A1/A2/A3/A4/B1) creation of a public realm at Midland Mills, Silver Street, Holbeck, Leeds.**

**And**

**Listed Building Consent Application 18/04580/LI for some demolition works to and the refurbishment of Midland Mills at Silver Street, Holbeck, Leeds.**

#### APPLICANT

CityLife Holdings 6 Ltd

#### DATE VALID

24 July 2018

#### TARGET DATE

31 January 2019  
(Extended date)

#### Electoral Wards Affected:

**Beeston & Holbeck**

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: Defer and Delegate application 18/04579/FU 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. Employment and training of local people**
- 2. The provision of publicly accessible areas**
- 3. 15 units (5% of the total provision) to be identified for affordable housing. 40% (6 units) of these of units to be affordable housing for households on lower quartile earnings and 60% (9 units) to be affordable housing for households on lower decile earnings**
- 4. The provision of a travel plan fee of £4,236**
- 5. Provision of a Residential Travel Plan Fund of £54,235**
- 6. Contributions for loss of Pay & Display bays of a sum to be agreed**
- 7. Provision of 2 Leeds City Council Car Club provider parking spaces and free trial membership and usage package of £21,500.00**
- 8. A Traffic Regulation Order contribution of a sum up to £20,000.00**

**9. The new Midland tower not to be occupied until the listed building regeneration works have been completed.**

**10. A management fee of £3750**

**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.**

**Defer and Delegate application 18/04580/LI to the Chief Planning Officer for approval, subject to the conditions at Appendix 1.**

**Due to the objection from statutory consultees the Council for British Archaeology and the Victorian Society the Secretary of State will be notified in respect of the proposals and the Plans Panel decisions on the two applications, in accordance with legislative requirements**

### Conditions

A list of draft Conditions for both applications is provided in the Appendix to this report.

#### **1.0 INTRODUCTION:**

1.1 The proposal is put before City Plans Panel as the development involves the creation of a significant number of new dwellings, the re-use of brownfield land and a major investment in a gateway site within Leeds City Centre.

#### **2.0 PROPOSAL:**

2.1 The proposed development seeks to provide 306 apartments across both the Midland Mills buildings and the new 32 storey Midland tower, as well as 363 sq metres of flexible commercial spaces to accommodate A1/A2/A3/A4/B1 Uses, all set within a landscaped area of public realm.

2.2 These proposed uses are divided across the buildings as follows;

##### Midland Mills

22 new residential apartments split as  
8 one bedroomed flats  
7 two bedroomed flats and  
7 three bedroomed flats  
363 sq metres of flexible A1, A2, A3, A4 and B1 Uses.

##### Midland Tower

284 new residential apartments split as  
56 Studio flats  
114 one bedroomed flats  
88 two bedroomed flats and  
26 three bedroomed flats

2.3 This would result in 18% of the flats being studios, 40% of the flats being one bedroomed, 31% being two bedroomed and 11% being three bedroomed across the full scheme.

2.4 A communal gym, a resident's lounge and cinema room are also proposed for the use of the occupants. The commercial spaces would be concentrated in ground

floors of the Midland Mills buildings and would be flexible spaces that could be utilised for a range of A1, A2, A3, A4 and B1 Uses

- 2.5 Around Midland Mills and the new Midland Tower it is proposed to create a hard and soft landscaped scheme linking in to existing footpaths on Water Lane, Silver Street and Bath Road. This landscaping would incorporate feature green walls which would function as a wind mitigation measure.
- 2.6 No car parking is proposed at the site other than bays being laid out for the provision of car club vehicles for use by the residents. A total of 266 secure long stay cycle spaces and 56 short stay cycle spaces are to be provided.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 Midland Mills comprises a number of early 1800 brick buildings of 2 to 3 storeys in height, arranged in two north-south orientated rows, either side of a cobbled courtyard with a narrow 5 metre wide access along Silver Street from the north. The earliest building dates from 1802 with most of the others dating from the 1810s. The site is one of the earliest surviving examples of an integrated engineering works specialising in the production of textile machinery and its historical importance is recognised by its grade II listing. Midland Mills is currently in use for the storage and salvage of prestige car parts and the adjacent open land is in use as surface car parking related to a motor repair business. The full site measures some 2880 sq metres in area.
- 3.2 The site is surrounded by a number of historical former industrial foundry buildings set within Holbeck Conservation Area, and Holbeck Urban Village and many of the immediate area's public spaces have been upgraded. In addition, the mill complex and open land within the site are adjacent to the redundant viaduct. The site is also within Flood Zone 3.
- 3.3 The Holbeck Conservation Area is considered to be an area of local, national, and international importance in respect of the historical significance and architectural merits of its buildings, as well as for the potential archaeological discoveries that the area could elicit. The area is considered to be the foundation of the Industrial Revolution in Leeds

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

- 4.1 Planning permission and listed building consent were granted for a change of use including alterations a 2 storey infill extension, a 2 storey and a 3 storey extension and a roof extension to the former workshops to form offices and 15 flats on 6 May 2010, under planning reference 06/02209/FU and 06/02380/LI. This scheme has not been implemented.
- 4.2 Planning permission was granted for linear flood defences along River Aire and removal of Knostrop Cut on planning applications 13/03191/GU and 15/01004/FU affecting flood defences to Hol Beck.

### **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 November 2015. These discussions have focused on scale massing and design, flood risk, cycle and

car parking levels and access, heritage designation, affordable housing, room size standards, and archaeological implications.

- 5.2 A preapplication presentation for the scheme was given to Members at Plans Panel on 8 December 2016. Members made the following comments:
- Members were supportive of the principal of the proposed development and considered it appropriate to Holbeck Urban Village
  - Members generally supported the principle of the emerging scale, massing and design of the proposal, however, further details were required
  - Further details about the proposed landscaping scheme were required and Members requested that the cobbles to the Midland Mill courtyard area be retained
  - Members were generally supportive of the emerging car and cycle parking provision/ arrangements with the inclusion of provision of electric car charging points
  - The proposal to cross –fund restoration works for Midland Mill were supported and to be secured through the provision of a Section 106 Agreement
  - Further clarification around deliveries to the site (e.g.deliveroo) were required.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 Ward Members were consulted on 19 November 2018. Responses have been received stating as follows:
- a. There are serious concerns about the lack of parking. Parking facilities are massively important for residential space. A lack of parking will have a detrimental impact on residents in the area. Ideally there should be one space per dwelling,
  - b. Any images suggesting there is cars parked around the site should be removed.
  - c. Perhaps, the development is just too big for the site.
  - d. Are there electric car charging points in the proposal?
  - e. More could be done for affordable housing and just the very minimum has been offered.
  - f. The fact that the flats meet space requirements is good.
- Response: these comments will be addressed in the appraisal below.

## **7.0 CONSULTATIONS RESPONSES**

- 7.1 **Environment Agency** state that they object on the basis that the submitted FRA fails to:
1. Provide an adequate assessment of current and future flood risk to the site, including an assessment of the impacts of climate change, in line with current guidance.
  2. Provide suitable flood risk mitigation appropriate to the use class of the development.
  3. Demonstrate there is no increase in flood risk to others.
  4. Provide details of potential flood depths, velocities and hazards to the site to demonstrate the development is safe to its users.
- 7.2 **Historic England** state that they “have major concerns about impact of the proposed immediately adjacent 32 storey tower block which would dominate the Grade II listed building. This would cause serious harm to the significance of the listed building. A tower block of this height, form and scale would also cause harm to the character and appearance of Holbeck Conservation Area by disrupting the established urban grain of the immediate area. The tower block would also cause harm to the setting of several other designated heritage assets, Temple Mill, Grade I listed and Marshalls Mill, Grade II\* listed. The harm to heritage assets would be significantly reduced by the omission of the tower block from the scheme” and that the Local Planning Authority will need to be satisfied that there is a clear and

convincing justification, enough to outweigh the harm to each of the heritage assets affected.

- 7.3 **The Victorian Society** object to the proposals stating that “the proposed conversion of the listed building is acceptable in principle, although we are unconvinced that the level of detail submitted is adequate to accurately gauge the impact of the physical works proposed to the listed structure. We also object strongly to the proposed thirty-two storey tower, which would have a massive and far from beneficial impact, not just on the setting of Midland Mills, but on the wider townscape, the Holbeck Conservation Area and the general appearance and character of the city as a whole. This aspect of the scheme, and the serious and manifold harm it would cause, has not been justified. In its present form the application should be refused consent.”
- 7.4 **Council for British Archaeology** state that the submission requires a revised assessment of heritage significance and impacts is required to fully inform the proposals to convert the Listed Grade II Midland Junction Foundry and that they object to the proposal for the tower on the basis that “it’s scale and massing would result in substantial harm to the significance of the Listed Grade II Midland Junction Foundry, the character and appearance of the Holbeck Conservation Area, the setting of the undesignated adjacent Farnley Railway Viaduct as well as the setting of the neighbouring Listed Grade I Temple Mills, the Listed Grade II Marshalls Mill and all other designated and non-designated heritage assets within visual range of the proposed tower”.
- 7.5 **Yorkshire Water** request Conditions to address the details of the drainage system and water runoff from the site.
- 7.6 **Coal Authority** no comments received.
- 7.7 **Flood Risk Management** request Conditions to address the details of the drainage system and the flood risk mitigation measures set out in the Flood Risk Assessment.
- 7.8 **Nature Conservation Team** state that bat surveys have identified bat roosts on 2 parts of the main building and as such Conditions are required for the submission of a Mitigation Method Statement and licence, as well details of bat and bird boxes.
- 7.9 **Highways Team** do not object to the lack of car parking provision in this location and state that details of secure long stay and short stay cycle parking spaces, servicing and deliveries, a turning area for vehicles and an off-site raised crossing along with any required upgraded crossing points and a Traffic Regulation Order sum of up to £20,000.00 for any resulting residential parking issues on streets not controlled by residential parking permit schemes, should be controlled via Planning Conditions and legal agreements. Such controls will be applied.
- 7.10 **Leeds Civic Trust** state that “it must be accepted that there are outstanding approvals for taller buildings in the vicinity and, were the Midland Tower to go ahead, it would stand in a group of mid-height to tall blocks forming a group at the western edge of Holbeck Urban Village and stretching towards Wellington Street. As such, it would not be as intrusive in the future skyline of Leeds and we would stay neutral on the principal of a further tall building... We welcome the sensitive refurbishment of the listed mills and the aspirations regarding the quality of the public realm. The living walls are an interesting way to deliver both wind reduction.”

They do express some concerns regard the design of the public realm and the tower suggesting that its design is too low key.

- 7.11 **Environmental Health** request Conditions to cover the details of construction practices, the hours of construction, extract ventilation systems and a sound insulation scheme.
- 7.12 **Travelwise** stating that S106 obligations are required for:  
a) Leeds City Council Travel Plan Review fee of £4236  
b) Provision of 2 Leeds City Council Car Club provider parking spaces and free trial membership and usage package  
c) Provision Residential Travel Plan Fund of £54,235

## **8.0 RELEVANT PLANNING POLICIES:**

### **8.1 National Planning Policy Framework (NPPF)**

8.2 The National Planning Policy Framework 2018 (NPPF) was revised and adopted in July 2018 and sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

8.3 Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

8.4 Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

8.5 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

8.6 Paragraph 194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:  
a) Grade II listed buildings, or grade II registered parks or gardens, should be exceptional;  
b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

8.7 Paragraph 195 of the NPPF 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 total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

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

8.8 Paragraph 196 of the NPPF 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, where appropriate, 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) including revised policies Minerals 13 and 14 (Adopted September 2015).
4. Aire Valley Leeds Area Action Plan (Adopted November 2017)
5. Any Neighbourhood Plan, once made.

8.10 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. The most relevant policies are:

8.12 Spatial Policy 1: Location of Development states that;  
(i) The majority of new development should be concentrated within urban areas taking advantage of existing services, high levels of accessibility and priorities for urban regeneration and an appropriate balance of brownfield and greenfield land

8.13 Policy CC1: City Centre Development  
The City Centre will be planned to accommodate at least the following:  
(iii) 10,200 dwellings.  
b) Encouraging residential development including new buildings and changes of use of existing providing that it does not prejudice the town centre

8.14 Policy EN1: Climate Change – Carbon Dioxide Reduction states that all developments of over 1,000 square metres of floorspace, (including conversion where feasible) whether new-build or conversion, will be required to:  
(i) Reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate until 2016 when all development should be zero carbon; and,  
(ii) Provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.

8.15 Policy EN2: Sustainable Design and Construction requires developments of 1,000 or more square metres or 10 or more dwellings (including conversion where feasible) to meet at least the standard set by BREEAM or Code for Sustainable

Homes Level 4. A post construction review certificate will be required prior to occupation.

- 8.16 Policy EN5: Managing Flood Risk states that the Council will manage and mitigate flood risk.
- 8.17 Policy H4: Developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long term taking into account the nature of the development and character of the location.
- 8.18 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.
- 8.19 Policy T1: Transport Management states that support will be given to the following management priorities:  
c) To support wider transport strategy objectives for sustainable travel and to minimise congestion during peak periods.
- 8.20 Policy T2: Accessibility Requirements and New Development states that new development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility.
- 8.21 Leeds Unitary Development Plan Review Retained Policies  
Policy BD2 (Design and siting of new buildings)  
Policy BD5 (All new buildings and amenity)  
Policy GP5 (All planning considerations)  
Policy LD1 (landscaping schemes)  
Policy N17 (All listed buildings)  
Policy N19 (New buildings and extensions within or adjacent to a conservation area)  
Policy N23 (Space around new buildings)
- 8.22 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 Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way.
- 8.23 Supplementary Planning Guidance  
Tall Buildings Design Guide (Spring 2010)  
Parking (January 2016)  
Supplementary Planning Document 'Travel Plans' (February 2015)  
Street Design Guide (August 2009)  
Holbeck Southbank Supplementary Planning Document (SPD) (June 2016)



## 8.24 Other Material Considerations

8.25 The Leeds Standard was adopted by the Council's Executive Board on 17th September 2014 to ensure excellent quality in the delivery of new council homes. Through its actions the Council can also seek to influence quality in the private sector. Those aspects of the Standard concerned with design quality will be addressed through better and more consistent application of the Council's Neighbourhoods for Living guidance. The standard closely reflects the Government's Technical Housing Standards – Nationally Described Space Standard (NDSS) which seek to promote a good standard of internal amenity for all housing types and tenures. Whilst neither of these documents has been adopted as formal planning policy and only limited weight can be attached to them, given their evidence base in determining the minimum space requirements, during recent years they have been used to help inform decisions on the acceptability of development proposals.

## 9.0 MAIN ISSUES

1. Principle of the proposed mix of uses
2. The impact on the character and visual amenity of the host site and surrounding area
3. Residential amenity and mix
4. Vehicle parking, sustainable transport and travel planning
5. Landscape proposals
6. Sustainability measures and flood risk measures
7. Wind impact
8. Section 106 Legal Agreement

## 10.0 APPRAISAL

### 10.1 Principle of the proposed mix of uses

10.2 The development would involve the regeneration of a brownfield site, which is partially in use as a surface car park related to a motor repair business, as well as the regeneration of an important complex of historic listed buildings at Midland Mills. The National Planning Policy Framework, Core Strategy, Leeds Unitary Development Plan Review retained policies, and the Holbeck South Bank SPD all support the principle of residential and small scale commercial use development within this defined area. These policies encourage a mix of uses in the Holbeck South Bank SPD area to ensure a wide range of activities are present at all times of the day. The proposed mix of uses would contribute to the ongoing creation of a vibrant community in the Holbeck South Bank SPD area.

10.3 It is unclear what use the commercial units would be put to at this stage however Core Strategy Policy CC1 states that convenience retailing shall be limited to up to 200 sq metres to be acceptable anywhere within the city centre. As such a Planning Condition will be applied to advise the Applicant of the limitations on the size of any A1 use in this location.

### 10.4 The impact on the character and visual amenity of the host site and surrounding area

10.5 The proposals involves limited demolitions in respect of the listed buildings as follows:

- The mid-20th century single storey extensions at the northern end of the east and west blocks are proposed to be demolished, revealing the original north gables and creating more space on the site.
- The disused iron fire stair on the east elevation of the west block is a 20th century addition and is also proposed to be demolished.
- The existing roofs are considered to be unsuitable for use and will be replaced in natural slate.
- Presently, a variety of window styles exist throughout the complex and many windows, particularly those at ground floor level, have been infilled. The scheme proposes to rationalise the style and materials of windows throughout the complex.
- The twin arched entrances to the former boiler house and the rounded-headed entrances to the former engine house are to be opened up as picture windows within the existing proportions.
- Existing partition walls within the west wing and link block will be removed.
- The west wall of the east wing would be carefully taken down and reconstructed using existing bricks in order to guarantee the structural stability of this significant element of the complex.

- 10.6 Concerns were raised by Historic England, the Victorian Society and the Council for British Archaeology that the level of information submitted was adequate to gauge the impact of the works on the listed building, subsequent to these comments a Heritage Addendum and a Structural Inspection Report were submitted. Historic England commented further following the re-consultation of all relevant parties and stated that these documents in combination with the other documents and drawings submitted on the applications were now sufficient to allow the impact of the works to be assessed. The Applicant has stated these demolitions are required to allow the heritage former mill buildings to be brought into new use as well as to remove later insensitive interventions. The demolitions will allow the buildings to adapt to the requirements of their proposed end uses.
- 10.7 Officers consider that the level of demolitions and alterations will be likely to lead to less than substantial harm to the significance of these designated heritage assets and the character of the Holbeck Conservation Area. As such proposals can be justified in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the considerations of paragraph 196 rather than paragraph 195 of the NPPF. However the NPPF advises that the harm to the heritage asset should be weighed against the public benefits of the proposal.
- 10.8 The developer has put forward the following public benefits of the scheme;
- a) Securing the optimum viable use for the site
  - b) Arrest the structural and cosmetic deterioration of Midland Mills, a Grade II Listed building within the Holbeck Conservation Area;
  - c) Preserve significant historic features of the complex including its early 19th-century 'H' configuration, boiler and engine houses, fireproof segmental arch ceiling of boiler house and inverted relieving arches beneath cills at ground floor level;
  - d) Return a long-term, viable use to a partly vacant historic building; and
  - e) Enhance the contribution of Midland Mills to the character and appearance of the Conservation Area as a designated heritage asset.
- 10.9 In addition, the developer has advised that for the proposals to the listed former mill buildings be more adaptable for future use and viable there is a requirement for demolitions and the creation of the new tower adjacent to the listed former mills. Therefore, whilst it is acknowledged that there is harm in the level of demolition this is considered to be less than substantial. It is also considered that the harm is outweighed by the benefits of providing high quality residential dwellings and

commercial spaces as well as allowing for the repair and regeneration of the listed Midland Mills.

- 10.10 The proposed 32 storey tower would be a contemporary tall building that would be linked to a regenerated and converted Midland Mills. Historic England, the Council for British Archaeology and the Victorian Society have both stated that they have major concerns about the impact of the tower proposal which they consider will dominate the Grade II listed Midland Mills, causing serious harm to the significance of the listed building and the Holbeck Conservation Area and other designated heritage assets in the area. The applicant has stated that on its own, the refurbishment of Midland Mills is not viable without the additional space (the proposed tower) being created and that to create sufficient value to undertake the regeneration and repair works they are proposing a tower which aims to meet the following objectives
- *a smaller footprint on the site reducing visual impact;*
  - *a striking form;*
  - *good slenderness ratio for a tall building;*
  - *premium values for elevated views of city; and*
  - *optimal engineering and cost efficiency (net to gross ratio, environmental performance, service distribution and lift performance).*
- 10.11 Notwithstanding the Applicant's comments on viability, Officers consider that the proposed design of the tower building, whilst modern, would be compatible with the townscape context within which it is located, through its materiality, detailed design and orientation. It will be viewed both at close quarters and in distance views within the setting of a number of listed buildings and the nearby Holbeck Conservation Area. Nearby listed buildings Midland Mills, Temple Works, Marshalls Mills, the Round Foundry complex and Towers Works. The new building would be orientated to align with Midland Mills, to reflect the orientation of Midland Mills, to replicate the former historic street pattern and to aid the management of wind (see paragraphs 10.33 to 10.35 below). The positioning of the tower means that it would be to the edge of the lower built form of the Holbeck South Bank as place of transition between the historic street forms and buildings and more contemporary areas. The wider area has a number of existing and consented tall buildings and towers and the proposed tower would be largely viewed against this backdrop in longer views across the area. Whilst within the setting of some listed buildings and existing and potential future towers the position means there would be visual separation in key views from the said nearby heritage assets in closer views.
- 10.12 In addition, the scheme aims to respond to the heritage rich setting in terms of its detailing and materials. As a result the building is proposed to have the appearance of a two layered structure with an inner glass form rising out of a red brick outer skin. The outer brick layer would be detailed with precast composite stone banding set around aluminium and timber composite windows and grey toned aluminium inset cladding panels. The edge and top of the masonry areas would be detailed with a precast composite stone coping. The inner glass layer would be glazed and white opaque curtain walling and would project from the masonry at both the base and the top of the building as well as running up the full height of the building at opposite corners. This will provide a contrast to the masonry and visually enhance the slenderness of the tower. The window patterning to the facades would be set in a regular grid with depth given to the window reveals to add visual interest.
- 10.13 Officers therefore consider that the proposal would be of a high quality design with detailing and materials that would be appropriate to the historic context. In addition

the proposed height and massing of the structure would be acceptable in townscape terms within the surrounding context of the site.

- 10.14 The proposed enabling nature of the proposed tower development and the regeneration of the listed buildings is also noted. In order to ensure that the benefits of safeguarding the long-term future of the listed buildings, the S106 legal agreement will restrict occupation of the tower until the listed building works have been completed.
- 10.15 Residential amenity and mix
- 10.16 The position of the site and orientation of the tower and Midland Mills is such that there would no issues of overlooking between the two buildings. The existing Midland Mills building are set some 6.7 metres apart. Residential is only proposed in the northern block with the southern block being commercial uses. The tower has been positioned to the east of the smaller mill buildings. As such there may be some limited overshadowing during the early hours of the day. No windows are proposed to the side elevation facing the new tower and as such the levels of over-shadowing would be not result in any significant harm to residential amenity. In addition the tower is set some 8.7 metres from the mill ensuring that the historic building is given visual 'breathing space' preventing it from being over-dominated by the taller building, The scheme is not near any other existing residential sites and as such there are no issues of overlooking, of over-dominance of any other existing dwellings,
- 10.17 The proposal is to provide a mix of accommodation sizes across the development equating to 18% being studio flats, 40% of the flats being one bedroomed, 31% being two bedroomed and 11% being three bedroomed. Whilst this remains lower than the percentage of three bedroomed dwellings aimed for under Policy H4 it is acknowledged that this Policy states that the nature and character of a location should be taken into account. The mix as proposed aims to address the demographic of the area which is one of high numbers of younger people in rented accommodation. As such the proposed mix is considered to be acceptable in this case.
- 10.18 There is a requirement to provide 5% of the residential units as affordable housing. As such 15 units will be brought forward as affordable housing. Of this 40% (6 units) shall be for households on lower quartile earnings and 60% (9 units) shall be for households on lower decile earnings. Ward Members have raised concerns regarding the level of affordable housing. However, the scheme is compliant with the level of affordable housing policy requirements for this area of the city. This obligation will be controlled via the Section 106 legal agreement.
- 10.19 During recent years the Leeds Standard and the Government's Technical Housing Standards – Nationally Described Space Standard (NDSS) have been used to help inform decisions on the acceptability of development proposals. They should also meet reasonable standards of general amenity for occupiers to include adequate space, light and ventilation. The proposal also seeks to provide one bedroomed units of at least 37 sq metres, two bedroomed units of at least 61 sq metres and three bedroomed units of at least 74 sq metres. These are as set out in the following table

UNIT	TOTAL NUMBER	SIZE (SQM)	NDSS
Tower 1 beds/Studio	170	37	37
Tower 2 beds	88	61-80	61
Tower 3 beds	26	74-83	74
Mill 1 bed	8	38-42	37
Mill 2 bed	8	63-73	61
Mill 3 bed	6	74-86	74

As such all proposed residential units will accord with the guidance set out in the Leeds Standard and the Government's Technical Housing Standards – Nationally Described Space Standard.

#### 10.20 Vehicle parking, sustainable transport and travel planning

10.21 Ward Members have raised strong concerns regarding the lack of car parking within the scheme and the potential parking impacts this could cause for local residents. The Applicant cites the following justifications for the lack of car parking at the site:

- The site is located within the city centre boundary, in a highly sustainable location;
- Planning policy supports promoting sustainable development and restricting the use of the private car;
- The Holbeck, South Bank SPD specifically references encouraging minimum levels of car parking, reducing long stay parking and repurposing carriageway;
- The development has been designed to the needs of city centre living;
- All streets within the immediate vicinity of the site are subject to parking restrictions or accommodate formal Pay & Display bays;
- No unrestricted car parking is available within 700m of the development;
- A travel plan has been provided with meaning measures including the development of a specific, bespoke web application giving residents sustainable travel information
- 2 car clubs spaces are provided for those residents who wish to utilise a vehicle as requested by Travelwise; and
- Provision of attractive cycle parking facilities.

To address Ward Member concerns a Traffic Regulation Order sum of up to £20,000.00 will be required from the applicant for any resulting residential parking issues on streets not controlled by residential parking permit schemes.

10.22 The proposed Travel Plan has been submitted which *includes* the following aims:

1. A bespoke web app on sustainable travel
2. Provision of secure cycle parking (266 secure long stay and 56 short stay cycle parking spaces will also be provided for the scheme)
3. Provision of local cycle maps and public transport information in induction packs
4. Promote the Walkit, BikeBUDi schemes
5. Provide personalised Travel Planning
6. Promote, subsidised membership and travel time for the car club
7. Providing details of the site's accessibility by sustainable modes within any newsletters
8. Ensuring that a copy of the Travel Plan is provided within the residential Sustainable Travel Leaflet given to all new residents
9. Sustainable Travel Leaflets to be displayed in the sales office; and
10. A travel plan email/newsletter – for example a leaflet detailing the launch of a new measure, the advantages of this and who to contact to find out more.

10.23 Servicing and deliveries will operate via Silver Street, where a turning area for vehicles will be set out as part of the hard landscaping scheme. Due to there being

no car parking proposed there are also no proposals for electric vehicle charging points in this scheme, however two bays for car club vehicle are to be set out to the Water Lane edge of the site.

- 10.24 Off-site a proposed raised crossing along with any required upgraded crossing points are to be provided. These will be controlled via a Highways legal agreement and secured via a Planning Condition.
- 10.25 Officers consider the combination of the location of the site, proposed travel plan measures and widespread on-street parking controls means that the proposal would not result in adverse highway safety and conditions. The payment of £20,000.00 for extending traffic regulation orders can help to mitigate any adverse highway impacts that may arise as the development becomes occupied.
- 10.26 Landscape proposals
- 10.27 The grouping of historic and new buildings are proposed to be set within landscaped public space with access from Silver Street. Due to the need to address flood risk the landscape scheme will include a raised plinth on which the new tower will be based. The placement of the site adjacent to the railway viaduct will allow the public areas to have a semi private character for the residents of the scheme. This is set out in to three main areas, the entrance plaza to the site which has feature lawns and planted beds, the hard surfaced servicing zone and the residential and commercial courtyards in the middle of the Listed Buildings. Tree planting, of semi mature Tilia, Liquidambar, Betula, Acer and Gleditsia, around the edges of the site and in the courtyards and lawned areas is also proposed. Green walls are also proposed to the base of the tower to act as both landscape features and wind baffles.
- 10.28 The hard landscaped areas will be set out in materials that reflect the historic context. As such Yorkstone linear plank paving/setts, grey granite steps, dark grey granite feature paving, concrete aggregate sett paving, brick Paving to the courtyards will be utilised. Timber topped benches, stainless steel cycle hoop stands and steel framed tree grilles will also feature in the landscape scheme. Officers consider that the proposed landscape scheme would enhance the area and are supported subject to full details of all soft and hard landscape features being controlled via Planning Conditions.
- 10.29 Sustainability measures and flood risk measures
- 10.30 The proposal incorporates a variety of sustainability measures *including*;
1. Adopting a 'fabric first' approach to construction with materials selected in consideration of thermal performance, air tightness and energy efficiency.
  2. Orientation of the apartments in consideration of optimising passive solar gain to reduce the energy requirements for lighting and space heating.
  3. The use of insulation.
  4. The use of a combined heat and power system
  5. Exploring the use of photovoltaic panels
  6. The use of water efficient appliances as well as rainwater harvesting.
- The proposals aim to meet the requirements of planning policies EN1 and EN2 (to reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate until 2016 when all development should be zero carbon, and provide a minimum of 10% of the predicted energy needs of the development from low carbon energy and to meet the standard set by BREEAM

aiming for Excellent) and full details of the measures for carbon dioxide reduction and to minimise energy use will be controlled via a Planning Condition.

- 10.31 The Environment Agency have objected to the submitted Flood Risk Assessment (FRA) on the basis that due in part to ground floor habitable space in Midland Mills, it does not yet adequately assess current and future flood risk to the site, needs to provide suitable flood risk mitigation appropriate to the use, needs to demonstrate there is no increase in flood risk to others and needs to provide details of potential flood depths, velocities and hazards. The Applicant has been in detailed discussions with the Environment Agency and has as a result revised the floor plan for Midland Mills to ensure that no ground floor habitable rooms are proposed. At the time of writing this report the Environment Agency have stated that they are continuing their discussions with Applicant with their focus being on ensuring that the technical assessment of risk within the FRA is satisfactory such that an amended FRA report or an addendum to the existing FRA can be provided. Therefore, Officers will update Members verbally at Plans Panel on the progress of this matter.
- 10.32 Wind impact
- 10.33 A wind study was submitted as part of the application documents. This states that with the development built the majority of the site would be suitable for pedestrian walkthrough, with much of the south also suitable for pedestrian standing or sitting, all publicly accessible areas met the criteria for distress for able bodied users, and all publicly accessible areas met the criteria for distress for vulnerable users, with the exception of:
- An area on a road, away from the pavement,
  - Parts of a vehicle storage yard, and
  - Two other small areas within the public open space.
- The Lawson distress criteria states that a wind speed greater than 15 metres-per-second occurring for more than two hours per year is classified as unsuitable for the general public and represents a wind speed with the potential to destabilise the less able members of the public such as the elderly, cyclists and children. Able-bodied users are those determined to experience distress when the wind speed exceeds 20 metres-per-second for two hours per year.
- 10.34 The report states that where tall towers are placed in relatively open landscapes, there is the potential for wind to be drawn down to pedestrian level. As this area of Leeds is developed, and more and taller buildings are constructed to the west, upwind of this tower, the potential for winds to be drawn down to street level will reduce. However in the intervening time the report concludes that to address the three points of exception set out above in paragraph 10.33 the building need to be orientation as indicated on the submission and on site wind mitigation measures, in the form of 3 to 10 metre high (dependant where they need to be on site) porous (ranging from 20% to 30% porosity) 'feature' wind break green walls at the corners of the tower and the planting of 6 metre high evergreen Quercus Ilex (Holm Oak) trees are required to address these three areas with wind issues.
- 10.35 The wind study has been peer reviewed and is considered to be robust and of a suitable quality and to provide realistic result, consistent with the reviewer's expectations. The peer review also advises that the mitigation measures in the form of the wind break green walls of 3 to 10 metres in height and the 6 metre high evergreen Quercus Ilex (Holm Oak) trees are considered by the reviewer to be essential to address any wind issues that occur as a result of the siting of a tower of this scale at this site and that these identified mitigation measures would adequately resolve the wind issues in the three identified areas.

#### 10.36 Section 106 legal agreement

10.37 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.

10.38 There is a requirement for the following obligations that sit outside the Community Infrastructure Levy regime:

1. Employment and training of local people
2. The provision of publicly accessible areas
3. 15 units (5% of the total provision) to be identified for affordable housing. 40% (6 units) of these of units to be affordable housing for households on lower quartile earnings and 60% (9 units) to be affordable housing for households on lower decile earnings
4. The provision of a travel plan fee of £4,236
5. Provision of a Residential Travel Plan Fund of £54,235
6. Contributions for loss of Pay & Display bays of a sum to be agreed
7. Provision of 2 Leeds City Council Car Club provider parking spaces and free trial membership and usage package of £21,500.00
8. A Traffic Regulation Order contribution of a sum up to £20,000.00
9. The new Midland tower not to be occupied until the listed building regeneration works have been completed.
10. A management fee of £3750.

10.39 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.

10.40 The development is Community Infrastructure Levy (CIL) liable and is estimated to be in the region of £103,914.79. CIL is generally payable on the commencement of development. The payment of CIL is not material to the determination of the planning application. Accordingly, this information is presented simply for Members information.

#### **11.0 CONCLUSION**

11.1 In conclusion it is considered that the proposal would result in a high quality, appropriate development and would add to the vibrancy and vitality to the area and furthering its regeneration.

11.2 The proposals would allow important underused historic areas of the Listed Buildings to be brought back into use and safeguard their long term future, whilst it is acknowledged that there will be some (but less than substantial) harm by virtue of the extent of demolition and alterations, this is of a tolerable level when balanced against the public benefits of the regeneration of the buildings.

11.3 Therefore the proposal is in accordance with the Development Plan and is considered to be acceptable and is recommended for planning approval and listed



building consent approval subject to the conditions set out in Appendix 1 and the planning obligations set out at the head of this report.

- 11.4 Due to the objection from statutory consultees the Council for British Archaeology and the Victorian Society the Secretary of State will be notified in respect of the proposals and the Plans Panel decisions on the two applications, in accordance with legislative requirements.

**Background Papers:**

PREAPP/17/00288

18/02139/FU

## **Appendix – Draft Conditions List 18/04579/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 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 suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site 'suitable for use'.

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) 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.

7) Prior to the commencement of demolition 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. 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 that phase of the 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

8) Development shall not commence until details of existing and proposed ground levels, including external areas and the finished floor levels of the approved development, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Land levels on the site vary and this increases the potential for harmful impacts on residential amenity and the creation of gradients that compromise accessibility within the site. It is important to consider and agree appropriate levels prior to the development commencing to avoid such harmful impacts.

In the interests of amenity.

9) No works shall begin on the development until a Statement of Demolition and Construction Practice 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 and location of contractor and sub-contractor parking
- e) a local resident and business communications strategy for the duration of the works

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 Demolition and 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 highways safety and residential amenity in accordance with Saved Leeds Unitary Development Plan Review (2006) policy GP5 and the National Planning Policy Framework.

10) During all demolition and construction phases of the development no operations shall take place before 08.00 hours on Mondays to Saturdays nor after 18.00 hours on Mondays to Friday and not after 13.00 on Saturdays, with no demolition or construction activities on Sundays and Bank Holidays, unless agreed in writing with the Planning Local Authority.

The contractor must ensure compliance with current legislation on noise and dust control including the Environmental Protection Act 1990 and the control of Pollution Act 1974. Relevant Codes of Practice, setting out procedures for dealing with the control of noise on construction and demolition sites, are contained in BS5228-2: 2009 - Noise and Vibration Control on Construction and Open Sites.

In the interests of residential amenity of occupants of nearby property.

11) The construction of external facing materials shall not commence until details and samples of all external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. This shall include a full size sample panel of all external facing materials and glazing types. The building works shall be constructed from the materials thereby approved.

In the interests of visual amenity in order to accord with Leeds Unitary Development Plan Review Policies GP5 and BD2, Leeds Core Strategy Policy P10 and the National Planning Policy Framework.

12) The construction of external surfacing materials shall not take place until details and samples of all surfacing materials to the areas of hard standing have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The surfacing works shall be constructed from the materials thereby approved.

In the interests of visual amenity in order to accord with Leeds Unitary Development Plan Review Policies GP5, Leeds Core Strategy Policy P10 and the National Planning Policy Framework.

13) 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-

Authority-

(i) 1 to 20 scale drawings of the detail of ground floor treatments, including entrance points and

(ii) 1 to 20 scale section drawings of each type of window and external door proposed

(iii) 1 to 20 scale drawings of the junction of all materials

(iv) 1 to 20 scale drawings of the junction of the building with the proposed green walls

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

In the interests of creating high quality buildings and places.

14) The development hereby permitted shall not be occupied until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall

Include (a) proposed finished levels and/or contours,

(b) boundaries, means of enclosure and retaining structures,

(c) car parking layouts,

(d) other vehicle and pedestrian access and circulation areas,

(e) hard surfacing areas,

(f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),

Soft landscape works shall include

(h) planting plans

(i) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and

j) schedules of plants noting species, planting sizes and proposed numbers/densities.

k) a full management and maintenance plan for the green wall including details of irrigation, feeding and the timescales and mean by which any failed planting will be removed and replaced

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

To ensure the provision and establishment of acceptable landscaping

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

To ensure successful aftercare of landscaping.

16) Notwithstanding the details on the hereby approved plans, the trees shall be planted in

locations to be agreed, within the next planting season from the date of this planning permission. Full details including:

- a) The locations of the trees
- b) Construction details of tree pits including the depth and area of growing media;
- c) Any tree grilles and guards
- d) Dimension of tree pits and means of anchoring root balls, and
- e) Species and size of the trees

shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the tree planting. The trees shall be planted in accordance with the approved details.

In the interest of the character and appearance of the site and surrounding area.

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

To ensure maintenance of a healthy landscape

18) No building works shall take place until an updated Sustainability Statement has been submitted to and approved in writing by the Local Planning Authority, which will include a detailed scheme 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); (iii) Details of photovoltaic cells and (iv) an energy plan showing the percentage of on-site energy that will be produced by the selected Low and Zero Carbon (LZC) technologies and that it produces a minimum of 10% of the total energy demand of the development and a carbon dioxide reduction target and plan showing a minimum of 20% reduction in carbon dioxide emissions against building regulations targets

The development shall be carried out in accordance with the detailed scheme for that phase, and

- (a) Within 6 months of the first occupation of each phase a post-construction review statement for that phase shall be submitted to and agreed in writing by the Local Planning Authority
- (b) The development and buildings comprised therein shall be maintained thereafter 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 Leeds Core Strategy Policies EN1 and EN2, Leeds SPD Sustainable Design and Construction, and the National Planning Policy Framework.

19) No works shall commence to the main mill building where the bat roosts have been identified as per Figure 1 of the Bat Emergence survey dated October 2017 by Brooks Ecological report ref. R- 2961-02 until the Local Planning Authority has been provided with either:

- a) The Mitigation Method Statement and licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising the specified activity to go ahead; or
- b) a statement in writing from an appropriately qualified ecologist to the effect that it does not consider that the specified activity will require a licence.

To safeguard a protected species (Bats) in accordance with the Wildlife & Countryside Act 1981 (as amended) and BS 42020:2013.

20) Prior to the commencement of development, a Plan shall be submitted to and approved in writing by the Local Planning Authority of: integral bat roosting and bird nesting features (for species such as House Sparrow, Starling, Swift, Swallow and House Martin) within buildings. The agreed Plan shall show the number, specification of the bird nesting and bat roosting features, that are in addition to any Protected species Licence mitigation, and where they will be located, together with a commitment to being installed under the instruction of an appropriately qualified bat consultant. All approved features shall be installed prior to first occupation of the dwelling on which they are located and retained thereafter.

To maintain and enhance biodiversity in accordance with Core Strategy Policy G9, NPPF, and BS 42020:2013.

21) No development shall take place within the area of archaeological interest until a programme of archaeological recording has been secured. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted in writing to and approved in writing by the Local Planning Authority.

To ensure appropriate archaeological recording- expand on reasoning

22) Development shall not commence until a drainage scheme (i.e. drainage drawings, summary calculations and investigations) detailing the surface water drainage works as well as arrangements for its future maintenance (e.g. adoption by the Water Company or private maintenance schedule) have been submitted to and approved in writing by the Local Planning Authority. The maximum rate of discharge, off-site, shall not exceed 5 l/s, unless otherwise agreed with the Local Planning Authority. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

To ensure sustainable drainage and flood prevention in accordance with NRWLP policy Water 7 and GP5 of the UDP

23) There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to

- i) evidence that other means of surface water drainage have been properly considered

and why they have been discounted ; and

ii) the means by which the discharge rate shall be restricted to a maximum rate of 9.6 litres per second.

In the interest of sustainable drainage and to ensure that no surface water discharges take place until proper provision has been made for its disposal.

24) Surface water run -off from hard standing (equal to or greater than 800 square metres) must pass through an oil , petrol and grit interceptor /separator of adequate design that has been submitted to and approved by the Local Planning Authority , prior to any discharge to an existing or prospectively adoptable sewer.

To prevent pollution of the aquatic environment and protect the public sewer network.

25) Details of any external extract ventilation system and air conditioning system, including noise levels, shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and the system shall be installed and maintained in accordance with the approved details and retained for the lifetime of the development. The system 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 BS4142:2014.

In the interests of visual and residential amenity.

Hot food uses will often require an extract ventilation system to deal with odour and fumes. Guidance on suitable design is provided in DEFRA guidance at:  
<http://www.defra.gov.uk/publications/files/pb10527-kitchen-exhaust-0105.pdf>

26) The development hereby permitted shall not be occupied 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.

27) Development shall not be occupied until details of measures to control on-street parking in the vicinity of the site comprising an area to be agreed and timescales for implementation have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented and retained in accordance with the approved timescales.

To ensure highway and pedestrian safety.

28) Development shall not be occupied until a Servicing Management Plan (inc. timescales) has been submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented and operated in accordance with the approved timescales.



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

29) Notwithstanding the approved details, before building works are 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.

30) Development shall not commence until a survey of the condition of the vehicular highway within the application site, with any necessary mitigation works, has been submitted to and approved in writing by the Local Planning Authority. The approved mitigation works shall be fully implemented prior to occupation of the development. Traffic associated with the carrying out of the development may have a deleterious effect on the condition of the highway that could compromise the free and safe use of the highway.

To ensure the free and safe use of the highway during all development works and throughout the lifetime of the development.

31) Prior to commencement of the development details of works as indicated on the drawing referenced XXXXXXXXXX comprising improvements to pedestrian and cycle access and routes, reduced speed limits, speed reduction measures, amendments to Traffic Regulation Order, removal of parking bays, formation of the new vehicle access and reinstatement of redundant accesses shall be submitted to and approved in writing by the Local Planning Authority and shall have been fully implemented in a timescales to be agreed with the Local Planning Authority.

To ensure the free and safe use of the highway during all development works and throughout the lifetime of the development.

32) Prior to the commencement of the development the applicant will submit for approval by the Local Planning Authority construction details of the proposed footway crossings [and/or reinstatement to full height footway of any redundant existing crossings] along the site frontage. The crossings [and/or reinstatements] must be constructed in accordance with the approved details and be fully implemented prior to the first occupation of the development to the satisfaction of the Local Planning Authority.

In the interests of the free and safe use of the highway and in accordance with Core Strategy policy T2.

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

To ensure the free and safe use of the highway.

34) The proposed A1 Use shall be limited to a unit size of no more than 200 sq metres of gross floor space and shall be convenience retailing. Any such proposals exceeding this threshold will require the submission of a sequential and impact assessment, to be agreed in writing by the Local Planning Authority.

To ensure compliance with Core Strategy Policy CC1

35) Notwithstanding the plans hereby approved, the construction of the tower shall not commence until full details of the wind mitigation measures have been submitted to, and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the details then so approved and retained for the lifetime of the development and post completion testing will be undertaken the details of which will be provided to the Local Planning Authority.

In the interests of public and highway safety

### **Draft Conditions List 18/04580/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) The construction of external facing materials shall not commence until details and samples of all external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. This shall include a Full size sample panel of all external facing materials and glazing types. The building works shall be constructed from the materials thereby approved.

In the interests of the character of the listed building and Holbeck Conservation Area, and in order to accord with Leeds Unitary Development Plan Review Policies GP5, N17 and N19 , Leeds Core Strategy Policy P10 and the National Planning Policy Framework. .

4) The construction of external surfacing materials shall not take place until details and samples of all surfacing materials to the areas of hard standing have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The surfacing works shall be constructed from the materials thereby approved.

In the interests of the character of the listed building and Holbeck Conservation Area, and in order to accord with Leeds Unitary Development Plan Review Policies GP5, N17 and N19 , Leeds Core Strategy Policy P10 and the National Planning Policy Framework

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, ground floor treatments, including entrance points and

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

(iii) 1 to 20 scale drawings of reinstated openings in the mill buildings and all new openings

(iv) 1 to 20 scale drawings of all new partitions and inserted structural elements inside the listed buildings

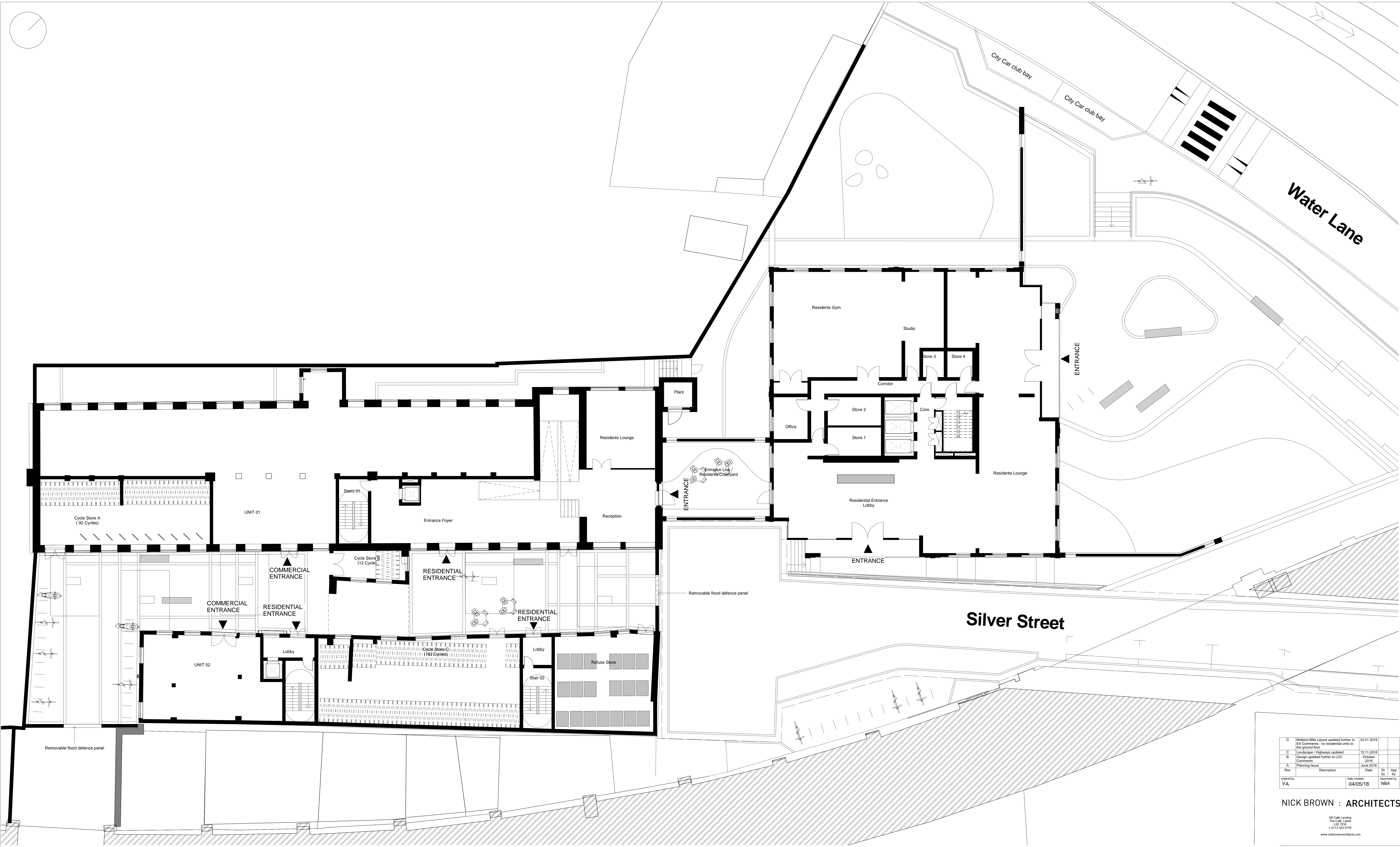
(v) 1 to 20 scale drawings of all new roof lights

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

In the interests of the character of the listed building and Holbeck Conservation Area, and in order to accord with Leeds Unitary Development Plan Review Policies GP5, N17 and N19 , Leeds Core Strategy Policy P10 and the National Planning Policy Framework.

6) Notwithstanding the details on the hereby approved plans, a detailed method statement for the taking down and rebuilding of the west wall of the east wing, replacement of the roof with natural slate, rationalisation of window styles and materials and opening up of the twin arched entrances to the former boiler house and the rounded-headed entrances to the former engine house at Midland Mills, shall be submitted to and approved on writing by the Local Planning Authority. The building works shall be constructed in accordance with the details thereby approved.

In the interests of the character of the listed building and Holbeck Conservation Area, and in order to accord with Leeds Unitary Development Plan Review Policies GP5, N17 and N19 , Leeds Core Strategy Policy P10 and the National Planning Policy Framework.



00 Ground Floor Plan  
1 : 100

D	Midland Mills Layout updated further to BSA Comments - no residential units to the ground floor	02/01/2019		
C	Landscaping / Highways updated	15/11/2018		
B	Design updated further to LCC Comments	October 2018		
A	Planning Issue	June 2018		
Rev	Description	Date	By	App. by
YA		04/05/18	NBA	

**NICK BROWN : ARCHITECTS**  
 58 Cals Landing  
 The Cals, Leamington Spa  
 CV32 9JF  
 01913 203 873  
 www.nickbrownarchitects.com

project	
Proposed Residential Development - Midland Mills	
drawing title	
Proposed Ground Floor Plan	
project number	
2015-094	
drawing number	revision
P210	D
scale	issue status
1 : 100 @A0	Planning Issue

©2018  
 Contractor must verify all dimensions on site before commencing any work on this drawing.  
 Report any discrepancies before commencing work to the Architect. If this drawing exceeds the quantities taken in any bill of materials, it is the contractor's responsibility to make a request.  
 Only figure dimensions to be taken from this drawing. Do not scale off the drawing.  
 Existing conditions (Obstructions) shown unless noted otherwise. Design drawings control a conflict in the Survey, Structural Survey, Site Investigation, Planning and Statutory Requirements and Approvals.  
 Issues shown by the Contractor (Change & Management) (Regulation 2017) to be used with a Health & Safety Plan for the work.  
 This drawing is Copyright and shall not be reproduced without consent of Nick Brown Architects Ltd.