



Leeds
CITY COUNCIL

Originator: Sarah McMahon

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Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 30 August 2012

Subject: APPLICATIONS 11/05399/FU - Six storey and four storey building comprising 27 flats with undercroft car parking and 11/05448/CA - Conservation Area application to demolish vacant college building, at Leeds College Of Technology, East Street, Leeds, LS9 8DP.

APPLICANT	DATE VALID	TARGET DATE
East Street Properties Ltd – Mr M Nicholls	23 and 30 December 2011	17 February 2012 and 30 March 2012

Electoral Wards Affected:

Burmantofts & Richmond Hill

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions (and any others which he might consider appropriate), and following completion of a Section 106 Agreement to cover the following additional matters:

- Affordable Housing provision of 2 units with one being submarket and one being social rented.**

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

11/05399/FU Conditions

1. Time Limit (3 years)
2. List of plans to be approved
3. Samples of all external walling and roofing materials.
4. A sample panel of materials to be made available on site

5. Samples of all surfacing materials
6. Detailed 1:20 scale working drawings shall be submitted including cross sections
 - a) all windows and doors, b) junctions of materials between the main building and the circulation core
7. No construction to take place before the hours of 07.30 hours on weekdays and 08.30 hours on Saturdays nor after 18.30 hours on weekdays and 13.00 on Saturdays and no construction to take place on Sundays or Bank Holidays.
8. Requirement for submission of details of any air conditioning systems.
9. Requirement for submission of a waste and recycling management strategy
10. Details of any lighting scheme
11. Requirement for submission of a scheme detailing surface water drainage works
12. Requirement for submission of details of the landscaping scheme
13. Implementation of landscaping scheme
14. Requirement for submission of a landscaping management plan
15. Details of existing and proposed ground levels
16. Suppression of dust generated by vehicles on roads, haul routes and circulation areas within the site during construction
17. Means of enabling mud and grit to be removed from the wheels, tyres and underside of vehicles during construction.
18. Details of laying out, drainage, surfacing and sealing of areas to be used by vehicles
19. Submission of detailed scheme comprising (i) a recycled material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit), (ii) a Site Waste Management Plan for the construction stage, (iii) a waste management plan for the buildings occupation and (iv) a Code for Sustainable Homes assessment
20. Submission of details of the characterisation of contamination and site ground conditions.
21. Submission of a Phase I Desk Study in respect of land contamination.
22. Notification of any significant unexpected contamination.
23. Works to be carried out in accordance with agreed Remediation Statement.
24. Submission of details of the proposed methodology to measure air quality in the vicinity of the development.

Conditions 3, 4, 5, 6, 7, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23 and 24 are provided in full in the Appendix 1.

11/05448/CA Conditions

1. Time Limit (3 years)
2. List of plans to be approved
3. Details of contract for redevelopment

Condition 3 is provided in full in the Appendix 1

Reasons for approval:

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the National Planning Policy Framework 2012 and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

A4, BD2, BD3, BD5, CC8, CC10, CC12, GP5, GP7, H4, N12, N13, N18A, N18B, N19, N23 and T24.

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

1.0 INTRODUCTION:

1.1 The application was put before Members for determination at Plans Panel on 10 May 2012, and at a Plans Panel Design Workshop on 5 July 2012. In both instances Members made a number of comments which are detailed in Section 5.0 below. The application has been amended to respond to these comments and is now brought back to Plans Panel to allow Members to consider a major proposal within the setting of a listed building and a conservation area.

2.0 PROPOSAL:

2.1 The proposal is for the demolition of the existing vacant former college building, and the construction of a part six storey and part four storey building comprising 27 flats with a landscaped inner courtyard and undercroft car parking.

2.2 A number of documents have been submitted in support of this proposal and these are:

- Design and Access Statement.
- Scheme of Accommodation
- Flood Risk Assessment
- Stormwater Discharge Calculations
- Sustainability Statement
- Heritage Statement
- Utilities Statement
- Noise Report
- Ecological Survey Report
- Air Quality Assessment

3.0 SITE AND SURROUNDINGS:

3.1 The site is occupied by a 3 storey red brick, flat roofed 1940s building which was built as a veneer factory. Although now vacant the building's most recent use was a technical college. The building and the small areas of land within its boundary to the north and east are within the boundary of the Eastern Riverside Conservation Area. The site is within the Marsh Lane/Saxton Gardens Area 28 Proposals Area Statement as defined by Leeds Unitary Development Plan Review 2006. The site is adjacent to the Grade II listed buildings within the East Street Mills complex. In addition, to the south east across East Street sits the Grade II Listed Roberts Wharf buildings. Immediately to the north east of the site is a group of one and two storey red brick industrial buildings, which appear to be unused at present.

3.2 The surrounding area is populated by a variety of new development of varying heights, massing and design. There is a dominance of residential uses within many of these relatively recent schemes.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Planning approval was granted on the nearby site across Richmond Street known as Flax Place, for a part 5 and 9 storey block of 195 flats with ground floor retail unit and basement car parking on 11 November 2005, planning reference 20/408/04/FU. Whilst this scheme has not been implemented, a number of planning conditions have been discharged and some physical site access works have been undertaken.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The proposal has been the subject of detailed pre-application discussions between the Applicants, their Architects and Local Authority Officers since July 2011. These discussions have focused on the proposed use of the site and the merit of the justification for demolition of the existing building, the level of affordable housing required, the numbers of car parking spaces, the heights, form and scale of the building, details of the elevational design and materials, key views, pedestrian routes and connectivity and links to the wider area, the sustainability credentials of the proposal, and the proposed landscaping scheme.

- 5.2 The proposal was brought to Plans Panel for determination on 10 May 2012. Members made the following comments:

- There is a need for wheelie bins to be kept in a safe and permanent place and that details of this should be included as part of the relevant Condition/s.
- Clarification is required of the flood prevention measures in place.
- Concerns were raised regarding the use of obscure glazed windows and the alternatives in place and the need for letter boxes to be more accessible in all developments of this nature.
- Concerns were expressed that the quality of the design was not high, that the proposed building looked unattractive and bland with the proposed roof treatment a particular problem.
- Concerns were expressed that there was no commitment to specific sustainability design measures. It was requested that solar panels or other energy conservation measures were considered.
- Concerns were expressed that the scale of the proposed building would dominate the adjacent listed building.
- Concerns were expressed that the car parking was inadequate for three bedroom flats.
- Concerns were expressed that the building was too large in scale and that a re-drafting of the design was required. However this should not be at the expense of the proposed courtyard area.
- That there is a need for the developer to provide a workshop for Members around scale/quality of design issues.

- 5.3 The proposal was brought to a Plans Panel Design Workshop on 5 July 2012. Members made the following comments:

- Can the footprint of the central lobby/staircore be curved?
- Could the staircore be positioned more centrally in relation to the two wings?
- The staircore should be of a different material to the wings. Stone cladding is liked and would be supported.
- The building in its previous incarnation was dominant where it fronts onto East Street, not sure if just the redesign is enough without also addressing issue of height.

- There is a need to make the staircore tower a feature on the corner, a third entity.
- Would the outward facing balconies actually be used properly, would it be better to have balconies facing onto the courtyard? Need to understand the scale and materials of the balconies, and need to consider safety aspect if families with children are to live there. Can the balcony design deal with any noise issues? If the balconies were glass would this be in keeping? What sort of views are there from the balconies?
- The redesign is better. The tower treatment helps to break up the mass. The set back from East Street is an improvement provided it does not significantly reduce the size of the courtyard.
- There is a need to step the building adjacent to East Street Mills, take out one flat and drop the entire corner (stone cladding, roof and all dropped down one level)
- Can there be a noise barrier at the gap onto East Street?
- Is there opportunity to address traffic calming to ensure safety for children crossing to the nearby playground?
 - A signage zone for building name/lettering needs to be defined on plans.
 - The planting area to the back of footpath on Richmond Street and East Street need to be properly planted with green landscaping scheme of appropriate species that will thrive in this location and environment.
 - Members were generally supportive of the scale and massing, elevational treatments, design approach to the tower/staircore and balconies subject to the above comments

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The planning application was publicised via Site Notices posted on 20 January 2012 expiring on 10 February 2012 for a 'Major Development Which Affects the Setting of a Listed Building and the Character of a Conservation Area', and in the Leeds Weekly news edition printed the week of 26 January 2012.
- 6.2 The Conservation Area application was publicised via Site Notices posted on 20 January 2012 expiring on 10 February 2012 for a 'Notice of proposed demolition in a Conservation Area', and in the Leeds Weekly news edition printed the week of 26 January 2012.
- 6.3 One letter of objection received on 1 February 2012 from Leeds Civic Trust stating that the proposed new development is undistinguished and bland in design, and excessive in height given its position adjacent to the converted East Street Mills. They also state that if approved a condition should be applied to prevent demolition of the existing building until contracts for the construction of any new build have been secured.
Response: These comments will be addressed in the appraisal below.
- 6.4 One letter of comment received from Lupton Fawcett on behalf of their client, a freehold owner of part of the site, stating that their client has received the Notice No 1 advising them of the submission of the planning application. Their client wishes it to be made clear that they have not consented to the proposed development and state the Applicant did not contact them before the Notice No 1 was issued. In addition they state that the Applicant has no right to excavate, re-surface or carry out any other works on land in their client's ownership, and nor do they benefit from a right of way across their land.
Response: Under the Town and Country Planning Act 1990 (as amended) the Applicant is not required to have an interest in the land that is the subject of the

application. The only requirement is that the owners of the site are notified of the planning application, which has been fulfilled in this case. However, the grant of planning permission would not prejudice or override any third party ownership rights.

- 6.5 Ward Members consulted on 30 March 2012. Response received from one Member on 13 April 2012 stating that they support the project.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

- 7.2 Environment Agency state that the proposal falls outside matters which they wish to be consulted on and as such they have no comments to make.

- 7.3 Canal and River Trust state that they have no objections to the proposal.

- 7.4 Old Leeds Boundary Amenities Groups no response received from any amenity group.

7.5 Non-statutory:

- 7.6 West Yorkshire Archaeological Advisory Service no response received.

Highways stated that the amended scheme and the proposed refuse collection arrangements are acceptable.

- 7.8 Neighbourhoods and Housing state that there could be noise from any externally sited plant such as air conditioning, and as such this needs to be mitigated against. A noise report was submitted as part of the application providing details of how this could be mitigated against. Conditions are required covering hours of operation and compliance with current legislation on noise and dust control during construction, as well as details of any mechanical ventilation system and air conditioning system, sound insulation measures, waste and recycling facilities, and lighting.
Response: These matters will be conditioned accordingly.

- 7.9 West Yorkshire Ecology state that they have no biodiversity objections or comments to make.

- 7.10 Metro state that pedestrian access to and from bus stops should be good, and that they consider Metrocards should be provided to residents.
Response: The proposal will not adversely affect any of the existing level public footways around the site. The scale of the proposal, with only 27 residential units being proposed, means that there is no requirement for a Travel Plan or for a public transport infrastructure improvements contribution. This is because the scheme at such a scale is below the threshold for both. In addition, the site is close to the city centre and the existing bus and trains transport links. As such it is considered that it would not be reasonable to request Metrocards in this instance.

- 7.11 The Coal Authority state that there is no requirement to submit a Coal Mining Risk Assessment in this case.

8.0 PLANNING POLICIES:

- 8.1 The character of the Eastern Riverside Conservation Area is defined by surviving elements of its industrial heritage such as the former flax mills some of which are listed, the riverside setting and the important landmark of St Saviours Church as well as more random commercial and residential development.
- 8.2 As stated in Leeds Unitary Development Plan (UDPR) Marsh Lane/Saxton Gardens Area 28 Proposals Area Statement whilst a mix of uses is generally sought in the area, residential use would be acceptable to compliment the nearby existing housing at Saxton Gardens.
- 8.3 Development Plan – UDPR
 Policy A4 (Access for all)
 Policy BD2 (design and siting of new buildings)
 Policy BD3 (accessibility in new buildings)
 Policy BD5 (All new buildings)
 Policy CC8 (New buildings to respect the spatial character of existing buildings and streets outside the Prestige Development Areas)
 Policy CC10 (provision of public space)
 Policy CC12 (New development and new public spaces relating and connecting to the existing street pattern)
 Policy GP5 (all planning considerations)
 Policy GP7 (planning obligations)
 Policy H4 (unidentified residential development sites in the main and smaller urban areas)
 Policy N12 (Urban building design)
 Policy N13 (Design of all new buildings)
 Policy N18A (demolition of buildings in a conservation area)
 Policy N18B (Demolition not to take place in a conservation area until a contract for redevelopment has been let)
 Policy N19 (New buildings and extensions within or adjacent to a conservation area)
 Policy N23 (Space around new buildings)
 Policy T24 (Parking provision)

8.4 National Planning Policy

The National Planning Policy Framework 2012 (NPPF) was adopted in March 2012 and sets out the Government's planning policies and how they expect them to be applied.

Paragraph 17 of the NPPF sets out the Core Planning Principles for plan making and decision taking. The 8th principle listed states that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Paragraphs 56 and 57 of the NPPF state that good design is a key aspect of sustainable development, is indivisible from good planning and contributes positively to making better places for people., and that design should be of a high quality and inclusive.

Paragraph 60 of the NPPF states that planning policies and decisions 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 seek to promote or reinforce local distinctiveness.

Paragraph 126 of the NPPF states that it is desirable to sustain and enhance the significance of heritage assets and that new development should make a positive contribution to local character and distinctiveness. Conservation Areas are deemed to be heritage assets and the NPPF states that where a development proposal will lead to less than substantial harm to a heritage asset, this harm should be weighed against the public benefit of the proposal, including securing its optimum viable use.

8.5 Supplementary Planning Guidance

Leeds – City Centre Urban Design Strategy (CCUDS): Improving Our Streets, Spaces and Buildings (urban design principles based on the distinctive qualities of Leeds City Centre).

Leeds Interim Affordable Housing Policy 2011.

Sustainable Design and Construction Supplementary Planning Document (August 2011).

9.0 **MAIN ISSUES:**

1. The principles of the proposed use
2. Demolition and the merit of the existing building
3. The impact on the character and visual amenity of the street scene and wider conservation area
4. Residential amenity
5. Vehicle parking provision
6. Landscaping
7. Sustainability
8. Section 106 Legal Agreement – Heads of Terms

10.0 **APPRAISAL:**

10.1 The principles of the proposed use

10.2 The proposed use of the building is as 27 three bed residential units. The site lies within the Marsh Lane/Saxton Gardens Area 28 Proposals Area Statement, as defined by Leeds Unitary Development Plan Review 2006 (UDPR), where residential use is considered to be appropriate.

10.3 There are a number of other existing and proposed residential developments in the immediate and wider area offering a variety of sizes and types of residential units. Three bed accommodation is currently under-represented in this mix. Therefore, the proposal for 27 three bed units in this scheme is a welcome addition to the housing mix in this location. Of these 27 units, in line with policy, 2 units will be provided as affordable housing. As such the proposed use is considered to be appropriate and acceptable.

10.4 Demolition and the merit of existing building

10.5 Consideration has been given as to whether the proposed demolition of the former technical college building is acceptable, or whether the building has any significant architectural or historical merit. The building in question is not listed but does sit within the boundary of the Eastern Riverside Conservation Area.

- 10.6 The former technical college building, which was built circa the 1940s as a veneer factory, is a simple 3 storey red brick block. The building is modest in respect of its architectural detailing and utilitarian by design. It can not be considered to be architecturally or historically outstanding, or of particular importance in respect of recording an architectural style or era. As such, it can be argued that the building does not make any significant positive contribution to the character and appearance of the Eastern Riverside Conservation Area. Therefore, the demolition of this building, to allow the site to be redeveloped with a high quality scheme which would ensure a viable use of the site, is considered to be acceptable. As requested by Leeds Civic Trust it is recommended that the conservation area consent for the demolition of the existing building is conditioned to ensure that details of a contract including the start date and schedule of the redevelopment scheme for the site are submitted prior to any demolition taking place.
- 10.7 The impact on the character and visual amenity of the street scene and wider conservation area
- 10.8 The proposal is for a part six storey, part four storey residential block, providing 27 three bedroomed apartments, with a landscaped private courtyard above an undercroft parking area. The design has been refined in response to Members comments. It is still the case that the architectural approach is one of calmness, but more detail has been designed in to the scheme's appearance. The blocks have been visually detailed to break their mass with the use of string courses in the brick and stone work. The windows which retain their strong vertical emphasis, are framed and of a domestic scale, with defined cills and lintels. The circulation tower which joins the two arms of the building where they meet at the north-westerly corner, has been redesigned such that its positioning in relation to the blocks is more regular, and there are defined recesses to either side where it meets the arms of the residential wings. The roof of the tower has been pitched, and the windows are of a more domestic appearance, to better fit in with the character of the wider scheme and surrounding area.
- 10.9 The development now responds more appropriately to its location, on a corner site, in an area of a mixture of building styles, heights and scales. As such the scheme whilst contemporary in design, better emulates the architectural rhythms found in riverside warehouse buildings in the vicinity.
- 10.10 Concerns have been raised by Members and Leeds Civic Trust with regard to the height and appearance of the proposed development. In terms of the detailed design of the scheme, care has been taken to ensure that the scale and height of the scheme compliment those of the existing nearby buildings and the character of the wider street scene and Eastern Riverside Conservation Area. This is one of traditional warehouse buildings; however in more recent years a mix of residential developments and other modern mixed use developments, of varying scale, have been introduced. As a result of Member's comments the scheme has been revised. To take account of the fact that the immediate red brick East Street Mills buildings adjacent to the proposal are lower in height than the proposed scheme, being three and four storeys (although building heights do rise within the East Street Mills building complex to a maximum of six storeys), the proposed scheme now steps down a level at the corner adjacent to East Street Mills. This results in a more comfortable heights relationship between the two sites.

- 10.11 The development also steps down from six to four storeys as it moves from the street edge with Richmond Street back into the site southward. In relation to the existing unused industrial buildings to the north the development is set some 7 metres from these buildings which are in an elevated position on Richmond Street. In addition, the heights of other buildings in the surrounding area are also comparable with the proposed part four storey, part six storey blocks, and in some cases exceed the heights proposed in this scheme.
- 10.12 In terms of materials the proposal is to use a red brick, to echo the character of the existing warehouse type buildings in the vicinity, with natural stone cladding to the tower and upper level of the blocks, detailed with horizontal coursing to add visual interest to the building. The plinths, string courses, cills and lintels would be Artstone of a colour to match, or blend with, the natural stone. The roof would be pitched and tiled with natural slate of British origin. Frames to the windows and doors would be mid grey toned, powder coated aluminum (or due to its strength and high insulating properties, possibly powder coated fiberglass). Other sites within the vicinity have been identified as being appropriate for 'iconic' buildings (e.g. The Gateway). However sites such as the one for this current proposal are seen as locations for schemes which, whilst being of a high quality and being well designed in their own right, will compliment the iconic buildings and their settings. As a result this modest, calm palette of materials will allow the building to have a contemporary finish which respects the context in which it would be located. Therefore, the proposal would, with regard to character and appearance, sit comfortably in the streetscene and wider conservation area.
- 10.13 Residential Amenity
- 10.14 The adjacent East Street Mills has a number of planning consents for residential and office uses across its complex. Some works have been completed however the complex remains partly unoccupied. East Street Mills is set to the south of the proposed development site and as such there would be no significant overshadowing from the proposal. The East Street block of the proposed development is the closest to the adjacent East Street Mills buildings. The corner at the end of this proposed block would be approximately 2 metres (where blank walls face each other) splaying out to along the block end to a distance of some 12 metres from the side wall of the East Street building where both schemes are closest to East Street. Whilst windows are proposed in the end elevation, they would be some 6 to 8 metres from a splayed blank section of walling of the adjacent part of East Street Mills.
- 10.15 Windows are proposed in the other end elevation of the development which would be some 9 metres from the adjacent East Street Mills scheme. The East Street Mills building facing this proposed end wall has windows, however these are for stairs and passageways, rather than for residential rooms. In addition this part of the proposed development being four storeys, would be of a similar height to this particular adjacent East Street Mills building. As a result, there would no issues of overlooking, loss of light or over-bearance, and this 9 metres distance is considered to be acceptable.
- 10.16 Elsewhere the proposal would be approximately 21 metres from the adjacent occupied development to the east and a minimum of some 22.5 metres from the nearest buildings in the adjacent complex to the south. These distances are generally considered to be acceptable for developments within City Centre and

edge of City Centre locations. As such there would be no issues of overbearance or overlooking.

10.17 Whilst the approved scheme on the nearby Flax Place site, across Richmond Street has yet to come forward, it is important to safeguard future residential amenity for all potential occupants. The distance from the windows of the proposed development to the proposed facing elevation of the Flax Place scheme would be approximately 20 metres. Therefore, the scheme would not result in a loss of privacy or overbearance of this potential adjacent development. The proposal would be sited to the south-west of the Flax Place, however the distances between the two schemes would ensure that any overshadowing was minimal and not of any significance.

10.18 Other existing residential dwellings in the vicinity are set further away from the proposal site than the two schemes mentioned above, with the existing buildings across East Street being at least 35 metres away. As such there are no significant issues with regard to the residential amenity of proposed and nearby existing and future occupants.

10.19 Vehicle parking provision

10.20 The proposal includes basement parking providing 19 car parking spaces (including 2 disabled spaces), 3 motorcycle parking spaces and 28 bicycle parking spaces in a secure cycle storage area. The site is close to the city centre and the bus and train stations are within walking distance. In addition the levels of parking are in line with the guidelines laid down for parking provision in the UDP. As such the parking provision level for all three vehicle modes is considered to be acceptable.

10.21 Landscaping

10.22 The principal area to be landscaped would be a newly formed central courtyard. This would cover approximately one quarter of the gross area of the site. The landscaped courtyard would be sited above the basement car parking area and would be laid out as a private amenity space for residents of the development. As such a scheme of hard and soft landscaping would come forward with the details of layout, species, and specification being controlled via planning condition.

10.23 In addition, following comments from Members and as a result of changes to the footprint of the building, it will now be possible to provide a considerably wider band of defensible landscaped space (previously approximately 1.6 metres and now approximately 4.5 metres at its widest point) along the base of the building to East Street. Due to the pavement width on the Richmond Street site the defensible landscaped strip would remain at 1.6 metres to this side of the development. Here planting would assist to provide a level of privacy for occupiers of the lowest layer of apartments, as well as helping to provide visual interest to the elevations and soften the face of the building where it meets the pedestrian footways. The details of this planting strip will also be address via planning conditions.

10.24 Sustainability

10.25 The submitted Sustainability Statement indicates that the proposal is intended to achieve Level 3 of the Code for Sustainable Homes via economic, social and environmental objectives including;

- Improving the overall quality of housing

- Increased social inclusion and community participation
- Increasing the quantity and quality of greenspaces
- Minimising the pressure on Greenfield land by reuse of Brownfield site
- Examination of the use of renewables such as ground source heat pumps, solar thermal, solar photo-voltaics or combined heat and power
- High standards of insulation to the residential units
- Possible use of powder coated fiberglass to window and door frames due to its high strength, rot and corrosion resistance and insulating properties.
- The matter of sustainable measures will be conditioned to ensure the optimum and most appropriate measures are introduced into the scheme.

10.26 Section 106 Legal Agreement – Heads of Terms

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

10.27 A Section 106 Legal Agreement including obligations to secure the following requirements has been proposed:

- affordable housing provision of 2 units with one being submarket and one being social rented. This would be in line with the 5% requirement detailed in the Interim Affordable Housing Policy 2011. This interim policy states that in City Centre locations a 5% affordable housing provision will be required of all residential schemes of 15 units and over, to be implemented within 2 years.

10.28 The proposed obligation has been considered against the legal tests and is 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.

11.0 CONCLUSION:

11.1 In conclusion it is considered that the proposal is an appropriate use, scale, design and style for this site. The design of the 6 and 4 storey building would be a high quality appropriate addition, which would sit comfortably within the context of the surrounding area. Therefore, the proposal is recommended for approval.

Background Papers:

Planning Application 11/05399/FU
 Conservation Area Application 11/05448/CA

APPENDIX I

Planning Application 11/05399/FU Non Standard Conditions

- 3) No building works shall take place until details and samples of all external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. 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 building works shall be constructed from the materials thereby approved.

In the interests of visual amenity and in accordance with UDPR Policies BD5, GP5, N12 and N13.

- 4) Construction of external walling shall not be commenced until a sample panel(s) of the external walling to be used has been constructed and approved in writing by the Local Planning Authority. The sample panel(s) shall be erected on site to establish its detail. The external walling shall be constructed in strict accordance with the sample panel(s) which shall not be demolished prior to the completion of the development.

In the interests of visual amenity and to ensure that the external walling harmonises with the character of the area and in accordance with UDPR Policies BD2, BD5, GP5, N12 and N13.

- 5) No building works shall 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 and in accordance with UDPR Policies BD2, BD5, GP5, N12 and N13.

- 6) Prior to commencement of development detailed 1:20 scale working drawings of the following features shall be submitted to and approved in writing by the Local Planning Authority:

- a) all windows and doors, and
- b) junctions of materials between the main building and the circulation core

Works shall be carried out in accordance with the approved drawings and maintained as such thereafter.

In the interests of visual amenity and in accordance with UDPR Policies BD2, BD5, GP5, N12 and N13.

- 7) During all construction phases of the development no operations shall take place before 07.30 hours on weekdays and 08.30 hours on Saturdays nor after 18.30 hours on weekdays and 13.00 on Saturdays, or at anytime on Sundays or 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 and in accordance with UDPR Policy GP5.

- 12) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include (a) proposed finished levels and/or contours, (b) means of enclosure, (c) car parking layouts, (d) other vehicle and pedestrian access and circulation areas, (e) hard surfacing areas, (f) minor artefacts and structures (eg, furniture, play equipment, refuse or other storage units, signs, lighting etc.), (g) proposed and existing functional services above and below ground (eg. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.). Soft landscape works shall include (h) planting plans, (i) written specifications (including cultivation and other operations associated with plant and grass establishment), (j) schedules of plants noting species, planting sizes and proposed numbers/densities, (k) implementation programme.

To ensure the provision of amenity afforded by appropriate landscape design and in accordance with UDPR Policies CC10, CC12, GP5 and N23.

- 13) Hard and soft landscaping works shall be carried out in accordance with the approved details prior to the occupation of any part of the development in accordance with the programme agreed with the Local Planning Authority and to a reasonable standard in accordance with the relevant provisions of appropriate British Standards or other recognised codes of good practice.

To ensure the provision, establishment and maintenance to a reasonable standard of landscaping in accordance with the approved proposals and UDPR Policies CC10, CC2, GP5 and N23.

- 14) No development shall take place until a plan, schedule and specification for landscape management has been submitted to, and approved in writing by, the Local Planning Authority. This shall include reference to planting and hard landscaped areas, including paving, fencing and other features. The schedule shall identify the frequency of operations for each type of landscape asset and reflect the enhanced maintenance requirement of planted areas during the establishment period. It shall provide for an annual inspection during late summer for any areas of failed tree or shrub planting, and the identification of the replacements required in the autumn planting season. If development is phased, maintenance shall commence when each phase of development is completed. Prior to planting, all landscaped areas shall be cultivated and maintained in a weed free condition by mechanical cultivation or chemical control. Maintenance shall be carried out thereafter in accordance with the approved management plan.

To ensure successful establishment and aftercare of the completed landscape scheme and in accordance with UDPR Policies CC10, CC12, GP5 and N23.

- 15) Prior to the commencement of development, plans of the site showing details of the existing and proposed ground levels, proposed floor levels, levels of any paths, parking areas and the height of any retaining walls within the development site shall be

submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the details so approved and shall be retained thereafter as such.

To ensure that the works are carried out at suitable levels in relation to adjoining properties and highways in the interests of visual amenity and in accordance with UDPR Policy GP5.

- 18) The development shall not be occupied or brought into use until that part of the site shown to be used by vehicles, on the approved plans, has been laid out, drained, surfaced and sealed, as approved, and that area shall not thereafter be used for any other purpose other than the vehicle related use approved.

In the interests of the free and safe use of the highway and in accordance with UDPR Policy GP5.

- 19) Prior to the commencement of development a detailed scheme comprising (i) a recycled material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit), (ii) a Site Waste Management Plan for the construction stage, (iii) a waste management plan for the buildings occupation and (iv) a Code for Sustainable Homes assessment, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the detailed scheme; and

(a) Prior to the occupation of each phase of the development a post-construction review statement for that phase shall be submitted by the applicant and approved in writing by the Local Planning Authority

(b) The development and buildings comprised therein shall be maintained and any repairs shall be carried out all in accordance with the approved detailed scheme and post-completion review statement or statements

(c) The development shall aim to achieve Level 3, as a minimum of the Code for Sustainable Homes.

In the interests of amenity, to promote the use of recycled material and to promote the implementation of sustainability measures and in accordance with UDPR Policy GP5.

20. Development shall not commence until an intrusive investigation involving characterisation of contamination and site ground conditions has been undertaken in line with the document 'site investigation methodology by Sub Surface North East reference NE3095' and email from Harrison Pitt Architects dated 28 March 2012 and the report has been submitted to and approved in writing by the local planning authority. The site investigation report shall explain the methodology employed, an interpretative discussion of results and findings, a conceptual site model, a risk assessment and recommendations for further investigation/remediation, if necessary.

To ensure that the presence of land contamination at the site has been determined and that the environmental risks it presents have been assessed and in accordance with UDPR Policy GP5.

21. Development shall not commence until a Phase I Desk Study has been submitted to, and approved in writing by, the Local Planning Authority and:
- (a) Where the approved Phase I Desk Study indicates that intrusive investigation is necessary, development shall not commence until a Phase II Site Investigation

Report has been submitted to, and approved in writing by, the Local Planning Authority, (b) Where remediation measures are shown to be necessary in the Phase I/Phase II Reports 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 in accordance with Policy GP5 of the Leeds Unitary Development Plan and the National Planning Policy Framework.

22. 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 in accordance with Policy GP5 of the Leeds Unitary Development Plan and the National Planning Policy Framework

23. 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 in accordance with Policy GP5 of the Leeds Unitary Development Plan and the National Planning Policy Framework.

24. Prior to the commencement of development details of the proposed methodology to measure air quality in the vicinity of the development shall be submitted to and approved in writing by the Local Planning Authority. The study shall be undertaken in accordance with the agreed approach and the results submitted to the Local Planning Authority in accordance with the timescales agreed as part of the methodology. The conclusions of the study and, where necessary, any required mitigation within or in the vicinity of the development, shall be agreed in writing with the Local Planning Authority. The development shall not be occupied until any necessary mitigation has been completed, and such mitigation shall thereafter be retained and maintained. If, as a result of the air quality monitoring, it is necessary to declare the location as an Air Quality Management Area (AQMA) the agreed programme of air quality monitoring shall be extended to assess air quality until such time as the AQMA can be revoked.

In order to ensure that the occupants of the development benefit from acceptable air quality levels and, where appropriate to ensure further air quality monitoring and in accordance with UDPR Policy GP5.

Planning Application 11/05448/CA Non Standard Conditions

- 3) No demolition shall commence on site until a contract detailing the start date and schedule of the redevelopment scheme for the site, indicated on planning application 11/05399/FU has been submitted to and approved in writing by the Local Planning Authority.

In the interests of amenity and in accordance with UDPR Policy GP5 and N18B

