



Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 29th April 2010

Subject: APPLICATION 9/03829/OT – OUTLINE APPLICATION TO ERECT B1 OFFICES IN TWO BLOCKS AND A HEALTH AND FITNESS CENTRE AND MULTI-STOREY CAR PARK (MSCP) AT 10-11 SWEET STREET, HOLBECK.

APPLICANT

Ace Investments Ltd

DATE VALID

8/9/09

TARGET DATE

8/12/09

Electoral Wards Affected:

City and Hunslet

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE approval to the Chief Planning officer subject to the conditions specified (and any others which he might consider appropriate) and the completion of a Section 106 legal agreement within 3 months from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations;

- Securing the Car Park Management Regime (CPMR).
- Public transport contribution of £116,155.
- Travel Plan with monitoring fee of £4,275.
- Public access through site.
- Off site highway works.
- Commitment to use reasonable endeavours to cooperate with LCC Jobs and Skills Service.
- £600 monitoring fee for each of the CPMR, public transport and off site highway works.

Conditions

1. Outline time limit.
2. Approval of reserved matters (appearance and landscaping)
3. Reference to plans being approved.
4. Notification of date of commencement of each phase.
5. Details of contractors' cabins and parking for each phase.
6. Confirmation of site levels and building heights to include finished floor levels no lower than 29.425m.
7. Sample panel of all external materials to be approved.
8. Provision of typical 1:20 detailed elevations for material joints, windows, entrances, eaves, reveals and soffits including plant rooms.
9. Details of any excrescences on the external walls and roof.
10. Full details of hard/soft landscaping to be submitted including details of tree pits.
11. Implementation of hard/soft landscaping.
12. Submission of landscape management/maintenance plan to include formation of a landscape management company is necessary and tree replacement if become defective.
13. Details of storage and disposal of litter including recycling facilities.
14. Details of any lighting.
15. The development shall be carried out in accordance with the FRA.
16. Details of surface water drainage.
17. Implementation of surface water drainage techniques.
18. Provision of an oil interceptor.
19. Full details of vehicle, motor cycle and short and long stay cycle parking facilities including shower and secure locking facilities.
20. Standard land contamination conditions.
21. Details of safety and security measures to meet 'Secured by Design' standards.
22. Requirement to meet BREEAM 'Excellent' and consideration of RSS policy ENV5, provision of a green/brown roof, recycled material content, Site Waste Management Plan and Sustainable Drainage Systems (SUDS).
23. Full details of the off site highway works to be agreed and implemented prior to occupation.
24. Details of entry and exit controls into the MSCP.
25. The appropriate stand off distance to the combined sewer and water mains shall be provided.
26. Provision of the stand off distance to the gas pipeline and no site cabins, trees to be placed within protected area.
27. Submission of a biodiversity enhancement plan.
28. Provision of 2.4m x 90m visibility splay.
29. Reinstatement of redundant crossing and appropriate construction of new vehicular crossings, kerbs etc.

Conditions 22, 24, and 27 are non standard conditions, a further explanatory note regarding these conditions can be found in the Appendix 1

Reasons for approval: The application is considered to comply with policies GP5, GP11, GP12, BD2, BD4, BD5, T2, T5, T6, T24, T24A, A4, SA9, SP8, LD1, N12, N13, N19 and CC10 of the UDP Review, as well as guidance contained within the City Centre Urban Design Strategy September 2000, Public Transport Improvements and Developer Contributions 2008, Sustainable Development Design Guide 1998, PPS1, 'General Policies and Guidance', PPS4 'Planning for Sustainable Economic Growth', PPG13 'Transport' and, having regard to all other material considerations.

1.0 INTRODUCTION:

Members will recall a position statement regarding this proposal being presented at the 5th November 2009 Panel. At that meeting Members provided comment on the proposed scheme and a summary of Members' comments is provided in section 5.0 below. Following the position statement presentation a number of issues have now been addressed, primarily relating to the highway implications, and the scheme is now brought to Members with a request they resolve to grant permission and defer and delegate the final decision to the Chief Planning Officer.

2.0 PROPOSAL:

Outline consent is sought for two office buildings, a multi-storey car park (MSCP) and gym at 10-11 Sweet Street. Approval is sought for the principle of the development plus the access, layout and scale. Approval of the appearance and landscaping is reserved. The scheme will be phased with the gym/MSCP delivered first and offices at a later date.

7,896m² of B1 office space is proposed over two six storey buildings (five office levels plus one level of plant). There is one office block on the corner of Trent Street and Marshall Street and one slightly larger office building extending along Marshall Street and returning with a frontage toward Sweet Street.

The MSCP is located in the eastern half of the site with vehicular access from Trent Street in the south and the 946m² gym in the ground floor of the northern part of the building.

Due to the location of a high pressure gas main under the northern part of the site adjacent to Sweet Street, the buildings are set back from Sweet Street by 25m and a linear landscaped strip is introduced along that frontage. Further landscaping takes place in the centre of the site between the three buildings and along the Marshall Street frontage. A north-south pedestrian/cycle route that links Sweet Street to Trent Street is introduced between the MSCP and a further strip of landscaping along the eastern boundary of the site.

A lay-by is introduced along the Sweet Street frontage to the north of the gym/MSCP building that will ultimately provide space for two car club vehicles when the offices are built. Prior to the offices being built this space will be available as a pick up/drop off bay serving the gym and surrounding uses in general.

The MSCP/gym is built as phase one with the office development constructed as phase two when a pre-let has been found. A phasing plan has been submitted that shows the landscaping (including the pedestrian/cycle route) around the MSCP delivered as phase one along with temporary landscaping in front of the office building along Sweet Street. It is expected that the remainder of the site will also be cleared at this time and enclosed with a quality paladin fence. Building C, the office building with frontages to Sweet Street and Marshall Street is delivered as phase 2A, with the final office building on Trent Street and Marshall Street delivered as phase 2B. Upon completion of phases 2A and 2B the temporary landscaped area will be permanently landscaped and therefore the development completed.

The MSCP will provide the allocated UDP parking provision for the office and leisure elements of the scheme with the remaining spaces initially being short stay parking. However, it is proposed that parking spaces are made available to other new developments within the area that cannot provide parking on their own sites. Where such a development cannot provide parking on their own site due to constraints

such as restricted access, proximity of listed buildings etc (expected to be mainly sites within Holbeck Urban Village (HUV)), it will be possible for spaces within the proposed MSCP to be allocated to the constrained development (in accordance with UDP standards).

The application is supported by the following documents:

- Design and Access Statement including Design Code.
- Planning Statement.
- Statement of Flood Risk and Drainage Issues (FRA).
- Framework Travel Plan (TP).
- Land Contamination Report.
- Transport Assessment (TA).
- Bat Survey.
- Car Park Management Regime (CPMR).

3.0 SITE AND SURROUNDINGS:

The application relates to 10-11 Sweet Street, a 0.94 hectare site in Holbeck with frontages onto Sweet Street, Marshall Street and Trent Street.

The site presently contains a two-storey flat roofed red brick industrial unit that accommodates a number of different occupiers. The building is set in from the site boundaries with the space around the building utilised as car parking. There are vehicular access points from Sweet Street and Trent Street.

A high pressure gas main and an intermediate pressure gas main are under the northern part of the site whilst a sewer runs along the eastern edge of the site.

The surrounding area contains a mix of similar industrial units, cleared sites plus relatively recent developments on Sweet Street including the 8 storey office building known as the 'Mint', Government Offices at Lateral and the Bewleys Hotel and 'City Walk' developments. The 'City One' site is to the immediate east of the site where a major mixed use outline application has recently been submitted with ten buildings of varying heights including a tall tower up to forty storeys. The 'Commercial' public house is located to the west of the site across Marshall Street. Further north along Marshall Street is the grade I listed Temple Works whilst at the southern end of Marshall Street is the grade II listed former Holbeck Library.

The site is inside the City Centre boundary and within the area covered by the fringe city centre parking standards. The boundary of Holbeck Urban Village extends up to the opposite (northern) side of Sweet Street. The application site is outside the Holbeck Conservation Area, the boundary of which extends as far as the Commercial pub to the west.

4.0 RELEVANT PLANNING HISTORY:

Planning application 06/02152/FU sought approval for a long stay commuter/shopper car park on part of the site. This application was refused on 7/11/08 as it would have undermined the Council's objectives to restrict commuter car parking in this location and because it was likely to attract more commuter vehicles in the morning peak.

5.0 HISTORY OF NEGOTIATIONS:

Since an initial pre-application enquiry was submitted in January 2008 Officers have had two pre-application meetings regarding this scheme plus written

correspondence. The discussions primarily focused on the provision of a multi-storey car park on this site with officers stressing the objection to long stay car parking but an in principle acceptance of short stay car parking and the provision of parking relating to the uses on site. It was also agreed that some further contract parking for future developments within HUV would be acceptable on agreement with LCC and controlled by S106. The principles of the other uses on the site were not discussed in detail but were broadly accepted.

The planning application was submitted on 8/9/09 and a position statement was presented to Members on 5/11/09, a summary of the issues raised by Members and a brief response is provided below.

- The loss of employment land in the areas of Beeston and Holbeck and the need for local labour and training to be provided to serve these new uses. - *Response: The standard S106 clause will be added that requires the applicant to commit use reasonable endeavours to cooperate with LCC Jobs and Skills Service during and post construction regarding employment at the site and use local contractors, sub-contractors and material suppliers where appropriate*
- That the areas of public open space were welcome as was the green roof shown on the images presented to Members and whether this feature could be extended to the other blocks. - *A green roof is proposed for an area of almost 400m² on part of block C and the sustainability condition requires further exploration as to where green roofs can be accommodated. Due to the location of plant rooms it may be difficult to accommodate further green/brown roofs on the other roof areas but the condition will require this to be explored further.*
- The need to tie down the design of the green frontage; whilst accepting there would be limitations due to the high pressure gas main, some greenery needs to be included whilst ensuring this would not fracture the gas pipe. - *The design code provides details of the type of hard and soft landscaping for the site and states the frontage will reflect the desire for HUV in terms of lighting and street furniture. The surfacing will be a mixture of natural Yorkstone and high quality artificial materials. The submitted drawings indicatively show 21 trees along the Sweet Street frontage. Full details will be conditioned and required at reserved matters stage.*
- The car park, with the following mixed views on this aspect being expressed:
 - concerns at its proposed size and that for Holbeck Urban Village to work it should not require a large car park. - *A number of development sites within HUV are severely restricted in terms of parking and this car park will help those developments provide some contracted parking without impacting on listed buildings and the overall attractiveness of HUV as the MSCP is outside the HUV boundary. Upon completion of the developments in HUV on-street parking will be more limited therefore the short stay element of the car park will provide this facility.*
 - support for the car park if used only for local businesses. - *The long stay element will be restricted to local businesses only.*
 - that there was a need for some parking in this area
 - that the proposals for the car park were acceptable

Since the presentation of the position statement discussions have continued with the applicant's consultants and a further examination of the highway issues have taken place with the conclusions detailed in the appraisal section below.

6.0 PUBLIC/LOCAL RESPONSE:

An advert was placed in the Leeds Weekly News on 17/9/09 and a site notice (major development affecting the character of a conservation area) was posted 11/9/09.

Two letters of support have been received, one from the developer considering an office scheme for the site to the north across Sweet Street and one on the behalf of the owners of the 'Mint' office development. Both letters support the introduction of the multi-storey car park and believe this will make the area more attractive to businesses considering locating in Leeds. Due to the parking restrictions placed on developments in the area, many businesses have declined to locate in the area. The current parking is either on cleared sites that are full by 8:30-9am or on-street. The multi-storey car park would provide greater security and allow visitors to other office developments to find parking spaces throughout the course of the day.

One letter of objection has been received. The letter makes reference to the Mosaic Church which currently uses this site and states that 600 people regularly attend this growing church therefore other empty brownfield sites should be used for development. *Response: The site is occupied by a number of operators and it is the responsibility of the site owner to deal directly with lease holders. As discussed below the proposed use is compliant with policy and it is believed the current occupiers of the site could find other suitable accommodation nearby. The application is in outline only therefore a significant period of time may elapse before the site will need to be vacated allowing the church sufficient time to find new premises.*

7.0 CONSULTATIONS RESPONSES:

Statutory:

Health and Safety Executive: No objection; the pipeline operator should be consulted.

Response: The pipeline operator, Northern Gas Network, has been consulted and no objection was raised.

Northern Gas Network: Easements to the high and intermediate pressure pipelines are 7m and 3m respectively. It appears the proposed buildings are outside the easement zones therefore there is no reason to object. Both pipelines will require protection during construction and the Northern Gas Network should be consulted regarding tree planting in this area.

Yorkshire Water: Run-off should be no greater than at present. Following the submission of a drawing highlighting the relationship of the buildings to the sewers YW are comfortable that the appropriate easements are provided and standard conditions are requested.

Environment Agency: No objection subject to the development being carried out in accordance with the FRA and finished floor levels being no lower than 29.425m AOD.

Highways Agency (HA): Following detailed discussions and revisions to the Travel Plan, Transport Assessment and the submission of the CMPR to be appended to the S106 the proposals are acceptable.

Non-statutory:

Contaminated Land Team: No objection subject to standard conditions.

Highways: The TA modelling shows the development will have a minor impact on the network. Appropriate visibility splays can be provided and there is suitable access through the site. The CPMR will ensure appropriate management of the car park. Conditions requested.

NGT/Public Transport: The proposal would generate a large number of trips therefore a contribution of £116,155 will be required in accordance with SPD5. Due to the phasing of the scheme this contribution can be broken down and delivered when each element is built out. Block B leisure generates £19,333, office block C generates £58,584 and office block D generates £38,258.

Transport Policy (Travel Wise): The revised TP is acceptable. This will need to be appended to a S106 agreement and will also require a monitoring fee £4,275.

Mains Drainage: As required by the Environment Agency, finished floor levels should be no lower than 29.425m AOD. A 30% reduction in surface water drainage is required plus the introduction of a Sustainable Urban Drainage System (SUDS) and a variety of standard conditions are requested.

Metro: The principle of development of the site is supported but there are some concerns regarding the MSCP that may encourage car use. The targets within the Travel Plan need to be more specific and a public transport contribution should be sought. The applicant should be required to join the Travel Plan Network (a scheme that provides discounted Metro cards).

Response The pricing structure for the car park is intended to discourage long stay parking and there is no policy objection to the principle of a short stay car park (this is discussed in more detail below). A revised TP has been agreed with LCC officers and the Highways Agency that highlights specific targets and the potential for joining the Travel Plan Network. As detailed above, a public transport contribution of £116,155 is required.

8.0 PLANNING POLICIES:

Development Plan

Regional Spatial Strategy: The RSS for Yorkshire and Humber was adopted in May 2008. The vision of the RSS is to create a world-class region, where the economic, environmental and social well-being of all people is advancing more rapidly and more sustainably than its competitors. Particular emphasis is placed on the Leeds City Region.

UDPR: No specific designation.

GP5: Proposals should resolve detailed planning considerations.

GP11, GP12 (Sustainable Design).

BD2: New buildings should complement and enhance existing skylines, vistas and landmarks.

BD4: Seeks to minimise impact of plant and machinery.

BD5: Seeks to ensure a satisfactory level of amenity for occupants and surroundings.

T2: Development proposals should not create new, or exacerbate existing, highway problems.

T5: Satisfactory provision for pedestrians and cyclists.

T6: Satisfactory disabled access.

T24: Parking to reflect detailed UDP parking guidelines.

T24A: Refers to the control of long stay parking.

A4: Development and refurbishment proposals should be designed to secure a safe and secure environment, including proper consideration of access arrangements.

SA9, SP8: Promote development of City Centre role and status.

LD1: proposals should allow sufficient space around buildings to retain existing trees in healthy condition & allow new trees to grow to maturity.

N12: Fundamental priorities for urban form.

N13: requires all new buildings to be of high quality and have regard to character and appearance of surroundings.

N19: Development within or adjoining Conservation Areas should preserve/enhance the character and appearance of the Conservation Area.

CC10: Sites over 0.5ha require 20% public space.

Relevant Supplementary Planning Guidance

City Centre Urban Design Strategy September 2000: Seeks to reinforce the positive qualities of character areas, re-establish urban grain, provide enclosure to streets, create visual interest, encourage excellent design, improve pedestrian connections, develop a mixture of land uses, promote active frontages and promote sustainable development.

Public Transport Improvements and Developer Contributions 2008: Developments that have a significant local travel impact will be subject to a requirement for paying a contribution towards public transport improvements.

Holbeck Urban Village Revised Planning Framework 2006: Despite being outside HUV the principles established by the HUV Framework should be closely followed. This includes the guidance regarding the scale of development along Sweet Street, materials and uses. The framework refers to heights along Sweet Street of around seven storeys but reducing in height towards Temple Works, high quality materials and the potential for a MSCP within HUV to meet the needs of new developments.

Sustainable Development Design Guide 1998: This SPG provides useful information for developers and designers in how the principles of sustainability can be put into practice, it will eventually be replaced by the Sustainable Design and Construction SPD once adopted.

National Planning Guidance

PPS1 General Policies and Principles
PPG13 Transport

9.0 MAIN ISSUES

- i. Principle of the development.
- ii. Layout and scale.
- iii. Highways issues.
- iv. Sustainability/Biodiversity.
- v. Section 106.

10.0 APPRAISAL

i. Principle of the development.

This brownfield site is within the city centre boundary and area covered by the fringe city centre car parking standards. The principle of office and leisure developments with appropriate levels of parking can be accepted on this site as can the principle of some short stay car parking. The extent of short stay parking and potential for further long stay allocated parking is subject to greater scrutiny and is discussed in more detail below.

The potential for a privately funded MSCP is referenced in the HUV Framework with an area of Council owned land adjacent to the viaduct being identified. The development of that site is not expected in the short to medium term therefore the provision of a MSCP on this alternative site is considered acceptable.

ii. Layout and Scale.

As a result of a good understanding of the site and surrounding area by the architect, a well thought out development of the scheme, as highlighted in the design and access statement, plus the constraints placed on the development by the gas and water mains, this is a positive proposal that relates well to the context of the area and creates improved linkages through the site. The buildings are set back from Sweet Street (due to the gas main) therefore the creation of an 'avenue' along Sweet Street, as sought by the HUV framework, is facilitated by this scheme. The pedestrian and cycle route along the eastern boundary of the site ensures a north-south linkage from Siddal Street to Bowling Green Terrace is provided to assist connectivity from the city centre and HUV into the communities further south in Holbeck. The buildings are also set in from the western boundary to avoid over dominance and any canyoning effect and allow for landscaping to be introduced. A central area of public open space links well with the other landscaped areas and connecting streets beyond whilst vehicular access is from the less prominent Trent Street.

Despite being outside HUV the buildings are intended to correspond with the principles of the HUV framework set for the northern side of Sweet Street. The framework seeks to create a uniform height of buildings around seven storeys along Sweet Street with a reduction in height towards Temple Works. The scheme approved to the west of the application site, the former Reality site, proposed six storey office blocks on its boundary to the immediate west of the application site. The proposed development seeks approval for six storey office blocks (five storeys plus plant room) with the maximum height of the leisure and MSCP building reflecting the office blocks. As highlighted above, this reflects the outline approval to the west of the site and is considered to respect the aspirations of the HUV framework. Being to the south of Sweet Street and therefore further away from the listed Temple Works it is considered that six storeys of office (or equivalent) are acceptable.

Plant room and stair cores have been incorporated into the envelope of the office buildings and will therefore form part of the overall design approach. The application is in outline only with the appearance of the buildings reserved therefore detailed design is not known at this stage. However, a design code that includes a guide to the future design principles and provides precedent images of high quality buildings with a design and use of materials considered appropriate for this area has been included as part of the application and is acceptable.

Approximately 50% of the site is undeveloped with much of that considered as having the potential for being quality public space therefore the requirements of UDPR policy CC10 which requires 20% public space of site of this scale, is easily met.

Full landscaping details will also be required via reserved matters/conditions but indicative materials and the principles to follow have also been identified in the design code. The avenue or boulevard to the front of the site onto Sweet Street will be designed in conjunction with the aspirations within HUV in terms of lighting and street furniture. Surfacing will be a mixture of both natural Yorkstone (as required within HUV) and high quality artificial materials, as the site is outside HUV and the CA this mix is considered appropriate in principle and will be subject to greater scrutiny at reserved matters stage. A pocket park and other high quality public realm areas are proposed within the site. Public access through the site will be provided at all times.

The site is located outside the Holbeck Conservation Area that extends as far as the Commercial Pub to the west, there are not considered to be any adverse impact on the character of the setting of the Conservation Area. The detailed visual impact will be explored further through the reserved matters process.

iii. Highways Issues

Detailed discussions have taken place between the applicants' consultants, LCC officers and the HA regarding the highways information submitted in support of the proposal.

The modelling within the TA demonstrates that the impact on the highway network is very minor and can be accommodated without any mitigation works on the local highway network.

The required visibility splay of 2.4m x 90m can be provided on the junction of Trent Street and Marshall Street and a condition will be added to the application to ensure this visibility splay is retained and protected.

Details of the internal layout of the MSCP have not been provided therefore submission of details for all levels will be conditioned which will require the minimum standards laid down in the Institution of Structural Engineers guidance to be met. Details of entry barriers will also be conditioned.

The TP sets a number of targets that seek a reduction in the number of vehicle trips throughout the duration of the occupation of the site. A Travel Plan Co-ordinator will be in place for five years after full completion of the development to ensure the various travel plan measures are adhered to and to annually meet with members of the Highways Agency and LCC Travelwise Team to discuss the targets and amend the TP as required.

To enable appropriate management of the MSCP in accordance with UDPR policy, a Car Park Management Regime (CPMR) has been submitted and will be appended to the S106. The CPMR will ensure the parking allocated to those on site uses reflects the phasing of each of the buildings and their UDP maximum allowance, ensure that at least 20% of spaces are restricted to car sharers, control the pricing structure to discourage long stay parking and permit the release of spaces to be allocated to other future developments in the locality.

Short stay parking is identified within the CPMR as being 5 hours or under and a pricing structure will be agreed prior to first use of the MSCP that sufficiently deters commuters from using the car park. To ensure the car park does not become used by a significant number of commuters willing to pay the high charges, annual monitoring will take place to examine arrival and departure times. If the number of long stay visitors exceed the figures agreed in the CPMR, further amendments will be made to the pricing structure and hours of opening of the MSCP (to only allow entry after 0930 for example).

The MSCP is also intended to meet the UDP allocated parking provision for future developments in the locality (expected to be primarily HUV) which cannot provide sufficient parking on their own sites. Throughout HUV and other areas in the proximity of the site there are a number of development sites where it will be very difficult to provide parking in line with the UDP due to restrictions such as access and proximity of listed buildings. As identified in the HUV framework, a separate MSCP could provide the parking allocation for such developments and the MSCP

that forms part of this scheme is intended to meet that need. As such the CPMR also incorporates a mechanism that allows for short stay spaces to be reallocated as contract/long stay spaces to other developments elsewhere in the area. Such an allocation will only be on agreement and would only be in accordance with UDP parking standards.

Following a detailed examination of the impact on the surrounding network plus the monitoring and control provided by the CPMR it is considered that the proposal is acceptable in highways terms.

iv. Sustainability

A sustainability statement was incorporated into the design and access statement that has identified the principles that will be followed through the development process. The sustainability statement asserts that the development will aim to deliver 10% on site renewable energy in line with RSS policy ENV5 and that the office element will aspire to a BREEAM 'Excellent' rating.

A site waste management plan is included within the Design and Access Statement that examines how waste can be minimised during the demolition and construction phases and throughout occupation. Further details will be required by condition.

A green roof is proposed for an area of almost 400m² on part of block C and the sustainability condition requires further exploration as to where green roofs can be accommodated. However, due to the location of plant rooms it may be difficult to accommodate further green/brown roofs on the other roof areas.

The bat report found no evidence of, or potential for, bat roosts within the existing buildings. The biodiversity section of the Design and Access Statement declares that biodiversity will be encouraged throughout the development and include a provision of bat and bird boxes at strategic locations around the site.

v. Section 106

A section 106 agreement will be required to cover the £116,155 public transport contribution, travel plan and monitoring fee of £4,275, off site (lay-by and pavement) surfacing works, CPMR, public access through the site, standard training and employment initiatives and a management fee of £1,800 (to cover the monitoring of the CPMR, public transport contribution and off site works).

It has been agreed that the public transport contribution can be delivered in accordance with the phasing of the development, ie - £19,333 on occupation of the gym at phase 1, £58,584 on occupation of block C (phase 2a) and £38,258 on occupation of block D (phase 2b)

As discussed above, the CPMR is appended to the S106 to ensure appropriate management of the multi-storey car park. The functions of the CPMR shall include the management of reserved spaces, cycle storage, the monitoring of traffic arrival departure and duration of stay patterns and the pricing structure for the short stay spaces.

Appendix 2 explains how the requirement for the above obligations meets the new legal tests imposed by the Community Infrastructure Levy Regulations 2010.

11.0 CONCLUSION

The proposed uses are compatible in this area and will assist in its regeneration. The MSCP follows an aspiration identified in the adopted HUV Revised Planning

Framework whilst the general design principles of that document are also reflected by the scheme (despite being outside HUV). The design code promotes high quality design and materials for the buildings and landscaping and appropriate sustainability measures are proposed. There is a clear management regime for the car park to ensure long stay commuter parking is discouraged and to restrict any UDP allocated parking in line with policy. For the reasons outline above the application is considered acceptable and it is recommended Members agree the scheme and defer and delegate to allow officers to finalise the S106.

Background Papers:

Application file 09/03829/OT

Certificate of Ownership signed of behalf of the applicant.

APPENDIX 1

Planning Application 09/03829/OT Non Standard Conditions

22. A special condition will require the building meets BREEAM 'Excellent' as highlighted in the submitted sustainability statement and also ensure those other sustainability measures including the RSS renewable energy policy ENV5, provision of a green/brown roof, recycled material content, Site Waste Management Plan and Sustainable Drainage Systems (SUDS) are examined and delivered where possible.

24. Details of the entry and exit controls (eg. barriers) to the MSCP are required to be submitted and agreed in writing by the LPA and be installed before first occupation and maintained thereafter.

27. A biodiversity enhancement plan is required that will include the measures to benefit wildlife including landscape planting, a green roof and bat and bird nesting sites.

APPENDIX 2

Community Infrastructure Levy Regulations 2010 Statutory Tests

As part of Central Government's move to streamlining the planning obligation process it has introduced the Community Infrastructure Levy Regulations 2010. This came in to force on April 6th and will require that all matters to be resolved by a Section 106 planning obligation have to pass 3 statutory tests. The relevant tests are set out in regulation 122 of the Regulations and are as follows:

'122(2) 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

There are 6 matters to be considered in this way as part of this application, Car Park Management Regime (CPMR), Public Transport Improvements, Travel Plan Monitoring, Agreement of Publicly Accessible Areas, Off site works and Local Employment Initiatives.

Car Park Management Regime (CPMR):

This matter is considered in Planning Policy Guidance 13 (PPG13): Transport (published on 20 April 2001), 'The Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (RSS) (published May 2008) Policy T1 and T2 and the Leeds Unitary Development Review 2006 Policies T2, T24, T24A

Test (a) Need

The provision of CPMR is considered to fulfill the following needs:

- Ensures compliance with the objectives of PPG 13 to promote more sustainable travel choices through discouraging car use.
- Ensure compliance with RSS objectives to control parking and promote other modes of transport.
- Assists the Authority to control long stay parking.

This is in compliance with UDPR Policies T2, T24A.

Test (b) Directly Related

The CPMR directly relates to the site and will ensure the car park operates as promoted and will assist in meeting the targets of the Travel Plan. To ensure the car park is appropriately used will be of benefit to the operator, those on site developments and other developments within the area.

Test (c) Fairly related in scale and kind.

The CPMR directly relates to the scale of development and allows for flexibility within its control and management subject to the development of the buildings on site and those in the surrounding area.

Public Transport Improvements:

This matter is considered in Planning Policy Guidance 13 (PPG13): Transport (published on 20 April 2001), 'The Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (RSS) (published May 2008) Policy T1 and the Supplementary Planning Document 'Public Transport Improvements and Developer Contributions' (adopted August 2008)

Test (a) Need

The provision of a financial contribution towards Public Transport Infrastructure is considered to fulfil the following needs:

- Ensures compliance with the objectives of PPG 13 to promote more sustainable travel choices, to promote accessibility by public transport and to reduce the need to travel, especially by car.
- Ensure compliance with RSS objectives to give priority to improvements to public transport
- Reflects the fact that the provision of public transport, from which the developer will gain a service, is outside the scope and control of the individual developer.
- Assists the Authority to finance and provide for the cumulative impact of individual new developments and therefore the contribution assists in addressing the individual travel impact of the development.

This is in compliance with UDPR Policies T2(ii), T2D

Test (b) Directly Related

The contributions will be spent on the provision of a public transport service from which the development will benefit directly. The site is within the city centre and lies close to bus services. This makes the site more accessible to its users and therefore funding the improvement to the public transport system will make the site more attractive and therefore more likely to be successful.

Test (c) Fairly related in scale and kind.

In terms of scale, Leeds City Council has an adopted mechanism for calculating such contributions which is derived from that set out in the Practice Guidance on Planning Obligations (DCLG 2006). This accounts for the size, scale and impact of the development and allows the amount of contribution to be varied to be proportionate to this. With respect to kind, the simplest and easiest method of contributing to public transport infrastructure is by making a financial payment to the appropriate authority and the adopted mechanism outlined above produces a financial figure which is then used as the basis for the eventual contribution.

Travel Plan Monitoring:

This matter is directly considered in 'Planning Policy Guidance 13 (PPG13): Transport (published on 20 April 2001), 'The Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (RSS) (published May 2008) Policy T1 and the Draft Supplementary Planning Document 'Travel Plans' (May 2007)

Test (a) Need

The provision of a Travel Plan monitoring fee is considered to fulfil the following needs:

- Ensures compliance with the objectives of PPG13 to promote more sustainable travel choices, to promote accessibility by public transport and to reduce the need to travel, especially by car.

- Ensure compliance with the RSS objectives for the use by employers of Travel Plans, which include modal share targets and encourage more flexible
- working and school hours
- Assists in ensuring that the objectives of the travel plan are adhered to by the developer

This is in compliance with UDPR Policies T1(i), T2C

Test (b) Directly Related

The contribution will be used to ensure that the objectives of the Travel Plan which has been formulated for this specific site use and the method by which the plan seeks to ensure it's objectives in respect of the likely travel modes of its customers, are actually achieved.

Test (c) Fairly related in scale and kind

In terms of scale, the level of contribution has been determined on the basis of the costs of administering this process against the number of employees/customers and scale of the use proposed. With respect to kind, due to the requirement to fund staff to monitor this process the contribution can only realistically be a financial one and therefore an agreed sum is considered to be the most appropriate method.

Agreement of Publicly Accessible Areas:

This matter is directly considered in 'Planning Policy Guidance 17 (PPG17):Planning for Open Space, Sport and Recreation' (published 24 July 2002) and the Leeds Unitary Development Review 2006 Policies CC9, CC10, CC11, CC12 and CC13

Test (a) Need

The provision of an agreement on defined publicly accessible areas is considered to fulfil the following needs:

- Ensures compliance with the objectives of PPG17 to protect and enhance those parts of the rights of way network that might benefit open space
- Ensure compliance with the objectives of the UDPR to promote the enhancement of existing public spaces and the creation of new, safe, high quality, attractive and generally accessible public spaces
- Assists in ensuring that new public spaces extend and complement the existing network of public space provision

This is in compliance with UDPR Policies CC9, CC10, CC11, CC12 and CC13.

Test (b) Directly Related

The agreement to defining publicly accessible areas is required to ensure that the objectives of the PPG17 and the UDPR are actually achieved, in addition, there is a requirement, under policy to provide public open space on the site itself which effectively links into and relates to the wider network of existing street patterns and spaces.

Test (c) Fairly related in scale and kind

In terms of scale, the level of provision of publicly accessible areas has been determined on the basis of the level of development on the site, the context of the wider area and the opportunities to link into the wider network of existing public space provision. With respect to kind, an agreed defined area on the site itself is considered to be the most appropriate method of making this provision.

Off Site Works:

This matter is directly considered in 'Planning Policy Guidance 17 (PPG17):Planning for Open Space, Sport and Recreation' (published 24 July 2002) and the Leeds Unitary Development Review 2006 Policies CC9, CC11 and CC12

Test (a) Need

The provision of a contribution to the laying out of public realm within a defined publicly accessible area is considered to fulfill the following needs:

- Ensures compliance with the objectives of PPG17 to protect and enhance those parts of the rights of way network that might benefit open space
- Ensure compliance with the objectives of the UDPR to promote the enhancement of existing public spaces, pedestrian corridors and upgrade the street scene generally. This would result in the creation of new, safe, high quality, attractive and generally accessible public spaces and routes.
- Assists in ensuring that existing public routes extend, complement and give access to the existing network of public space provision

This is in compliance with UDPR Policies CC9, CC11 and CC12.

Test (b) Directly Related

The works to take place will include new pavement surfacing and a introduction of a vehicle lay-by. If the public highway is not improved in this way the access around the site will not receive the appropriate enhancement as sought by LCC policy. Such enhancements will improve the appearance of the pavement abutting the site and therefore the attractiveness of the site itself. The lay-by will facilitate drop off/pick up for the leisure development in the first instance to the benefit of those occupiers whilst in the long term this can accommodate a car club space to the benefit of the whole of the site and wider area.

Test (c) Fairly related in scale and kind

In terms of scale, the level of off-site works is directly related to the site frontage and the quality of the surfacing materials which must be used will ensure that it complements the treatment of the other routes in and adjacent to HUV. With respect to kind, as stated the treatment must complement that which exists in the locality in order that a coordinated surface treatment results.

Local Employment initiatives:

This matter is considered by Planning Policy Statement 4 (PPS4) Planning for Sustainable Economic Growth published December 2009, 'The Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (RSS) (published May 2008) and the Leeds Unitary Development Review 2006 Policies SP6 and R5:

Test (a) Need

The requirement to ensure that a proportion of the workforce required to construct and operate the development to be approved is considered to fulfill the following need:

- Ensures compliance with the requirement of PPS4 and UDPR Policies SP6 and R5 which encourages development in locations which minimizes the length and number of trips a workforce must travel to it's place of employment, especially by motor vehicle
- Provision of local employment acts as a stimulus to drive the local economy through the benefits of 'knock on' effects down the line for subsidiary spending and employment.

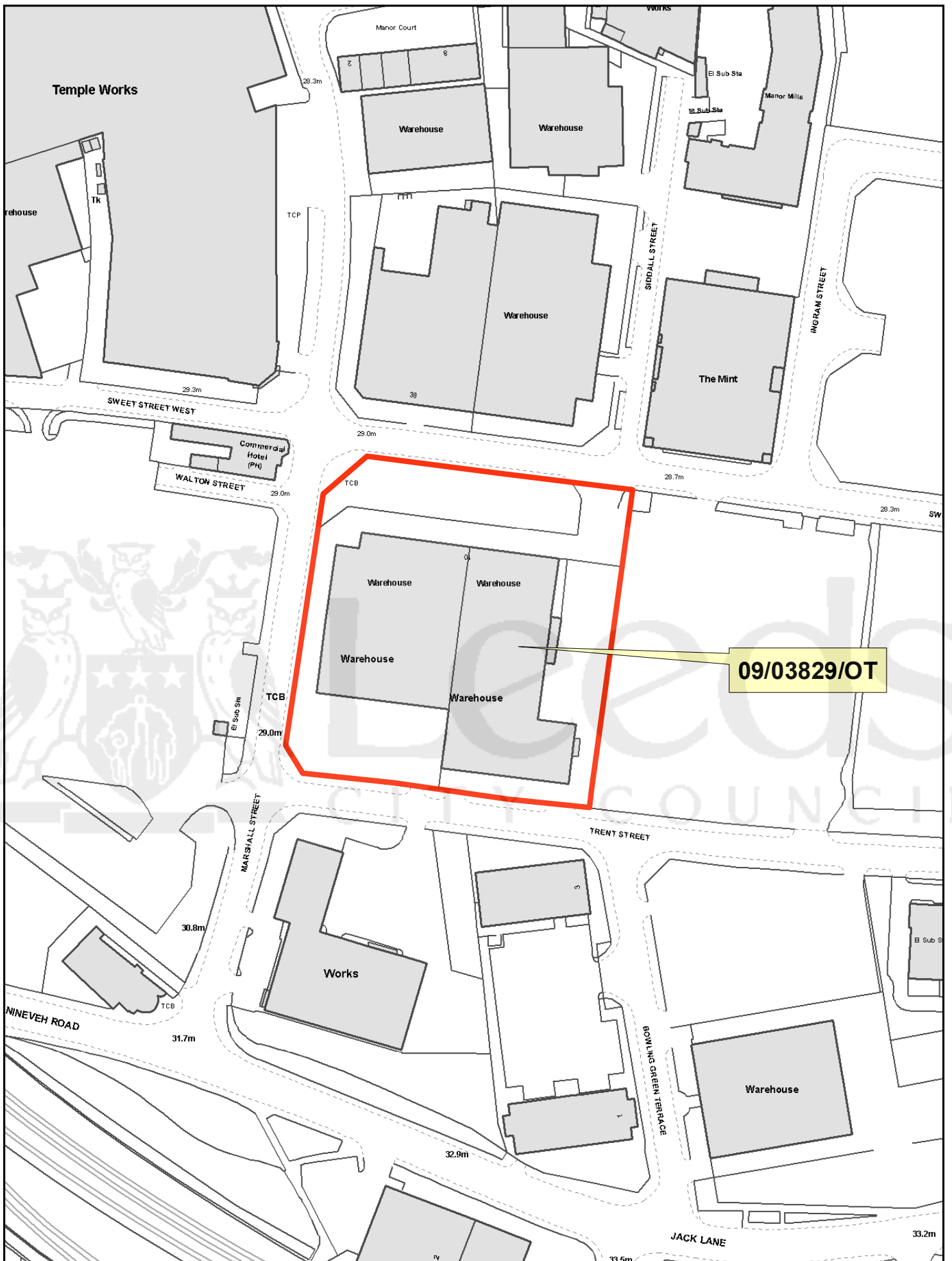
This is in compliance with UDPR Policies SP6 and R5.

Test (b) Directly Related

As the objective of the obligation is to ensure that local people are employed in the local area it is clear that there is a direct relationship between the development and the obligation. It is also the case that those same workers will use, for leisure purposes and parking, the facility within which they work thereby propagating a cycle of social and commercial success.

Test (c) Fairly Related in Scale and Kind

In terms of scale, the obligation seeks to ensure that at least a certain proportion of the workforce is from the local area and therefore it does not create unfair divisions or prevent the healthy movement of labour through out the region or the country. In terms of kind, it is clear that a development of this nature cannot be constructed and subsequently function unless a workforce builds it and then operates it. It is considered appropriate that an element of the local population should be involved in this process.



CITY CENTRE PANEL



Scale 1/ 1500

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