



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 17 January 2013

Subject: APPLICATION 12/04739/FU CHANGE OF USE FROM WAREHOUSE TO A MARKET RESEARCH AND TESTING CENTRE WITH ANCILLARY AUDITORIUM TOGETHER WITH ASSOCIATED DEVELOPMENT WORKS AND THE PROVISION OF CAR PARKING AT HUNSLET ROAD, HUNSLET, LEEDS LS10 1JQ

APPLICANT

Carlsberg UK Limited

DATE VALID

8 November 2012

TARGET DATE

7 February 2013

Electoral Wards Affected:

City and Hunslet

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 resolution of detailed highways matters, the signing of a Section 106 Agreement to cover the monitoring of a travel plan, and the following specified conditions:

Conditions

- 1) Temporary permission for 5 years
- 2) Plans Schedule
- 3) External walling and roofing materials to match existing
- 4) All areas to be used by vehicles to be fully laid out, surfaced and drained prior to use
- 5) Details of cycle/motorcycle facilities
- 6) Details of refuse and recycling facilities
- 7) Development in accordance with agreed Flood Risk Assessment
- 8) Land contamination studies
- 9) Amended remediation strategy
- 10) Remediation Statement verification
- 11) Details of mechanical plant/air conditioning including noise attenuation
- 12) Specified hours for delivery, loading and unloading 0700-2000 with no operations on Sundays or Bank Holidays, unless otherwise agreed with the Local Planning Authority.

- 13) Pedestrian gates shown on the approved plans must be kept open throughout all opening times of the building
- 14) Vehicular access gate must be kept open for all operating times of the this unit and adjacent unit if it is occupied.
- 15) Car share bays should be marked prior to occupation
- 16) Provision of footpath crossing at access
- 17) No retail sales from the premises
- 18) Maximum capacity of the building at any time shall be no more than 600 persons unless otherwise agreed with the Local Planning Authority
- 19) Details of hard and soft landscape works
- 20) Landscape management plan
- 21) Replacement planting within 5 years
- 22) Details of boundary treatments

Reason for approval 12/04739/FU:

In reaching a decision the case officer dealing with the application has worked with the applicant/agent in a positive way to negotiate the duration of the permission recommended for approval, pedestrian and cycle connectivity, and detailed highways and transportation issues to produce an acceptable scheme in accordance with paragraphs 186 and 187 of the National Planning Policy framework. The application is considered to comply with the policies SA1 GP5 GP7 BD6 A1 A4 BD4 CC30 T2 T2C T2D T5 T6 T7A T7B T24 N12 N25 LD1 N38A N38B N39 of the Leeds Unitary Development Plan Review 2006, the Yorkshire and Humber Regional Spatial Strategy 2008, as well as supplementary planning guidance SPD Travel Plans, Leeds South Bank Planning Statement 2011, Draft Leeds Draft Core Strategy 2012, and national guidance contained within the National Planning Policy Framework and its Practice Guides, and having regard to all other material considerations, as such the application is recommended for approval.

1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel as it is a major application for the temporary change of use of part of a vacant building on former Tetley Brewery site for ASDA stores. The proposal would add important facilities to a significant local employer's headquarters function in Leeds City Centre, and bring back into use in the short term a vacant building in the South Bank area (see attached Plan 1 at the appendix of this report), pending the permanent redevelopment of the wider site for employment, housing, supporting leisure uses, and the City Centre Park.

2.0 PROPOSAL:

- 2.1 The proposal is for the temporary change of use for five years of the eastern part of a former brewery warehouse building to a market research and testing centre with ancillary 550 capacity auditorium, together with associated development works and the provision of car parking. The facility would be for ASDA staff, in a location very close to their headquarters on Great Wilson Street. It is considered that the proposed use would fall within a number of use classes and is therefore *sui generis*. No retail sales will take place.
- 2.2 A number of documents have been submitted in support of this proposal:
 - Scaled Plans
 - Design and Access Statement
 - Transport Assessment
 - Flood Risk Assessment
 - Noise Statement

- Air Quality Statement
- Land Contamination Study
- Travel Plan

- 2.3 The car park and service yard would be accessed from Crown Point Road only and be served by 68 parking spaces, including 7 disabled bays and 7 car share bays. Cycle (12 spaces) and motorcycle parking (2 spaces) would also be provided. A gate is proposed in the boundary fence to allow pedestrian access to the car park from the reopened Hunslet Road pedestrian/cycle route from the north.
- 2.4 A number of minor elevational changes are proposed, including the making good of the elevations with brickwork and profiled metal cladding to match the existing, and new pedestrian entrances and service doors,
- 2.5 Boundary treatments to the south would remain as existing, and new boundary treatment to the north would consist of a 2.4m high close boarded timber fence to screen the north elevation and service yard functions from the new temporary greenspace. A new boundary treatment to the western side of Hunslet Road would feature a 2.4m high fence, with planters set behind within the car park. Exact details of this boundary treatment and its landscaping would be controlled by condition.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site forms part of a large red-brick warehouse on the former Tetley Brewery site, located at the corner of Great Wilson Street and Crown Point Road. Carlsberg UK ceased production on this site in 2011 and have demolished a large number of the former production plant and associated buildings at the site. The remaining buildings at the site consist of the former headquarters building (currently being converted to an art gallery/cultural hub and cafe), the gatehouse, a modern office building still in use by Carlsberg, and the vacant warehouse subject of this planning application.
- 3.2 The site lies unallocated within the designated City Centre in the Leeds Unitary Development Plan Review 2006. The surrounding area is a mixture of uses including residential, offices, food and drink, and retail, at Brewery Wharf, Indigo Blu, New Dock, Leeds City Office Park and Crown Point Retail Park. The conversion of the nearby Grade II listed Alf Cooke Printworks to form a campus for Leeds City College is currently underway. Other nearby listed buildings are the Grade II listed 16-18 Crown Point Road/35-41 Hunslet Road former Tetley's buildings. Unlisted heritage assets in the area include the Crown Public House, former Tetley's maltings, and Globe Iron Works on Crown Point Road.
- 3.3 The site lies within the area covered by the South Bank Planning Statement. The former Tetley Brewery site will have a key role in contributing towards the long term economic growth of the City Centre on the south side of the River Aire. It also has potential to complement the Council's, Carlsberg's, and other nearby landowners' aspirations for the City Centre Park, with new greened pedestrian and cycle routes linking across the area from Holbeck Urban Village to New Dock and beyond. The site also lies within the extension to the draft Aire Valley Area Action Plan. The role of the northern end of the Aire Valley, within the City Centre, will be geared towards the provision of some housing, but with significant provision of new workspaces and offices for growing digital and creative businesses.

4.0 RELEVANT PLANNING HISTORY:

4.1 Application 11/05031/FU Use of site as long stay car park (601 spaces) and short stay car park (226 spaces), green space and alterations to existing building to form new cultural hub with ancillary restaurant/café/bar (A3/A4) was approved in principle at Plans Panel (City Centre) 15 March 2012, and granted on 6 August 2012 for a temporary period of 5 years. Planning condition details have been approved, landscaping works are in progress on-site, and the car park use has commenced.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Detailed pre-application meetings were held with planning officers regarding this proposal from April 2012, prior to the submission of a full planning application in November 2012.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Application publicity consisted of:

6.1.1 Site Notice - Notice of Proposed Major Development posted 16 November 2012, expiry 7 December 2012.

6.1.2 Press Notice - Notice of Proposed Major Development published 15 November 2012, expiry 6 December 2012.

6.2 City and Hunslet Ward Members consulted 12 November 2012 and 27 November 2012 - Email response on 29 November 2012 from Councillor Elizabeth Nash requesting that consideration be given to local environmental improvements as part of this application.

6.3 Objection letter dated 4 December 2012 from Leeds Civic Trust:

- Objection to the closure of Hunslet Road as a pedestrian/cycle route linking Hunslet Lane to Crown Point Road
- 80 car parking spaces and the level of hardstanding is considered excessive for the proposed use at the site, especially given the context of the c900 spaces recently granted permission on the wider site.
- The northern vehicular access to this site would disrupt public realm between the temporary greenspace and the art gallery in the former headquarters building
- The application makes little attempt to enhance the visual appearance of the building
- What are the proposals for the other half of the warehouse building?
- The proposal would be more in keeping in an out of town industrial estate

6.4 Objection letter dated 4 December 2012 from AQL Limited, Salem Chapel, Hunslet Road:

- Objection to the closure of Hunslet Road as a pedestrian/cycle route linking Hunslet Lane to Crown Point Road.
- The northern vehicular access to this site would disrupt public realm between the temporary greenspace and the art gallery in the former headquarters building
- Concern regarding the potential traffic impact of the proposal
- AQL's waste heat from its data centre could be used as a more sustainable form of energy for this building

- No pre-application consultation took place with businesses

6.5 Objection letter dated 7 December 2012 from Sustrans:

- The application is contrary to the Council's policies designed to promote active travel, improve air quality, reduce traffic congestion, and promote sustainable regeneration
- Objection to the closure of Hunslet Road as a pedestrian/cycle route linking Hunslet Lane to Crown Point Road, therefore failing to facilitate a key link within the Leeds Core Cycle Network.
- The application proposal fails to provide any soft landscaping
- Objection to the proposed increase in car parking provision at the site

6.6 Objection letter dated 7 December 2012 from Leeds City College:

- Objection to the closure of Hunslet Road as a pedestrian/cycle route linking Hunslet Lane to Crown Point Road, as this will be a vital link for students at Leeds City College Alf Cooke Printworks campus
- The proposal does not propose any enhancement to the visual appearance of the building
- The proposed level of car parking is considered excessive
- The proposed use is not an appropriate long term use for the site, however Leeds City College would not object to a temporary permission given the current economic conditions

6.7 Objection by letter dated 7 December from the Leeds Sustainable Development Group:

- Objection to the closure of Hunslet Road as a pedestrian/cycle route linking Hunslet Lane to Crown Point Road – this would prejudice the group's aspirations for a "Hunslet Stray" on the site
- The proposal ignores the Council's planning, access and urban design policies
- No soft landscaping is proposed
- The proposal does not propose any enhancement to the visual appearance of the building
- 80 car parking spaces and the level of hardstanding is considered excessive for the proposed use at the site, especially given the context of the c900 spaces recently granted permission on the wider site.
- No pre-application consultation took place with nearby landowners or interested parties regarding the proposal. Carlsberg should engage with the Council and local community regarding the future of the site.

6.8 All consultees, Ward Members, and contributors were reconsulted on 11 December 2012 following the receipt of revised plans on 3 December 2012. Objectors were also re-notified following receipt of revised plans on 7 January 2013. No further comments have been received in connection with this application at the time of writing, however if any further comments are received these will be reported verbally at Plans Panel.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.1.1 Highways Agency: No objection.

7.1.2 Leeds City Council Transport Development Services: In principle, traffic impact and transportation provision is considered acceptable, subject to the resolution of the following matters prior to the grant of temporary permission :

- Details of the landscape strip between the adjacent land to the north and the access road.
- A sign directing pedestrians from the Crown Point Road footway to the pedestrian side gate should be provided as the access road has no footways.
- The applicant should show showers/changing room/locker facilities for staff on a plan.
- The motorcycle parking area should have ground anchors.
- The applicant should provide details of an appropriate amount of staff parking for the adjacent industrial unit within the site and safe tracking for articulated vehicles.

The following conditions are recommended:

- temporary permission for 5 years
- vehicle spaces to be laid out
- motorcycle facilities notwithstanding approved drawings
- footpath crossing (access variation)
- the pedestrian gates shown on the approved plans must be kept open throughout all opening times of the building for the lifetime of the development.
- the vehicular access gate must be kept open for all operating times of the adjacent units on the site for the lifetime of the development.
- Section 106 to secure the travel plan monitoring and fee

7.2 Non-statutory:

7.2.1 Leeds City Council Environmental Protection: No objection subject to conditions regarding details of any mechanical plant, and restrictions to hours of delivery to 0700-2000 Monday to Saturday only, with no deliveries on Sundays or Bank Holidays.

7.2.2 Leeds City Council Flood Risk Management: No objection subject to five year temporary permission only.

7.2.3 West Yorkshire Metro: No comments at time of writing

7.2.4 Environment Agency: No comments.

8.0 PLANNING POLICIES:

8.1 Development Plan

The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development.

8.2 Regional Spatial Strategy (RSS) (adopted May 2008):

YH1: Spatial pattern of development and core approach.
YH2: Sustainable development.
YH4: focus development on regional cities.
YH5: Focus development on principal towns.
YH7: location of development.
LCR1: Leeds City Region sub area policy.
LCR2: regionally significant investment priorities, Leeds city region.

8.3 Leeds Unitary Development Plan Review 2006

Relevant policies include:

SA1: Secure the highest possible quality of environment.
GP5 all relevant planning considerations
GP7 planning obligations
BD6 all alterations
A4 safety and security provision
N12 urban design
N25 boundary treatments
BD4 all mechanical plant
CC30 unallocated sites within the City Centre
T2 transport provision for development
T2C Travel Plans
T5 pedestrian and cycle provision
T6 provision for the disabled
T7A cycle parking
T7B motorcycle parking
T24 Car parking provision
LD1 landscaping
N38A development and flood risk
N38B planning applications and flood risk assessments

8.4 **Relevant Supplementary Planning Guidance includes:**

SPD Street Design Guide
SPD Travel Plans

South Bank Planning Statement

In October 2011 Executive Board approved the South Bank Planning Statement as site-specific informal planning guidance for land to the south of the River Aire, consisting broadly of the Tetley's Brewery site, ASDA House, New Lane, and the Council's landholdings in Meadow Lane (see attached plan South Bank Urban Design Principles). The document sets out the vision to "*To transform the South Bank of Leeds City Centre into a distinctive, vibrant, well connected sustainable business and residential community which has at its heart a new City Centre Park. The new park will act as a catalyst for the regeneration and place-shaping of the South Bank of Leeds City Centre, by creating a vibrant and outward-facing public space that also provides the context for the broader redevelopment of the area, and will help to improve connections to the surrounding communities in the Aire Valley, Hunslet, Richmond Hill, Beeston Hill and Holbeck.*" At the heart of the proposal for the Leeds South Bank is the development of a new City Centre Park. The development of a Park is considered a pivotal piece in the future development of this part of the City Centre. The provision of high quality greenspace and associated landscaped pedestrian/cycle connections in this part of the City Centre will act as an enabler that redefines the Southern gateway of Leeds City Centre, creating a new sense of place which enhances the waterfront, promotes high quality and sustainable employment and homes, and improves connectivity between the City

Centre retail core, the South Bank, and neighbouring communities. The long term aim for this part of the South Bank would be provision of residential/and or commercial uses with ground floor active uses, and part of the City Centre park itself, with landscaped pedestrian and cycle routes linking across the site between Hunslet Road and Crown Point Road. The South Bank Planning Statement also encourages the interim provision of landscaping and pedestrian/cycle routes on sites awaiting redevelopment, and the re-use of vacant land and buildings for temporary meanwhile uses, to bring activity into the area, and create some of the spaces and connections that would be delivered in the future.

8.5 Draft Core Strategy

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.

As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

Spatial Policies 1, 4, 5 and 8 of the Core Strategy aims to promote economic prosperity, job retention and opportunities for job growth in key strategic locations including the City Centre and Aire Valley Urban Eco-Settlement. The promotion of enterprise and innovation to deliver job growth, particularly in digital and creative sectors, is highlighted as a particular opportunity. The Core Strategy aims to promote the integration of the South Bank into the City Centre as the gateway to the Aire Valley (Policies CC2 and CC3). This application site lies within both the City Centre and the Aire Valley. The Aire Valley has been identified as one of the Leeds City Region's Urban Eco-Settlements, a regeneration priority which will promote sustainable development by seeking the delivery of commercial and residential areas which have a high quality greened environment, energy efficient buildings and operations, low carbon and green business, sustainable transport, community facilities and linked areas of green infrastructure. It is envisaged the Aire Valley would deliver 35000 new jobs across 250 hectares of land for employment uses.

8.6 National Planning Policy Framework

- 8.6.1 The NPPF includes policy guidance on sustainable development, economic growth, transport, design, and climate change.

8.7 Relevant National Planning Policy Practice Guides PPS25 Practice Guide

9.0 MAIN ISSUES

1. Principle of use
2. Urban design and landscaping
3. Transportation
4. Flood risk
5. Amenity
6. Planning obligations

10.0 APPRAISAL

10.1 Principle of use

10.1.1 The application site lies within the designated City Centre, but is unallocated for any particular uses. Therefore UDP Policy CC30 states that proposals of this nature at sites of this size would be determined on their merits. It is considered that the temporary use of the building for market research and testing centre with ancillary auditorium would therefore be acceptable in principle, given the current economic conditions. The proposal would add important facilities to a significant local employer's headquarters function in Leeds City Centre, and bring back into use in the short term a vacant building in the South Bank area, thus increasing activity in the area, pending the permanent redevelopment of the wider site for employment, housing, supporting leisure uses, and the City Centre Park.

10.1.2 The South Bank Planning Statement provides a framework for the medium/long term ambitions for the site, however it would also support the interim re-use of the vacant building until the site is redeveloped for new employment or housing, alongside relevant phases of the City Centre Park, and a network of greened pedestrian/cycle connections. The grant of a five year temporary permission for the proposed use would be also consistent with the temporary permission for greenspace, new pedestrian routes (including the re-opening of Hunslet Road to pedestrians and cyclists) and car parking on the adjoining parts of the former brewery site. It is considered that this would not prejudice the long term aspirations for the redevelopment of the South Bank, the provision of the identified network of greened pedestrian/cycle routes, and the City Centre Park.

10.1.3 It is considered that the proposed temporary use would meet the objectives of the National Planning Policy Framework in terms of meeting the objectives of sustainable development, and promoting the economic growth of the City.

10.1.4 In response to a number of other concerns from objectors, it is considered that the "Hunslet Stray" proposal by the Leeds Sustainable Development Group and other parties, whilst not an initiative endorsed by the landowners or approved by the Council at this stage, does not generally appear to conflict with either the adopted long term framework for greened routes and spaces within the South Bank Planning Statement, nor the proposed temporary re-use of this building and approved temporary car park for the wider site in the short term. Regarding the use of waste heat to provide district energy systems, this is a long term aspiration for this area of the City, and where permanent development proposals come forward it will be expected that its potential is investigated further. It is not considered that in the case of a temporary proposal that this is appropriate or reasonable at this stage. In terms of the concerns by objectors that the applicant has not undertaken local community consultation, the Local Planning Authority strongly encouraged the applicant at the pre-application stage to discuss their proposals with interested parties and neighbouring

occupiers/owners. However such consultation by the applicant is not currently a legal requirement.

10.2 Urban Design and landscaping

- 10.2.1 The plans initially submitted for this application did show a significant narrowing of Hunslet Road, leaving only a narrow route alongside the modern offices Tetley House for pedestrians and cyclists to connect to Crown Point Road from the north west of the wider site. This would be in conflict with the temporary planning permission for car parking and landscaping at the wider site, and would be contrary to the aims of the adopted South Bank Planning Statement. Revised plans have been received, which amend the application boundary and reduce the size of the staff car park for the application proposal. This application proposal does not now conflict with the temporary car park permission, and the routes and spaces shown within that permission are unaffected.
- 10.2.2 Boundary treatments to the south would remain as existing, and new boundary treatment to the north would consist of a close boarded timber fence to screen service yard functions from the new temporary greenspace. A new boundary treatment to the western side of Hunslet Road is proposed. Exact details of this boundary treatment and its landscaping would be controlled by condition. These details would need to be appropriate to the City Centre in terms of design and materials, ensure security for the car park, give views between the car park and the re-opened Hunslet Road, and incorporate appropriate landscaping to soften the boundary and complement the temporary planting elsewhere on the wider site.
- 10.2.3 The hard and soft landscaped pedestrian routes and spaces within the development would be attractive and enhance the setting of the building. Exact details of hard and soft landscaping, including details of planters and soil depths, planting plans, boundary treatments, any raised planters, lighting, landscape management and maintenance, and surfacing materials, would be controlled by condition prior to commencement of development to ensure continuity of materials, boundary treatments and planting across the wider site.
- 10.2.4 The external works proposed to the building although relatively minor in nature, would enhance the visual appearance of the building, and are considered reasonable and appropriate in the context of a temporary 5 year proposal.

10.3 Transportation

- 10.3.1 The site lies within the fringe commuter control parking area, and the parking provision proposed complies with the UDP parking guidelines for the site. Given the nature of the proposed use falling within a number of use classes (and as such is therefore *sui generis* in planning terms), the UDPR parking guideline states that the proposal should be considered on its merits. Since the original submission of the application the number of car parking spaces proposed has reduced from 90 to 68 spaces. The Council's Highways Officers have confirmed that this level of parking and its anticipated traffic impact is considered acceptable in this case, if the permission is limited to a 5 year permission only. There is also the provision of a 5 year temporary public car park with 601 long stay spaces and 226 short stay spaces on the adjoining part of the former brewery site, and this could cater for any larger staff training events if necessary. The applicant has stated that a small number of larger ASDA staff events may take place throughout the year, and a condition has been recommended that when these events take place the building

occupancy shall not exceed 600 people, unless otherwise agreed by the Local Planning Authority. Therefore, the proposal is not considered to result in detrimental impact on the highway network.

10.3.2 Further to reduce reliance on the private car the submitted Travel Plan is considered acceptable and includes the following measures:

- Provision of 7 car sharer parking bays
- provision of staff shower and locker facilities to encourage cycle use
- appropriate secure storage for cyclists and motorcyclists

10.3.3 Plans to access the site for vehicles from the north are no longer proposed, as this would disrupt the provision of landscaped public realm to the north in front of the art gallery, and conflict with all staff cars. The access for servicing and deliveries would now be via a reconfigured Crown Point Road access. The width of the access is on-balance acceptable taking into account the nature of use and anticipated traffic flows.

10.3.4 A number of detailed highways matters are under discussion at the time of writing, and it is requested that these matters, which can be resolved within the applicant's ownership, be deferred and delegated to officers to resolve prior to the grant of temporary planning permission:

- Details of the landscape strip between the adjacent land to the north and the access road.
- A sign directing pedestrians from the Crown Point Road footway to the pedestrian side gate should be provided as the access road has no footways.
- The applicant should show showers/changing room/locker facilities for staff on a plan.
- The motorcycle parking area should have ground anchors.
- The applicant should provide details of an appropriate amount of staff parking for the adjacent warehouse unit within the site and safe tracking for articulated vehicles.

10.3.5 It is recommended that the proposal is granted a temporary permission for 5 years only. It is considered that future permanent development would provide for enhancements to the strategic public transport network, and to local pedestrian connectivity. This would include a range of permanent landscaped pedestrian and cycle improvements that would link from Bridge End, through the former Tetley Brewery site via a re-opened Hunslet Road, across Crown Point Road and Black Bull Street, linking to New Dock to the east and Leeds City College to the south, and beyond. Opportunities to enhance Black Bull Street and Crown Point Road would be explored at future phases of permanent redevelopment along both roads, including new and upgraded crossing points, increased pavement widths and lane reductions.

10.4 **Flood Risk**

10.4.1 The existing use and the proposed use would both be considered as 'less vulnerable' under the PPS25 Practice Guide. Therefore the proposal is considered appropriate in Flood Zones 3a(i). The Council's Flood Risk Management team has confirmed that the submitted flood risk assessment is considered acceptable, subject to the proposal being limited to a 5 year period. The application proposal would bring a vacant building back into temporary use and promote the interim regeneration of the South Bank area of the City Centre and Aire Valley.

10.5 **Amenity**

10.5.1 The nearest existing residential properties to the site lie at Indigo Blu, Crown Point Road (c30m away), at New Dock along Chadwick Street (c300m), and at Waterloo Apartments and Brewery Wharf to the north of Bowman Lane (c130m away). A condition would control the exact details of all external plant and any necessary noise attenuation, in order to prevent noise nuisance during the day and at night to nearby occupiers. The Council's Environmental Protection team have also recommended a condition to restrict deliveries to the building to 0700-2000 Monday to Saturday with no deliveries on Sundays or Bank Holidays. In the context of the mix of uses in the surrounding area, and the former use of the site as a warehouse and production plant to support the former brewery, it is considered that the application proposal would not give rise to any additional impacts on the amenities of nearby occupiers.

10.6 Planning obligations

10.6.1 A Section 106 Agreement has been agreed with the applicant in connection with the planning application, with the following obligation:

- Travel Plan Monitoring fee £2500

10.6.2 As part of Central Government's move to streamlining the planning obligation process it has introduced the Community Infrastructure Levy Regulations 2010. This requires 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.'

As listed above, there are matters to be covered by a Section 106 agreement. These matters have been considered against the current tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

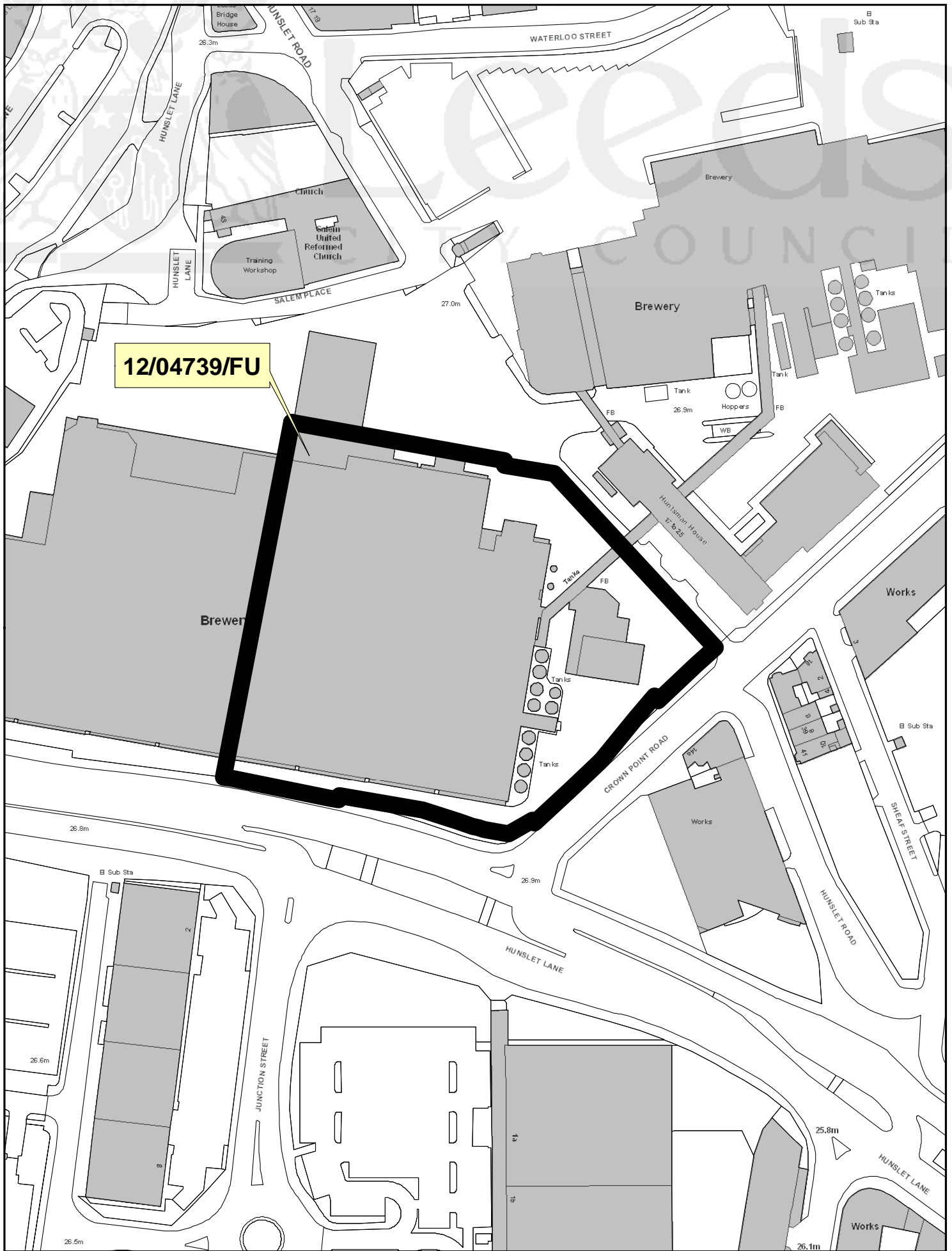
11.0 CONCLUSION

11.1 It is considered that this application proposal would help to enable one of the City's major employers to contribute towards a strong diverse and successful urban economy. The temporary re-use of the building would bring increased activity into the area, and complement the delivery of new temporary pedestrian/cycle routes and greenspaces as part of the adjoining temporary car park permission, which would form part of the greened network of connections linking across the south of the City Centre as envisaged by the South Bank Planning Statement. However, the long term use of the site would prejudice the delivery of the aims of the South Bank and City Centre Park regeneration initiatives. The application proposal is therefore recommended for approval for five years, subject to the resolution of detailed highways matters, the monitoring of the travel plan under a Section 106 agreement, and the conditions set out above.

Background Papers:

Application file 12/04739/FU

Appendix – Plan 1 - South Bank Urban Design Principles from South Bank Planning Statement 2011



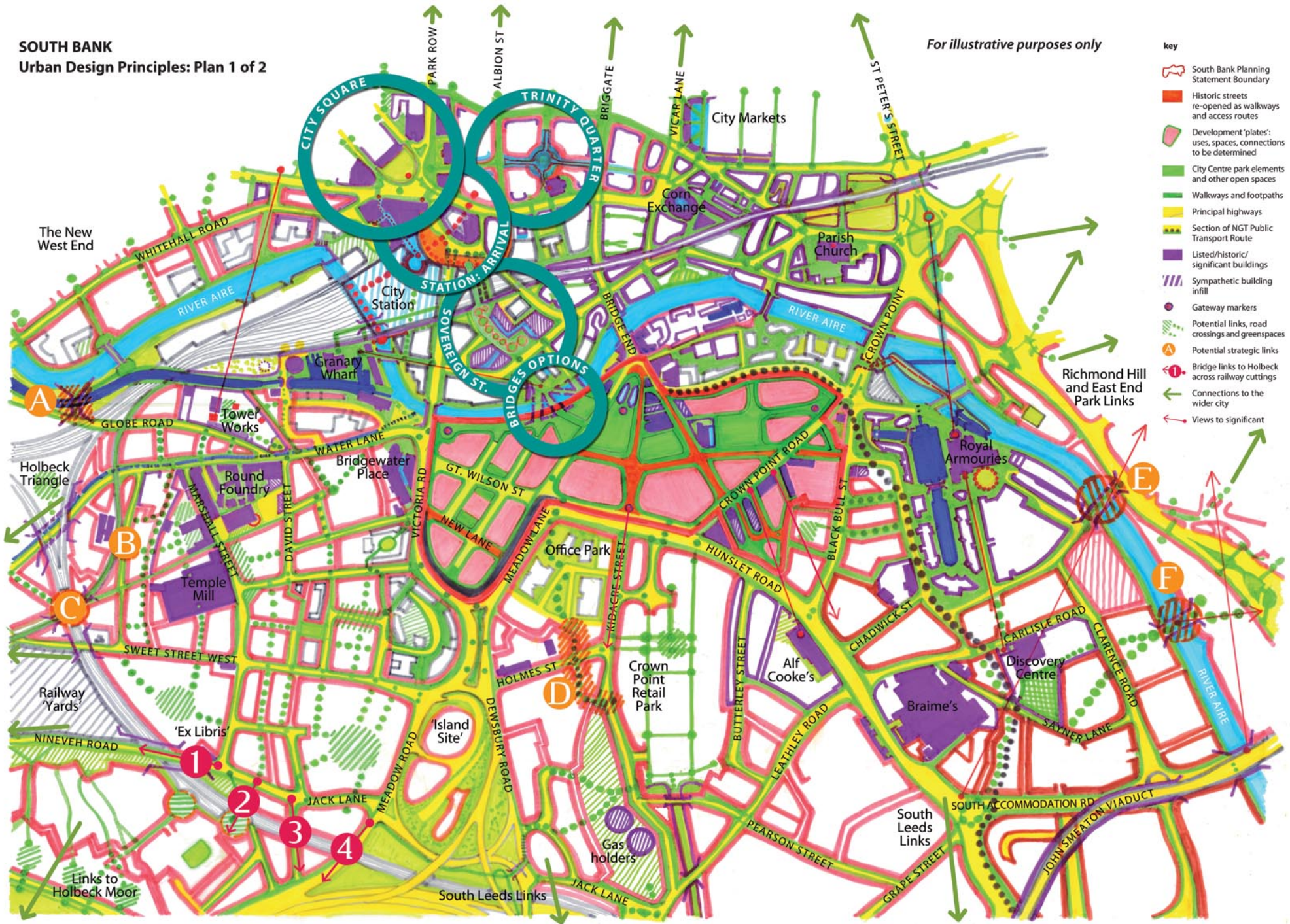
12/04739/FU

CITY PLANS PANEL



SOUTH BANK
Urban Design Principles: Plan 1 of 2

For illustrative purposes only



- key**
- South Bank Planning Statement Boundary
 - Historic streets re-opened as walkways and access routes
 - Development 'plates': uses, spaces, connections to be determined
 - City Centre park elements and other open spaces
 - Walkways and footpaths
 - Principal highways
 - Section of NGT Public Transport Route
 - Listed/historic/significant buildings
 - Sympathetic building infill
 - Gateway markers
 - Potential links, road crossings and greenspaces
 - Potential strategic links
 - Bridge links to Holbeck across railway cuttings
 - Connections to the wider city
 - Views to significant