



Leeds
CITY COUNCIL

Originator: Paul Kendall

Tel: 247 8196

Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 4th February 2010

Subject: PLANNING APPLICATION 08/01914/FU

**LUMIERE DEVELOPMENT, WHITEHALL ROAD/ WELLINGTON STREET,
LEEDS**

APPLICANT

Lumiere LP

DATE VALID

31.3.08

TARGET DATE

30.6.08

Electoral Wards Affected:

CITY AND HUNSLET

X

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

REFUSE for the following reasons;

1. In the absence of a completed signed S106 agreement the proposal fails to deliver any provision of affordable housing and therefore does not address, and is contrary to, the national strategic housing policy objectives outlined in paragraphs 9 and 10, 20-24, and 27-29 of PPS3 (Housing), the regional requirements in policy H4 of the adopted Regional Spatial Strategy (RSS – May 2008) and the requirements in the City as stated in policies GP7, H11 and H12 of the adopted Leeds Unitary Development Plan Review (2006) and amplified in Revised Supplementary Planning Guidance 3 (SPG3 – Feb 2003) and the Housing Need Assessment Update (SPG Annex, July 2005 - Revision April 2009).

2. In the absence of a completed signed S106 agreement, the proposed development has failed to make the necessary contributions to enhancements and improvements to public transport infrastructure required by Policy T2D of the adopted UDPR and amplified by L.C.C. Supplementary Planning Document on Public Transport Improvements and Developer Contributions such that existing traffic congestion and public transport service, accessibility and capacity problems would be aggravated by the proposal. This is contrary to the sustainability objectives of PPS1 (Delivering Sustainable Development) and PPG13

(Transport); regional advice contained in RSS policy T1; and policies GP7, CC1, T2(ii) and T2D of the adopted Leeds Unitary Development Plan Review (2006) and the SPD on Public Transport Improvements and Developer Contributions.

3. In the absence of a completed signed S106 agreement, there is no means of securing adequate levels of public access, in terms of the number of access points, routes through and the times of access to these routes, across the site. This creates the potential for this site, which is at a key point in the layout of the city centre, to be privatised, hindering easy access and connectivity through this important landmark city centre site. This would be contrary to the objectives of PPS1 (Delivering Sustainable Development) and policies GP5, GP7, CC1, CC9, CC12, CC13, BD3 and N12 of the adopted Leeds Unitary Development Plan Review (2006).

4. In the absence of a completed signed S106 agreement, the proposed development has failed to make the necessary contributions to enhancements and improvements to the local highway and footway network such that existing traffic congestion, accessibility and capacity problems would be aggravated by the proposal. This is contrary to the objectives of PPG13 (Transport); regional advice contained in the RSS, policy T1; and policies GP7, CC1, T2(i) and T2D of the adopted Leeds Unitary Development Plan Review (2006)

1.0 INTRODUCTION:

1.1 This application is being presented to Members given the history of this site, the significance of the development and its profile both locally within Leeds and on a regional and national level. Members were mindful to approve the above application when it was presented at Plans Panel on 22nd July 2008 subject to the completion of a S106 agreement. Officers have been very keen to complete this agreement and issue the permission in order to give this proposal the best possible chance of progressing. However, the applicant has gone in to administration and the Section 106 Agreement has not been signed. The Local Planning Authority cannot hold the application in abeyance indefinitely.

2.0 PROPOSAL:

2.1 This is for the erection of 2 no. towers, 33 storeys and 55 storeys in height, with a connecting covered public winter garden, comprising 832 flats, 120 serviced apartments, offices, health centre, ground floor and mezzanine level retail uses (A1,A3, A4 and A5) and basement car parking, with landscaping. (Revision to permission 06/01622/FU approved 4th April 2007). This previous approval included a S106 agreement which secured the following provisions

- Public Transport contributions
- The provision of Affordable Housing
- Provision for off-site Highway works
- Commitment to local employment
- Winter Garden provision and use
- Reinstatement of surrounding public realm (footways)

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located on the southern side of Wellington St and to the north of Whitehall Rd, between the former Royal Mail tower (West Central residential scheme) and the former Wellesley Hotel (City Central residential scheme). The site is the last significant piece of the jigsaw in the area between City Sq and Northern St. The surrounding area is characterised by a mix of new build offices, hotel and residential to the south and the rigid grid-like street pattern of the office quarter to the north which is part of the City Centre Conservation Area.
- 3.2 The most notable feature of this site when seen in the context of the surrounding street pattern is that it lies at the point where the east-west pattern of streets from Wellington St running north to The Headrow becomes adjusted through an approximate 30 degree angle to run off to the south-west along Whitehall Road.
- 3.3 Grounds works commenced on site to implement a previous consent for the Lumiere towers (see Planning History para 4.2). Work ceased on the development in July 2008. Work has recently been completed at the site to re-instate the former footways along the Wellington Street and Whitehall Road frontages. This work was carried out by the Local Highways Authority following the abandonment of the site by the developers and their unwillingness to carry out these essential highway works.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 This application was submitted to the Local Planning Authority on 31st March 2008. A presentation detailing the amendments to the development (as this application is a revised scheme of a previous approval) was presented to Members at Plans Panel on 21st May 2008. The application was then presented to Members on 22nd July 2008 with a recommendation to approve the application. Members accepted this recommendation and to defer the decision to Officers subject to the completion of a S106 agreement. The minutes of this previous panel are attached to this report.
- 4.2 The original Lumiere application was described as a 'Part 54 storey and part 32 storey mixed use development with office, residential, health centre, art display area, retail, glazed atrium/Winter Garden and basement car parking' (06/01622/FU). This application was formally approved on 4th April 2007, following a panel resolution on 20th July 2006. Construction of the foundations/ground-works commenced on site following this approval but ceased in July 2008.
- 4.3 Prior to this, an application was submitted for a single office building on the site. This was 10 storeys fronting Wellington St and Whitehall Rd with a single storey roof top plant room (ref 20/63/03).

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 There have been numerous attempts to engage with the developers to complete the S106 agreement. E-mails and letters were sent to the developers, prior to Linfoots announcing in February 2009 that they were in administration. A final letter was sent on 25th September 2009 to Fraser Properties, Linfoots joint partner in this venture, which detailed the Local Planning Authority intention to 'finally dispose' of the application due to the failure to complete and sign a S106 agreement.

- 5.2 A response was then received from Denton Wilde Sapte LLP on 15th October 2009 which contested the lawfulness of the Local Planning Authority ability to finally dispose of this application under Article 25(11) of the Town and Country (General Development Procedure) Order 1995. In view of this it was decided to bring the application back to Members for their consideration to make a final decision on this application. Officers responded by letter dated 24th November 2009 requesting information on what progress the applicant was willing to make to resolve the outstanding application and setting a 14 day period of response. At the time of writing this report no such response had been received.

6.0 OUTSTANDING ISSUES

- 6.1 In the absence of a signed and completed S106 agreement the scheme is considered unacceptable as there is no provision to mitigate the harm to highway safety as a consequence of intensification to the local highway network and public transport infrastructure this proposal would result in. Similarly there is no provision of affordable housing, contrary to the advice of both national and local planning guidance, or measures to ensure public access is available through the site and Winter Garden (which is considered a particularly important issue to ensure the connectivity of this landmark site with the adjacent highways, and to integrate the site within the city centre).
- 6.2 The Local Planning Authority appreciate the difficulties faced by developers, within the present market conditions of delivering major new developments, particularly with regard to high density city centre residential schemes. However the developers have not entered into any dialogue with the Local Planning Authority with regard to financial viability of this scheme and the additional financial pressures of the sought after and agreed S106 contributions, which are considered necessary.
- 6.3 The developers have not provided any mitigating information which could potentially highlight why they are unable in financial terms to make the full required contributions in respect of Affordable Housing and Public Transport and off-site Highway Works, in order to make the scheme financially viable and ensure public access is available through the site. The developers have not offered any reasoning or justification as to why the S106 has not, or cannot be completed and signed.

7.0 CONCLUSION

This application cannot be held indefinitely in abeyance, and as such Officers are recommending the refusal of the application due to the failure to sign and complete a S106 agreement over a 17 month period. In the absence of a completed and signed S106 agreement it is considered the proposal is contrary to PPS3 and PPG13 with regard to affordable housing and transport, PPS1 which regard to delivering quality sustainable development, and policies CC1, CC12, CC13, GP5, GP7, T2ii, T2C, T2D, BD3, H11 and H13 of the adopted Leeds Unitary Development Plan Review (2006).

Background Papers:

Original approval - 06/01622/FU

Subsequent amending application, the subject of this report - 08/01914/FU

Minutes from previous panel meeting dated 22nd July 2008.

MINUTES FROM PREVIOUS PANEL MEETING 22ND JULY 2008

Application 08/01914/FU - Erection of 33 storey and 55 storey development with connecting public winter garden, comprising 832 flats, 120 serviced apartments, offices, health centre, ground floor and mezzanine level retail uses (A1,A3,A4 & A5) & basement car parking, with landscaping (revision to permission 06/01622/FU - Lumiere development approved 4th April 2007)

Members considered a report following on from a pre-application presentation at the last meeting where the Panel commented on 3 main issues, namely housing mix, elevation design and treatment of the winter garden.

Officers addressed the recent news that works on site had ceased due to the change in the national economy and reported that discussions had begun to assess how the planning authority could assist the developer to ensure the scheme got underway. Members could be presented with a further application to alter the unit mix again if the market changed in the future. The Panel also viewed a model of the proposals at the lower levels to 10 storeys

With regards to affordable housing, Members had previously felt the increased number of units should equate to a larger commuted sum. The approved scheme had a £1.5m commuted sum. The developers had considered this and as there was a net increase in the number of units of 13.6%, were prepared to increase the commuted sum by 13.6% to £1.7 m approximately. The Panel noted this outcome was preferable to calculations using floor space, which had increased only by 2.7% and welcomed this result

Design - Members agreed the two tall towers fitted into the Leeds Tall Buildings draft strategy. The principle of the strong built urban form along Whitehall Road would cease at Lumiere Tower 1 with Tower 2 maintaining a relationship with the historic city centre core

Elevations – precedent slides of the northern Tower 2 were displayed showing the revised palette of colours and glazing to reflect reds and terracotta within the existing Park Square and Victoria Quarter. Slides showing the layering of the elevational treatment to provide a weave effect to the towers were also displayed. Previously this had been an irregular pattern providing an irregular tight weave to the lower levels and a wider pattern to the high levels. This application proposed to amend that approach to provide a more regular pattern overall. Slides of both original and current proposals were displayed for comparison. The elevations would employ clear glazing covered by fritted glazing and aluminium panels. Tower 2 would incorporate colour panels behind the glazing to produce the terracotta theme. It was felt the redesign of the elevations would provide a more elegant solution to the Towers

Height the increase in height was regarded as so small as to have an imperceptible visual impact on the street scene, and Panel noted they had previously agreed this point

Winter Garden – slides of the previously approved and amended scheme were displayed for comparison. Previously the winter garden incorporated a column and beam grid pattern support to the roof, with regular square glazed spaces. The new design proposed to use tree like supports which would in turn support a glazing

pattern which would appear lighter and create a more open feel. Members were concerned that the amendments should improve the internal experience. Officers suggested the proposals would provide an appropriate link to the glazed elevations of the towers.

Whilst one Member felt the design and treatment of the elevations of the previously approved Winter Garden had accentuated the strongly vertical towers and was more suited to the scheme, overall Members accepted the revisions, with the proviso that the colours indicated were purely for illustrative purposes for this meeting as they felt the terracotta displayed appeared as a strong red, rather than the preferred echo of red. The Panel was concerned that the red would detract from the diamond in the sky effect of the taller tower

The Panel also expressed disappointment at the reduction of the number of 2 bedroom flats but remained supportive of the overall scheme and hoped the economy would pick up sufficiently to encourage work to recommence on the iconic scheme.

RESOLVED – That the application be approved in principle and be deferred and delegated to the Chief Planning Officer for final approval subject to the resolutions of the Affordable Housing provision; resolution of highway matters; the specified conditions outlined in the submitted report (and such other conditions as he may consider appropriate), assessment of the submission regarding the micro-climate associated with the scheme and following the completion of a Section 106 Agreement (or deed of variation to the original Section 106 Agreement) to cover the following matters:

- a) Public Transport contributions**
- b) The provision of Affordable Housing contribution**
- c) Provisions for off-site Highway works**
- d) Commitment to local employment**
- e) Winter Garden provision and use**
- f) Reinstatement of surrounding public realm (footways)**

Together with such ancillary clauses as the Chief Legal Officer shall consider appropriate, plus an additional condition to control what happens to the site whilst work has ceased, so that the site is left secure and is not prejudicial to the surrounding business and area

Councillor Hamilton, having earlier declared both personal and prejudicial interests in the following matter (minute 19 refers) vacated the Chair and withdrew from the meeting. He took no part in the decision making process.

PLANS PANEL (CITY CENTRE) 22 JULY 2008

REPORT OF THE CHIEF PLANNING AND DEVELOPMENT SERVICES OFFICER

WARD: City & Hunslet **Application:** 08/01914/FU
Address: Part of former Royal Mail site, 29 Wellington Street, Leeds **Applicant:** Lumiere LP
Proposal: Erection of 33 storey and 55 storey development with connecting covered public winter garden, comprising 832 flats, 120 serviced apartments, offices, health centre, ground floor and mezzanine level retail uses (A1,A3, A4 and A5) and basement car parking, with landscaping. (Revision to permission 06/01622/FU approved 4th April 2007)

RECOMMENDATION:

Members are recommended to approve this application in principle and defer and delegate the final decision to the Planning and Development Services Officer subject to resolution of the affordable housing provision, resolution of highway matters, specified conditions outlined below (and such other conditions as he may consider appropriate) and following the completion of a Section 106 Agreement (or deed of variation to the original Section 106 Agreement) to cover the following matters:

- a) Public Transport contributions
- b) The provision of Affordable Housing contribution
- c) Provisions for off-site Highway works
- d) Commitment to local employment
- e) Winter Garden provision and use
- f) Reinstatement of surrounding public realm (footways)

Together with such ancillary clauses as the Chief Legal Officer shall consider appropriate and subject to the conditions outlined below.

1. Three Year time limit on permission.
2. Samples of external materials to be submitted.
3. Samples of surfacing materials to be submitted.
4. Sample panel of all external materials to be approved.
5. 1:20 detailed plans of glazing system.
6. Boundary treatments to be approved.
7. No external storage of plant/materials/products.
8. Full details of hard/soft landscaping to be submitted.
9. Implementation of landscaping including that within the winter garden.
10. Details of pedestrian route provision and hours of access.
11. Details of a sustainable development statement to be approved.
12. Provision of access/sanitary conveniences for disabled.
13. Disabled parking provision.
14. Cycle parking facilities and access to them to be provided.
15. Condition to report an unexpected contamination.
16. Details of vents, flue pipes etc.

17. Details of extract ventilation systems/filters etc.
18. Provision for storage and disposal of litter.
19. Noise attenuation to be carried out in accordance with a scheme to be submitted.
20. Control over tenants ability to emit noise which could impact on other uses within the building.
21. Acoustic attenuation of all plant and equipment.
22. Details of mechanical ventilation/acu's.
23. No discharge of surface water until completion of approved drainage works.
24. Porous treatment to hard surface areas.
25. Drainage from parking to go via interceptor.
26. Submission of Green Travel Plan.
27. Details of Lighting and Public Art to be submitted.
28. No change of use from A3 or A4 to A1 by permitted development.
29. No sale of hot food for consumption off the premises for the A3 units.
30. Limit on amount of A1 retail floorspace, maximum size of individual unit and range of goods to be sold.
31. Survey of terrestrial and satellite reception to be undertaken after construction and appropriate mitigation measures to be included in a scheme which shall then be implemented.
32. Control over hours of external use from service route.
33. Inlets and outlets not to be closely located to prevent cross-contamination.
34. Duty for the development to be carried out in accordance with the following documents
 - Waste Management Strategy
 - Site Logistics Strategy Revision A (Carillion 2007)
 - Geotechnical Site Investigation (12110885-P2)
 - Additional Geotechnical Site Investigation Waste Classification Document (121111354-P2)
 - Construction Noise Assessment and Control Proposal C
 - Drainage and Flooding Statement (WSP March 2006)
35. Levels details to be submitted based on a OS data.

Introduction:

This proposal was originally approved by Members at Plans Panel on 20th July 2006. A presentation detailing the amendments, which are sought through this revised application, was presented to Members at Plans Panel on 21st May 2008.

Site and Surroundings:

The site is located on the southern side of Wellington St and to the north of Whitehall Rd, between the former Royal Mail tower (West Central residential scheme) and the former Wellesley Hotel (City Central residential scheme). The site is the last significant piece of the jigsaw in the area between City Sq and Northern St. The surrounding area is characterised by a mix of new build offices, hotel and residential to the south and the rigid grid-like street pattern of the office quarter to the north which is part of the City Centre Conservation Area.

The most notable feature of this site when seen in the context of the surrounding street pattern is that it lies at the point where the east-west pattern of streets from Wellington St running north to The Headrow becomes adjusted through an approximate 30 degree angle to run off to the south-west along Whitehall Road.

Relevant Planning History:

The original Lumiere application was described as a 'Part 54 storey and part 32 storey mixed use development with office, residential, health centre, art display area, retail, glazed atrium/Winter Garden and basement car parking'. This was formally approved on 4th April 2007, following panel resolution on 20th July 2006. Construction of the foundations/ ground works have commenced on site, which is now surrounded by hoardings.

Prior to this, an application was submitted for a single office building on the site. This was 10 storeys fronting Wellington St and Whitehall Rd with a single storey roof top plant room (ref 20/63/03).

Proposal:

The proposal is for erection of 33 storey and 55 storey development with connecting covered public winter garden, comprising 832 flats, 120 serviced apartments, offices, health centre, ground floor and mezzanine level retail uses (A1,A3, A4 and A5) and basement car parking, with landscaping. (Revision to permission 06/01622/FU approved 4th April 2007). This proposes the following amendments to the original scheme:

The External Appearance of the Towers

The amendments to the appearance of the elevations of the towers are a consequence of the changes to the patterning and colour of the shadow boxes. The materials of the towers remain the same. The buildings still remain as a fully sealed, aluminium framed, glazed curtain wall system. The towers have also increased in height. Tower 1 has increased in height by less than one metre and Tower 2 has increased by approximately 1.5m. The increases in heights relate to the need to provide an enlarged lift overrun.

Residential Mix

The proposal includes an additional floor on each tower. This represents a 2.7% increase in the number of residential floors within the entire development although due to the reduced size of the apartments 114 additional apartments are being proposed. This is a 13.6% increase in the number of apartments from that approved by the original application

The change in the number of residential units is detailed below.

| | Approved | Proposed | Change |
|------------|-----------------|-----------------|---------------|
| Smart Pads | 102 | 93 | -9 |
| Studio | 92 | 156 | +64 |
| 1 Beds | 332 | 513 | +181 |
| 2 Beds | 308 | 182 | -126 |
| Duplex | 4 | 8 | +4 |
| | 838 | 952 | +114 |

The number of apartments has increased by 114 principally as a result of converting a number of 2 bed unit into 1 bed units and reducing the floor to floor heights marginally over the course of both towers to provide an additional floor in each tower.

Car Parking

The numbers of parking spaces have been reduced from 356 to 296. These spaces are still located over 3 basement levels. 15 disabled spaces are now proposed which is a proportionate reduction of 5 spaces.

Winter Garden

The approved design of the Winter Garden was previously a simple column and post structure with glazing supported by primary and secondary members but is now based on structural steel trees and a 'skin-like' structural carrier system.

The application is accompanied by a full range of supporting documents which include an Environmental Assessment, which covers the following issues;

- Visual impact.
- Historic environment.
- Archaeology.
- Wind Assessment.
- Sunlight, daylight and shadowing.
- Transport issues.
- Noise and vibration.
- Air quality.
- Ecology.
- Water resources.

- Radio and Television assessment.
- Socio-economic assessment.
- Sustainability appraisal.

Statutory Consultations:

British Waterways: No objection.

Yorkshire Water: No objection subject to conditions

Leeds Bradford Airport: No objection subject to conditions.

Coal Authority: No response received.

English Heritage: No comment,

Environment Agency: No comments received at the time of writing this report.

Yorkshire Forward: No objection, some expressed concern over size of external areas surrounding the base of the buildings and the environment of the pedestrians. Response: The footprint of the building and external areas remains unaltered in this revised application. This issue was considered through the determination on the original approval.

English Nature: No comments received at the time of writing this report.

Non-Statutory Consultations:

Highway Services: The proposals are as agreed on the previous scheme, in terms of access etc. There is no objection to the reduction in parking spaces given the location within the city centre of the application site.

Metro: No response at the time of writing this report

Sustainability – Contaminated Land: No objection subject to conditions – as the entire site is to be excavated any contaminated land will be removed from the site. These excavations have now commenced on site.

Licensing: No objections.

Neighbourhoods and Housing: Have assessed the Acoustic Report and the acoustic properties of the external skin will be required to be controlled by condition. Need to control hours of use of the external service route to protect amenity of residential uses to the east. No objections subject to conditions.

Police Architectural Liaison Officer: No objection subject to adequate security measures.

Access: Disabled persons parking is adequately supplied and all other detailed matters will be dealt with.

Leeds Civic Trust: No further comments, the previous application was supported by Leeds Civic Trust.

Responses from Members of the Public:

The application was publicised by site notices and a newspaper article. As a result of this whole procedure representations have been received from 2 members of the public, one of which is a letter of support, and one is a letter of objection. The points raised are highlighted below.

From a resident of Horsforth:

- Building is pleasing to the eye and will have a dramatic effect on the distant skyline.
- This would lead to an image of high status which is the right one for Leeds to project.
- Will assist in Leeds 'moving up a league' and achieving its aspiration to be a European class regional city.

From a resident of the adjacent West Point development.

- The proposal will have an impact on clean and healthy environment
- Loss of a view
- Would result in over-shadowing
- Misinformed by the land owner over the true plans for this site.

Response

The amendments sought through this application have no impact on the above issues raised. Issues considering amenity and the impact of the development on adjacent occupiers living conditions were previously considered and established through the approval of the previous application. These issues raised were fully discussed and considered in the assessment of the previous scheme. The matter of being misled by the previous owner of the site with regard to the true intentions for redevelopment is not a material planning consideration.

Planning Policies:

National Planning Guidance

National guidance applicable includes:

PPG3 Housing; PPG8 Telecommunications; PPG13 Transport; PPG15 Planning and the Historic Environment

PPS1 Delivering Sustainable Development & PPS6 Town Centres and Retail Developments (refers to leisure development) are particularly relevant.

PPS1 places an emphasis on the requirement to provide sustainable developments through:

- The promotion of urban....regeneration to improve the well being of communities, improve facilities, promote high quality and safe development and create new opportunities for the people living in those communities. Policies should promote mix use developments for locations that allow the creation of linkages between different uses and can thereby create more vibrant places.
- Provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space, sport and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car....
- Focus developments that attract large numbers of people, especially retail, leisure and office development, in existing centres to promote their vitality and viability, social inclusion and more sustainable patterns of development.... whilst making the fullest use of existing public transport networks
- Promote more efficient use of land through higher densities, mixed use development and the use of suitably located previously developed land and buildings. Subject to other planning considerations, residential or office development should be encouraged as appropriate uses above ground floor retail, leisure and other facilities.
- Adverse environmental, social and economic impacts should be avoided, mitigated, or compensated for.

Design

- Design of buildings should be high quality, respond to their local context and create or reinforce local distinctiveness. They should be visually attractive as a result of good architecture and appropriate landscaping.
- Local Planning Authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on design.

PPS6 encourages a diversity of uses, paragraph 2.22 states that

- ‘Diversity of uses in centres makes an important contribution to their vitality and viability. Different but complementary uses, during the day and in the evening, can reinforce each other, making town centres more attractive to local residents, shoppers and visitors. Local planning authorities should encourage diversification of uses in the town centre as a whole, and ensure that tourism, leisure and cultural activities, which appeal to a wide range of age and social groups, are dispersed throughout the centre.’
- This approach helps to improve the health, vitality and economic potential of a town centre.

Regional Planning Guidance

Yorkshire and Humber Plan - Regional Spatial Strategy (May 2008)) sets out the priorities for the region until 2026. A number of the policies in the RSS are relevant to the proposal emphasising the role of Leeds as a regional centre, the need for a quality environment with encouragement to the reuse of previously developed land, and the role of city and town centres as the focus for retail activity.

YH1 Growth and change will be managed to achieve sustainable development
 YH2 Need to reduce greenhouse gas emissions through

- Increasing population, development and activity in cities and towns.
- Encouraging better energy, resource and energy efficient buildings.
- Reducing traffic growth by appropriate location of development.
- Encouraging redevelopment of previously developed land.

YH4 Regional Cities and Sub Regional Cities and Towns should be the prime focus for housing, employment, shopping, leisure, education, health and cultural activities and facilities in the region,

YH7 Priority to the re-use of previously developed land and buildings

LCR1 Role of Leeds as a regional city

H2, B2 Indicates that housing development on brownfield sites should be prioritised.

T1 Identifies aims for personal travel reduction and modal shift. This is supported by Policy T2 (parking policy) and Policy T3 (public transport)

Adopted Unitary Development Plan

Policies applicable in UDP include:

CC3: New buildings – innovative design.

CC5: Development in setting of Conservation Areas must preserve/enhance.

GP5: Proposals should resolve detailed planning considerations.

N12: Seeks to achieve fundamental urban design objectives.

N13: Seeks to achieve a high standard of building design.

BD2: Seeks to ensure design and siting of new buildings should complement and enhance surroundings.

BD3: Seeks to achieve access for all.

BD4: Seeks to minimise the impact of plant and machinery.

BD5: Seeks to ensure a satisfactory level of amenity for occupants and surroundings.
LD1: Seeks to complement and enhance the quality of the existing physical environment.
T2: Development to be served by highways network/public transport/pedestrian routes.
T5: Seeks to ensure satisfactory and secure access and provision for pedestrians and cyclists.
T6: Seeks to ensure satisfactory access for disabled users.
T7A: Seeks secure cycle parking facilities in accordance with guidelines in Appendix 9 of the UDP.

Other Guidance

City Centre Urban Design Strategy (CCUDS).

Relevant planning issues:

Officers consider that the main issues for consideration are solely related to the proposed revisions, these are as follows:

- The revised height of the scheme
- The revisions to the pattern of the facades of both towers
- The principle of additional and the proposed mix of residential units
- Affordable Housing contribution
- The reduction in parking
- The revisions to the design of the Winter Garden

APPRAISAL:

Increase in Height of the Towers

The proposal seeks to increase the height of Tower 1 by 0.84m, and Tower 2 by 1.605m, which will bring the height of the towers to 171.7m and 114.5m respectively. The issues surrounding the impact of the proposal on the sky-line of Leeds was carefully considered (through CABE's and English Heritage guidance on Tall Building) through a submitted Tall Buildings Statement which considered the most important vistas and viewpoints. This revised application is again supported by a full Tall Buildings Strategy which examines this issue in full, considering the impact of the buildings height from 24 different viewpoints.

Given the total height of the towers, it is not considered this increase in height would be perceptible and consequently the proposed increase in height will have a very similar impact upon the skyline of Leeds when compared to the previously approved scheme.

Revisions to the external Appearance/ Patterning of the blocks

Within Tower 1 the patterning and colours are designed to respond to the commercial district and river to the south, in that they are visually lightweight to respond to sky, water, metal and glass. As approved the frit was based on a geometrical diagram of strips of frit which became larger as they ascended towards the sky. The frit patterning has subsequently been refined to a weave pattern where each clear unit to the vertical facades has a strip of ceramic frit. The developer has stated that the rationale for this amendment is to give the towers an increasingly stream-lined and uniform appearance to the building.

The colour of shadow boxes within Tower 2 is now entirely based on a terracotta colour and this is to respond to the colour of the facing materials of the existing buildings to the north of the site, which lie within the city centre Conservation Area.

Images illustrating the changes in the patterning between this proposal and the previously approved scheme will be available to view at Panel and will provide Members with a far clearer impression of the proposal when compared to the drawings which were presented to Members at Plans Panel in May. It is considered the revisions to the patterning of the towers does create a more uniform elevational appearance and that the building is tall enough and of a dynamic three dimensional form for the building to retain its slenderness and visual interest.

Mix of Units

The proposal essentially sees a reduction in the number of 2-bed units, and an increase in the number of 1-bed units and smart pads. There is still a range of unit sizes within the scheme with

20% of the units containing 2 bedrooms. The applicants stated in their presentation to Members in May that the revisions to mix of unit types is a response to the take up from off-plan sales, which has demonstrated a higher demand for smaller units. There is no specific policy which controls the mix of units and in the context of this overall development, although PPS3 does encourage of mix of units sizes and types which would attract a range of residents. It is considered the revisions that the proposal still delivers a reasonable mix of unit types and sizes and land uses in general. It is also noted that the revisions to the mix of unit sizes has no impact on the external appearance of the building.

Winter Garden

The size and orientation of the glass panels on the Winter Garden have been rationalised to produce the most geometrically efficient panelling. The previous scheme was designed on a simple column and post structure but is now based on structural steel trees and a 'skin-like' structural carrier system. Within this system all members are equal in size and depth which allows the appearance of the Winter Garden to be far more structurally efficient and therefore less visually obtrusive. The result is an enhanced net like transparent structure between the two towers.

The revisions to the Winter Garden result in an elegant and transparent structure which will allow better visibility into the Winter Garden and this is considered to be an acceptable improvement and will help to tie it to the open area of Piazza between Lumiere and West Central. A model of the Winter Garden will be available to Members to view at Panel.

Affordable Housing

The original approval secured a commuted sum of £1.5million to contribute towards off-site affordable housing provision. This sum was accepted by Members due to the abnormal costs associated with building a tall building on a constrained site within an existing built urban environment. It was also considered more beneficial to accept a commuted sum than deliver affordable units on site, due to the higher than average price these units (within Lumiere) would command and thus the affordable housing contribution would provide an increased number of affordable units if it were to be spent off site.

The previous application was presented to Members at Plans panel in July 2006; since this date, construction, inflation and fuel costs have all increased substantially which further lowers the profitability of this scheme, and the scope for the applicants to make additional affordable housing contributions. This was explained to Members by the developers at the pre-application presentation on 21st May 2008.

The additional 114 units which are sought through this revised scheme represents a 13.6% increase in the number of units. The applicant have now proposed to increase the contribution and their methodology has been to increase the originally agreed sum of £1.5 million by 13.6%, which is just below £200,000. The applicants have therefore made an offer to contribute a further £200,000 towards affordable housing provision, bringing the total contribution to £1.7 million.

Given that the applicant's case for the abnormal costs associated with this tall and unique building to be taken in to account has been previously accepted, officers consider that the logic behind this methodology is reasonable and acceptable.

It is worth noting that in terms of residential floor area (sq m) the proposed additional 2 floors (one within each block) represents only a 2.7% increase in floorspace. This highlights it is the proposed changes in the mix of units which predominantly responsible for the additional units, not the increase in floor space.

Conditions

49 conditions were imposed on the approval of the previous application (08/01914/FU). A proportion of these conditions were 'pre-commencement' conditions which placed a duty on the applicant to discharge the conditions prior to development commencing on site. These conditions have been discharged and development on site has commenced. As the revisions sought through this revised application have no implications for the ground works on site, it is not considered necessary to repeat these pre-commencement conditions on the approval of this application.

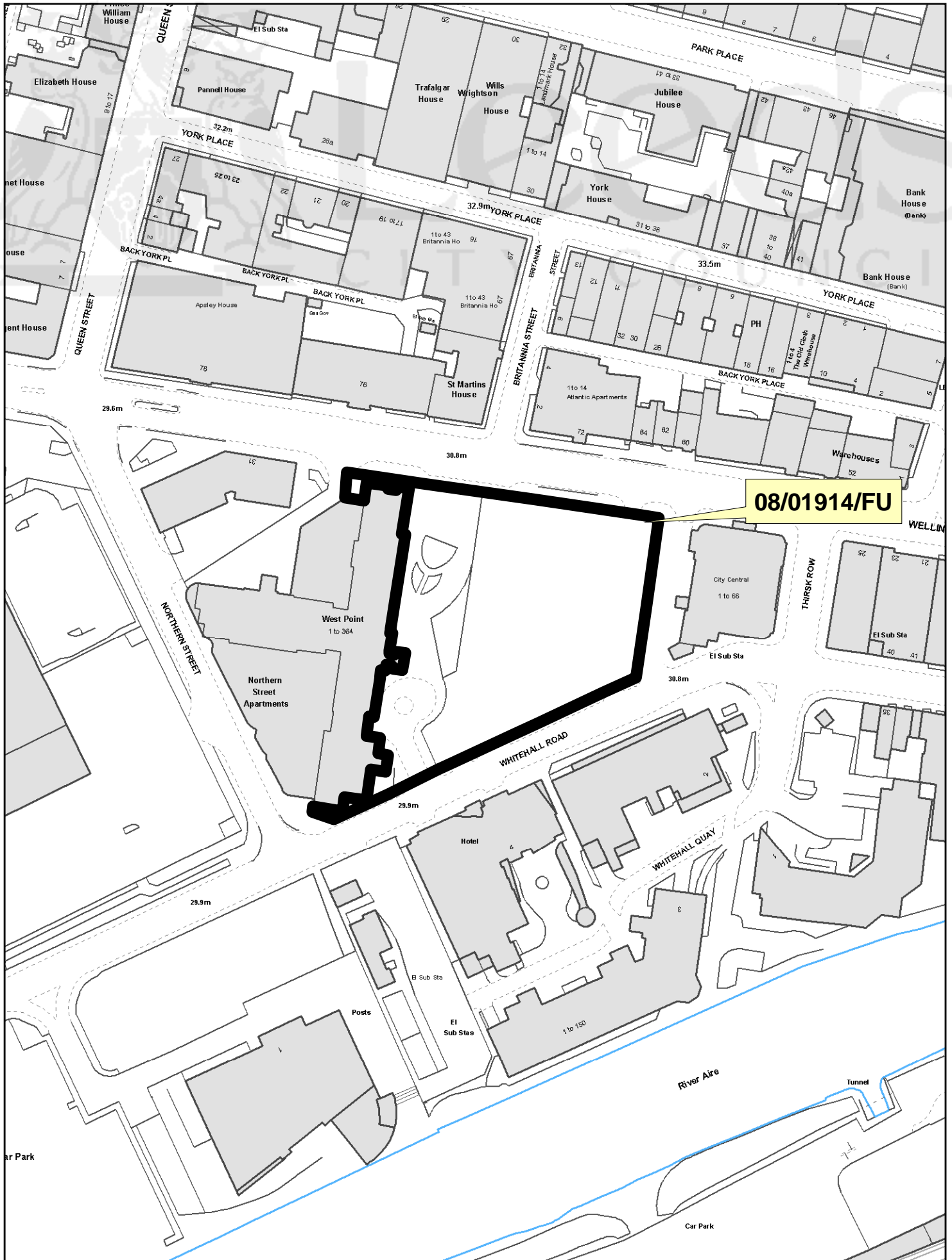
These pre-commencement conditions were concerned with issues surrounding contamination and construction methodology. A new condition will be imposed on the approval of this application to ensure compliance with the all of approved documents which have been submitted to the Local Planning Authority, in reply to the previous imposed pre-commencement conditions, to ensure they remain relevant.

Conclusion

The revisions to the towers are mainly detailed matters concerning units sizes, mix and the detailing of the tower's external elevations. Fundamental issues such as the principle of a pair of tall buildings in this location, their height, form and mix of uses have already been established.

The site is clearly in a sustainable location and will bring a large range of uses to a site which is well connected to all modes of public transport. It is of an environmentally sound and technologically advanced design and the introduction of a new covered space which also offers additional pedestrian permeability provides a feature which the city currently lacks and will increase the range of the city's offer to residents, workers and visitors alike. There is a high likelihood that this proposal will result in a greater focus of activity and investment in the area to the benefit of other parts of the existing stock of buildings.

The building will be of an exceptionally high standard in terms of both design and quality of external finish which will set a new benchmark for architectural achievement in the city and will, in turn, help move the city up a league in its desire to be recognized as a truly European city.



08/01914/FU

CITY CENTRE PANEL

Scale 1/1500

PRODUCED BY COMMUNICATIONS, GRAPHICS & MAPPING, LEEDS CITY COUNCIL
 This map is based upon the Ordnance Survey's Digital data with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office.
 (c) Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
 (c) Crown Copyright. All rights reserved. Leeds City Council O.S. Licence No. - 100019567

