



Leeds
CITY COUNCIL

Originator: Paul Kendall

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Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 14th March 2013

Subject: HYBRID APPLICATION FOR FULL PERMISSION FOR 11 STOREY OFFICE BUILDING AND OUTLINE APPLICATION FOR OFFICE/HOTEL BUILDING UP TO 8 STOREYS WITH ANCILLARY GROUND FLOOR A1,A2,A3,A4,A5 USES (APP. REF. 12/03788/FU). SITE AT WELLINGTON ST/WHITEHALL RD LEEDS 1.

APPLICANT
E.C. Harris LLP

DATE VALID
3rd September 2012

TARGET DATE
3rd December 2012

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 specified conditions and following completing of a Section 106 Agreement to cover the following matters:

Open space areas to be maintained by applicant and retained as open 24 hours a day save for one day a year to prevent it from becoming a public right of way

Public Transport Contribution (Full App)

- For the Full application element for B1 offices - £176,011 trigger on first occupation of the office

- For the ground floor commercial element of the full application – Possible £11,438 dependant on use, to be assessed in line with the SPD on Public Transport Improvements and Developer Contributions – trigger on occupation of each unit

Public Transport Contribution (Outline App)

- To be assessed in line with the SPD on Public Transport Improvements and Developer Contributions – minimum £60,240 for hotel and £85,000 if B1 office - trigger on occupation of each unit.

- For the ground floor commercial element of the outline application to be assessed in

**line with the SPD on Public Transport Improvements and Developer Contributions
– trigger on occupation of each unit**

Travel Plan items:

- **Agreed travel plan**
- **Travel Plan review fee £11,230**
- **Car Club spaces**
- **Funding for free trial membership and usage of car club for office workers
£11,000**

Highways works:

**Financial contribution towards laying out of Whitehall Rd/Northern St Junction, to be
2 installments of £32,401.95 for the office building and £23,398.05 for the office/hotel
building triggered on first occupation of each building**

Provision of off site highways works consisting of:

- **Relocation of pedestrian crossing on Wellington St**
 - **Relocation of 2 bus stops on Whitehall Rd**
 - **Pedestrian guard railing to Wellington St frontage**
- (Or may be required by condition if considered appropriate)**

**Jobs and Skills priority for local people in City & Hunslet, Beeston & Holbeck and
Armley wards.**

**In the circumstances where the Sec.106 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.**

Conditions

1. Five Year time limit on full permission for Building 2
2. Approval of reserved matters on outline for Building 1
3. Time limit on outline permission 7 years
4. Development to be carried in accordance with approved plans
5. Permanent and temporary boundary treatments to be approved.
6. Opening hours of A3,A4,A5 to be 0700 – 2300 Mon-Sat and 0900-2300 on Sun
7. Area to be used for parking to be laid out surfaced and sealed
8. Samples of external materials and surfacing materials to be submitted.
9. Sample panel of all external materials to be approved.
10. Method of storage and disposal of waste
11. Prevention of mud/grit/dust being pulled onto highway.
12. Full details of hard/soft landscaping to be submitted.
13. Implementation of landscaping.
14. Pedestrian routes around the development during construction
15. Sustainability statement to be submitted
16. Disabled parking provision.
17. Cycle and motor cycle parking facilities to be provided.
18. Notification of unexpected contamination
19. No contaminated soil to be brought to site
20. Details of vents, flue pipes etc.
21. Details of extract ventilation systems/filters for A1,A3,A4 and A5.
22. Hours of delivery 0700-2100 only with no deliveries on Sunday or Bank Holidays
23. No external playing of music or amplified sound by A3/A4 uses in external areas
24. Proposals to minimise dust during construction.

25. Measures to control noise during construction - statement to be submitted
26. Location of contractors cabins and parking.
27. Location of construction access.
28. Separate system of drainage.
29. Details of drainage to be provided
30. No discharge of surface water until completion of approved drainage works
31. Drainage from parking to go via interceptor.
32. No building to be located over the centre line of the sewer on the site
33. Limit on amount of A1 retail floorspace, maximum size of individual unit.
34. No change of use from A2,A3 or A4 to A1 by permitted development.
35. 1:20 plans of detailed elevations, shop fronts, soffits
36. Details of Lighting and Public Art to be submitted
37. Plot 2 building to be constructed in accordance with approved height and floor plate parameter plans
38. Noise attenuation measures to be carried out in accordance with submitted document.

The full wording of the conditions is attached at Appendix 1.

Reasons for approval:

In reaching a decision the case officer dealing with the application has worked with the agent in a positive way through regular dialogue and negotiation to produce an acceptable scheme in accordance with paragraphs 186 and 187 of the National Planning Policy framework. In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the National Planning Policy Framework and the content and policies within the Development Plan consisting of The Leeds Unitary Development Plan Review 2006 (UDPR). In particular, the application is considered to comply with UDPR policies GP5, N12, A4, BD6, CC3, and CC27 and emerging Core Strategy policies including CC1, SP8 and SP9.

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 A position statement relating to this application was presented to Plans Panel on 22nd November 2012. It is a major mixed use scheme proposed on a vacant development site between Wellington St and Whitehall Rd in the City Centre. (This site benefits from permission for the previous 54 and 32 storey 'Lumiere' proposal which is extant due to the fact that a significant amount of ground works were carried out before construction ceased). Members made comments in respect of: the design of the scheme; the provision of adequate space on the highway to allow public transport to flow efficiently; pedestrian walkways through the site and the protection of residential amenity. The formal minutes are contained at Appendix 2. Members comments have been addressed and changes have been made to the scheme which are explained in the report below. The application is brought back to Panel with the above recommendation to defer and delegate approval to the Chief Planning Officer subject to the attached conditions and the signing of a S. 106 Agreement in respect of the items set out in the recommendation box above.

2.0 PROPOSAL

2.1 General Description

This proposal is a hybrid application for two buildings. This means that one building, fronting Whitehall Rd, is being submitted as a full application, where the design and plans form part of the application – referred to as Building 2. The other, fronting Wellington St, is being submitted in outline, where a set of parameters including building footprint and heights, are proposed in order to establish a building envelope – referred to as Building 1. An indicative design has been submitted but this is only to show one potential interpretation of the proposed parameters at this stage.

2.2 Building fronting Whitehall Rd (Full Application – Building 2):

This is a proposed office building with its primary elevation fronting Whitehall Rd and its main entrance at the eastern end of this elevation. The dominant element of the building is 11 storeys in height, the top 2 of which will be set back behind an exposed masonry framework feature. The height reflects those of its neighbours being located between the 7 (plus 1 roof storey) City Central building (former Wellesley Hotel) to the east and the 13-16 storey West Central (former Royal Mail HQ) to the west. The proposed building would have a gross internal floor area of 16,865 sq m.

2.3 The building has been designed to take advantage of the 30 degree shift in the street pattern which allows the creation of 2 acute angled corners at either end of the Whitehall Rd façade. The most prominent of these being to the east which is clearly visible on the approach from City Station. The architecture responds to this and will create a focal point when approaching from the east. Computer Generated Images (CGI'S) will be presented to Members as part of the Panel presentation where the complex 3 dimensional geometry of the form can be better understood.

2.4 The elevation has a classic base, middle and top composition with the largest element being the middle. This consists of a grid pattern within which would sit a random, vertically oriented, metal and glass arrangement of full height window openings and panels. The material will be a man-made masonry outer grid with a metal and glass infill, detailed to add depth to the elevation.

2.5 The lower two floors form the base and this consists of a double height glass elevation with the ground floor set back 2.7m within a colonnade treatment. The glazing will also provide lightness and visual interest to the street. The upper two floors are also set back but are contained behind an exposed vertical masonry frame. This creates a visually light-weight top but enables the outline of the building to remain intact and to turn the corner at either end with a strong angled point feature. A plant area is being created on the roof of this element, however, it has been designed to sit within a recess in the roof plane and is set back from the edge of the roof. This enables the plant area to be screened with minimal impact on the appearance of the building especially when viewed from lower levels.

2.6 At ground floor level a route is being created through the building which provides access to the east and City Station. Following positive comments from Members at November Panel, the design presented to Members has been incorporated in to the scheme. This consists of a wall, which has been designed to act as a marker by carrying the name of the development within it, and would be internally illuminated. The opening is 8m wide by 3.7m high and the space beneath the prominent point of the building is now 2 storeys in height which gives it a much more open feel. The columns within the route are required to provide structural stability but are circular and as slender as possible at approx 0.5m diameter. There is also natural

surveillance from the primary office entrance which has full height glazing and faces directly into the southern side of the covered route. The lighting of the soffit acts as a further feature and clearly illuminates the area.

- 2.7 The area coincident with the break in the buildings, above the car park ramp, has now been treated with a green wall set back behind an access terrace. This will provide further greenery to the central space as well as allowing both buildings to retain their own identity.
- 2.8 As the existing footway on Whitehall Rd is only 2m wide the developer has agreed to set the building back by a further 1.2m so the effective pavement width would then be increased to 3.2m. The pavement and colonnade together would therefore give a 5.9m wide pedestrian area in which to walk with almost half of this being covered
- 2.9 At the upper floor levels, the building turns the corner at the eastern end with a solid masonry element and horizontal jointing detail. This gives way to a smaller wing which runs northwards, parallel with City Central, being the same height as its neighbour and 17m away. It is proposed to be primarily of glass with a strong external vertical framing detail which, at ground floor level, turns perpendicular to the building to act as a visual cover to the top of the service route. The roof top of this wing is to contain a small balcony area which will function as a break out space for the offices and is located in such a way that it will not enable direct views in to the neighbouring residential units. There is also to be a brown roof located on the remainder of this wing. The return elevation to the west, facing West Central, also consists of masonry with jointing detail and glass but contains a colonnade at ground level.
- 2.10 The northern elevation faces in to the central space and is to be constructed entirely of glass to maximize natural lighting. The top floor of this will be given over to plant space with some of this area being open-topped to allow for the necessary level of free air movement.
- 2.11 Eastern Boundary Wall
At November Panel, Members requested that the design of the wall, along the common boundary with the City Central building to the east, be considered further in order to ensure that its design was both interesting and attractive. Officers also wish to ensure that it is appropriate to its setting and protects the amenity of the residential units within City Central. The wall has to be constructed in reinforced concrete as it acts as both a retaining wall and protective barrier due to the difference in levels between the two sites. This concrete structure is to be clad in brick and be an average of 1.8m in height. It is already proposed that the vertical fins of the office cladding system be used to create a framework over the service area and a screening structure will use a continuation of the vertical fins to support a series of metal panels. These would be located opposite the car park exit ramp only and give a combined screening height of 3.5m. This would shield the occupiers of residential units in the first floor of City Central from headlight glare as vehicles use the exit ramp. For information, the temporary metal hoarding which currently sits along this boundary is approximately 2.4m in height and runs the entire length of the site from north to south.
- 2.12 Northern building (Outline Application - Building 1):
This building is being designed to a set of physical parameters in terms of heights and a ground floor plan because, at this stage, it is not certain whether it will be used as a hotel or as offices. Either use would be acceptable, however, as there is

no end user currently identified, to progress the details of the building would be premature and involve potentially abortive work. This element of the proposal is therefore being considered in outline. As part of the November presentation to Panel, Members were shown an indicative image of the building in order to assist in the visualization of what the mass and form could look like. This was well received by Members although, as previously stated, the image is indicative only.

- 2.13 The shape of the envelope is informed by the dominant characteristics of the surrounding buildings. In this case it is the City Central building to the east which has a base, middle and top and a strong eaves line and dormer windowed roof form. The eaves line of the proposal is set at the height of the City Central eaves and above this there would be a further floor of accommodation set back, which relates to the prominent dormer window line. This would create a balcony/terrace facing out over Wellington Street. Above this would be a set back plant enclosure which aligns with the top of the City Central building. The double height base of City Central has also been used to set the height of the base for the proposal. The use of these reference points is considered to tie the whole southern side of Wellington St together which has looked fragmented for many years. This would complete the terrace of buildings, which rise gradually the further away from City Square they are, terminating in the West Central tower which would conveniently act as a 'book-end' to the terrace.
- 2.14 The resultant elevation for the proposal is 58m long and it is therefore proposed to use a change in the building's elevational treatment and materials to break-up the perceived length in order to respect the more vertical emphasis in evidence on the other buildings in the terrace. This break would coincide with a new pedestrian route through the ground floor of the building which is being introduced to improve pedestrian permeability and provide the visual interest associated with being able to view through a building to the space beyond. This building would have a gross internal floor area of 5,777 sq m if it were to be used as an office. Hotels require less servicing than offices in the floor to ceiling voids and this has the resultant effect of reducing the height of each floor of accommodation. Therefore, it is likely that a hotel could achieve an additional floor of accommodation within the agreed overall building height which would, in turn, increase the total floorspace of the building which approximates to 6620 sqm.
- 2.15 The plan form of the building has been designed to take in to account:
- The consistency of the existing Wellington St building line;
 - The distance away from neighbouring buildings to protect amenity (17m);
 - Standard building floor plate depths (15m-20m);
 - The need to allow sufficient space in order to create a good sized central space to the rear.
- 2.16 Residential Amenity
Distances to the surrounding residential buildings have been carefully considered in order to protect residential amenity through overlooking and over dominance. The buildings are 17m-20m away from both City Central and West Central. To the north across Wellington St the buildings are again approximately 20m away. It must also be taken into account that generally, when the office building is occupied during the day, it is likely that residents will not be inside their units and that, in the evening, this situation is likely to be reversed. In addition, as the buildings are to be used for offices and a hotel, it is unlikely that these uses would generate noise levels sufficient to have a detrimental impact on the amenity of surrounding residents. The ground floor commercial units cover the whole range of A use classes and some of these (A3 restaurant/café, A4 bar and A5 take away) have the potential to generate

noise but this may be controlled and is addressed in the appraisal section below. It is highly likely that these units would be in the control of the overall site owner and management company and it would be expected that any amenity issues would be resolved using the ground landlords legal controls/covenants.

2.17 Central Open Space Area and New Pedestrian Access Routes

A new publicly accessible open space area is proposed between the 2 buildings and would adjoin the existing north/south area of open space which is already 100m x 20m. The new square would have a tighter urban character, measuring 35m x 25m and would be open 24 hours a day. This space allows light in to the rear of the 2 buildings and would have commercial uses on its periphery to activate the space. The submitted sun-path study indicates that, in the summer months, sunlight is able to penetrate a substantial part of the ground level of the square which is clearly a positive quality. This square is an additional open space provision to that required as part of the original approval for this area and is seen as a considerable gain.

2.18 Due to the way these buildings will have to be constructed, explained below in para 2.23, the final landscaping scheme will be installed at the end of the whole development, otherwise it would be damaged during the construction process, as evidenced by the existing open space area which was torn up to facilitate Lumiere construction traffic. An indicative final landscaping scheme has been submitted which includes raised grass areas incorporating seating, tree planting, and public art. Final details of this will be the subject of a reserved matters application or condition and therefore will be fully controlled by the planning process. The applicant has indicated that any interim scheme would be a simple surface treatment. This would have to be capable of withstanding high footfall across it and could act as a base for the final treatment which is clearly a more sustainable solution.

2.19 This space benefits from being able to enter it from not only the existing open space to the west, but also the 2 access points through the buildings on both Whitehall Rd and Wellington St. The route on Whitehall Rd is a response to the fact that this corner is visible from City Station and would therefore provide a direct link fulfilling both visual and pedestrian permeability objectives. The space itself, as well as the routes to it, would be open 24 hours a day.

2.20 Servicing and Vehicle Access

Service vehicle access is proposed to be along the eastern boundary of the site with a one way route heading northwards entering the site from Whitehall Rd and exiting on to Wellington St. This route would lead to a ramped access down to a single level of basement car parking for approximately 85 cars. The route has to be 6m wide to allow one service vehicle to pass another when it is parked and would be screened from the City Central site to the east by the wall referred to above para 2.11. This would protect the amenity of residents from some noise and direct head-light glare. The route contains space for one large service vehicle and 2 smaller ones, or a greater number if the vehicles are smaller. The basement also contains lockable cycle parking enclosures as well as motorcycle parking areas. There are also areas of plant space as well as drainage attenuation tanks, 2 of which are located under the existing linear open space area.

2.21 The existing site access point on to Whitehall Rd has been roughly surfaced with tarmac for a number of years and the relationship of the vehicle related areas to the buildings and ground floor commercial units is very poor. The opportunity is being taken as part of this application to improve this relationship by creating a servicing and turning head which can be accessed by service vehicles and is also capable of

accommodating the 2 car club spaces required by the Travel Plan. The area is to be more efficiently laid out and therefore reduced in size from that which currently exists. This would allow greater pedestrian dedicated circulation space to be created around it and in front of the existing ground floor units. The turning area will be surfaced in materials which would make it feel like a shared space, which it definitely would be given the restricted amount of servicing which takes place from this area. This would improve the pedestrian environment and the quality of the open space provision and be less of an impediment to north/south pedestrian movement.

2.22 Development Phasing

As the proposal is for 2 buildings to be constructed above a single basement with a shared access ramp on a site which has a restricted surface area, the applicant has advised the following:

2.23 The entire basement slab has to be constructed in one procedure. This is because:

- the basement slab needs to be subject to ground water protection to avoid water seepage. This is more effectively done as one exercise as this minimises joints and thereby improves the integrity of the system. It also removes the risk of two contractors working on the damp seal and the issues of warranties for how one contractors work relates to another. The foundations for the second building can then be constructed through the localised breakthrough of the constructed basement slab. To further complicate the situation, if the northern building is the second building to be constructed then, until it is designed, the location of column positions will be unknown. This means that the flexibility which full basement access provides is essential.
- If only one half of the basement were to be constructed under the first building then a retaining wall would be required to hold the other half of the site in place. This would be a major construction and ultimately would be wasteful as it would need to be removed on development of the second building. Once the first building was built there would then be no space for the ground works contractor to get to the second area of basement to excavate it, without major disruption to the occupier of the first building and existing neighbouring properties. This would also be a disincentive to the potential occupier of the first building, securing an occupier for which is critical to getting the scheme constructed in the first place.

The result of this is that it is not reasonable to provide the final, high quality, landscape treatment to the remaining area of the site following construction of the first building.

2.24 After the construction of the first building, the remaining site area, including the existing open space area, would be required for the location of site cabins. This avoids them having to be located on the public highway. The impact of this being used as part of the building site would have a detrimental effect on any landscaping treatment as evidenced by the impact which the commencement of the Lumiere construction had on the original landscaping in this area. Therefore a final landscaping scheme would not be installed until both buildings have been completed.

2.25 Ultimately, whichever building is constructed first, the ramp and the whole of the basement slab will have to be constructed. This means that there is no possibility of the second phase building area being temporarily landscaped as it would exist as an open topped basement. This would have to be surrounded with crash resistant

hoardings in case of vehicle strike. However, the outer appearance of these could be an artistically designed solution to respect the site's prominent location.

2.26 Sustainability

For the southern office building, a further 17% reduction in CO₂ emissions over and above those required by Part L of the Building Regulations can be achieved. Also, 9% of the predicted energy demand can be met from an onsite low carbon energy source, in the form of a micro Combined Heat and Power (CHP) source and air source heat pumps. The BREEAM pre-assessment indicates that "Very Good" can certainly be achieved or even exceeded. The proposal incorporates a number of other measures to reduce CO₂ emissions, improve its resilience to climate change and minimise detrimental environmental impact. These include:

- Measures to reduce solar gain via external shading and improved glazing solar performance
- Maximizing the air tightness of the building
- Developing an Energy Strategy that improves the thermal performance of the building and incorporates highly efficient systems such as ultra-efficient air conditioning systems and chillers, heat recovery and low fan powers
- The provision of sophisticated building services controls to maximise efficiency of systems and improve building user comfort
- Use of natural daylight through the inclusion of large amounts of glass in the facades.
- The selection of materials to reduce the associated embodied environmental impacts and encourage responsible sourcing
- Specification of low water use fixtures and fittings including low flush WCs, low flow taps and the incorporation of a rainwater harvesting system
- Promoting the ecological enhancement of the site with planting areas and a brown roof to promote biodiversity
- The Flood Risk Assessment includes the provision of measures to attenuate surface water run-off and accommodate climate change.

2.27 The northern building is clearly less well developed in terms of design as it is applied for in outline. If it were to be an office then it would follow the principles set out for the full application building. If the hotel comes forward then the system loading is very different with hot water providing the dominant load (approx 70%). This would require further consideration but a CHP could be used in this situation as well.

2.28 Travel Plan Measures

The site would require measures to be provided as part of a site wide Travel Plan. These include the following items:

- 2 car club spaces to be provided within the site.
- electric vehicle charging points in the basement
- Dedicated lockable cycle facilities in the basement
- A Travel Plan Coordinator (TPC) who will promote Bike Budi scheme; Bicycle User Group and other cycling initiatives; car sharing
- TPC to monitor travel modes by surveying staff and to assess whether targets are being met and submit details to Leeds City Council (LCC)
- Coordinated working with LCC if targets are not being met with a range of measures to be used to try and achieve targets e.g. charging for single car occupancy, provision of pool bikes. Funding to be provided for all measures agreed with LCC.
- Publicise real time bus information
- Contribution to public transport infrastructure referred to below

2.29 Public Transport Contributions

The contributions for the office building full application equate to £176,011 for the office space and £11,438 for the ground floor food and drink element if it were to be used for that purpose. As the other building could vary in terms of use and floor space the following figures are based on a formula set out in the relevant Supplementary Planning Document (SPD). These are calculated as £60,240 for the hotel and approximately £85,000 if it were to be office. The commercial unit space at ground floor would be £6,524. The S106 will be worded to allow for the required flexibility given the uncertain use of the floor space and using the approved SPD method to calculate the final figures.

2.30 Highways and Bus Improvement Works

There are also requirements for improvements to the local highway infrastructure. These consist of:

- Contribution to the widening of the Northern St/Whitehall Rd junction to increase junction capacity and add a pedestrian crossing facility
- The relocation of the pedestrian crossing facility on Wellington St to the west to avoid the proposed service vehicle exit point.
- The repositioning of bus stops on Whitehall Rd to avoid entrances and the service route access junction proposed as part of this scheme.

These will form part of a package of measure to be included in a Section 106/278 agreement.

2.31 Members were informed of the following highways works in the November report to Panel:

- A lay-by is to be provided on Wellington St for use as a drop-off facility if the northern building is to be used as a hotel, or a bus stop if the building is to be an office. In the event that the lay-by is not used as a bus stop (hotel development) a further bus stop will be provided on the carriageway as there is capacity to accommodate this facility within the existing width.

However, since this time further consideration has taken place in respect of the Wind Assessment submitted as part of this application and the lay-by and bus stop have been removed from the application. The rationale for this is explained fully in the appraisal section para 10.17 - 10.22 below.

2.32 Wind

This application was accompanied by a Wind Assessment which advised that the areas around the base of the building and within the application site were acceptable for the intended uses e.g. entrances, sitting, walking. It did however highlight that there were existing problems in the public highway on Wellington St and Whitehall Rd and that this was as a result of prevailing south-westerly winds being forced around the existing West Central building. This has impacted on the ability to provide the bus stop and lay by on Wellington St referred to in para 2.31 above. The matter will be addressed in full in para.'s 10.17-10.22.

2.33 Jobs and Skills

The applicant has agreed to the principle of using a proportion of locally based work force during both the construction and operational phases of the development. This will be included in the S106 agreement.

2.34 Submitted Documents

A number of documents have been submitted in support of the proposal:

1. Heritage Statement
2. Flood Risk Statement
3. Landscaping Strategy
4. Phase I Desktop Assessment
5. Energy Strategy Statement
6. Noise Impact Assessment
7. Transport Assessment
8. Statement of Community Involvement
9. Day-lighting Assessment
10. Wind Assessment
11. Sustainability Statement
12. Travel Plan
13. Ecology survey and assessment

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located on the southern side of Wellington St and to the north of Whitehall Rd, between the refurbished former Royal Mail building to the west (West Central residential scheme) and the former Wellesley Hotel to the east (City Central residential scheme). The site has remained vacant since the original building was demolished. Behind the existing hoarding the site is roughly finished and has a visible perimeter of exposed retaining wall and column heads, a remnant of the previous Lumiere works.
- 3.2 The site is one of the last significant pieces of development land in the area between City Sq and Northern St. To the south the area is characterised by a mix of new build offices, a hotel and residential buildings. To the north is the rigid grid-like street pattern of the office quarter which is part of the City Centre Conservation Area, although there is one residential building on the corner of Wellington St and Northern St. When seen in the context of the surrounding street pattern, the site lies at the point where the east-west pattern of streets in the Conservation Area becomes adjusted through an approximately 30 degree angle to run off to the south-west along Whitehall Rd.
- 3.3 One of the major constraints here is the number of properties surrounding the site which contain residential units whose reasonable requirements for the protection of amenity have to be taken into account. The site lies within the Prime Office Quarter as allocated in the UDP Review.

4.0 RELEVANT PLANNING HISTORY

- 4.1 This site was originally included as part of the redevelopment of the former post office building (now West Central). As part of that scheme the application site had the benefit of permission for a 10 storey office block fronting Whitehall Rd attached to a 10 storey hotel fronting Wellington St (app. ref. 20/314/00/FU). This was separated from West Central by the existing north/south oriented area of public open space. This area constituted the entirety of the provision of open space as part of that redevelopment (the proposed square is therefore over and above the originally approved quantum of open space area). The space was fully landscaped as part of the West Central refurbishment but was subsequently removed and blacktopped when the Lumiere construction works commenced.

- 4.2 An application for a single office building, pt9/pt10 storeys in height, app. ref. 20/063/03/FU was approved in 2003.
- 4.3 The Lumiere proposal (app. ref. 06/01622/FU) was granted planning permission on 4th April 2007 for the erection of 32 storey and 54 storey development with connecting covered public winter garden, comprising 838 flats, offices, health centre, ground floor retail uses (Class A1, A3, A4 and A5) with 3 levels of basement car parking with 356 spaces. An amending application, which sought to add a further floor to each tower (app. ref. 08/01914/FU), was refused on 8 February 2010 as the applicant failed to sign the amending S106 Agreement.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Officers commenced pre-application discussions with the developer in March 2012. A number of meetings were held in order to develop the layout, scale, and design of the buildings. These culminated in the pre-application presentation to Plans Panel (City Centre) in June 2012. Further meetings then took place and the application was submitted in September 2012 resulting in the progress report to City Plans Panel on 22nd November 2012 the minutes of which are attached at Appendix 2 below. It was agreed by Members that:
- The combination of the materials proposed and the elevational treatment was acceptable
 - The design of the pedestrian access/cut through beneath the building on Whitehall Rd was acceptable.
 - Residential amenity both during construction and on occupation have been adequately protected
- 5.2 Members made the point that the screen wall to the new service area along the eastern boundary needed to be made more interesting and attractive and that the flow of public transport along Wellington St needed to be improved.
- 5.3 Further meetings have since taken place in order to progress and refine the detail of the scheme and address the points raised by Members at the November Panel. In addition, issues raised by the submitted Wind Assessment have had to be addressed and these are set out in para.'s 10.17 – 10.22 below.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 One letter of objection has been received from an occupier of an apartment in West Central. This makes the following points:
- As this is a densely populated area there must be a requirement for an amount of open space
 - The proposal will give rise to overlooking
 - The service area will be close to the property
 - There will be an increase in the amount of traffic and noise

These points will be addressed in the appraisal section below.

- 6.2 A Statement of Community Involvement has been submitted with the application. Consultation with members of the public took place at a public exhibition at the Novotel on Whitehall Road which is immediately to the south of the application site. Publicity for the event was ensured by written letters posted to 509 addresses and

an advertisement in the Yorkshire Evening Post on 24 July 2012. Members of the developer team attended to explain the scheme and answer questions. Exhibition boards were used to provide attendees with information on the proposals and feedback forms were provided to collect the views of those attending (see summary below). Of those who provided written feedback 86% (12) submitted positive comments about the development and 14% (2) submitted neutral comments/concerns about the development. The comments can be summarized as follows:

Positive comments:

- Opportunity provided by the proposals to transform the state of the current site
- Use of green/public space within the development
- Scale of the development, including light and privacy with many favouring this over the Lumiere proposal
- Height of the development
- Design of the proposal

Suggestions:

- Building should be made taller to obscure the view of West Point
- Need for more information to be made public on the plans for the maintenance and management of the green space
- Retail should be added to the ground floor
- Need to relocate the pedestrian crossing and bus stop, west and east respectively

Concerns:

- property and rental prices
- the construction phase
- outlook

General comments

- No need for more office and Hotel space in Leeds City Centre
- Need for more green/public space within Leeds City Centre
- Development to proceed as soon as possible

6.3 In summary the feedback shows support for the proposals, particularly with regard to bringing the site back into use, the provision of green/public space and the overall design. Some negative feedback regarding the construction phase of the development has emerged and this will need to be managed through appropriate planning conditions. Members should note that the construction phase was to be controlled by condition for the Lumiere proposal and an extensive Construction Management Plan was produced which dealt with the operating practices to be employed. Clearly the construction phase of a building such as Lumiere would be far more extensive than for this much smaller proposal but the same principles would clearly apply in terms of the method of working and the ability to control this by condition.

6.4 A letter has been received from the Leeds Civic Trust (LCT) who received a presentation from the developer team. They state that this submission is very clear and should act as a model for other submissions and wish to support the proposal making the following points:

- The buildings have been arranged in a way which makes the development as permeable as possible.

- Understand that the new space will be in shadow but that this is a result, in part, of the existing buildings and also note that the present ground floor uses are in shadow for much of the time but that these appear to operate successfully.
- Small patches of grass are welcomed anywhere in the city and do get used.
- Accept that any grass will be raised. Welcome its inclusion in the open space and wish to see this optimized
- Have suggested that child friendly features could be included but accept that in this office quarter location, this is not a priority. (*Response para.10.16*)
- Service routes should be kept to a minimum and suggest that the service access be shared with City Central. (*Response para 10.34*)
- Encouraged that the roof top plant has been 'designed in' rather than forgotten about, only to be added later.
- Note that a wind study is being carried out. Understand that to some extent it is difficult to handle this as there is a large amount of development which is still to take place to the south-west which will have an impact on this area. Suggest that this proposal should at least be designed not to make the situation worse and possibly even ameliorate the current situation. The use of protective pedestrian barriers should be avoided if possible. (*Response: para 10.17 – 10.22*)
- The elevations were presented at a time when they were still being developed. Comments made were that they were 'a bit boring and bland'. 'Detailed execution will be the key to satisfactory delivery of these elements'
- Feel that the Wellington St elevation fits well within the street-scape
- What consideration to pigeons using the building to roost? (*Response: para 10.34*)
- Can the part of the scheme which is not built first be grassed? (*Response: para 10.14*)

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

Highways Agency: No objection. Conclude that this proposal will have only a minimal impact on the Strategic Road Network.

Environment Agency: No objection subject to a condition to control the method of surface water disposal.

7.2 Non-Statutory

Yorkshire Water: No objection subject to conditions regarding surface water disposal and avoidance of existing sewers on site (very minimal incursion however). State that the submitted Flood Risk Assessment is acceptable.

Metro: No objection to the principle of development. The site benefits from a range of public transport facilities. The relocation of the bus stops on Whitehall Rd is acceptable. Accept the decision of L.C.C. not to provide the stop on Wellington St. This was intended to be an additional stop so the impact of removing the proposed stop will not be significant. Also make the point that they wish the existing stops at the eastern end of Wellington St near to City Sq to remain in place in the future.

Highways: The development will not have a detrimental impact on the local highway network. The principle of the service route is acceptable. The access point on Whitehall Rd will need to have surface treatments which differentiate the vehicular route from the pedestrian only areas. The proposed amendment to the existing vehicle turning and servicing area containing the 2 new car club spaces to the west of the site is acceptable subject to surface detailing. The 85 car spaces are well within UDPR guideline maximum requirements and are acceptable. The 54 cycle

and 14 motor cycle parking spaces is an acceptable level of provision. The travel plan submitted is acceptable. Due to the prevailing wind conditions pedestrians should be deterred from using the section of Wellington St in front of the proposal for safety reasons and guardrails are an acceptable method of achieving this.

The following package of off site highway works need to be provided:

- A revised pedestrian crossing facility location on Wellington St
- The revised location of the 2 existing bus stops on Whitehall Rd
- New guard railing to Wellington St
- Contribution to provision of a pedestrian crossing facility at the Whitehall Rd/Northern St junction of £55,800

Ideally when a hotel is proposed, space would be provided in front of the entrance for the dropping off of guests. Whilst the applicant was willing to provide a lay-by on Wellington Street, as a result of the prevailing wind conditions on the public highway it was agreed not to provide the facility. It is noted that the building that fronts Wellington Street is submitted in outline only and could be a hotel or an office building. Should a hotel application come forward in the future, the applicant will be aware of the restrictions to access and would proceed accordingly. The ability of a coach to utilise the access road on the eastern side of the site was examined, but it was found that the route was too tight for large luxury coaches, but useable by smaller coaches. The loading and waiting restrictions on Whitehall Road would allow a coach to stop briefly outside peak times. Whilst not ideal, as it could restrict movement along the road, it is possible.

Travelwise Team: Officers have worked with the applicant and the submitted Travel Plan, the details of which are set out above in para 2.28, are considered to be acceptable. A Section 106 Agreement will be used to ensure certain items, set out in the recommendation above, are provided.

Flood Risk management: Accept the findings of the Flood Risk Assessment and the proposed surface water drainage solutions proposed

Environmental Protection Team: The nearby residential occupiers are clearly those which need to be protected both during construction and once the buildings are occupied. No objection subject to conditions during construction controlling operating hours and the submission of a code of construction practice document and on occupation, conditions controlling hours of operation and servicing/delivery and extract ventilation systems.

Environmental Studies Team: Given the presence of residential units in this area, support the mitigation measures to be employed during the construction phase. As the proposal does not include residential use the high background level of pollution in this area is not an issue. No objections

Contaminated Land: No objections. It is accepted that the removal of coal using this site is impractical.

Sustainability: Achievement of BREEAM 'Very Good' is welcomed. 17% less than the Part L Building Regulations requirements for carbon emissions and 9% production of low/zero carbon energy are acceptable here. Other measures are acceptable and should be controlled by condition.

Analysis of applicants Wind Study (provided by Arup)

A wind tunnel study was undertaken on a scale model to determine the pedestrian microclimate around the proposed development. This was done for both the site in the context of its existing surroundings and then including the various developments with planning permission in the area. The wind tunnel test methodology used by Building Research Establishment Ltd (BRE) to assess wind conditions at ground level around the proposed development is generally appropriate. Overall, the levels of windiness reported by BRE are shown to be within those expected around a development directly sheltered by the surrounding buildings from the prevailing westerly winds. Conditions are shown by BRE to be acceptable for the intended activities and this is agreed with.

The wind study noted that the criteria used indicate the presence of unsettling winds in Winter in two positions in Wellington Street and one in Whitehall Road. However, this is not unexpected considering the full exposure of the 15-storey West Central building to the prevailing winds across the empty Wellington Place site. These are as a result of the prevailing westerly wind hitting West Central. Finally the response makes it clear that eventually, the construction of buildings on Wellington Place would mitigate the wind conditions on Wellington St and Whitehall Rd as these would then be in the shadow of development. The impact of wind conditions on the proposal is considered in full below in the appraisal section para.'s 10.17 – 10.22

8.0 PLANNING POLICIES:

8.1 National Planning Policy Framework (NPPF)

The NPPF includes policy guidance on sustainable development, economic growth, transport, design, and climate change. Developments that generate significant movement should be located where the need to travel is minimised and the use of sustainable transport modes can be maximised. Furthermore development should be located and designed, where practical, to:

- Accommodate the efficient delivery of goods and supplies;
- Give priority to pedestrian and cycle movements;
- Have access to high quality public transport facilities;
- Create safe and secure layouts which minimise conflict between traffic and cyclists or pedestrians and avoiding street clutter;
- Incorporating facilities for charging plug-in and other ultra-low emission vehicles;
- Consider the needs of people with disability by all modes of transport.

Section 7 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:

- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimising the potential of the site to accommodate development;
- Respond to local character and history;
- Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments; and
- Development to be visually attractive as a result of good architecture and appropriate landscaping.

8.2 Development Plan - Leeds Unitary Development Plan (Review) 2006

The development plan is the adopted Leeds Unitary Development Plan (Review) 2006 (UDPR) along with relevant supplementary planning guidance and documents.

The Local Development Framework will eventually replace the UDPR but this is at the draft stage. .

Relevant policies include:

SA1: Secure the highest possible quality of environment.

SP3: New development concentrated largely within or adjoining the main urban areas.

GP5 all relevant planning considerations

GP7 planning obligations

GP11 sustainability

GP12 sustainability

BD6 all alterations

A1 improving access for all

A4 safety and security provision

N12 urban design

N13 design and new buildings

N25 boundary treatments

BD4 all mechanical plant

CC1 City Centre and planning obligations

CC3 City Centre character

CC10 public space and level of provision

CC11 streets and pedestrian corridors

CC12 public space and connectivity

CC13 public spaces and design criteria

CC19 office use supported in Prime Office Quarter

CC27 Primary Uses encourage with secondary supporting uses considered acceptable including hotels and service retailing and food and drink uses.

E14 Office development

T2 Transport provision for development

T2C Travel plans

T2D public transport provision for development

T5 pedestrian and cycle provision

T6 provision for the disabled

T7A cycle parking

T7B motorcycle parking

T24 Car parking provision

LD1 landscaping

R5 employment and training for local residents associated with the construction and subsequent use of developments

N38A development and flood risk

N38B planning applications and flood risk assessments

8.3 Relevant Supplementary Planning Guidance other guidance and emerging policy

This includes:

- SPD Designing for Community Safety
- SPG Sustainable Urban Drainage
- SPD Street Design Guide
- SPD Public Transport Improvements and Developer Contributions
- SPD Travel Plans
- SPD Sustainable Design and Construction
- SPD Building for Tomorrow Today
- City Centre Urban Design Strategy

- Natural Resources and Waste DPD - Coal recovery policy requires applicants to demonstrate that they have considered whether there is the opportunity to recover coal from the site.

8.4 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.

8.5 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. Core Strategy Policy CC1 outlines the planned growth within the City Centre for offices and other commercial uses. Policy SP8 seeks to safeguard enough employment land opportunities to enable the local economy to grow in strength and Policy SP9 sets minimum office floorspace requirements in the district and city centre.

9.0 ISSUES

1. Principle of Use
2. Building Design
3. Impact on Surrounding Occupiers and Residential Amenity
4. Landscaping and Pedestrian Permeability
5. Wind
6. Highways and Transportation
7. Development Phasing
7. Flood Risk
8. Sustainability
9. Nature Conservation
10. Land Contamination and Coal Extraction
11. Further Points
12. Planning Obligations

10.0 APPRAISAL

10.1 Principal of Uses

The application site is located within the City Centre, and is part of the designated Prime Office Quarter. UDPR Policy CC19 states that office use will be supported as the principal use within the Quarter. Under Policy CC27, proposals for other uses which service the area, add variety and vitality, support the attractiveness of the area and would not prejudice its functioning, would generally be encouraged. The UDPR specifically mentions tourist accommodation/hotels, retail and catering (food and drink) as acceptable secondary uses. The range of commercial space to be provided at ground floor level would both take advantage of and animate the newly created central square whilst servicing passing pedestrians generated by the increased permeability. Limiting the total amount of A1 floorspace and the size of

individual A1 units, such that they would only encourage convenience shopping which would support and service the area, will be controlled by condition.

10.2 Building Design

Whitehall Rd - Building 2

Members considered the design of this building to be acceptable at Panel in November and this design has remained unchanged. In respect of the Whitehall Rd elevation, a random fenestration pattern, within a structurally informed grid, has been used and the details submitted indicate that these will give the building façade depth and therefore visual interest. The return elevations are of greater simplicity but these are viewed obliquely from the primary highways routes which lessens their impact on long distance views and gives them the potential to provide reflected views of the buildings opposite. The set back of the building and the use of a colonnade on the Whitehall Rd frontage, wrapping around to the western elevation, also means that there is a considerable amount of protected ground level space around the building which will aid pedestrian permeability and movement. The elevations are considered to be appropriate in this context, are of high quality and are therefore acceptable.

10.3 Pedestrian Opening and frontage on to Whitehall Rd

At November Panel Members considered that the revisions to the pedestrian access route from Whitehall Rd had produced a design which they considered to be acceptable given the better lighting, slimmer columns, improved materials and natural surveillance from the adjacent office entrance. This has now been incorporated in to the scheme and is considered to be acceptable.

10.4 Wellington St Building

This building is being proposed as an envelope only, however, this has been developed from a sound basis taking in to account architectural signposts from neighbouring buildings. Whilst the indicative CGI's are not for approval it does show that a building of this size and shape looks appropriate in this location. The proposed route through to central square is clearly a very positive feature. If it is an office building or a hotel, any future reserved matters submission would require negotiation with officers and it would be officer's intention to bring these details to Panel for Members to comment when this arises. The plans submitted are considered to be acceptable and the parameters they contain will be approved as part of a specific condition.

10.5 Impact on Surrounding Occupiers and Residential Amenity

The site is currently vacant and therefore the existing surrounding occupiers are benefiting from an open aspect. The study undertaken by the applicant takes in to account the impact, in terms of overshadowing, which the extant Lumiere consent would have had on surrounding occupiers. Given that this proposal is for 2 much smaller buildings it is a logical conclusion that they will have a lesser impact. In this city centre location, with it's tight urban grain, it is inevitable that there will be some overshadowing at various times of the day. However, the distance which the proposal is located away from the existing buildings is an important factor. The 17m-20m proposed is considered to be reflective of and comparable with the prevailing gaps between main building elevations in this area and therefore sufficient to give an acceptable level of light and space to the existing residential units and to avoid unacceptable over dominance by the proposal.

10.6

It must also be taken into account that generally, when the office building is occupied during the day, it is likely that residents will not be inside their units and that, in the evening, this situation is likely to be reversed. In addition, as the

buildings are to be used for offices and a hotel, it is unlikely that these uses would generate noise levels sufficient to have a detrimental impact on the amenity of surrounding residents. The ground floor commercial units cover the whole range of A use classes and some of these (A3 restaurant/café, A4 bar and A5 take away) have the potential to generate noise but this will be controlled by condition. That said, it is highly likely that these units would be in the control of the overall site owner and management company and it would be expected that any amenity issues would be resolved using the ground landlords legal controls/covenants.

10.7 Noise Impact – Construction Phase

At Panel in November Members were asked to consider whether the safeguards to residential amenity set out below, both during the construction and operational phases of development, were sufficient. Members considered that these were sufficient to protect the amenity of surrounding occupiers.

10.8 In terms of the construction phase of the development, the applicant has already considered the types of measures which could be employed to reduce the impact on surrounding occupiers:

- any compressors brought on to site should be silenced or sound reduced models fitted with acoustic enclosures;
- all pneumatic tools should be fitted with silencers or mufflers;
- deliveries should be programmed to arrive during daytime hours only. Care should be taken when unloading vehicles to minimise noise. Delivery vehicles should be routed so as to minimise disturbance to local residents.
- Delivery vehicles should be prohibited from waiting within the site with their engines running;
- proper maintenance of plant
- local hoarding, screens or barriers should be erected as necessary to shield particularly noisy activities

The minimization of noise from the site during construction will be controlled through an appropriately worded condition.

10.9 Noise impact – post construction (operational) phase.

The predictions in respect of road traffic noise indicate that the magnitude of the impact from the change in road traffic noise would be either negligible or no change, so are likely to be imperceptible. The proposed service yard runs along the eastern side of the site which is the same general arrangement approved as part of the Lumiere scheme. This was considered to be acceptable at that time and related to a much larger building with greater servicing demands and a much larger basement car parking capacity. The servicing area will be partially contained by the boundary wall referred to below. The City Central development has double glazing which was approved as part of its residential conversion. This was important as there are already high levels of background noise in this city centre location. In addition, the applicant has stated that the following best practice measures will also be applied to ensure that residential amenity is protected:

- ensure drivers switch off their engines when unloading/loading in the service yard;
- incorporate rubber matting where trollies operate and utilise quiet roll cages;
- where vehicles have refrigeration units, these should be switched off prior to arriving on site and switched back on when the vehicle is off site and away from residential areas;
- avoid the installation of an external tannoy system
- inform staff of the necessity to operate quietly and display appropriate

signage.

- The service road is one-way and so reversing warning signals will not be employed other than in exceptional circumstances

- 10.10 Colleagues in Environmental Protection have recommended conditions restricting hours of servicing the building and these will be applied thereby further protecting the amenity of surrounding residents. Given the high background noise levels the applicant has advised that acoustic cladding will need to be used to protect the amenity of people within the application premises and for office uses thermal double glazing will be needed. For the possible hotel use, high performance acoustic glazing and mechanical ventilation will be needed. This will further protect existing residents from any potential noise emitted by the application premises.
- 10.11 Eastern Boundary Wall
In response to Members comments at November Panel the wall along the eastern boundary has been considered further. It's primary functions are those of safety and the protection of amenity of neighbouring occupiers, but it must also sit well within the setting of both the new building and the City Central building to the east.
- 10.12 The main wall is of brick and this is considered to be appropriate here where it is in the setting of both the City Central building and the terrace of properties along the northern side of Wellington St which contain large amounts of brick themselves. Brick is also considered to be an appropriate surface given its location adjacent the City Central parking area where vehicles could dent or crack either a metal cladding or frame based ceramic system. Above the brick wall, the modern light-weight fins and the additional screening structure relate to the elevational treatment of the new building which means that both brick and modern material will sit side by side in a well designed and considered manner. The building to the north is applied for in outline only and so any elevational detailing which this building might add to the service area or walling would be considered at Reserved Matters stage, although a continuation of the vertical fin design would be easily achievable here as well. Overall the proposed design is considered to be acceptable and the final details will be controlled by the use of condition.
- 10.13 The residential units in City Central are located at first floor level and above, with the ground floor being in commercial use which means that the lowest windows are approximately 5m above ground level. Therefore it is only oblique views down in to this area from units immediately opposite the ramp which have to be screened. The additional height built in to the wall at this point will shield the occupiers of the potentially affected residential units from the shining of headlights as vehicles move upwards along the exit ramp. The wall is located next to the City Central car parking area and some 17m away from the nearest residential property. The location and height of this structure is appropriate for it to be able to fulfill its intended functions without having a detrimental impact on the amenity of neighbouring occupiers. Indeed, this wall exists to protect the amenity of neighbouring occupiers and therefore it is considered to be acceptable.
- 10.14 Landscaping and Pedestrian Permeability
For the reasons outlined above in the Development Phasing section (para.'s. 2.22-2.23), the final landscaping scheme cannot be installed until both buildings have been completed with the landscaping treatment to be installed after the first phase being controlled by condition. The existing north/south linear open space clearly fulfils an important roll acting as a pedestrianised street equivalent in width to Briggate. The new square will provide space of a different character and together, these spaces will provide a significant amount of amenity value for the benefit of not

only the occupiers of the proposal, but also the occupiers of West Central. The residents in City Central will also benefit through their ease of access to this new space due to the presence of the 2 routes through the building. This ability to access the space creates a greater level of connectivity between the station area and the office quarter. These additional routes are a very positive enhancement to the area and are welcomed by officers.

- 10.15 The indicative final landscaping scheme includes the use of raised grass planting areas with perimeter seating which is a practical and effective way to introduce greenery and resting points in to the area. As the site is built above a car park the scope for significant planting is diminished however tree planting can take place in the linear space where much of it is built in to the ground making plant and tree survival more likely. This will also reinforce the creation of 2 spaces which possess their own distinctive characters.
- 10.16 The inclusion of public art is welcomed and will also be controlled by condition. In this prime office area which will experience heavy footfall and a requirement for external seating, the provision of play areas is not an essential requirement. However, this would not prevent families from using the space, the external seating provided in association with any catering uses, or enjoying any entertainments which may occur from time to time. The fact that this space experiences direct sunlight during the Summer will have a positive impact on its character and is welcomed.
- 10.17 Wind
Officers have considered the submitted advice on wind conditions very carefully, including taking legal advice which makes it clear that The Council must assess the potential risk and come to a rational view. The advice provided by the applicant and confirmed by Arup makes it clear that, in the areas around the base of the building, wind conditions for the intended activities would be acceptable, (due largely to the fact that it is protected from the prevailing westerly winds by the larger West Central building). However, officers consider that the existing locations identified on Wellington St, where unsettling winds could occur, are of sufficient concern that to increase pedestrian activity in this area would be unwise and possibly unsafe. For that reason the bus stop and lay-by have been removed from the proposal as it is considered that their provision would most likely have led to an increase in pedestrian activity in areas where the Wind Assessment says that potentially unsettling wind speeds could occur.
- 10.18 It is also the case that the ability to cross the road in the area of the windiest conditions should be prohibited and the crossing of Wellington St restricted to the pedestrian crossing facility. The crossing itself has been relocated to a position which avoids the area of risk identified by the Wind assessment.
- 10.19 The means by which pedestrians will be dissuaded from crossing the windiest areas is through the use of guard rails along the kerb edge. Guard rails are currently in place along the northern side of the pedestrian crossing anyway and the proposal is that these will extend to the west past Britannia St. They will also be installed along the continuous kerb of the southern side of the carriageway. It is considered that this represents an appropriate set of measures in the light of the evidence provided and is a rational response to the situation as it presents itself. This means that the bus stop and lay by on Wellington St are no longer part of the proposal. The fact that the lay-by is no longer to be provided would mean that a continuous footway width of 5.5m would be created on the southern side on Wellington St which is a generous provision and will assist pedestrian movement.

10.20 Metro and Highways Services comments in respect of these matters make it clear that:

- The bus stop was a desire but not essential;
- There is sufficient capacity at the existing stops as long as the existing facilities near City Square are retained;
- There is no possible alternative location for a bus stop.
- The use of guard railing is an appropriate response to the issue of risk and will help to protect the public;
- Restricting pedestrians to the crossing facility is the best course of action.

Therefore it is considered that the current proposal is a rational response to the situation in the light of the concerns raised on pedestrian safety. The applicant will be responsible for the provision of the guard railing as part of the S106/S278 works package.

10.21 The position on Whitehall Rd where the windiest conditions occur is coincident with the existing site vehicular access point and therefore it is not possible to erect continuous guard rails here. The building is not designed with any main doorways in this location either and therefore the amount of pedestrian movement at this point is expected to be limited. Members should note the point made in the report and confirmed by Arup that, as Wellington Place is developed over time, it will have a mitigating effect on existing wind conditions in this area. However the time scales for this are unknown as the Wellington Place site is very large and the initial development phases may not be along its eastern boundary meaning the mitigating effect predicted could be some years away. Eventually, however, there will be a positive future affect on this part of the city.

10.22 The wind problems already exist and are not made worse by the development. The study undertaken has resulted in action being taken to protect pedestrians in the potentially vulnerable locations and this is considered to be the most reasonable course of action.

10.23 Highways and Transport

The site lies within the core commuter parking area and the parking levels proposed are within the UDPR maximum parking guidelines for the site. The proposal is located within a highly accessible area, it has excellent pedestrian and cycling connectivity and is on two major bus corridors within close proximity of Leeds City Station. A secure and covered area has been made available within the basement car park for the parking of cycles. In addition, two showers, a dry changing area and lockers will be provided to encourage walking, jogging and cycling. This will make pedestrian and cyclist journeys far more attractive, and will help to reduce the use of the private car. Within the basement electrical charging points will be available for three vehicles.

10.24 Members are reminded that the extant Lumiere permission had 3 levels of basement car parking proposed containing 356 spaces and therefore the number of vehicles now expected to use the site is considerably reduced resulting in far less pressure on the local highway network. This proposal utilises the same service route along the eastern boundary, and this is the best and only location for the provision of servicing on the site. The package of highways improvements and alterations would be secured through a legal agreement and this will make the local highway network operate more efficiently. Contributions and facilities are also being secured through

the Travel Plan and this will assist in achieving a modal shift in commuting away from car-borne trips.

- 10.25 Due to the existing wind conditions it is proposed to provide pedestrian guard rails along both sides of Wellington St adjacent to the site. Therefore, it would not be possible for a coach to drop off immediately in front of the building on Wellington St, if this building were to be used as a hotel. However, it is noted that brief drop-offs could occur on Whitehall Rd and that smaller coaches could use the service route to the east. It is the case that numerous city centre hotels do not have dedicated coach drop-off facilities and that in some cases the provision of such a facility isn't possible for practical reasons. In this case the applicant was willing to provide the facility however officers considered that the need to mitigate the potential safety risks to pedestrians outweighed the necessity of providing a dedicated coach drop-off. Officers consider that, on balance, the use of the Wellington St building as a hotel should not be prevented for this reason alone and therefore the use of this building as a hotel would be acceptable. As highways colleagues have rightly pointed out, any potential future operator would clearly be aware of this situation and would operate accordingly.
- 10.26 The decision not to provide a bus stop in this location was clearly taken for the same reason and officers are satisfied that the rationale behind this is reasonable and sound having taken the interests of pedestrian safety into account. Metro have not objected to this outcome given that the existing stops provide sufficient capacity and are functioning adequately. Clearly if there are no stops or lay by being provided along this length of carriageway, there will be no hindrance to the free and safe passage of public transport or indeed private motor vehicles as well and therefore Member's requirement at November Panel is met albeit not in the manner which was originally envisaged.
- 10.27 Development Phasing
The situation in respect of development phasing has been explained in detail above. It is clear that this site is unusual in that it is for 2 buildings, located above a single basement car park, which is accessed by a single ramp on a physically constrained site, surrounded by existing buildings many of which contain residential units. The applicant has developed the above strategy to make the construction process as efficient as possible, thereby minimizing wasted construction resources and reducing the negative environmental effects on surrounding occupiers which would be experienced through living next to a construction site. Therefore, it is considered that the phasing of this scheme in the method proposed is acceptable.
- 10.28 Flood risk
The majority of the site is located within Flood Zone 1 with the exception of the extreme south-western corner which is within Flood Zone 2. The flood risk assessment sets out recommended finished floor levels above flood levels and therefore the probability of onsite flooding from all sources is low. The south-western corner of the site is also located within the Environment Agency flood warning area and the applicant has advised that, as a precautionary measure, the site signs up to the flood warning service. As the majority of the site is within Flood Zone 1 it is considered that access and egress would not be affected by flooding. The proposed surface water strategy is for run-off to be attenuated on site for up to the 1 in 100 year plus climate change storm event. There will therefore be no off-site flooding caused by the development. The Environment Agency, Yorkshire Water and L.C.C. Flood Risk Management are all satisfied that subject to the appropriate conditions this site can be drained to an acceptable level.

10.29 Sustainability

The development is located in a highly accessible location, which will significantly reduce potential travel emissions. Measures have been incorporated to improve the energy efficiency of the building and these have been outlined above. For the office building the achievement of a 17% reduction in CO₂ emissions over Part L of the Building Regulations and the production of 9% of the predicted energy demand by onsite low carbon energy source is considered acceptable. The BREEAM pre-assessment indicates that "Very Good" can be achieved or exceeded but not the Council's target of an 'Excellent' rating. However, it is clear that the building has good sustainability credentials and that it is employing a wide range of measures to make the building as sustainable as possible. On balance this is considered acceptable. A condition will be used to ensure that the measures set out in the application details are employed and that when it comes to building the scheme it may be possible to utilise improvements in technology and practices to achieve the target 'Excellent' standard.

10.30 The northern building, if used as offices, will be able to demonstrate the same efficiency savings but if used as a hotel a different energy system will be required which can handle the loading of much increased hot water usage. The Sustainability Statement indicates that this could be handled by a full scale Combined Heat and Power system. This aspect of the proposal would be conditioned as part of any future permission.

10.31 Nature Conservation

There are no statutory designated sites of nature conservation interest within 1km of the site. No protected species were discovered on site during the survey undertaken in the production of the submitted report. The site is subject to high levels of disturbance and offers little to no foraging opportunity for animals and is too isolated to be of potential value to breeding birds or bats. The site does not contain any habitat of intrinsic ecological value and does not include any features considered likely to be of value to notable or protected species. Therefore, it is concluded that there will be no detrimental ecological impact.

10.32 Land contamination and Coal Extraction

Much of the ground was excavated as part of the Lumiere ground works. The ground study undertaken concluded that the overall sensitivity of the site is of a moderate to low order and the conditions on site present a low risk to human health, ground water and the built environment. As this is the case, no remedial action is required. Conditions will be used to control the unlikely situation that unexpected contaminants are discovered or fresh earth is needed to make up ground levels.

10.33 It is a requirement of the Natural Resources and Waste DPD that applicants in areas where coal is known to exist in the ground provide a statement which assesses whether it is viable to remove that coal prior to development. In this case the applicant advises that the coal exists in very thin layers, is interbedded with hard rock and is located well below surface level. In this location, where the site is surrounded by buildings where excavation would impact on ground stability, the noise and vibration associated with removal would clearly impact on surrounding occupiers and the energy expended to remove the coal would exceed that yielded by the extracted coal, the extraction of that coal is neither practical nor viable.

10.34 Further Points Raised by Leeds Civic Trust

In respect of pigeons using the building to roost, it is not known at this stage whether the building would be subject to birds roosting. If it is then standard devices could be retro fit and this can be done without the requirement for planning

permission. The existing City Central access point is used to gain access to the car parking area dedicated to that particular building and is clearly outside of the control of the applicant. Therefore utilizing this existing access point is not possible. It would also result in servicing being brought closer to the City Central residential units which is not to be encouraged.

10.35 Heads of Terms of S106 Agreement

Public Transport Contribution (Full App)

For the Full application element for B1 offices - £176,011

For the ground floor commercial element of the full application – Possible £11,438

Public Transport Contribution (Outline App)

To be assessed in line with the SPD on Public Transport Improvements and

Developer Contributions – minimum £60,240 for hotel and £85,000 if B1 office -

For the ground floor commercial element of the outline application to be assessed in line with the SPD on Public Transport Improvements and Developer Contributions

Travel Plan items:

- Agreed travel plan
- Travel Plan review fee £11,230
- Car Club spaces
- Funding for free trial membership and usage of car club for office workers £11,000

Highways works:

Financial contribution towards laying out of Whitehall Rd/Northern St Junction, to be 2 installments of £32,401.95 for the office building and £23,398.05 for the office/hotel building triggered on first occupation of each building

Provision of off site highways works consisting of:

- Relocation of pedestrian crossing on Wellington St
- Relocation of 2 bus stops on Whitehall Rd
- Pedestrian guard railing to Wellington St frontage

Jobs and Skills

Priority for local people in City & Hunslet, Beeston & Holbeck and Armley wards.

11.0 CONCLUSION

- 11.1 This proposal would result in the redevelopment of an important brownfield site which is the final remaining package of undeveloped land in this area. The scale of the development has been carefully modelled to respect its neighbours and the elevational treatment is of high quality and appropriate to its setting. Both in terms of footprint and elevational treatment these buildings will successfully tie the southern side of Wellington St to the existing character of the Conservation Area to the north. Therefore, the proposal is recommended for approval.

BACKGROUND PAPERS

Pre-application file PREAPP/12/00465 and history files 20/314/00/FU, 20/063/03/FU and 06/01622/FU.

CONDITIONS FOR CENTRAL SQ APP REF 12/03788/FU

- 1) The development of Building B on the GA Site Plan reference (PL)-A-001 Rev B hereby approved must be begun before the expiration of 5 years from the date of this permission.

To define the implementation period having regard to the potentially long-term nature of the development project and in recognition of the current economic downturn.

- 2) Approval of the following details (hereinafter called 'the reserved matters'), in respect of that part of the site identified as 'Extent of Outline Application' on the GA Site Plan reference (PL)-A-001 Rev B hereby approved, shall be obtained from the Local Planning Authority in writing before any development within that area is commenced.

- (i) External Appearance
- (ii) Means of Access
- (iii) Landscaping

Plans and particulars of the reserved matters shall be submitted by way of a formal application before the expiration of 5 years from the date of this permission and the development of Plot 2 shall not be carried out other than in accordance with the approved plans and particulars.

Condition required to be imposed by Section 91(1) of the Town and Country Planning Act 1990 and in recognition of the potentially long term nature of the development project and the current economic downturn

- 3) The development in respect of Plot 2 must be begun before whichever is the later of the following dates:
 - (i) the expiration of seven years from the date of this permission, or
 - (ii) the expiration of 2 years from the date of approval of the last of the reserved matters to be approved

To define the implementation period having regard to the potentially long-term nature of the development project.

- 4) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

For the avoidance of doubt and in the interests of proper planning.

- 5) No phase or part of the development shall commence until details of the position, design, materials and type of all temporary or permanent walls,

fences or other forms of boundary treatments for that phase, whether or not shown to be erected on the approved plans, have been submitted to and approved in writing by the Local Planning Authority. Such boundary treatments shall be erected in accordance with the approved details and the permanent boundary treatments shall thereafter be retained and shall not be altered or removed without the written consent of the Local Planning Authority.

In the interests of amenity and visual amenity in accordance with policy GP5 of the Leeds UDP (Review) 2006.

- 6) The opening hours of the A3, A4 and A5 units shall be restricted to 0700 hours to 2300 hours Monday to Saturday and 0900 hours to 2300 hours on Sundays unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the amenity of nearby residents in accordance with policy GP5 of the Leeds UDP (Review) 2006.

- 7) No phase of development shall be occupied or brought into use until those parts of the site shown to be used by vehicles for both parking and servicing on the approved plans, has been laid out, drained, surfaced and sealed such that surface water does not discharge or transfer onto the highway, and constructed in accordance with the approved details. Those areas 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 in accordance with policy T2 of the Leeds UDP (Review) 2006

- 8) No phase or part of the development shall commence until details and samples of all external walling, roofing and surface materials to be used in that phase 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 for that phase shall be constructed from the materials thereby approved.

In the interests of visual amenity in accordance with policy N13 of the Leeds UDP (Review) 2006.

- 9) No phase or part of the development shall be commenced until a sample panel of the external walling to be used in that phase has been approved in writing by the Local Planning Authority. The sample panel shall be erected on site to establish its detail, jointing and juxtaposition with neighbouring materials. The external walling shall be constructed in strict

accordance with the sample panel(s) for that phase which shall not be demolished prior to the completion of that phase of the development.

In the interests of visual amenity and to ensure that the external walling harmonises with the character of the area in accordance with policy N13 of the Leeds UDP (Review) 2006.

- 10) Prior to the commencement of each phase of development a scheme detailing the method of storage and disposal of litter and waste materials on occupation of the development for that phase shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a description of the facilities to be provided for that phase including, where appropriate, lockable containers. The approved scheme shall be implemented before the development of that phase hereby permitted is brought into use and no waste or litter shall be stored or disposed of for that phase other than in accordance with the approved scheme.

In the interests of amenity in accordance with policy GP5 of the Leeds UDP (Review) 2006

- 11) During the groundwork operations and construction of each phase of development, equipment to enable mud and grit to be removed from the wheels, tyres and underside of vehicles prior to their entering the public highway shall be provided and utilised in the position shown on a plan which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development for that phase. This equipment shall be maintained in working order at all times when traffic is leaving the site. The site access road shall be maintained in a clean condition at all times when traffic is leaving the site.

To ensure that mud is not deposited on the road in the interests of amenity and highway safety in accordance with policy GP5 of the Leeds UDP (Review) 2006.

- 12) Development shall not commence for each phase of development until full details of both hard and soft landscape works, including an implementation programme for that phase, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include:
- (a) proposed finished levels and/or contours,
 - (b) boundary details and 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 (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),
 - (g) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).

Soft landscape works shall include:

- (h) planting plans
- (i) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- j) schedules of plants noting species, planting sizes and proposed numbers/densities.

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

To ensure the provision and establishment of acceptable landscape in accordance with adopted Leeds UDP Review (2006) policies GP5, N23, N25 and LD1.

- 13) Hard and soft landscaping works shall be carried out in accordance with the approved details for each phase of development. The hard landscape works shall be completed prior to the occupation of each phase of development. The soft landscape works shall be completed by no later than the end of the planting season following the substantial completion of each phase of development. The landscape works shall be implemented 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 policy LD1 of the Leeds UDP (Review) 2006.

- 14) Prior to construction works for each phase of development commencing on site, a schedule, which shall include plans, shall be submitted to and approved in writing by the Local Planning Authority indicating the routes around each phase of development which shall be made available to members of the public during construction.

In order to ensure that the public have safe and adequate access to each phase of development in accordance with policy GP5 of the Leeds UDP (Review) 2006.

- 15) Prior to the commencement of each phase of development an updated Sustainability Statement shall be submitted which will include a detailed scheme comprising:
- (i) a Site Waste Management Plan (SWMP)
 - (ii) a pre-assessment using the BREEAM assessment method demonstrating how a credit score of 'Excellent' standard will be achieved unless otherwise agreed in writing by the Local Planning Authority

- (iii) details of the brown roof on Building B
- (iv) an energy plan showing the percentage of on-site energy that will be produced by the selected Low and Zero Carbon (LZC) technologies and that it produces a minimum of 9% of total building demand
- (v) a carbon reduction target and plan showing a minimum of 18% reduction against building regulations

This statement shall be approved in writing by the Local Planning Authority prior to the commencement of each phase of development and the development shall be carried out in accordance with the detailed scheme contained within the Sustainability Statement; and

(a) Prior to the occupation of any phase of development a design stage interim certificate for that phase shall be submitted by the applicant. A post construction certificate shall also be submitted when issued by BRE, including a BRE certified Excellent Standard final assessment and associated accreditation, unless otherwise 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.

To ensure the adoption of appropriate sustainable design principles in accordance with Policies GP5, GP11 and GP12 of the Leeds UDPR, Leeds SPD Sustainable Design and Construction and the NPPF.

- 16) Each phase of development shall not be occupied until the vehicle parking spaces to accommodate the needs of disabled persons for that phase as identified on the approved plans are constructed to sufficient width to accommodate the needs of disabled persons and reserved for their use, and signs indicating access to the buildings for disabled people shall be provided in prominent locations. Such facilities shall thereafter not be used for any other purpose unless alternative arrangements are agreed with the Local Planning Authority.

In the interests of disabled people in accordance with policy A4 of the Leeds UDP (Review) 2006.

- 17) Each phase of development shall not be occupied until the facilities for the parking of cycles and motor cycles belonging to employees, guests and visitors have been provided on site in accordance with the plans hereby approved for each phase. The approved facilities shall thereafter be retained on site for the lifetime of the development.

In order to meet the aims of the adopted Leeds UDP (Review) 2006 policies T2, T7A and T7B

- 18) The local planning authority shall be notified in writing immediately where unexpected significant contamination is encountered during any development works to any phase of development and operations in the affected part of the site shall cease.

Where remediation of unexpected significant contamination is considered by the Local Planning Authority to be necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the recommencement of development on the affected part of the site. The Remediation Statement shall include a programme for all remediation works and for the provision of verification information.

Remediation works shall be carried out in accordance with the approved Remediation Statement. On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. The site or phase of a site shall not be brought into use until such time as all necessary verification information has been approved in writing by the Local Planning Authority.

To enable the local planning authority to ensure that unexpected contamination at the site will be addressed appropriately and that the development will be suitable for use in accordance with national and Leeds City Council's planning guidance in accordance with policy GP5 of the Leeds UDP (Review) 2006

- 19) Any soil or soil forming materials brought to site as part of any phase of development for use in soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use. A methodology for testing these soils shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto site. The methodology shall include information on the source of the materials, sampling frequency, testing schedules and criteria against which the analytical results will be assessed (as determined by risk assessment). Testing shall then be carried out in accordance with the approved methodology. Relevant evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto the site during any phase of development.

To ensure that contaminated soils are not imported to the site and that the development shall be suitable for use with respect to land contamination in accordance with national and Leeds City Council's planning guidance and policy GP5 of the Leeds UDP (Review) 2006

- 20) No erection of any extract ventilation system, flue pipes, or other excrescences proposed to be located on the roof or sides of the building of any phase of development shall take place until details of their siting, design and external appearance have been submitted to and approved in

writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved drawings unless otherwise agreed in writing by the Local Planning Authority.

In the interests of amenity and visual amenity in accordance with policy GP5 of the Leeds UDP (Review) 2006.

- 21) No mechanical ventilation or air conditioning system shall be installed or operated for any phase of development, including those which include filters to remove odour to be installed as part of the A1, A3, A4 or A5 uses, until details of the installation and operation of the system have been submitted to and approved in writing by the Local Planning Authority. The system shall thereafter only be installed and operated in accordance with the approved details.

In the interests of amenity in accordance with policy GP5 of the Leeds UDP (Review) 2006.

- 22) The hours of delivery to and from any premises constructed as any phase of development, together with loading and unloading and refuse collections which utilise the external service road along the eastern boundary of the site, shall be restricted to 0700 hours to 2100 hours Monday to Saturday with no such operations taking place on Sundays and Bank Holidays.

In the interests of the amenity of neighbouring residential properties in accordance with policy GP5 of the Leeds UDP (Review) 2006.

- 23) There shall be no playing of music or amplified sound in connection with any A3 and A4 uses in any external area unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the amenity of residential occupiers of nearby residential and commercial occupiers in accordance with policy GP5 of the Leeds UDP (Review) 2006 .

- 24) During the construction of any phase of development, dust generated by vehicles on roads, haul routes and circulation areas within the site in dry weather conditions shall be suppressed by the use of equipment able to deliver sufficient volumes of water and provided on site for this purpose. Immediate preventative action, including the suspension of the operations which generate the dust, shall be taken if dust generated by machinery on site becomes airborne and can be seen being carried by the wind beyond the site boundary.

In the interests of general amenity and the amenity of occupants of nearby premises in accordance with policy GP5 of Leeds UDP (Review) 2006.

- 25) Before the commencement of each phase of development hereby approved, a schedule shall be submitted to and approved in writing by the Local Planning Authority which shall set out the details of the measures to be adopted during construction to minimise the noise generated by the construction operations for that phase. These shall include:
- (i) A list of all categories of construction operations and an associated time chart indicating at which points of the development process each of these operations is to occur
 - (ii) The working hours required for each of these categories including the duration and frequency of the operations
 - (iii) The noise levels likely to be generated by each of these categories of operation
 - (iv) The measures to be taken in respect of each of these categories to mitigate noise generated by equipment and machinery including the provision of silencers to machinery.
 - (v) A strategy to be employed in the event that complaints are received from surrounding residents and occupiers
 - (vi) A strategy to be employed to ensure that surrounding residents and occupiers are informed of the likelihood of disturbance due to the carrying out of works most likely to generate the greatest levels of noise

The construction works for each phase shall then be carried out in accordance with the approved schedule unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the amenity of surrounding residents and occupiers in accordance with policy GP5 of the Leeds UDP (Review) 2006.

- 26) No development shall commence on any phase of development until a plan showing satisfactory details of provision to be made for the storage, parking, loading and unloading of contractors' plant, equipment and materials, and the parking of vehicles of the workforce, within the site, have been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided for the duration of site works.

In the interests of the free and safe use of the highway in accordance with policies T2 and T24 of the Leeds UDP (Review) 2006.

- 27) No development for any phase of development shall take place until a plan showing the location of the access to the site during construction of that phase, including details of the vertical alignment of the access, has been submitted to and approved in writing by the Local Planning Authority.

In the interests of the free and safe use of the highway in accordance with policy T2 and T24 of Leeds UDP (Review) 2006 .

- 28) The site shall be developed with separate systems of drainage for foul and surface water drainage both on and off the site.

In the interests of satisfactory and sustainable drainage in accordance with policy GP5 of the Leeds UDP (Review) 2006.

- 29) No phase of development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works for that phase, have been submitted to and approved in writing by the Local Planning Authority.

To ensure that the development can be properly drained in accordance with policy GP5 of the Leeds UDP (Review) 2006

- 30) Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from each phase of the development prior to the completion of the approved surface water drainage works and the building shall not be occupied or brought into use prior to the completion of the approved drainage works for that phase.

To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal in accordance with policy GP5 of the Leeds UDP (Review) 2006.

- 31) Surface water from vehicle parking and hardstanding areas to be provided for each phase of development shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage should not be passed through any interceptor.

In the interests of satisfactory drainage in accordance with policy GP5 of the Leeds UDP (Review) 2006.

- 32) Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the water main which enters the site.

In order to allow sufficient access for maintenance and repair work at all times in accordance with policy GP5 of the Leeds UDP (Review) 2006

- 33) No greater than 400 m² of gross floorspace of A1 use as defined in the Town and Country Planning (Use classes) Order 1987 (or any order revoking or re-enacting that order with or without modification) shall be provided on the site at any one time and each individual unit shall not exceed 100 m² gross floorspace. Should there be a requirement for a single A1 unit of greater than 100 m² gross floorspace or an increase in total gross floorspace then an application for planning permission must be made to the Local Planning Authority for determination.

In order to control the extent of retailing on this site which is to provide a service for the primary and secondary uses in the area and not to compete with the Prime Shopping Quarter as defined in the Unitary Development Plan in accordance with policies CC21 and CC27

- 34) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) planning permission shall be obtained before any change of use of the A3, A4 and A5 premises referred to in this consent, to any use within Use Class A1 as defined, in the Town and Country Planning Use Classes (Amendment) Order 2005 (or any Order revoking or re-enacting that Order with or without modification).

In order that the Local Planning Authority can retain control over uses which it considers could be harmful to the character of the area and the viability of the City Centre in accordance with policy CC27 of the Leeds UDP (Review) 2006.

- 35) Prior to the commencement of each phase 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 for that phase:

- (a) Sections of windows, doors and any balconies;
- (b) Junctions of materials and recesses, rooflines and eaves;
- (c) Treatment of the publically accessible pedestrian routes through and under the building to include soffit detail and lighting
- (d) Soffit detail of any external collonade around the base of the building
- (e) Shop-fronts and shop-front design guide to ground floor level uses which for the avoidance of doubt shall include door and window location and frame details and fascia size.

Works shall be carried out in accordance with the approved drawings and design guide for that phase and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity in accordance with policy BD6 and BD7 of the Leeds UDP (Review) 2006.

- 36) Prior to works commencing on site for each phase of development a schedule shall be produced which sets out details, to include elevations, locations and timing of installation of all external lighting and public art to be provided for that phase. The lighting for that phase shall then be provided in accordance with the approved schedule and thereafter retained on site.

In the interests of the amenity of the occupiers of the building and pedestrians in accordance with policy BD14 of the Leeds UDP (Review) 2006

- 37) The scheme approved in outline at Building A shall be constructed within the approved Outline Parameters plans for Site Area and Wellington St Elevation set out in drawings ref. no.'s (PL)-A-004 Rev B and (PL)-A-005 hereby approved.

In order to ensure that the building to be constructed on Plot 2 is of a size which is appropriate to its surroundings to ensure good planning in accordance with policies N12 and BD5 of the Leeds UDP (Review) 2006

- 38) No A3,A4 or A5 unit shall be occupied until details of a sound insulation scheme designed to protect the amenity of nearby occupiers, from noise emitted from that unit, have been submitted to and approved in writing by the Local Planning Authority. The use of that unit shall not commence until the approved sound insulation scheme has been completed and such works shall thereafter be retained.

In the interests of the amenity of both residential and commercial occupiers in accordance with policy GP5 of the Leeds UDP (Review) 2006

Minutes of City Plans Panel – 22nd November 2013

Application 12/03788/FU - Hybrid application for full permission for 11 storey office building and outline application for office/hotel building up to 8 storeys with ancillary ground floor, A1, A3, A4 uses at Wellington Street/Whitehall Road LS1 - Position statement

Plans, photographs and graphics were displayed at the meeting. The Deputy Area Planning Manager presented a report setting out the current position on proposals for an office and hotel development at Wellington Street/Whitehall Road, LS1 on the site of the former Lumiere development. Members noted that a pre-application presentation on the scheme had been considered by Plans Panel City Centre at its meeting on 5th July 2012. Regarding the location of the site, this was close to the City Centre Conservation Area and there were a number of listed buildings in the vicinity, with a mixed architectural style of Victorian and modern buildings around the site. At this point, Councillor Nash having declared a disclosable pecuniary interest through being a Committee Member of the Leeds and Wakefield Area Co-operative Group which had a store in close proximity to the site, left the Meeting. The following information was provided:

- that the proposals were for two buildings around a central space, with one application being for full planning permission whereas the other building was for outline permission only
- both the base of the outline building and the top of it would align with City Central
- a central open space of 35m x 25m would be provided and this would include an area of soft landscaping together with seating and public art
- the servicing arrangements would be provided by a new route for vehicular access off Whitehall Road to the basement car park
- the need to protect the amenity of residents from the possible intensive servicing use and that a wall to screen this from view would be provided
- for the building on the Whitehall Road frontage, the proposed materials would be masonry in a grid pattern, with a loggia feature at the top level
- a brown roof was proposed to the eastern wing which would constitute crushed aggregate, brick and concrete which would encourage biodiversity
- to address concerns about lighting and safety raised at the pre-application presentation about the pedestrian cut-through, this would be 8m wide with a fully glazed reception area sited along one elevation to improve natural surveillance
- that some columns in the centre would be needed for support but these would be slim and not obtrusive
- signing was proposed at the entrance to provide a feature and further illuminate this part of the building
- that construction would be phased including a phased provision

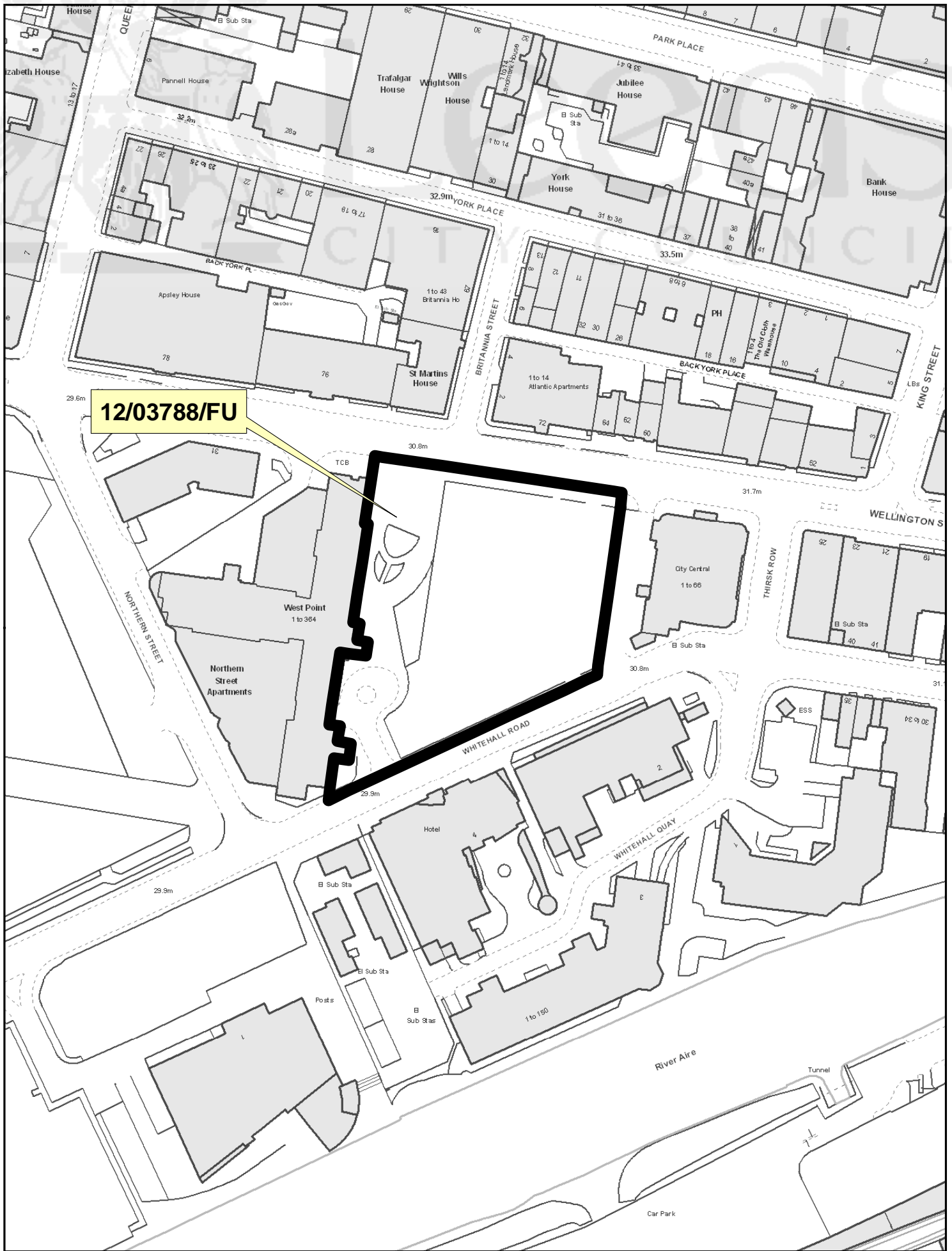
of the basement car park

- a temporary fence line was being proposed to screen the part built basement and temporary surface treatment would be provided to the Public Open Space until the outline proposal was implemented
- a lay-by area was being proposed for the proposed hotel use and there would be the opportunity for a new, upgraded bus stop to be provided on Wellington Street. The existing bus stops on Whitehall Road would be relocated and improved
- the existing pedestrian crossing on Wellington Street would need to be relocated
- a wind study for the site had been submitted and was being Considered

Members commented on the proposals particularly the need to provide a lay-by to improve the flow of public transport along Wellington Street, and the pedestrian route in and how well-illuminated this would be In response to the specific points raised in the report for Members' consideration, the following comments were made:

- that Members considered that the combination of the materials proposed and the elevational treatment to be acceptable
- that the concerns regarding the attractiveness of the pedestrian access on to Whitehall Road had been addressed
- that with the safeguards which were in place, in general, residential amenity had been protected both during the construction and operational phases of development but that there was a need to make the screen wall to the service area more interesting and attractive and that the flow of public transport along Wellington Street needed to be improved

RESOLVED - To note the report and the comments now made



12/03788/FU

CITY PLANS PANEL

