



PLANS PANEL (CITY CENTRE)

Meeting to be held in Civic Hall Leeds on
Thursday, 7th July, 2011
at 1.30 pm

MEMBERSHIP

Councillors

B Selby (Chair)	M Hamilton	G Latty	A Blackburn
G Driver	C Campbell	A Castle	
S Hamilton			
J Jarosz			
J McKenna			
E Nash			

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF INTEREST</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES</p> <p>To approve the minutes of the last meeting held 12th May 2011 as a correct record</p> <p>(Copy attached)</p>	9 - 18

Item No	Ward	Item Not Open		Page No
7	City and Hunslet;		<p>APPLICATION 11/010000/OT MAJOR REDEVELOPMENT INCLUDING DEMOLITION INVOLVING MIXED USE TO PROVIDE RETAIL, RESTAURANTS, BARS & OFFICES, GYM, MEDICAL WITH NEW SQUARES AND PUBLIC REAL LANDSCAPING, CAR PARKING AND ASSOCIATED HIGHWAY WORKS, THE EASTGATE & HAREWOOD QUARTER, LEEDS LS2 AND APPLICATION 11/01003/LI TO RENOVATE AND REPAIR EXTERNAL FABRIC OF TEMPLAR HOUSE, LADY LANE, LEEDS LS2</p> <p>To consider the report of the Chief Planning Officer on two applications relating to the development of the Eastgate and Harewood Quarter – Application 11/01000/OT being an outline application including demolitions, involving mixed use to provide retail stores, restaurants, bars and offices (A1, A2, A3, A4, A5 and B1 Use Classes), gym, (D2 Use Class), medical centre, crèche, multi-faith prayer room (D1 Use Class), changing places, toilet facilities with new squares and public realm, landscaping, car parking and associated highway works at Eastgate and Harewood Quarter, Leeds LS2 AND Application 11/01003/LI relating to a Listed Building application for works to renovate and repair external fabric of Templar House, Lady Lane, Leeds 2.</p> <p>(Report attached)</p>	19 - 94

Item No	Ward	Item Not Open		Page No
8	City and Hunslet;		<p>APPLICATION 11/01194/FU - DEMOLITION OF ALL BUILDINGS AND ERECTION OF A LOW CARBON ENERGY CENTRE, PRIMARY SUBSTATION, TRANSFORMERS AND A GAS METER UNIT; WITH ASSOCIATED WORKS INCLUDING THE REALIGNMENT OF LADYBECK CLOSE AT THE FORMER PARK LANE COLLEGE BUILDING, BRIDGE STREET, 1-2 & 27-30 LADYBECK CLOSE, LEEDS LS2</p> <p>To consider the report of the Chief Planning Officer on an application for the demolition of all buildings at the former Park Lane College Building and the erection of a low carbon Energy Centre, primary substation, transformers and a gas meter unit; and associated landscaping, means of enclosure and highways works, including the realignment of Ladybeck Close, at the former Park Lane College Building, Bridge Street, 1-2 and 27-30 Ladybeck Close, Leeds LS2</p> <p>(Report attached)</p>	95 - 116
9			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note the date and time of the next meeting as Thursday 4th August 2011 at 1.30 pm</p>	

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To:
Plans Panel City Centre Members
and appropriate Ward Members

Chief Executive's Department
Governance Services
4th Floor West
Civic Hall
Leeds LS1 1UR

Contact: Helen Gray
Tel: 0113 247 4355
Fax: 0113 395 1599
helen.gray@leeds.gov.uk
Your reference:
Our reference: ccpp/sitevisit/
29th June 2011

Dear Councillor

PLANS PANEL CITY CENTRE – THURSDAY 7TH JULY 2011 at 1.30 pm

Prior to the meeting on Thursday 7TH July 2011 there will be site visits in respect of the following:

10.15 -11.00	Application 11/01000/OT Eastgate and Harewood site
11.00 – 11.30	Application 11/01195/FU Bridge Street/Ladybeck Close
11.30 -12.00	Pre application proposals for Merrion Centre, Merrion Way

Panel Members are requested to meet in the Civic Hall ante-chamber for 9.55am, to take a walking tour of the sites listed above with a 10.00 am start. Please could you let Daljit Singh know (24 78170) if you will be attending the site visits.

Following completion of the formal agenda business, there will be one pre-application presentation on proposals for the Merrion Centre and I attach the report to this letter.

Please note that due to the nature of and interest in the Eastgate and Harewood proposals it is likely that the Panel meeting may finish later than usual and Members may be required to stay past 6pm.

Yours sincerely

Helen Gray
Governance Services

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Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 7th JULY 2011

Subject: PRE-APPLICATION PRESENTATION OF PROPOSED CHANGE OF USE OF SHOPS AND MARKET TO FOOD, DRINK AND LEISURE USES INVOLVING RECONFIGURATION OF FLOORSPACE; ALTERATIONS TO ELEVATIONS AND CAR PARK; MERRION CENTRE, MERRION WAY AND WADE LANE, LEEDS. REFERENCE PREAPP/11/00340

Electoral Wards Affected:

City and Hunslet

No Ward Members consulted.

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: This report is brought to Plans Panel for information. The Developer will present the details of the scheme to allow Members to consider and comment on the proposals.

1.0 INTRODUCTION

1.1 This presentation is intended to inform Members of the emerging proposals for the north-eastern section of the Merrion Centre prior to the submission of a planning application later in the year.

2.0 SITE AND SURROUNDINGS

2.1 The Merrion Centre comprises a number of medium and tall blocks located towards the northern edge of the city centre. The Centre contains a mix of uses including retail, offices, hotel and car parking. The earlier parts of the Centre, including the multi-storey car park, opened in the 1960's with buildings such as Merrion House and Morrisons following in the 1970's. Following the addition of a roof over the shopping streets there was limited development until the formation of glazed entrances in the mid 1990's. In 2005 it was recognised that some of the accommodation no longer met the requirements for modern retail and commercial

development. A strategy for the phased internal and external improvement of the Centre was prepared and presented to Plans Panel in 2006. A “masterplan” application was expected in 2007 but was postponed due to the prevailing economic climate. However, the first phase of the work was focussed on the south-western section of the Centre, including recladding of Town Centre House and shopfronts fronting Woodhouse Lane. Proposals for the north eastern section of the Centre have come forward as the next phase of the development.

- 2.2 This part of the Centre is dominated by the car park which presents a strongly horizontal banded element towards Merrion Way from where vehicular access is taken. The heavyweight concrete spandrel panels have an exposed pebble finish which is covered in netting to prevent the fall of masonry. The car park sits over a lightweight ground floor horizontal band containing a mix of uses including shops and restaurants. A canopy projects over the wide footway to the west of the car park entrance shading the premises and the pedestrian access to the northern mall. This part of the frontage, which is classified as a Secondary Shopping Frontage, also contains access to the basement bowling hall.
- 2.3 The frontages of premises to the east of the car park entrance relate to units located within the Merrion Market. The Market has a high level of vacancy, with one of its longest standing occupiers Nevilles DIY, having recently vacated. There are four pedestrian routes into the Market, including through a single storey part of the building which projects towards the junction of Merrion Way and Wade Lane. Levels fall gradually along Merrion Way towards Wade Lane, and down Wade Lane towards Merrion Street, such that accesses into the Market all need to be negotiated by a series of steps.
- 2.4 There are several trees located in a planter to the front of this elevation which, in conjunction with trees on the north side of Merrion Way, help to give the street a valuable green appearance. A two storey podium building, currently occupied by Wetherspoons public house and the Grosvenor casino, is located north of the greenspace on Merrion Way. It is flanked by Tower House, a 19 storey office building dating from the 1960’s, and the Yorkshire Bank office building. The Leeds Arena is currently being constructed to the north of these buildings.

3.0 PROPOSALS

- 3.1 The current scheme has been prepared by BDP Architects. Arup (highways) who worked on the arena development and the Wetherspoons site opposite are also advising on the scheme.
- 3.2 The existing Merrion Market floorspace would be reconfigured to create 6 new units. The units would be occupied by restaurants, bars and a gym. It is currently intended that units east of the car park access would extend forward of the existing building line. An outdoor seating area would also be formed probably resulting in the loss of the existing trees.
- 3.3 The existing canopy to the west of the car park access would be removed. New double height glazed shopfronts would be introduced. To the east of the access the proposed shopfront would be approximately 1.5 storeys high in order to cover the lowest concrete panel to the car park. The glazed treatment would extend around this part of the building such that existing solid walls on the elevation fronting Wade Lane, and potentially returning along a short length of the service road, would be replaced by full height clear glazed shopfronts. Existing pavements around the periphery of this part of the building would be improved.

- 3.4 The car parking layout is currently being developed with a view to increasing the size of spaces generally and providing a greater number of disabled people's car parking spaces. As a result the number of total spaces (1050) is likely to reduce by around 100. New parking payment arrangements and the possibility of an extra entrance lane are being explored.
- 3.5 In conjunction with improvements to ground floor shopfronts it is intended to alter the external treatment to the car park, partly to deal with existing safety issues relating to the concrete and pebble finish, and also to express it as a flagship car park for Town Centre Securities. Work on this detail was ongoing when drafting this report.
- 3.6 New pedestrian lifts and staircases to the car park are proposed. These include a new circulation core which would be located at the eastern end of the existing Georgian Arcade. Two lifts would be situated at the corner of what is currently the Shopmobility unit. The remaining area is identified as a customer care facility. A new staircase would be located opposite the lifts close to where the existing herbal remedies and alternative treatments premises is located.

4.0 BRIEF POLICY CONSIDERATIONS

- 4.1 The Merrion Centre is situated within the Prime Shopping Quarter in the Unitary Development Plan Review (UDPR). The Merrion Way frontage is identified as a secondary shopping frontage which is seen as important in providing a supporting role to the character and function of the primary frontage. The UDPR states that it is important to ensure that non-retail uses can be absorbed without detriment to the trade carried on at adjacent retail shops or to the overall character of the street or to the Centre as a whole. The UDPR further notes that food and drink uses are most important in supporting the City Centre's regional shopping and tourism role. In secondary locations the UDPR states that changes to non-retail use are permitted where the proportion of retail frontage remains sufficient to sustain the retail function of the parade, normally at or above 50% of the parade's frontage width (SF3).
- 4.2 Policy EC4.1e of PPS4, Planning for Town Centres, refers to retaining and enhancing existing markets, albeit markets are not defined. PPS4 also states that a positive and constructive approach should be adopted by local planning authorities towards planning applications for economic development (EC10). This policy was supplemented in the Minister of State's statement of 23rd March 2011 in which he stated that local planning authorities should be sensitive to the fact that local economies are subject to change and so take a positive approach to development to support economic growth.

5.0 EQUALITY AND DIVERSITY

- 5.1 The development would result in the loss of the Shopmobility unit together with the remaining occupiers of the Merrion Market. A strategy for appropriate relocation is being considered.
- 5.2 There are currently 12 disabled people's car parking spaces within the car park although due to the dimensions of existing lifts these are difficult to access by people in wheelchairs. The proposed lifts would be designed to current standards and make the car park far more accessible. Additionally, it is proposed to increase the number of disabled people's car parking spaces within the car park.

6.0 ISSUES

Members are asked to comment on the following issues:

- (i) The proposals for the uses of the buildings.

The proposed uses would result in the amount of retail use on Merrion Way falling to around 20 per cent of the frontage length. The proposed uses are intended to capitalise and respond to the additional footfall of the arena development. The uses also respond to changes in modern retail requirements, the continuing shift in the retail core, and the intention to cater for existing stakeholders in the area. Increased vitality in premises along Merrion Way would also help to support the retail function of the Merrion Centre as a whole. However, it is important that the premises on Merrion Way are not solely active during evening hours to enhance the character of the street.

- (ii) Elevational treatment.

The Merrion Centre is a composition of distinct building elements largely dating from the 1960's. Early phases of refurbishment centred around Town Centre House and Woodhouse Lane have set the standard for future phases of work. Given the strong modernist form of the car park elevational treatment should respect and reinforce the basic design of this part of the Centre.

- (iii) Landscaping and public realm.

The current proposals are likely to result in the loss of existing trees which contribute significantly to the appearance of Merrion Way. Should the scheme be dependent upon the removal of the trees appropriate mitigation proposals must be identified at this stage. Further, given changes to the frontages and the aspiration to create a new front to the Merrion Centre, hard and soft landscaping reflecting this aspiration should be delivered. The scheme should also include mitigation for the removal of trees when the alterations were made to the Woodhouse Lane frontage.

- (iv) Permeability and access.

The reconfiguration of the Merrion Market floorspace involves the creation of deeper floorplates which would remove informal routes within the building to and from Wade Lane, the Merrion Centre and Merrion Way. However, due to changes in levels these routes were not suitable for less mobile people. In part, the improvement of the external public realm will help offset the loss of the routes. Additionally, should it become desirable, it would theoretically be possible to reintroduce an east-west route from the northern mall to Wade Lane along the line of the existing service road.

Level changes into reconfigured units need to be accommodated as part of the scheme. At the same time improvements to the pedestrian access to the car park and disabled parking provision are welcomed.

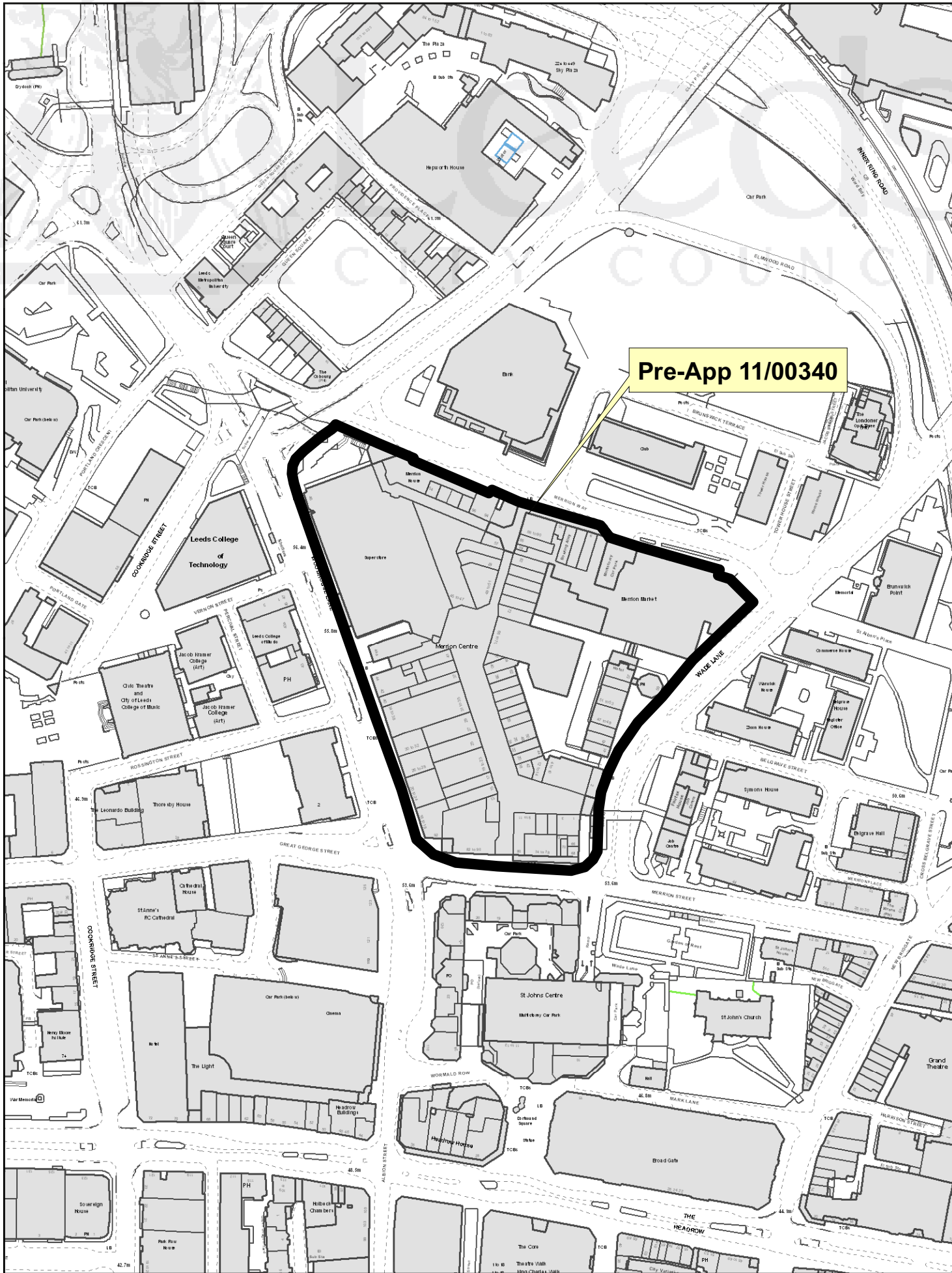
- (v) Relocation.

The proposals involve the loss of the Merrion Market. Whereas occupancy of the market has steadily reduced and may not be viable a few units remain in active use. Consequently, suitable arrangements for the relocation of remaining tenants should be considered.

The construction of the new circulation core adjacent to the northern mall would affect the Shopmobility unit. Relocation of this facility should be considered as part of the proposals.

Background Papers:

Pre-application file 11/00340



Pre-App 11/00340

CITY CENTRE PANEL

Plans Panel (City Centre)

Thursday, 12th May, 2011

PRESENT: Councillor B Selby in the Chair

Councillors D Blackburn, C Campbell,
A Castle, G Driver, M Hamilton,
S Hamilton, G Latty, E Nash and N Taggart

88 Chair's opening remarks

The Chair welcomed back the Chief Planning Officer, Mr Crabtree, who had recently returned to work after a long illness

The Chair thanked Angela Bloor on behalf of the Panel for her support of the Panel as clerk as this would be her last meeting as she was moving to other duties in the Governance Services Section

The Panel paid tribute to former Councillor James Monaghan who had not been re-elected following the recent local elections. The clerk was asked to send a letter on behalf of the Panel thanking James for all the hard work he had undertaken whilst sitting on Plans Panel City Centre

The Chair then asked Members and Officers to introduce themselves

89 Declarations of Interest

The following Members declared personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct

Applications 11/01000/OT and 11/01003/LI – Eastgate and Harewood Quarter and Templar House Lady Lane LS2

Councillors Campbell, Nash and Selby declared personal interests through being members of English Heritage which had commented on the proposals (minute 92 refers)

Councillor Castle declared a personal interest through being a member of Leeds Civic Trust which had commented on the proposals (minute 92 refers)

Application 11/01194/FU – Former Park Lane College Building – Bridge Street and Ladybeck Close LS2 – Councillor Castle declared a personal interest through being a member of Leeds Civic Trust which had commented on the proposals (minute 93 refers)

A further declaration of interest was made later in the meeting (minute 92 refers)

90 Minutes

RESOLVED - That the minutes of the Plans Panel City Centre meeting held on 10th March 2011 be approved

91 Application 11/00058/FU -Extension of Unit 1 to form additional self-contained workshop (B2) Mushroom Street Sheepscar LS9

Plans, drawings and photographs were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which related to a retrospective application to regularise works which had created an additional workshop at Mushroom Street

The planning history of the site was outlined as was the view of Officers that the application should be refused on the grounds of increased on street parking and highways safety issues

The Panel heard representations from the applicant and an objector who attended the meeting

Members discussed the following matters:

- the changes which had been made to the approved scheme
- highways issues
- the nature of the business on site and the need for larger premises

The Panel considered how to proceed

RESOLVED - That the application be refused for the following reason:

The Local Planning Authority considers that the retention of unit 1A results in a demand for parking which cannot be satisfactorily accommodated within the site causing servicing difficulties and an exacerbation of the existing level of on street parking on Mushroom Street to the detriment of highway safety and is therefore contrary to policies GP5, T2 and T24 of the Leeds Unitary Development Plan (Review 2006)

92 Applications 11/01000/OT and 11/01003/LI -Eastgate and Harewood Quarter and Templar House Lady Lane LS2

Further to minute 96 of the Plans Panel City Centre meeting held on 26th May 2010 where Panel considered an extension of time application for a major mixed-use development at the Eastgate and Harewood Quarter (EHQ), Members considered a position statement on a revised application

Plans, including the 1847 plan of Lady Lane, drawings, photographs, precedent images and graphics including a fly-through were displayed at the meeting. A model showing the site within the wider context of the city was also provided

The Head of Planning Services introduced the report; briefly outlined the planning history of the development; referred to the latest round of public consultation on the scheme which had taken place in September 2010 and to a visit made by Members and Officers to Leicester in January 2011 to view the recently completed Highcross Shopping Centre which was developed by Hammersons, the applicant for the EHQ scheme

Officers presented the report and revised scheme and informed Members that the proposals were for a reduced scheme which was considered to be deliverable and viable and whilst still being a mixed-use development, would no longer include housing; a cinema; a church drop in facility or a hotel. The proposed uses were for retail stores, restaurants, bars and offices in use classes A1,A2,A3,A4,A5 and B1, gym (D2), medical centre, crèche and multi-faith prayer room (D2) with associated development comprising changing places toilet facilities; new squares; public realm; landscaping; car parking and associated highway works

The boundary of the site had also been revised and would not now extend to the former Appleyard's filling station or Millgarth Police Station. As a result, the development was sited wholly within the Prime Shopping Quarter so fully conformed to the Development Plan

The application which had been submitted was for outline planning permission with all matters reserved although a considerable amount of detail had been provided with the outline application

A large number of objections to the proposals had been received, with 26 further representations having been recorded from those listed in the report. An additional letter of support had also been received. Members would be updated on representations at the time the application was before them for determination

Further details were provided on the reduced footprint of the site which arose from the fact that Millgarth Police Station had not yet been vacated, although permission had been obtained for a new police headquarters on Elland Road and that Ladybeck culvert ran through the site and under Millgarth which had caused difficulties in obtaining the floorspace layouts required by the main anchor store, John Lewis. As a result, the proposed John Lewis store would be re-sited on the Harewood side of the scheme, close to the markets

Members were informed of the parameters for the heights of the individual units, with these ranging from 3-4 storeys to 10-12 storeys, with parameters existing for widths of buildings also

The Panel left the meeting room to view the model which was displayed in the ante-chamber and which set the context of the proposals within the wider city centre

Members commented on the following matters:

- the massing of the John Lewis store and whether the bulk of this could be reduced by sinking the building further into the ground
- the need to relate the building lines of the Market and its exits with those of the EHQ scheme
- the importance of the exterior treatment of the car park and that it should not add to the existing harshness of York Road at this point

(Councillor Taggart joined the meeting at this point)

Councillor Taggart declared a personal interest as a member of the Joint Services Committee which managed West Yorkshire Archaeological Advisory Service which had commented on the application

Members returned to the meeting room and Officers continued with their presentation

Details of the landscaping proposals were provided. Although there was much hard landscaping, there would be the creation of two new squares; Templar Square which would be sited adjacent to Templar House Public House in the north-west corner of the site which would be a calmer, quieter and contemporary space and Eastgate Square which would be more vibrant and be the venue for a range of events and activities. The resiting of this square in the revised proposals would involve the breaking through and removal of a section of the Blomfield buildings to the north of Eastgate to provide a new public space fronting on to the refurbished and re-used Listed Templar House. A water feature was also proposed within the development

The importance of the scheme in relation to Kirkgate Market had been considered by the applicant and it was felt that opportunities for the market could flow from that development, some of these being:

- increased footfall across the site and an attraction to people visiting the city

- increased parking
- dedicated loading areas for market traders, which did not currently exist
- additional trading opportunities to cater for the construction workers on the site
- the design of the scheme which respected the Market and its historic street patterns and gave clear sight lines to the Market and improved connectivity

Within the site were the historic buildings of Lyons Works and Templar House and the once dominant street, Lady Lane. The retention of Lyons Works had been considered but as in the previous scheme, this was not possible. However, Templar House which was Grade II Listed would be restored and enhanced. The site of the original alignment of Lady Lane would be marked where it was being lost, with precedent images of the commemorative plaques marking the Berlin Wall being shown as possible ways to achieve this

Details of the arcade/covered street were provided with the proposed roof form being of a glazed cloistered design. A glazed bridge link, required by John Lewis from their store to the car park had been incorporated into the scheme. Members were informed that this would be lightweight in appearance and would not hinder views up Eastgate

In relation to highways issues, the following information was provided:

- George Street would be remodelled and the existing pay and display car park located to the north of George Street would be removed. A drop-off point would be provided adjacent to the coach station; the taxi rank would be retained and there would be the provision of a new bus stop to accommodate the buses which were to be diverted along George Street that do not use the bus station. There would also be dedicated loading bays for up to 20 transit vans with the standard 20 minutes being allowed for unloading. Members were informed that the surveys which had been undertaken suggested this provision would be sufficient. The carriageway would be wide enough to allow buses to comfortably pass the kerb side activities
- the NGT proposals had been accommodated as a route had been planned which would wind its way through the scheme. Similarly bus routes had been considered with Westbound buses on Eastgate being diverted via Vicar Lane and York Street and Eastbound buses via George Street and Vicar Lane. A bus gate on Call Lane by the Corn Exchange was proposed to reduce the volume of general through traffic on York Street. The need for additional bus stops was being reviewed to accommodate the changes in bus routing, which considered the number of passengers likely to wait at a stop and hence the time required to load. The development would also support use of bicycles, with cycle links being provided from Mabgate to Eastgate
- the design of the multi storey car park enabled vehicular access from Bridge Street and Vicar Lane
- the John Lewis store would have a service yard off George Street and a customer collect area in the basement
- details of the pedestrian routes were provided; the Eastgate roundabout would be retained and signalised pedestrian crossings would be sited on Vicar Lane; one would lead directly down to the John

Lewis store from Sidney Street, with a second one providing a link to the Grand Arcade

Members commented on the following matters:

- bus routes, with concerns that the proposals would result in more buses going along New Briggate which was already unpleasant due to buses and the various retail uses along the street
- the possibility of buses coming eastwards turning on Albion Street to Merrion Street, with mixed views being expressed on this suggestion
- whether there was the possibility of buses continuing down The Headrow/Eastgate into the bus station, in view of the amount of money which had been spent upgrading this and the number of people needing to use this facility
- the view that the whole scheme hinged on the absence of buses down Eastgate
- that problems currently existed with east/west routes through the city centre and that diverting buses along George Street up to The Corn Exchange would add to these problems
- the need to consult on the proposals with all the bus operators, not solely First Bus
- the need to ensure the system of bus routes worked with the delivery systems for market traders
- that there should be no additional pedestrian guard rails on George Street
- the design of the car park and the need to ensure this appeared as a building rather than a box
- that consideration should be given to reflecting the interesting and intricate designs of the paving in Leeds' historic arcades in the proposed new arcade
- the need to ensure the height of the bridge would protect views both to and from Eastgate
- that increased trade for Kirkgate Market was possible and had occurred in Leicester when the Highcross development had opened adjacent to the city's market, however, it was essential that logistically the market could continue to function properly and therefore some tweaking of the scheme might be needed to achieve this
- that despite the boost to the market trade in Leicester, that the impression had been given on the site visit to Highcross that many people only visited the John Lewis store by car and then returned home thereby confining their use of the centre and their spending to the anchor store, and that despite the obvious draw of John Lewis in Leeds, this would need to be considered
- that details of the design of the John Lewis store were awaited but concerns that the store in Highcross lacked active frontages around the whole of the building and that this should not be replicated on the Leeds store
- that walkways were a feature of Leeds city centre and that the proposals for the area around the John Lewis store lacked these

Officers provided the following responses:

- regarding the bus proposals, that Metro had taken the lead on satisfying themselves that the proposals would work and that all bus operators providing services into Leeds were being spoken to. It was estimated that approximately 76 buses per hour were to be diverted along George Street although traffic modelling remained ongoing.
- that the implications of diverting buses up Albion Street on to Merrion Street would need to be considered
- that no additional need for pedestrian guard rails had been identified for this scheme
- that in relation to the design of the John Lewis store, debate had centered around issues such as servicing, floor plates and door openings, therefore for the purposes of the presentation, Officers had used a previous representation of the store. If the outline application was approved, it was possible that the first Reserved Matters application should be how the John Lewis store related to the rest of the scheme

In response to the specific questions raised in the report, the Panel provided the following comments:

- Members were supportive of the principle of the proposed uses and their mix
- that subject to the comments made, Members were supportive of the principles of the proposed layout, scale and design
- regarding the principles of the proposed transport strategy, access arrangements and connectivity across and through the site, some scepticism was expressed about the information which had been provided and that the proposed Vicar Lane/George Street diversion would work adequately. Further information was requested on details of all buses which used Eastgate – in both directions – and not solely those using Central Bus Station, which should also encompass all the bus operators and provide information on the consequences of the proposals for bus users. The Panel’s Highways Officer suggested the information could be provided in the form used to brief Members of the proposed bus changes associated with the Trinity Scheme. This was accepted, with the information being requested as soon as it was available
- concerning the proposed public realm and landscaping, Members broadly supported this, although the need for the proposed water feature to work consistently was stressed. In terms of the use of Eastgate Square there was a difference in views on the type of event which should be provided, but it was agreed it should be a well-used space. Some concern was expressed in relation to the proposed public open space around the markets area and the need for the streets around Millgarth to be pedestrian-friendly was emphasised
- Members were supportive of the principles of the approach taken to heritage assets conservation; demolitions and to the archaeology
- in relation to the strategy for drainage and managing flood risk, Members were supportive of the principles proposed
- in respect of sustainability, Members were supportive of the sustainable measures proposed. In terms of an acceptable fall back

position should the low carbon energy centre not come forward, it was suggested that a default position should be that of the most energy efficient alternative possible

- Members supported the principles and findings of the Environmental Impact Assessment
- in relation to the Section 106 obligations as listed in the submitted report, these were supported as was the Chief Planning Officer's comments that provision for sufficient space for unloading vehicles during the day for market traders would be required under condition

RESOLVED – To note the report and the comments now made

(Towards the end of this item, Councillor Nash left the meeting)

93 Application 11/01194/FU -Demolition of buildings and erection of a low carbon energy centre; associated landscaping; means of enclosure and highway works - Former Park Lane College Building - Bridge Street - 1-2 and 27-30 Ladybeck Close LS2 - Position Statement

(Prior to consideration of this item, Councillor Taggart left the meeting_

Plans, photographs, drawings and graphics were displayed at the meeting
A site visit had taken place earlier in the day which some Members had attended

Officers presented the report and scheme which outlined proposals for a low carbon energy centre at Bridge Street/Ladybeck Close which although being associated with the proposed Eastgate and Harewood Quarter development, was a stand alone application and could be delivered independently of the Eastgate retail scheme

The proposed Low Carbon Energy Centre (LCEC) would house a range of equipment including gas-fired boilers, a biomass boiler and Combined Heat and Power engine. The LCEC would be controlled remotely but two car parking spaces had been included on site to allow for daily maintenance visits

The external cladding would comprise three-dimensional metal triangles of varying size which would be coloured in earth tones. The chimney which would be approximately 54m in height would be silver in colour

Visual interest would be provided by a window at ground-floor level where passers by could watch some of the LCEC processes

Members were informed that a concern raised by highways in respect of forward visibility from Ladybeck Close had been addressed

Receipt of a letter from the new owners of Crispin House was reported which requested consideration be given to residential and visual amenity

Members commented on the following matters:

- the weathering of the materials
- the colouration of the cladding; that this was not earth-toned and that the references shown of other buildings in Leeds did not relate to the colour of the proposed cladding
- the scale of the building and whether it was necessary to be as high as being proposed

- that the metal cladding was reminiscent of the panelling on the Headingley Stadium with concerns that the joints would be visible, so leading to a less pleasing effect
- that the design was at variance with surrounding buildings and was inappropriate in view of the close proximity to residential properties

The Civic Architect, Mr Thorp, provided the following responses:

- that improved technologies in pigmenting pre-cast concrete enabled better colour retention so the materials would weather well
- that earth tones had been considered as these would provide a richness which would avoid a monolithic effect, but the exact tones would be reconsidered with some samples being provided for Members' consideration. Mr Thorp suggested that the successful approach taken to the cladding on the Arena, by providing large-scale coloured panels be adopted for this scheme
- that unlike Headingley Stadium the cladding would be cut diamond shapes which would also be perforated as ventilation was required
- in terms of the design challenge, Members were informed that the three levels of the LCEC worked differently and that the design reflected that; at ground floor there was noise; at first floor there was less noise but greater ventilation was required with the top floor being the site of the coolers where there was an open roof. In relation to the concerns about the height, Mr Thorp stated that the profile of the top of the building could be reconsidered

In relation to the specific issues raised in the report, the Panel provided the following responses

- that in principle the proposal was acceptable as a stand alone development delivering low carbon energy to existing and proposed (non-Eastgate Quarters) developments but that it was important to know the fall-back position as the provision of a high quality sustainable development was required
- that the comments were noted on the scale, form and design
- regarding impact on existing residential amenity to note the comments now made and those made on the site visit, where most Members were of the view that in relation to the hostel the proposals were acceptable, provided that comments made about the height were adequately addressed. It was noted that the proposed multi-storey car park in the Eastgate and Harewood could lessen the visual impact of the LCEC
- that the proposals did not raise any highway safety concerns

RESOLVED – To note the report and the comments now made

(During consideration of this matter, Councillor Driver left the meeting)

94 'Planning for Growth' - National Advice

Members considered a report of the Chief Planning Officer setting out information sent to all Local Planning Authorities (LPAs) in England by the Chief Planner (Communities and Local Government) in respect of the national objectives in 'Planning for Growth'. Appended to the report was a statement by the Minister for Decentralisation and further information on planning obligations

The Head of Planning Services presented the report and informed Members that the Government was placing great importance on delivering sustainable growth and that LPAs were being asked to place significant weight on the need to secure economic growth when considering planning applications

Members were also informed that consultation on proposed changes to use classes had commenced and that a paper on this matter would be presented to the Member/Officer Working Group

Regarding the viability of schemes and affordable housing, Members were informed that a report on levels of affordable housing to be sought would be considered by Executive Board at its meeting on 18th May

RESOLVED - To note the report and attached papers and to have regard to them in making planning decisions

95 Date and time of next meeting

Thursday 9th June 2011 at 1.30pm in the Civic Hall, Leeds

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Originator: Sarah McMahan
Tel: 2478171

Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 7 JULY 2011

Subject: APPLICATIONS 11/01000/OT - an Outline Application for major redevelopment, including demolition, involving mixed use to provide retail stores, restaurants, bars and offices (A1, A2, A3, A4, A5 and B1 Use Classes), gym (D2 Use Class), medical centre, crèche, multi-faith prayer room (D1 Use Classes), changing places toilet facilities, with new squares and public realm, landscaping, car parking and associated highway works, at the Eastgate And Harewood Quarter, Leeds, LS2 and, 11/01003/LI – a Listed Building Application for works to renovate and repair external fabric of Templar House, at Templar House, Lady Lane, Leeds, LS2 7LP.

APPLICANT	DATE VALID	TARGET DATE
Hammersons UK Properties PLC	10 March 2011	30 June 2011

<p>Electoral Wards Affected:</p> <p>City & Hunslet</p> <div style="border: 1px solid black; display: inline-block; padding: 2px;">Yes</div> Ward Members consulted (referred to in report)	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION:

Defer and Delegate to the Chief Planning Officer to grant Outline Planning Permission, subject to the specified conditions (and any others which might be considered appropriate) and following completing of a Section 106 Agreement to cover the following matters:

- 1. A public transport infrastructure improvements contribution of £749,992.00,**
- 2. The employment and training of local people,**
- 3. A Travel Plan monitoring and evaluation fee of £15,000.00,**
- 4. The provision of an area defined for Kirkgate Market’s use only for traders parking, loading and unloading,**
- 5. The provision, maintenance and the hours of public access of defined areas of**

public realm and landscaping,

6. The provision of 2 Leeds Car Club spaces and a contribution of £9,000.00 to fund a one year membership of the car club for employees,

7. A public realm and landscaping strategy,

8. The protection of the NGT public transport corridor.

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

Conditions 11/01000/OT

1. Reserved Matters - access, appearance, landscaping, layout and scale
2. Time Limit 5 years for submission of reserved matters and 3 years thereafter for commencement of development.
3. Gross External Floorspace (GEA) floor space maximum and minimum limits for each use
4. List of Approved plans and drawings
5. Masterplan and potential phasing of implementation of uses
6. Clear glazing to ground floor windows
7. Minimum headroom of 5.7 metres below Eastgate walkway for full width to be used by vehicles
8. Provision of facility for Shopmobility
9. Details of a multi-faith prayer room, including washing facilities
10. 5 metre easement to the Ring Road
11. Phasing of any enabling, highway and bus station works or bus facilities
12. Lighting scheme
13. All external walling and roofing materials
14. 1:20 details of detail of roof lines, eaves shopfronts double height frontages, entrance points, replacement and new buildings, junctions of new build elements with the existing structures of Templar House, Templar Hotel, 90-94 Vicar Lane and the elements of the Eastgate Blomfield terraces to be retained, cross sections of upper level windows showing recesses and reveals and heights and relationship to existing and proposed structures of any plant area screens.
15. All external surfacing materials
16. Details of existing and proposed levels including Ordnance Survey Data
17. Permanent waiting facilities for use by bus drivers on Vicar Lane
18. Temporary bus drivers waiting facilities on Vicar Lane
19. Details and location of the public conveniences, real time information displays and public seating
20. Details of all vehicle parking layouts including motorcycle and cycle parking and electric car charging points
21. Details of long stay cycle parking, showers and changing facilities
22. Submission of a Car Park Management Plan
23. Details of secure short stay cycle parking facilities
24. Off site highways works to be addressed via a Section 278 Legal Agreement
25. Details of a hard and soft landscaping scheme, its implementation and maintenance
26. Replacement of any trees lost within 5 years of planting
27. Details of the means and measures of biodiversity protection and enhancements including a precautionary bat survey
28. Compliance with agreed Arts and Cultural Strategy
29. Submission of a Demolition and Construction Management Plan
30. Submission of a management strategy identifying measures to reduce the visual impact of the development

31. Submission of a detailed scheme comprising (i) a recycled material content plan ((ii) a Site Waste Management Plan for the construction stage, (iii) a waste management plan for the buildings occupation and (iv) a BREEAM assessment
32. Fallback position should the off site low carbon energy centre not come forward
33. Submission of a programme of archaeological and architectural investigation and recording
34. Submission of a programme of archaeological below ground works
35. Details of any architectural features to be salvaged.
36. Details of all fixed mechanical plant and building service plant and agreed noise levels
37. Submission of details of a sound insulation scheme
38. Submission of a scheme detailing the method of storage and disposal of litter and waste materials
39. No storage of refuse either outside the building, or on the public highway
40. Details of the surface water drainage system
41. Details of foul water drainage system
42. Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor
43. Implementation of the recommendations in the Phase 2 Site Investigation and Geo-Environmental Risk Assessment
44. Submission of a remediation statement
45. Unexpected contamination
46. Remediation works shall be carried out
47. Accordance with the approved Flood Risk Assessment
48. Submission of a disabled access strategy
49. Submission of strategy for the routes around the site to be maintained and made available to the public during construction
50. Details of air quality mitigation measures
51. Details of wind tunneling/microclimate creation mitigation measures
52. Details of proposed bus station access arrangements (vehicle tracking)
53. Bus stop utilization review (after 6 months) of implementation

All of the above conditions are provided in full in the Appendix 3.

Reasons for approval of 11/01000/OT : The application is considered to comply with policies SA1, SA2, SA4, SA5, SA6, SA7, SA8, SA9, SP3, SP7, SP8, SG4, GP5, GP11, GP12, N12, N13, N23, N38A, N38B, N39A, N39B, N51, BD2, BD5, BD15, T2, T2B, T2C, T5, T6, T7, T7A, T7B, T9, T13, T15, T24, T26, T28, CCP1, E14, S1, R3, R5, A4, WM3, BC7, N17, N29, ARC4, ARC5, ARC6, LD1, LD2, CC1, CC3, CC5, CC6, CC8, CC10, CC11, CC12, CC13, CC14, CC17, CC19, CC21, CC26, CC26, CC27 and CC29 of the UDP Review, as well as guidance contained within the Eastgate and Harewood Supplementary Planning Document, Public Transport Improvements and Developer Contributions, Tall Buildings Design Guide, Travel Plans (draft), Leeds – City Centre Urban Design Strategy (CCUDS): Improving Our Streets, Spaces and Buildings (urban design principles based on the distinctive qualities of Leeds City Centre), The RSS for Yorkshire and Humber, PPS1, PPS4, PPS5, PPS9, PPG13, PPS24 and PPS25 and having regard to all other material considerations, as such the application is recommended for approval.

In making the recommendation to grant permission for this development the appraisal has taken into account all material planning considerations including the submitted Environmental Statement, the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified

below) the content and policies within Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPD), and the Development Plan consisting of the Regional Spatial Strategy 2004 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR). The scheme also accords with the objectives and principles identified within Eastgate and Harewood (Supplementary Planning Document).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states: "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". The City Council determined that the development was very substantially in accordance with the Development Plan as a whole. The City Council considers that the following material considerations justify the granting of planning permission :-

- (a) The Eastgate and Harewood Quarter scheme will deliver up to 117,080 square metres of new retail development; new modern office space, leisure and cultural uses, the restoration of listed buildings and significant improvements to the setting of the City Centre conservation area, extensive pedestrianisation and the creation of high quality public realm.
- (b) The development is substantially in accordance with the Development Plan as a whole.
- (c) The scheme would be in accordance with the Eastgate and Harewood Supplementary Planning Document, the Regional Spatial Strategy, relevant national planning policy in the form of PPS 1, PPS4, PPS5, PPS9, PPG13, PPS24 and PPS25 and other adopted supplementary planning guidance.
- (d) The development was assessed against the shopping policies in the UDPR and PPS4 and the City Council concluded that no harm would be caused by retail development in this part of the city centre.
- (e) The proposed development would comprehensively regenerate and redevelop a substantial part of the city centre which, for a significant period, has suffered from a lack of investment, has been underused and largely detracts from the wider area. The scheme is entirely situated on previously developed land and is located in a sustainable city centre position. The development would bring forward an efficient use of land which would be well integrated into the existing city centre and would be supported by a sound and comprehensive highway strategy. Permeability within the site would be significantly improved and the urban grain restored. The built development will involve buildings of high quality and contemporary appropriate public spaces. Whilst a limited amount of historic fabric would be lost as part of the development the overall impact on the historic environment would be positive and the individual losses are unavoidable if the wider benefits are to be realised. Consequently the development would represent a major contribution to the renaissance of the city centre and would help Leeds in its aims to become the best UK city.
- (f) The scheme would improve physical and economic links with areas and communities beyond the site and provide significant opportunities for employment and training initiatives for the most deprived people within the city. In doing so the development would help to close the gap between the most disadvantaged people and the rest of the city.
- (g) The scheme would address weaknesses in the city's current retail offer and would enhance its regional shopping role. In bringing forward these improvements the scheme would reinforce Leeds' role as the regional centre, re-establish its position competitively with other major cities.

Conditions 11/01003/LI

1. Time Limit (5 years)
2. List of approved plans
3. Samples of all external materials
4. Cleaning of exterior
5. Detailed 1:20 scale working drawings shall be submitted including a) Sections of any new windows and doors and (b) Junctions of materials between the existing building and the reinstated eastern door and steps
6. Programme of architectural recording required
7. Details of installation and operation of an extract or ventilation systems

All of the above conditions are provide in full in the Appendix 3.

Reasons for approval of 11/01003/LI : The application is considered to comply with policies GP5, N17, N29, BC1, ARC6 of the UDP Review, as well as guidance contained within the Eastgate and Harewood Supplementary Planning Document, Leeds – City Centre Urban Design Strategy (CCUDS): Improving Our Streets, Spaces and Buildings (urban design principles based on the distinctive qualities of Leeds City Centre), The RSS for Yorkshire and Humber, PPS1 and PPS5 and having regard to all other material considerations, as such the application is recommended for approval.

In making the recommendation to grant permission for this development the appraisal has taken into account all material planning considerations including the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPD), and the Development Plan consisting of the Regional Spatial Strategy 2004 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR). The scheme also accords with the objectives and principles identified within Eastgate and Harewood (Supplementary Planning Document).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states: "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". The City Council determined that the development was very substantially in accordance with the Development Plan as a whole. The City Council considers that the following material considerations justify the granting of planning permission :-

- (a) The scheme will result in the restoration of listed buildings and significant improvements to the setting of the City Centre conservation area
- (c) The scheme would be in accordance with the Eastgate and Harewood Supplementary Planning Document, the Regional Spatial Strategy, relevant national planning policy in the form of PPS 1 and PPS5 and other adopted supplementary planning guidance.

1.0 INTRODUCTION:

- 1.1 The proposals are brought to allow Members to consider whether the proposed scheme is acceptable in respect of the mix and amounts of uses, the design principles, the scale parameters and the location on this site. The scheme was presented to Members as a Position Statement on 12 May 2011. Members will recall

that the original scheme (06/03333/OT) was submitted as an Outline Application for a major redevelopment involving mixed use to provide retail stores, restaurants, bars and offices within use classes A1,A2,A3,A4,A5 and B1 and housing (class C3), cinema (class D2), gym (class D2), medical centre (class D1), church drop in facility, crèche (class D1) and hotel (class C1), with associated highways works, open space, landscaping, car parking, pedestrian facilities and re-alignment of a culvert. This was approved on the 24 August 2007.

- 1.2 An extension of time for implementing this consent was approved on 9 July 2010.
- 1.3 The Applicant has now re-examined the original proposals with a view to providing a more viable and deliverable development proposal, in the context of the changed economic market. The full details of the proposed amendment are given below and include a reduction in the range of proposed uses, a reduction in the site area, a change in the location of the proposed anchor store and a second anchor store, the provision of public realm arrangements and a proposed bridge link/walkway over Eastgate.

2.0 PROPOSAL:

- 2.1 As stated the proposal is an outline planning application for a major retail-led mixed use development scheme. This would comprise the provision of retail stores, restaurants, bars and offices (A1, A2, A3, A4, A5 and B1(a) Use Classes), gym (D2 Use Class), medical centre, crèche, multi-faith prayer room (D1 Use Classes), changing places toilet facilities; with new squares and public realm, landscaping, car parking and associated highway works, as well as a Listed Building application (reference 11/01003/LI) to renovate and repair the external fabric of the Grade II Listed Templar House. There is a full planning application (reference 11/001194/FU) under consideration for a low carbon energy centre, which is being dealt with as a separate matter and is also on this agenda for determination.
- 2.2 All detailed matters are reserved, these being access, appearance, landscaping, layout and scale.
- 2.3 In accordance with Government guidance (Circular 01/2006) the extent of the development is precisely defined within the development specification and a series of parameter plans. These documents establish the proposed uses and the maximum and minimum gross external floor area that each use may have, an indicative layout, an indication of the maximum and minimum limits for building heights, an indication of the limits for the widths and lengths of each building, the positioning of proposed pedestrian areas and access points, and an indication of the location of proposed covered areas.
- 2.4 The development specification and parameter plans are supported by design guidelines, which set out the key design principles and objectives for various defined character areas across the development, and for each building plot. Any reserved matters will also be assessed against the objectives and principles contained within these guidelines, in addition to the parameter plans.
- 2.5 The land use and maximum and minimum floor space parameters for each type of proposed use are laid out in the following table and a comparison between this and the previous consented scheme can be found in Appendix 1.

Land Use and Floor Space Parameters		
Type of Use	Max Gross External Area metres ²	Min Gross External Area metres ²
A1, A2, A3, A4 and A5	117 080 m ²	79 800 m ²
Office B1	9 832 m ²	5 000 m ²
Gym D2	3 500 m ²	0
Medical Centre D1	400 m ²	0
Crèche/Nursery D1	400 m ²	0
Multi Faith Prayer Room D1	50 m ²	20 m ²
Changing Places toilets and changing facilities	24 m ²	12 m ²
Total Area	131 286 m²	84 832 m²
Public Car Parking	2700 bays	2200 bays
Replacement Police Car Parking	80 bays	0
Total number of parking bays	2780 bays	2200 Bays
Market Traders parking/loading area	An area equating to 25 parking spaces	An area equating to 25 parking spaces

- 2.6 The development scheme area can be divided into three interlocking areas in respect of the site, these being Eastgate itself, the site south of Eastgate and the site north of Eastgate.
- 2.7 Eastgate is at the heart of the development proposal and here there is a proposal to retain its civic east –west axial route whilst creating an enhanced pedestrianised environment along its length. Part of the Blomfield terrace to the north of Eastgate would be demolished, to be replicated further to the east along Eastgate, allowing the creation of a new public space, Eastgate Square, at this key location within the development. The rebuilt element would be designed such that it reflected the architectural principles established by Blomfield along Eastgate. New ‘bookend’ elements would frame the new square, which itself would provide setting for the refurbished Grade II Templar House.
- 2.8 To the southern side of Eastgate it is proposed that part, or all, of the existing terrace will be demolished and replaced with new buildings. The eastern most of these buildings would be one of the two major anchor stores which would front onto Eastgate. A new pedestrian route would be created running north-south to the west of this anchor store dividing it from the other potential building/extension on this southern side.

- 2.9 Due to the location of the above mentioned anchor store and its relationship to the rest of the development, and in particular the proposed multi storey car park, there is a requirement for a bridge/walkway to be sited across Eastgate. This would provide an additional pedestrian connection for the anchor store to the rebuilt 'Blomfield' block on the north side of Eastgate, and would be positioned at first floor level. The design parameters for the walkway have been identified in the Design Guidelines submitted as part of the planning application and it is agreed that it should be as transparent and lightweight as possible, be designed to ensure that key views up and down Eastgate, particularly of the Millennium Fountain roundabout, are retained, be solely supported by the buildings to the north and south such that there is no requirement for structures on Eastgate and maintain an agreed highway clearance to allow NGT to travel beneath it.
- 2.10 In the area to the south of Eastgate as well as the anchor store, which would occupy the site running from Eastgate to George Street, there would be a number of other blocks proposed, providing a variety of sizes of flexible units. These would be divided by two new key pedestrian routes in the form of a reinstatement of the former Ebenezer Street, and the creation of the new Blomfield Street.
- 2.11 The larger part of the development would be to the north of Eastgate. This would comprise a variety of scales of connected retail units, with a second anchor store to be positioned to the north-western corner. Through the centres of these units would lie a C shaped arcade. Due to the fall of the land to this side of the site this arcade would be on two levels allowing for at grade pedestrian access from Eastgate, Vicar Lane and Lady Lane. A further entrance off Bridge Street to the arcade would be via a set of steps due to the constraints of the topography.
- 2.12 The arcade would be open at each end, and naturally ventilated. Its roof would be a key design component and would be designed to be light and elegant, making a positive contribution to the immediate space and roofscape of the wider area. The roof would be supported by the adjacent buildings and constructed using light permeable materials. The arcade would connect to both Eastgate Square and Templar Square and would be a contemporary addition to the tradition of arcades in Leeds City Centre.
- 2.13 A multi storey car park to accommodate a maximum of approximately 2700 car parking spaces would sit above the units, with the mass of this structure being pushed towards the Inner Ring Road. The car parking would have entrance and exit points to both Vicar Lane and Bridge Street and its ramps would be expressed as sculptural forms rather than being part of the main body of the building. This would provide landmark features whilst helping to reduce the overall visual mass of the car park. Due to the scale of this block it is important for the car park facades to have an open skin of fins or cladding, which would also allow for natural ventilation.
- 2.14 Key views from 29 points have been identified to allow the scale and mass of the proposed development to be considered in the context of the wider City Centre. Views affecting the Grade I Listed Kirkgate Market and the City Centre Conservation Area in particular have been examined to ensure there will be no significant detrimental impact on the visual amenity of the existing buildings, spaces and streetscapes.
- 2.15 The principal changes from the previous consented scheme for the Eastgate and Harewood Quarter (06/03333/OT extended by 10/0147/EXT) that are currently proposed are:

- The range of proposed uses has been altered such that the scheme no longer includes the following uses: housing (class C3), cinema (class D2), church drop in facility and hotel (class C1). In terms of the range and mix of uses the amended proposal is for A1 retail, A2 financial and professional services, A3 cafes and restaurants, A4 pubs and bars, A5 hot food takeaway, B1 offices, D1 medical centre, crèche and multi faith prayer room and D2 gym.

- The layout has been altered such that the majority of Ladybeck Close and the Blomfield Petrol Station roundabout are excluded from the red line site boundary. The positions of building blocks on the master plan layout has also been reconfigured across the site. As such the proposal now sits fully within the Prime Shopping Quarter and is therefore in conformity with Leeds Unitary Development Plan Review 2006 shopping policies and Planning Policy Statement 4: Planning for Sustainable Economic Growth.

- The massing parameters, which detail the maximum and minimum heights and building plot footprints have been reassessed. These take into account the minimum requirements for all street widths, including pedestrian only and shared areas.

- The location of the anchor department store has been altered. The store is to be sited to the north-western corner of the site near the junction of Vicar Lane and New York Road (the Inner Ring Road). A second anchor store would be positioned to the south eastern corner of the site to the west of Millgarth Police Station and adjacent to Millgarth Street.

- The revised proposal involves the breaking through, and removal of a section of the Blomfield buildings to the north of Eastgate to create a new public space, 'Eastgate Square', which would front on to what is to be the refurbished and reused Grade II Listed Templar House.

- To the south side of Eastgate a section at the eastern end of the 'Blomfield' building is proposed either for demolition and replacement with a new building (one of the anchor stores) and an extension, or to be partially retained and enhanced via new façade treatments.

- The layout of the main part of the Eastgate north side of the proposal would require parts of Lady Lane to be built upon.

- To link the anchor store on the south- eastern corner of the site to car parking on the northern side of Eastgate, a bridge link/walkway over Eastgate is proposed.

- A covered arcade/street is proposed on the area of the development to the north of Eastgate.

- Due to topography issues, existing underground structures and services, NGT route requirements and off street servicing proposals, amendments are proposed to the hard and soft landscaping scheme. Principally there is a requirement for a reduction in the number of trees on site in relation to the landscaping principles agreed on the previous approved outline consent.

- To the southern part of the site the historic Ebenezer Street, which currently has surface car parking upon it, is to be reinstated as a pedestrianised area.

- In addition to the above mentioned new public space Eastgate Square and pedestrianised covered, part covered and open streets, a further public space is to be created adjacent to the Templar Public House to the north west of the site.

- The Developer is also proposing to locate a Low Carbon Energy Centre on a site to the east of the proposed Eastgate and Harewood development fronting Bridge Street. A separate full planning application has been submitted for this proposal (planning reference 11/01194/FU) to be considered alongside this main outline planning application and the listed building application.

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

Design Guidelines (HUK2)
Design and Access Statement (HUK3-1)
Built Heritage Assessment (HUK3-2)
Planning Statement (HUK4)
Retail Statement (HUK5)
Statement of Community Involvement (HUK6)
Townscape Assessment (HUK7)
Transport Assessment (HUK8)
Travel Plan (HUK9)
Environmental Statement (HUK10) plus an addendum to this document
Non-Technical Summary (HUK11)
Sustainability Statement (HUK12)
Energy Statement (HUK13)
Site Investigation and Geo-Environmental Report (HUK14)
Flood Risk Assessment (HUK15)
Utilities Statement (HUK16)
Conservation Strategy (HUK17)
Schedule of Works to Templar House (HUK18)
Arts and Culture Strategy

2.17 The Applicant has also submitted an Environmental Impact Assessment (EIA) as an integral part of the application. EIA is the procedure by which a project's likely environmental effects are brought together and analysed to identify where modifications and/or mitigation measures are required. The EIA results are contained in the Environmental Statement and its addendum which cover the following areas:

- EIA methodology
- The existing site
- Alternatives and design evolution
- The proposed development
- Development programme and construction
- Planning policy context
- Socio economics
- Townscape and visual amenity
- Built heritage
- Transport and access
- Air quality
- Noise and vibration
- Archaeology

- Ground conditions and water resources
- Ecology
- Wind
- Daylight, sunlight and overshadowing
- Cumulative Impacts
- Summary of mitigation measures
- Residual impacts.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site extends to approximately 6.9 hectares in size and forms the north east quadrant of Leeds City Centre. It is defined by New York Road (Inner Ring Road A58M/A64M) to the north, Bridge Street to the east, George Street and Dyer Street to the south and Harewood Street and Vicar Lane to the west. Millgarth Police Station, Millennium Fountain (former Appleyards petrol filling station) and the Ladybeck Close area are all now excluded from the amended proposals site boundary. Ground levels fall by approximately 14m from the north west (former ABC site) to the south east corner (bus station) of the site.
- 3.2 The site contains a varied mix of property and land uses. However, a significant land use is surface car parking (2.26 hectares). Lady Lane, Edward Street, Union Street, Templar Street, Templar Lane and on-street car parking accounts for approximately 1080 surface parking spaces. Existing buildings on site are commonly three or four storeys in height, typically retail (A1) or food and drink (A3 and A4) uses at ground floor level and mainly office (B1) or residential uses above. However, an increased number of these existing buildings have become vacant since the consent was granted for the original outline scheme in August 2007.
- 3.3 North central segment
Saxon Hawke House (Lyon Works) is a former clothing factory constructed in 3 phases between 1914 (northern end adjacent to Templar Street) and 1937 (southern end adjacent to Lady Lane). To the west of Templar Lane, Templar House is a Grade II Listed Building constructed as a chapel in 1840. The building has been unoccupied for some time and is in a very poor structural condition with no remaining internal features of interest. To the south, 34 Lady Lane is one of the few buildings on the site dating from before 1900 although it was remodelled in the 1930's. The building is encompassed within the northern Eastgate terrace.
- 3.4 North west segment
The north-western frontage of the site abuts Vicar Lane. The former ABC cinema was demolished during 2006. Templar Hotel, at the junction with Templar Street, is a mid-late 19th Century building used as a public house. 100-104 Vicar Lane originally formed part of the West Yorkshire Bus Station but is now in a variety of commercial uses.
- 3.5 Central spine and southern segment
In 1924 a scheme to demolish the properties on the north side of the Headrow to create a new, grand, street running from the Town Hall to Mabgate Circus was agreed. In order to achieve a unifying theme, Sir Reginald Blomfield was appointed to design the buildings that would face onto the new street. 90-94 Vicar Lane is located at the junction with Eastgate. The building is grade II listed and is one of the four similar corner blocks (only 3 were completed) at this junction designed by Blomfield. However, few of the buildings within Eastgate were ultimately designed by Blomfield.

- 3.6 1-5 Eastgate forms part of the same block as 90-94 Vicar Lane. The building is a post-war interpretation of its neighbour. The northern Eastgate terrace (7-31 Eastgate) is situated to the east of this block beyond a staircase leading down to Lady Lane and Edward Street. The terrace, stepping down from west to east, is 130m in length. 7-27 (1953) Eastgate generally follows the outline plan and is clearly inspired by Blomfield. 29-31 Eastgate (1930-33) was designed by Blomfield.
- 3.7 The terrace on the southern side of Eastgate is a similar length and height to that on the northern side. The majority of the run (10-42 Eastgate) dates from the late 1950's. 44-46 Eastgate, the southern 'bookend' is similar to its northern counterpart. Beyond the open car parks and the police headquarters (outside the site) part of Leeds Central Bus Station is located within the application site boundary.
- 3.8 The Millennium Fountain, whilst outside the demise of the current proposal, is of importance still and is located within a Blomfield designed building located at the intersection of Eastgate (west), Eastgate (north-east) and St Peter's Street. The grade II listed building was constructed as a petrol station in 1932. The surrounding railings were listed grade II as having group value as part of the composition with the filling station.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The original outline planning permission (06/03333/OT) was granted consent on 24th August 2007 and permission was extended on 9 July 2010 (10/01477/EXT).
- 4.2 09/05538/LI - Listed building application for the demolition of the railings at the former Appleyards Filling Station. Following referral to the Secretary of State this application was granted a five year consent on 31 March 2010 subject to conditions requiring the railings be repaired and reused within the Eastgate and Harewood Quarter development.
09/04368/LI – Listed building application to repair and renovate the external fabric of Templar House, Lady Lane. Approved 2 December 2009.
- 4.3 11/01194/FU - In addition there is a current non-determined application for the demolition of all buildings and the erection of a Low Carbon Energy Centre, primary substation, transformers and a gas meter unit; and associated landscaping, means of enclosure and highway works including the realignment of Ladybeck Close. This would be at the former Park Lane College Building, Bridge Street, Nos 1 - 2 and 27 - 30 Ladybeck Close which is to the east of the Eastgate and Harewood proposal site.
- 4.4 07/02508/FU – Permission was granted for the laying out of access road and erection of new auditorium and youth hall, with new car parking area to form church and community facilities for the relocation of the Bridge Street Penetcostal Church to the Agnes Stewart school site on 29 June 2010. The Applicant is seeking to revise the proposal and states that a further planning application for the relocation of the Church to the school site is to be submitted shortly.
- 4.5 Whilst not strictly part of the planning history, Members should note that on 19th April 2006 Executive Board authorised the making of a Compulsory Purchase Order (CPO). The Leeds City Council (Eastgate and Harewood Quarter, Leeds) Compulsory Purchase Order 2007 was subsequently made on 18th April 2007. The Public Inquiry into the CPO took place between November 2007 and February 2008. The CPO was confirmed by the Secretary of State for Communities and Local

Government in June 2008 and the associated Stopping Up Order for the original consented scheme was confirmed by the Secretary of State for Transport in July 2008. The CPO has been implemented by way of notices to treat served on the 7th of April 2011. Accordingly, the site assembly process to enable the proposal to be implemented (if planning permission is granted) is well advanced.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The proposal has been the subject of detailed pre-application discussions between the Applicants, their Architects and Local Authority Officers for several months, and was presented to Members at the Plans Panel of 22 July 2010. Whilst Members welcomed the proposals they stressed the need for further discussion on the following points:

- Details of the bridge across Eastgate
- Details of the break through, and the removal of a section of the Blomfield buildings to the north of Eastgate to create a new public space, and the removal of part of and extension to the block on the south side of Eastgate
- A justification of the demolition of the Lyons Works Building
- A justification and more details of the building over and treatment of Lady Lane
- Details of public realm and landscaping
- An understanding of the mix of uses on site
- An understanding of the arts and cultural offer of the scheme
- Details of connections through and around the site and of the 'shoppers route'
- Details of what the scheme will bring to the City in terms of employment and training opportunities for local people

5.2 A further pre-application presentation was subsequently brought back to Members on 16 September 2010 which aimed at focusing on the key study areas from the above list of comments. Members made the following comments:

- Has all been done to try to accommodate Lyons Works in to the scheme?
- How will the pedestrian links to the Arena and Civic Quarter be improved?
- Does the site include Millgarth Police Station?
- The raised walkway across Eastgate needs to be elegant and as unobtrusive as possible to ensure it is not a visual barrier. Design details and principles of the bridge are need.
- Views up and down Eastgate from the raised walkway would be good.
- Open spaces are a welcome feature.
- There appear to be fewer trees than on the previous scheme. The landscaping and greening of the site need more thought.
- The cowls on the roof of Lyons Works are an important feature and should be retained and reused elsewhere in the scheme.
- The Lyons family name needs to be retained, possibly in street naming.

5.3 Member's of the Plans Panel City centre attended a fact finding visit to the Applicant's Highcross development in Leicester on 31 January 2011. The party was given a presentation on a retail services course which had been designed in conjunction with Hammersons to provide essential training for local people with the aim of taking up jobs that were generated in the new development. The party was then taken to the Highcross development. Aspects of the city centre and how the development relates to it, were pointed out including the elevated bridge/walkway linking John Lewis to the car park, pedestrianised streets and the covered market.

Members also received a presentation on the history and progress of the Highcross development.

- 5.4 The Applicants undertook a 2 day public exhibition on 24 and 25 September 2010, at the Cross Arcade in the Victoria Quarter, to allow local residents and stakeholders to view the scheme. A total of 682 people were recorded as attending the exhibition with 647 of these being members of the public and 35 being invited stakeholders. Visitors to the exhibition were asked to complete a questionnaire. Amongst the various questions asked were; what appealed to them about the scheme, whether they were in favour of regeneration of the area, whether they thought Leeds would benefit from the development, if they liked the inclusion of particular details such as Templar House and whether pedestrianisation was favoured or not. Comments gained from completed questionnaires at the exhibition were collated to allow the Applicant to better understand local opinions of the proposed development.
- 5.5 In addition, the Applicants conducted a number of other public consultation exercises which are detailed in the submitted Statement of Community Involvement. The means used were a combination of letters, a leaflet for Kirkgate Market, an Eastgate website, social media, local media, meetings with local groups and two City Centre Plans Panel pre-application presentations. Groups and individuals consulted included stakeholders, Members, Officers, residents, businesses, Leeds and West Yorkshire organisations and other third parties.
- 5.6 The application was brought to Panel as a Position Statement on 12 May 2011 and Members commented on the following matters:
- The massing of the John Lewis store and whether the bulk of this could be reduced by sinking the building further into the ground.
 - The need to relate the building lines of the Market and its exits with those of the Eastgate scheme.
 - The importance of the exterior treatment of the car park and that it should not add to the existing harshness of York Road at this point.
 - Bus routes, with concerns that the proposals would result in more buses going along New Briggate which was already unpleasant due to buses and the various retail uses along the street.
 - The possibility of buses coming eastwards turning on Albion Street to Merrion Street, with mixed views being expressed on this suggestion.
 - Whether there was the possibility of buses continuing down The Headrow/Eastgate into the bus station, in view of the amount of money which had been spent upgrading this and the number of people needing to use this facility.
 - The view that the whole scheme hinged on the absence of buses down Eastgate.
 - That problems currently existed with east/west routes through the city centre and that diverting buses along George Street up to The Corn Exchange would add to these problems.
 - The need to consult on the proposals with all the bus operators, not solely First Bus.
 - The need to ensure the system of bus routes worked with the delivery systems for market traders.
 - That there should be no additional pedestrian guard rails on George Street.
 - The design of the car park and the need to ensure this appeared as a building rather than a box.
 - That consideration should be given to reflecting the interesting and intricate designs of the paving in Leeds' historic arcades in the proposed new arcade.

- The need to ensure the height of the bridge would protect views both to and from Eastgate.
- That increased trade for Kirkgate Market was possible and had occurred in Leicester when the Highcross development had opened adjacent to the city's market. However, it was essential that logistically the market could continue to function properly and therefore some tweaking of the scheme might be needed to achieve this.
- That despite the boost to the market trade in Leicester, that the impression had been given on the site visit to Highcross that many people only visited the John Lewis store by car and then returned home thereby confining their use of the centre and their spending to the anchor store, and that despite the obvious draw of John Lewis in Leeds, this would need to be considered.
- That details of the design of the John Lewis store were awaited but concerns that the store in Highcross lacked active frontages around the whole of the building and that this should not be replicated on the Leeds store.
- That walkways were a feature of Leeds city centre and that the proposals for the area around the John Lewis store lacked these.

In response to the specific questions raised in the report, the Panel provided the following comments:

- Members were supportive of the principle of the proposed uses and their mix.
- That subject to the comments made, Members were supportive of the principles of the proposed layout, scale and design.
- Regarding the principles of the proposed transport strategy, access arrangements and connectivity across and through the site, some scepticism was expressed about the information which had been provided and that the proposed Vicar Lane/George Street diversion would work adequately. Further information was requested on details of all buses which used Eastgate – in both directions – and not solely those using Central Bus Station, which should also encompass all the bus operators and provide information on the consequences of the proposals for bus users. The Panel's Highways Officer suggested the information could be provided in the form used to brief Members of the proposed bus changes associated with the Trinity Scheme. This was accepted, with the information being requested as soon as it was available.
- Concerning the proposed public realm and landscaping, Members broadly supported this, although the need for the proposed water feature to work consistently was stressed. In terms of the use of Eastgate Square there was a difference in views on the type of event which should be provided, but it was agreed it should be a well-used space. Some concern was expressed in relation to the proposed public open space around the markets area and the need for the streets around Millgarth to be pedestrian-friendly was emphasised.
- Members were supportive of the principles of the approach taken to heritage assets conservation; demolitions and to the archaeology.
- In relation to the strategy for drainage and managing flood risk, Members were supportive of the principles proposed.
- In respect of sustainability, Members were supportive of the sustainable measures proposed. In terms of an acceptable fall back position should the low carbon energy centre not come forward, it was suggested that a default position should be that of the most energy efficient alternative possible.
- Members supported the principles and findings of the Environmental Impact Assessment
- In relation to the Section 106 obligations as listed in the submitted report, these were supported as was the Chief Planning Officer's comments that a provision for sufficient space for unloading vehicles during the day for market traders would be required under condition.

5.7 The proposal is now brought back to Plans Panel for determination taking into account and responding to the above comments from Members.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The outline application was publicised via Site Notices posted on 18 March 2011 expiring on 8 April 2011 for a 'Proposed Major Development Which Affects the Setting of a Listed Building and the Character of a Conservation Area and Accompanied by an Environmental Statement', and in the Leeds Weekly news edition printed the week of 7 April 2011. In addition to respond to the submission of an addendum to the Environmental Statement further Site Notices were posted on 1 June 2011, expiring on 22 June 2011.

6.2 The Listed Building Consent application was publicised via Site Notices posted on 18 March 2011 expiring on 8 April 2011 for an 'Application for Listed Building Consent', and in the Leeds Weekly news edition printed the week of 7 April 2011.

6.3 196 letters of comment have been received these being 188 letters of objection and 8 letters of support, detailing the following points:

Design and Layout

1. The John Lewis building has the potential to be a city icon and a world class building, and should not be like Selfridges at the Birmingham Bull Ring and it should not have a windowless façade to Millgarth Street.
2. The reinstatement of Ebenezer Street would provide a high quality extension to the Victoria Quarter.
3. The arcade entrances are contemporary and complement the historic Eastgate axis and the arches of the arcade are aesthetically pleasing and it looks like an arcade not a shopping centre.
4. The proposed public square would be a new, well proportioned leisure space, which would work well with Templar House.
5. The proposed car park entrances are architecturally pleasing and practical.
6. The relationship between the arcade and the car park is weak and they need to compliment each other. The car park could overwhelm Bridge Street and needs to be screened, possibly with greenery.
7. The exteriors to Vicar Lane and Bridge Street could be bland, overbearing and over-dominant, these elements need careful design.
8. Whilst the arcade is a strong feature it lacks one detail, this being an ornamental clock or modern piece of sculpture to entrench the view that it is an arcade and not just another shopping centre. However, the arcade looks promising.
9. There is a worry that the pedestrian bridge over Eastgate will detract from the composition of buildings, it strikes a raw note.
10. The Blomfield concept appears to be appreciated and not at risk.
11. That an agreed design code establishing key principles is required to ensure quality.
12. That careful judgement of the impact of height of buildings is required particularly at the high point of the site to the north west to avoid over dominance
13. That the Ring Road should not be treated as a rear aspect, facades need to be primary and of high quality facing residential uses across this road (such as Crispin House)

Response: These comments will largely be addressed in the appraisal (Section 10.0) of this report, however it is the case that this is an outline planning application on

which appearance is a reserved matter. Therefore, these comments are duly noted and will be considered at the detailed design stage/s of the scheme.

Kirkgate Market

1. The scheme will be complimentary to Kirkgate Market in that it will provide different type of retail outlets from the Markets, and it will draw visitors to the city.
2. There is anxiety about preserving Kirkgate Markets future, identity, purpose and heritage and there is concern about social inclusion.
3. The promotion of Kirkgate Markets is a concern and is considered to be inadequate and uninspiring.
4. An inconsistent rents policy and high levels of service/maintenance charges for Kirkgate Market.
5. Perceived unfairness and inconsistency with regard to encroachment.
6. There is concern regarding levels of vacant units within the Market and the deleterious state of Kirkgate Market's infrastructure.
7. The poor relationship between the Market staff and traders and the lack of strategy and the perception by traders and others that the Market is not run as a business.
8. Height restrictions in the proposed multi storey car park could mean that traders are unable to park their vans and large vehicles within.
9. The scheme does not comply with the Development Plan in that the proposal would be detrimental to Kirkgate Market for the following 6 reasons;
 - a) There are concerns over the potential for the whole site to be closed for the full 42 month period of construction and the impact this could have on the surrounding area and in particular the Markets, with regard to noise, dust and disturbance.
 - b) That pedestrianisation of Eastgate will increase traffic chaos around Kirkgate Markets resulting in the Market becoming a traffic island, with George Street becoming a major and congested bus route.
 - c) The loss of customer and trader parking on the George Street car park and changes to trader servicing arrangements will be detrimental to the Markets and will exacerbate existing parking issues in the area.
 - d) The height of the proposed John Lewis anchor store would mean it would be overbearing on the surrounding context and would be visually detrimental to Kirkgate Market and the cultural heritage of Leeds will be lost if the several areas of archaeological interest identified by West Yorkshire Archaeological Advisory Service (WYAAS) are built upon.
 - e) The proposed scheme would be inward looking with a 'circular' design and there would be poor connectivity between Eastgate and Kirkgate Market and pedestrians will not be encouraged to move from one to the other due to the volume of traffic on George Street creating a barrier. The result would be that the Markets area will be less safe for pedestrians discouraging footfall.
 - f) That Eastgate would result in unfair and ruinous competition with Kirkgate Market to the detriment of the small independent traders within with a threat to jobs and livelihoods of employees and traders, and consumer choice would be undermined if the Market suffered as a result of the development.
10. There would be poor cycling linkages with the Market.
11. The plans from the 1980s to develop the Markets area are more favourable to Kirkgate Market and the traders than the current proposals.
12. The proposal would have an impact overtime on the poorer people in our community who currently benefit from access to lower priced fresh fruit and vegetables available in Kirkgate Market and undermining the Market would not help 'narrow the gap'.
13. That the S106 obligations offer very little in the way of contributions to or the enhancement Kirkgate Market.

Response: Whilst points 2, 3, 4, 5, 6 and 7 are duly noted and acknowledge as genuine concerns, these matters are beyond the remit of the Applicant and should more properly be addressed to Kirkgate Market management and Leeds City Council. With regard to point 9 a) the Applicant has stated the construction time would be closer to 36 months and that strict legislation is in place which does not allow construction sites to emit vast quantities of dust or excessive noise. In respect of point c) the Applicant advises that the loss of the adjacent car park will be mitigated by the proposal to provide up to 2,700 spaces in a multi-storey car park which will be 230 metres away from Kirkgate Market.

Point e) refers to connectivity between the site and the Market and it is considered that Eastgate will benefit the whole city of Leeds, including Kirkgate Market in that it will attract more footfall and shoppers to the area creating a retail circuit which includes and embraces the Market. With reference to point f) the Applicant has stated that Eastgate should not be in competition with the market but will complement the retail offer by providing a different type of retail provision than that offered in Kirkgate Market.

Highways

1. The scheme should not prevent future public service traffic being restored in addition to the protected NGT route.
2. Whilst the new car parking facilities more than cover the loss, allowances for future demand following completion need to be considered.
3. The lower level delivery facilities and collection points are applauded.
4. It is important that George Street is widened sufficiently to accommodate the bus route, deliveries, collections, and pedestrian flows.
5. To close Eastgate permanently to traffic would be a disaster since the traffic changes will take years to come to fruition.
6. The analysis of the bus traffic is incorrect and the rerouting of buses will lead to traffic congestion and negatively impact on pedestrian movements.
7. The capacity of the servicing strategy is a concern and the loss of private car access to George Street will increase demand on the defined loading bays. In addition the John Lewis anchor store vehicle entrance will add to congestion on George Street and will mean no active frontage will face the Markets.
8. The surface car parking on Millgarth Street conflicts with the NGT route.
9. Reduced car parking spaces will affect all shoppers.

Response: These comments will be addressed in the appraisal (Section 10.0) of this report.

Economic/Regeneration

1. The Eastgate proposals are welcome in the current economic situation
2. The lack of retail units to Bridge Street and Millgarth Street could harm connectivity to Mabgate and the expansion of the retail core.
3. Markets forces of higher rents in the Trinity and Eastgate schemes could have the affect to reduce rents elsewhere in the city centre.
4. New developments in Leeds are essential if the city is to maintain its premier status and be capable of locally responding to consumer demand and fight of competition from other northern cities. The proposal will provide long needed investment and has the potential to transform this part of Leeds.
5. The scale of the proposal is likely to impact negatively on surrounding towns and cities and retail floorspace demand in Leeds City Centre is low. In addition, the proposal would draw trade away from the traditional retail core and would be inward looking.
6. The 'promise of prosperity' that this development makes can not be proven.

7. Leeds should be encouraged to be more individual rather than bringing yet more high street names to the city.
8. The proposed scheme is not a mixed development as it does not have the required diversity of uses to constitute such a development.
9. Whether more retail can be accommodated and is needed in Leeds City Centre.
10. That this flagship project would be a substantial economic benefit to the city of Leeds and the timely regeneration of the area will lead to the creation of much needed employment and the expansion of the retail quarter to link with the cultural destinations around Quarry Hill.
11. The project has the potential to generate new job opportunities and wherever possible these should be for local people.

Response: These comments will be addressed in the appraisal (Section 10.0) of this report.

Landscaping

1. The proposed use of trees would bring calm to the street scene
2. That the wisdom of a wide public space on Eastgate is questionable.
3. That there should be positive enhancement of pedestrian links to surrounding areas.
4. The new square will provide an excellent place for people to meet in a great setting.

Response: These comments will be addressed in the appraisal (Section 10.0) of this report.

Heritage

1. The loss of some architecturally interesting buildings including parts of the Eastgate terraces, Circle House, Lyons Works and the Wharrams Building is regrettable. Ways to reuse these buildings should be examined. The loss of Lady Lane means the obliteration of a historic important street and adversely affects the setting of Templar House
2. Templar House actually worth preserving and does it have any relevance today?
3. The western end of the southern Blomfield range should be retained and reused.
4. The Heritage Statement does not sufficiently address PPS5 or acknowledge the full extent of the heritage assets on the site and in the wider area. In addition the siting of large modern buildings next to historic listed buildings would remove the sense of place and detract from the setting of these heritage assets

Response: With regard to point 4 there are many examples across Leeds City Centre of contemporary buildings being sited adjacent to and even attached to listed buildings which work successfully. In this case the design details of the scheme which will come forward at reserved matters stage will dictate how the scheme preserves or enhances the contextual heritage assets.

Others

1. Overall the development seems to have merit.
2. The reduced access to 18 hours in the arcade will adversely affect the use of Templar Street
3. The increased pollution levels from the development would be detrimental to the fabric of historic frontages on heritage assets.
4. There has been inadequate consultation by the Applicant with regard to the scheme.
5. The scheme could result in another featureless and bog-standard shopping area.
6. How damaging will the scheme be to Leeds City Council's plans to reduce carbon emissions by 40%?
7. The potential overshadowing and over-bearance of County House (Vicar Lane).

8. That the application makes no assurances over the numbers of toilets available and how accessible they are.

9. That the application contains no details regarding public seating provision.

10. That there have been no public reporting on pre-application discussions and no such discussions with the NGT Team, about the area east of Bridge Street for car parking, about the principles of the structural design of the car park, regarding the reuse of existing buildings and materials, about whether the eastern stretch of Lady Lane could be retained, about the historic importance of the cluster of Art Deco buildings around Bridge Street and about connectivity to Quarry Hill.

Response: In response to point 3 there is no evidence that any of the proposed uses would result in increased pollution levels in Leeds City Centre and any increase in pollution from car fumes is likely to be concentrated around the multi storey car park which is to the north of the site at the furthest point away from the most important heritage assets.

With regard to points 8 and 9 it should be noted that this is an outline planning application and as such details of exact numbers and locations of toilets and public seating will come forward at the Reserved Matters stage. However it is the case that the Applicant does confirm that there will be provision of public toilets including Change Places facilities as well as public seating across the site.

In response to point 10, it is the case that pre-application discussions are in general confidential and in this instance this is so due to the commercial sensitivities of the scheme. However, as detailed in Section 5.0 extensive pre-application discussions have been undertaken which did cover amongst other matters, the areas of interest raised in point 10.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.2 Environment Agency state that the proposal will only be acceptable if the measures detailed in the Flood Risk Assessment are implemented and as such this needs to be secured via a condition.

Response: Any approval will be conditioned accordingly.

7.3 Highways have stated that the strategy for servicing across the site has been agreed in principle and confirmation that the servicing can be operated effectively has been obtained from the Applicant, that further survey work has been undertaken with regard to the buses, taxis, servicing and other general traffic movements on George Street and that there are a number of off site highways works including junction improvements, that are required as a result of the proposal. In addition it is stated that Metro have been involved in the detailed discussions with regard to the rerouting of buses away from Eastgate and the associated stop allocations and bus driver facilities required, and that cycle parking and a defined cycle route through the site linking into strategic cycle routes from Scholes to the city centre are welcomed. Highways also state that the control sought via the proposed Stopping Up of Eastgate requested by the Developer, could in their opinion be achieved via the application of Traffic Regulation Orders and other agreements to control cleaning and maintenance and that they consider that stopping up Eastgate could erode the certainty of delivering NGT.

In addition, the TravelWise Officer also requests that the Travel Plan once agreed be appended to the S106, and that a free car club trial be offered to all staff with the Applicant making a contribution of £9,000 to this provision. The NGT/Transport Policy Officer states that a public transport infrastructure improvements contribution of £749,992.00 is required.

Response: The matters of the Travel Plan and public transport infrastructure contributions will be addressed via the Section 106 Legal Agreement. The other matters will be addressed as part of the appraisal below.

- 7.4 Mains Drainage state that the Flood Risk Assessment appears to adequately cover the issues of potential flooding. As such they would not object to the proposal provided any decision is conditioned such that proposed drainage means and method accord with the Flood Risk Assessment. They also state that although the Environment Agency have stated that no mitigation will be required for any building within the floodplain, the Applicants need to provide details that show that the proposals will not adversely affect the flow of floodwater in the area of Lady Beck.
Response: Any approval will be conditioned accordingly.
- 7.5 Yorkshire Water state that disposal of surface water techniques: soakaways/infiltration/SuDS, water course and sewers need to be considered and requested a set of conditions to cover all drainage matters be applied if consent is granted.
Response: Any approval will be conditioned accordingly
- 7.6 English Heritage state that the scheme provides the opportunity to enhance an area of the city dominated by vacant sites and empty buildings and they look forward to seeing the building designs and creation of public open space detailed to enhance the adjacent heritage assets and those retained within the scheme. They state in a further letter that the scheme needs to be detailed such that access, delivery and circulation arrangements do not have any adverse impacts on the heritage environment of the adjacent Kirkgate Market and City Centre Conservation Area.
- 7.7 Highways Agency state that if the proposal is to be approved then a condition should be attached limiting the total amount of floor space for each use
Response: the application will be conditioned accordingly.
- 7.8 National Amenity Societies for Listed Buildings. Response received from the Victorian Society stating that whilst they support the continued expansion of the shopping areas of Leeds they are concerned about the future of the adjacent Millgarth Police Station site, and the impact of the Trinity development in combination with the Eastgate scheme on the long established Victorian and Edwardian buildings in the existing shopping area in respect of the possible displacement of existing tenants. On this basis they are unable to support the proposed scheme.
Response: The date when the Police are likely to leave the Millgarth site is unknown, However it is the case that the Eastgate and Harewood scheme will set the parameters that will steer any future development of the Millgarth site. The matter of retail development and movements is addressed in the appraisal below.
- 7.9 Natural England state that they are accepting of the conclusions drawn in the ecological section of the Environment Statement, and recognise that the urban nature of the site offers limited opportunities for wildlife. The repeat of bat surveys in 2010 is welcomed and the conclusions accepted provided further survey work is undertaken prior to demolition of any buildings on site. In addition, they state that they would like to encourage the Applicants to consider the provision of green roofs and green walls on buildings, and that tree planting should utilise native species. They have also stated that they have no additional comments to make in response to the Environmental Statement addendum.
Response: The application is in outline form with all landscaping details being reserved matters. However, the Applicants will be made aware of these comments to

ensure they are taken into account at the detailed design stage. Any approval will be conditioned to ensure a further bat survey is undertaken prior to demolition works commencing.

7.10 Yorkshire Forward no response received to date

7.11 **Non-statutory:**

7.12 Neighbourhoods and Housing state that there may be noise and odour issues from the bars, restaurants and car parking areas of the development which could affect existing residents of nearby dwellings. In addition, in respect of air quality they conclude that although the development will have a negative impact on the surrounding air quality, due to an anticipated general improvement in vehicle emissions in years to come the overall levels of pollution will be less than at the present time. However, they state that to ensure that national Air Quality Objectives are met, evidence of measures, such as low emissions strategies, must be incorporated in to the scheme to mitigate against the said negative impacts. As such a set of conditions are suggested to control noise and emissions, hours of opening, operation and delivery, waste and recycling material storage and disposal, extract and ventilation systems, air conditioning systems, the requirement for any grease traps, and air quality mitigation measures.

Response: The decision will be conditioned as is deemed appropriate.

7.13 Design Council (CABE) state that they have concerns with regard to the connectivity between the new development and its surroundings, about the amount and arrangement of the car parking which it is felt could have a domineering effect, and the architectural and public realm strategy, including the nature of the new arcade. They consider that the scheme could go further to become an integrated part of the wider urban fabric, and that there should be seamless thresholds between the scheme and the existing city centre. Concerns are also expressed about the removal of buses from Eastgate, the inclusion of a bridge link across Eastgate, and that it is felt that whilst the new square is welcomed the public space treatments are generally weak and the palette of material is considered to be over complicated. Tree planting is viewed as a positive step that could create character. Further to this there is an opinion that the proposal is an inward looking shopping centre and that there is a need to bring movement and activity to the area between Eastgate and the Inner Ring Road.

Response: It is the case that these comments reflect those provided at the pre-application stage and many of the points raised can only be fully addressed as part of the detailed design to come forward at the reserved matters stage. However, the principles referred to in the comments are addressed as part of the appraisal below.

7.14 Coal Authority state that the site falls within the defined Coal Mining Development Referral Area and records show that within the site there are coal mining features and hazards. However, the up to date coal mining information provided by the Applicants in the Geo-Environmental Risk Assessment Report and the Environmental Statement correctly assess that the coal mining legacy only poses a low risk to the development. As such the Coal Authority is satisfied with the broad conclusions drawn by the technical documents provided.

7.15 Nature Conservation state that if planning permission is to be granted, then a condition requiring details of biodiversity protection and enhancement measures to be submitted at reserved matters stage is required. These should be based on the

recommendation of Chapter 16 of the Environmental Statement and will need to include provision for pre-demolition bat surveys.

Response: Any approval will be conditioned accordingly.

- 7.16 West Yorkshire Archaeological Advisory Service state with regard to Templar House that an appropriate level of architectural and archaeological recording should be carried out prior to commencement of any works on site. With regard to the outline proposal they state that they do not agree with the Applicant's appraisal of the level of significance of archaeology on the site identified during evaluation and that all archaeological eras have importance. WYAAS consider that the No. 1 Millgarth Street, Nos 96-104 Vicar Lane, 6-8 Templar Street, 5-7 Bridge Street, 10 Templar Street, Lyons Works, the Grade II Listed Templar House, the Bridge Street Pentecostal Church, Nos 44-46 and 29-31 Eastgate all have archaeological and architectural merit. This combined with the potential impact on possible below ground archaeological remains means that WYAAS consider the development would have a moderate adverse impact, rather than as stated by the Applicant a minor adverse impact. WYAAS state that further evaluation and mitigation is required before they can make an informed decision about the archaeological impacts. As such further archaeological evaluation is required prior to any further groundworks at the site and they require a condition to cover this requirement. WYAAS also state that the North Bar Stone must be archaeologically recorded, carefully removed from the fabric of No 104 Vicar Lane and reinstated within the new development as close to its current location as possible. In addition WYAAS have stated that they have no additional comments to make in respect of the Environmental Statement addendum.

Response: the archaeological evaluation and recording will be conditioned accordingly.

- 7.17 Leeds Civic Trust state that they would be able to support the scheme if the Millgarth Police Station site were to be included in the red line boundary so that if a development opportunity occurs it can be actioned upon, that a more comprehensive review of traffic routes to the east of the site be undertaken to downgrade the St Peters Street/Crown Point Bridge loop road/s leading to more simplified pedestrian routes, that the quality of the proposed walkway/bridge across Eastgate is assured. Other issues which they also wish to be considered are the impact on the Markets and George Street, a plan B if NGT does not go ahead, the need for full planning applications for the details of the scheme, enhanced public and specifically children's amenities, that the names of the public spaces including the squares need careful consideration.

Response: With regard to the Millgarth Police Station site this has been excluded from the red line boundary for three reasons. Firstly, as part of the reappraisal of the scheme the overall footprint has been reduced to make it more viable and cohesive and extending the footprint out again would have a potentially negative impact on the likelihood of the scheme being able to be brought forward in its current form.

Therefore, as Millgarth Police Station is outside the red line boundary it is not possible for the Applicant to propose a scheme for its redevelopment. Secondly the date when the Police are likely to leave the Millgarth site is unknown, and thirdly the Lady Beck runs under the Millgarth site creating a major constraint to the opportunities for development of this area. It is however the case that the Eastgate and Harewood scheme will set the parameters that will steer any future development of the Millgarth site.

The transport modeling is still being undertaken however it is not within the Applicant's area of responsibility to downgrade this part of the public highway network around the city centre and Leeds City Council's Highways Department have no plans

to action such a downgrade. However, it is the case that works are to be undertaken to rationalise the pedestrian crossings around the Millennium Fountain roundabout and along St Peters Street towards the bus station, to improve pedestrian connections and routes in this area.

The design principles for the proposed walkway/bridge are proposed as part of the design guidelines of the outline planning applications with all details reserved for submission to ensure a high quality, appropriate walkway results.

The relationship to the Markets and George Street is an ongoing matter of consideration in the masterplanning of the scheme, in respect of connectivity and pedestrian movements, traffic and parking, servicing, complimentary design and uses and views. The importance of the relationship between the proposed scheme and the Market's area will continue through the detail design stage when the reserved matters are submitted.

The production of a plan B scenario should it be the case that NGT does not come forward is a matter for Leeds City Council rather than the Applicants to consider and address, as this would require a wider consideration of areas across the city of Leeds where NGT routes are planned.

It is the case that all matters of the detailed design of the proposal are reserved and as such if consent is granted for the outline planning application this will be conditioned to state that reserved matters must be submitted within a set timescale (within 5 years).

The scheme does propose to provide public amenities including public toilets, and the cultural strategy will take into account the requirement for events and activities specifically targeted at children and young people.

The naming of streets and spaces on the submitted drawings is indicative only at this stage to aid navigation around the plans.

- 7.18 Metro have revised their position from that stated on the Position Statement report and have now withdrawn their former objection. They state that an agreement in principle has been reached on the transport infrastructure improvements contribution, and there is an agreed package of bus routing, stop allocation and associated public transport infrastructure improvement and mitigation measures. They state that fundamental to the withdrawal of their objection is confirmation that the detailed designs will allow a future Rapid Transit System (e.g. NGT) to operate on Eastgate.
- 7.19 Retail Consultants (Colliers) acting as consultees on behalf of the Local Planning Authority state that whilst they do not agree with some of the conclusions drawn in the Retail Statement in respect of the shopping hierarchy and the role of the White Rose Shopping Centre and that growth in the city centre should be apportioned an appropriate additional element of growth, there is agreement with the overall conclusions of the Retail Statement with regard to compliance with the Development Plan and national policies. They also state that delays in delivery of other major retail led schemes in the region can not be seen as a consequence of the major commitments in Leeds City Centre. They consider that there are clear qualitative deficiencies in the current retail stock in Leeds City Centre, that Leeds City Centre has been constrained by a lack of good sized modern floorplate units which the proposal and the Trinity scheme independently and collectively will readdress, that following the completion of Trinity and the subsequent completion of the Eastgate and Harewood scheme there will be periods of readjustment and consolidation but that this is common in city centres and an inevitable consequence of growth and adaptation, that the proposal relates well physically to the city centre's existing framework and provides scope for improvement of areas which remain marginal, and improvement in respect of retail representation in the areas around Kirkgate Market, Vicar Lane to the north of The Headrow and Eastgate. The Retail Consultant also

states that the scale of floorspace is appropriate as is the potential balance of uses. Finally, they suggest that the option of phasing be introduced to allow flexibility of delivery of the development.

7.20 Environmental Assessment Manager states, with regard to the Wind Study in the Environmental Statement, Leeds is vulnerable to wind damage, consideration of existing buildings, and large vehicles need to be taken into account and the Tall Buildings Design Guide & the Local Climate Impacts Profile (LCLIP) should be referenced. Very gusty winds are often experienced in Leeds and strong to gale westerly winds create turbulent flows when crossing the Pennines (standing wave effects), the Aire Valley acts as a funnel accelerating winds, there is a drag effect created by tall and angular buildings. Wind is a sensitive issue in Leeds in light of the recent incident adjacent to Bridgewater Place and the wind study undertaken relates to typical conditions/seasons/Wind Rose data, but does not take account of extreme conditions/ winds greater than Force 8 and gusting of over 60mph or the effects on pedestrians, cyclists, and HGVs being blown over due to the possible affects of the new buildings. The officer also stated that climate change effects are not fully understood, however Leeds is vulnerable to wind damage now, this problem could get worse in future decades and that location 33 (NW corner) and 92 (SE corner) identified in the report are of particular concern. As such mitigation measures are required for these areas.

7.21 Chamber of Commerce no response received to date.

8.0 PLANNING POLICIES:

8.1 A full list of up to date policies can be found at Appendix 2. Those policies in *italics* have been adopted or introduced since the determination of the previous original outline consent 06/03333/OT.

9.0 MAIN ISSUES:

1. Principle of the proposed uses and their mix
2. Layout, scale and design
3. Transport, access and connectivity
4. Public Realm and Landscaping
5. Heritage and Archaeology
6. Drainage and Flood Risk
7. Sustainability
8. EIA Studies
9. S106 Obligations
10. Equality

10.0 APPRAISAL:

10.1 Principle of the proposed uses and their mix

10.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Development Plan for the purposes of this application comprises the Regional Spatial Strategy for Yorkshire and the Humber and the Unitary Development Plan (Review) 2006. In arriving at a decision it will be necessary to look at the RSS and UDPR as a whole, as well as other material considerations, such as the Eastgate and Harewood SPD and representations. Details of national guidance and planning policies are set out at Appendix 2. Since development plans contain numerous policies, the local planning authority must have regard to all those provisions which are relevant to the application under consideration. However, it is not necessary that the development should be in accordance with every relevant policy of the plan. If there are areas where policies pull in different directions a judgment will have to be taken whether or not the development is still firmly "in accordance" with the plan as a whole.

10.3 Central Government have in their recent ministerial statement on "Planning for Growth" advised that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore:

- 1) Consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession
- 2) Take into account the need to maintain a flexible and responsive supply of land for key sectors,
- 3) Consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity)
- 4) Be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date
- 5) Ensure that they do not impose unnecessary burdens on development. In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

10.4 The Leeds Unitary Development Plan Review 2006 (UDPR) sets out a number of strategic aims through which opportunities and catalysts for securing positive change can be identified. Amongst other strategic aims the UDPR seeks to promote and strengthens the economic base of Leeds by identification of a balanced range of sites for development, by ensuring that a wide range of shops is available in locations to which all sections of the community have access by a choice of means of transport, by encouraging the provision of facilities for leisure activities, by promoting the physical and economic regeneration of urban land and buildings within the urban areas, by ensuring that all sections of the community have safe and easy access to employment, shops and other facilities by maintaining and enhancing the current levels of provision in appropriate locations and by supporting the aspiration of Leeds to become one of the principal cities of Europe and

maintaining and enhancing the distinctive character which the centre already possesses. In addition, the development plan looks for new development to be concentrated largely within the main urban areas on sites well served by public transport in order to maximise the potential of existing infrastructure, and states that priority be given to the maintenance and enhancement of the city centre. When looking at the particular role of the city centre the UDPR states that it will be enhanced by:

1. A planned approach to the expansion of Centre uses within a defined City Centre boundary;
2. An environmental strategy concerned with improving urban design
3. Transport improvements within the Council's Transport Strategy;
4. Provision for primary land-use activities;
5. A broad land use approach involving mixed uses within a "Quarters philosophy".

- 10.5 It is considered that the proposed scheme accords with these strategic aims in its use of previously developed brownfield land, in an accessible city centre location. In addition the proposal offer the opportunity of a substantial level of local employment and training as well as wider physical, environmental, social and economic regeneration benefits for Leeds.
- 10.6 In light of the recent High Court case with regard to the Government's desire to abolish the Regional Spatial Strategy (RSS) it is currently the case that the said RSS remains relevant and forms part of the development plan. The Regional Spatial Strategy (RSS) identifies Leeds as a City Region centre and indicates its roles and functions as being to accommodate significant growth in jobs and homes and to continue to improve the city centre's offer of high order shops and services, support economic growth of the city and wider region, protect and enhance the environment, use strategic patterns of development to maximise the opportunities for use of non car modes of transport and encourage growth in general across the south of the city region (which includes Leeds City Centre). As such the scheme is a fundamental of the city's growth agenda and could prove to be a catalyst in the wider regeneration of surrounding areas including Kirkgate, the Markets, the Grand Arcade and Quarry Hill.
- 10.7 The scheme would be an efficient use of previously developed land, located in a sustainable city centre position, which would generate a significant number of local employment opportunities. The Applicant has stated that the scheme has the potential to create approximately 873 full time (or equivalent) jobs during the demolition and construction phases and between 2289 and 5128 full time (or equivalent) employment opportunities upon completion. In addition, the Applicant proposes to provide skills training in order to assist local people, and in particular those living in deprived residential areas, to take advantage of these job opportunities created by the development. The location of the proposal would improve the physical and economic links of the city centre with areas and communities beyond the site. In bringing forward these improvements the scheme reflects the objectives of the RSS and would reinforce the role of Leeds as a regional centre, re-establish its position competitively with other major cities and help cement Leeds as a city of European significance.
- 10.8 As a result of a reappraisal of the development priorities and opportunities for this site, key changes to the approved scheme have been made with a reduction in the proposed types of use as well as a reduced site area. This has resulted in a retail led approach with the site being now fully within the Prime Shopping Quarter, as well as still overlapping a corner of the Entertainment Quarter. This reduced site

area means that whilst the previous scheme (06/03333/OT) was considered as a departure from the Leeds Unitary Development Plan Review 2006 (UDP), this current proposal does not need to be considered as such.

- 10.9 The sequential and impact tests required by PPS4 focus on what main town centres uses are and if they are appropriate in the context of the development proposed and in line with the Development Plan (UDP). Analysis of the submitted Retail Statement conclude that there is general agreement with the overall conclusions drawn with regard to compliance with the Development Plan and national policies. The Statement identifies that there are clear qualitative deficiencies in the current retail stock in the city centre. Indeed it is the case that Leeds City Centre has been constrained by a lack of good sized modern floorplate units which this proposal and the Trinity scheme independently and collectively will readdress.
- 10.10 It can be considered that following the completion of Trinity and the subsequent completion of the Eastgate and Harewood scheme there will be periods of readjustment and consolidation, however this is a common occurrence in city centres and is an inevitable consequence of growth and adaptation. This is an outcome that was considered to be an unavoidable and acceptable situation on the previous consent for the Eastgate scheme (reference 06/03333/OT). The proposal is considered to relate well physically to the city centre's existing framework and provides scope for improvement of marginal areas, and improvement in respect of retail representation in the areas around Kirkgate Market, Vicar Lane to the north of The Headrow and Eastgate.
- 10.11 The relationship between the proposed Eastgate scheme and the existing Leeds Kirkgate Market is a key consideration. Kirkgate Market is of importance to Leeds in respect of the retail function it performs as well as its considerable value, in architectural and historic terms, as a Grade I Listed Building. The overarching aim of the proposal in respect of this important neighbour is to act as a complimentary rather than competing adjacent retail led development. The Eastgate scheme has the potential to bring new customers to the wider area including the Markets, increasing footfall not only within their own scheme, but into neighbouring sites such as Kirkgate Market. The proposal has been planned to ensure that there are strong pedestrian connections and desire lines between the scheme and the wider area, and in particular with the Markets, reinforcing and enhancing pedestrian movements in and around the area. In addition, as part of the proposal new dedicated loading bays are to be provided on George Street for use by the Kirkgate Market traders, as well as a market traders 'parking area' (details of which are provide below in the section headed Transport, access and connectivity) to be laid out to the south-east of the outdoor market. As such it is considered that the significance and role of Kirkgate Market has been taken into account by the Applicants in their submitted scheme.
- 10.12 There are 41 existing residential units within the site, located off Bridge Street and in the Blomfield terrace to the northern side of Eastgate. Most are sited in upper floors of existing buildings and the scheme as proposed requires the removal of these existing dwellings. In addition due to the economic downturn, resulting in changes in the residential market, the submitted scheme does not propose any future elements of residential use. It is the case the UDP seeks to resist the loss of existing city centre housing, however the retention of the existing dwellings in this instance would hinder the design of the overall scheme, in particular the proposed creation of a new public square off Eastgate. In addition, the Eastgate and Harewood development is a scheme of such importance in bringing forward a range of public benefits and

revitalising an area of the city centre much in need of change, that on balance these factors are considered to outweigh the loss of a relatively low level of existing housing.

- 10.13 As such, the principle of the proposed uses are considered to accord with the aspirations and objectives of these national, regional and local policies (Appendix 2). Despite the changes to the mix of uses and site area the proposal is still considered to offer a unique opportunity to create a new, vibrant retail led development, potentially transforming an unfinished corner of the Prime Shopping Quarter. The development of this part of the Prime Shopping Quarter would be beneficial in that it would result in increased footfall across the eastern side of the City Centre, could stimulate activity in this area and across the wider City Centre and potentially create approximately 2289 to 5128 new jobs for local people. As such the proposal is considered to consolidate and strengthen the role of the Prime Shopping Quarter and the wider City Centre, and would comprehensively regenerate and redevelop a substantial part of the city centre which has for a significant period suffered from a lack of investment. As such the proposed uses and their mix are considered to be acceptable and appropriate for this location.
- 10.14 Layout, scale and design
- 10.15 The overarching design approach aims to create a new part of Leeds which is thriving, socially inclusive, sustainable and enjoyable, linking to and promoting the regeneration of neighbouring areas. The ambition is to give Leeds a high quality place that is varied and diverse. The development, as designed, aims to accord with the UDP's strategic aims to secure an enhanced environment, through high quality new buildings, conservation of the better existing buildings, provision, retention and enhancement of public spaces and the management and enhancement of the existing environmental quality.
- 10.16 As such the scheme can be viewed as an interconnected ensemble of buildings and spaces (as detailed in Section 2.0) each with its own defined but connected design characteristic principles and objectives in terms of streetscape, traffic, edges, frontage and uses, environment and street furniture. The scheme aims to create a scheme which will regenerate and fully integrate a new piece of urban fabric into the existing context of Leeds City Centre by establishing a retail-led, mixed used development with extensive public realm allowing for enhanced pedestrian movement, and the creation of a modern arcade and other new buildings which would reflect the context of the existing city centre, and the preservation of listed buildings.
- 10.17 The proposal is submitted as an outline planning application with access, appearance, landscaping, layout and scale all being reserved matters. As such it is important that parameters are set for the scheme to define the general arrangement and general scale of the buildings, public streets and spaces to ensure that they respect the context of the existing city centre. Therefore, a number of Parameter Plans have been provided as part of the application covering; the extent of the red line boundary, which existing buildings on site are to be retained and which are to be demolished, where Listed Buildings are located on site, the locations of existing trees to be removed, the layout of all proposed buildings with a key to the plot numbers, a plan of the means of access and types of access point, types of transport, cycle routes, bus routes and the NGT route, key pedestrian routes, and plans showing the horizontal and vertical limits of deviation for all buildings.

- 10.18 Where the Parameter Plans allow for horizontal movement of buildings there are defined set street widths which must be retained regardless of how buildings may shift at the detailed design stage. The objective of defining minimum street widths is to maintain adequate daylight and movement, and to reflect the city centre context of urban street patterns. In addition, there will be a requirement for a 5 metre easement to the Inner Ring Road (for maintenance purposes) and a 3 metre easement for the NGT route along Eastgate and Millgarth Street. These matters will be controlled via condition.
- 10.19 The range of heights detailed on the parameter plans for each building relate to the context of the surrounding area and topography into which they would sit. The general height range of buildings (with parameters for maximum and minimum heights for each building) rises from a potential low point close to Kirkgate Market, with the tallest elements being to the north of the site adjacent to the Inner Ring Road, where the retail units with multi storey car park above could be between 6 and 12 storeys tall. In addition, the anchor store set to the south-eastern corner of the site adjacent to Millgarth Street could have between 4 and 6 storeys in height. The heights of proposed buildings have been carefully defined to allow the scheme to relate to the existing surrounding buildings and the topography of Leeds City Centre whilst providing the quantum of development required to ensure the scheme is deliverable. As such building heights vary across the site to take account of height of existing nearby buildings and to preserve important views of the Grade I listed Kirkgate Market and the Grade II listed Templar House. This means the tallest elements are set at the lowest point of the site to the east, as well as to the north adjacent to the Inner Ring Road where tall buildings are more contextually appropriate.
- 10.20 The submitted Design Specification lays out the maximum and minimum floor space requirement for each type of use. This specification sits along side the parameter plans as a means of defining the extent of each use across the scheme. As support to the Parameter Plans a set of Design Guidelines have also been established to detail the major elements of land use, layout, form and scale, amount and other key development principles. The guidelines draw together these key areas into an overall masterplan for the scheme, with the aim being that they provide the basis for detailed design discussions at reserved matters stage to deliver the overarching design concept.
- 10.21 The parameters plans and design guidelines are considered to be well constructed and acceptable. These design guides would allow the scheme to take account of and relate to the historic street patterns, and building heights and forms in Leeds City Centre, acknowledge the relationships that need to be made to the City Centre Conservation Area, listed buildings and other heritage assets whilst proposing a new high quality, well integrated regeneration development. In addition, the guidelines will allow the proposal to respond to changes in market conditions and retain the integrity of the scheme.
- 10.22 Transport, access and connectivity
- 10.23 The site as existing is to a large degree covered by surface car parks on both the Eastgate and Harewood sides, with a total car parking provision of some 1082 spaces. A major element of the scheme is a new multi storey car park which will sit to the north of the site close to the Inner Ring Road. This would house in the region

of 2700 car parking spaces, with 6% of this total being for disabled parking provision. As such there would be an increase in car parking spaces of some 1618 spaces as a result of this new provision. It is also the case that there will be a number of electric car charging points in the multi-storey car park. This reflects the level of approved car parking on the previous scheme (planning references 06/03333/OT and 10/01477/EXT) and would be in line with UDP guidelines on car parking levels for the types and scale of development uses proposed.

- 10.24 In addition to this because the development would be built partly on land currently occupied by Police car parking on the Harewood side of the site, 80 car parking spaces are proposed along Millgarth Street to provide dedicated operational and staff parking bays for the Police. This provision would partly cover the existing area of Police parking but would extend to the south across the pavement adjacent to the building No. 1 Millgarth Street, and to the north across the eastern end of Union Street and the current raised planter on what is now pedestrian footway. As such this constitutes a change of use of these areas of land.
- 10.25 20 motorcycle parking spaces are proposed in the vicinity of the site, in locations to be agreed under condition and 110 cycle parking spaces across the site are also proposed. In addition to this showers and lockers would be provided in the development's management suite, and defined cycle routes are to be laid out across the site, tying into existing City Centre cycle routes.
- 10.26 The proposal would result in changes to the volumes and movement of traffic and the public transport network. As a result as well as enhancement of the streets and spaces within the site boundary, a number of off site highways works are required. These would include works to the Woodpecker junction, as well as at junctions at York Street/Duke Street, Regent Street/Gower Street, the Headrow/Vicar Lane, the Headrow/Briggate and Merrion Street/New Briggate. There would also be new bus gates at Ludgate Hill/George Street, Call Lane, Vicar Lane, Duncan Street, North Street and York Street.
- 10.27 In addition, the layout of George Street will be remodelled with an increase in street width to approximately 15.45 metres at the narrowest widening to some 17 metres, to accommodate formal and informal pedestrian crossing points to link the development with the market and bus station, loading bays, bus stop, taxi rank and improved footway width, The predicted traffic flow on George Street including bus flows is similar, but slightly lower than that currently experienced east bound on the Headrow at Dortmund Square, a location where pedestrians cross easily in large numbers with little difficulty. In addition, its one way system will be reversed such that the traffic flow is westbound, to accommodate buses and servicing for both the scheme and Kirkgate Market.
- 10.28 As part of the overall proposal the Applicant is seeking to pedestrianise Eastgate, Edward Street, Harewood Street, Lady Lane, Templar Street, Sidney Street and Lydia Street and create a pedestrianised Ebenezer Street, Blomfield Street and Little Templar Street. The positioning and widths of pedestrianised streets are designed to ensure that linkages to the wider city centre are created, enhancing connectivity through and across the site. Where streets to the edges of the site remain open to vehicles new pedestrian crossings will be provided where required.
- 10.29 This pedestrianisation is considered to be a positive enhancement allowing increased and more flexible pedestrian movements around and across the site. It is hoped that when the development comes forward and integrates into the City

Centre that it could act as a catalyst to other regeneration projects nearby, including the regeneration of the important historic local assets, Kirkgate Market and the terrace of buildings on Kirkgate to the south, the Quarry Hill site to the east, a number of development sites to the north across the Ring Road including Caspar House, and the Grand Arcade to the west, with opportunities for further enhanced pedestrian connections being made to these sites and beyond.

- 10.30 In addition to the pedestrianisation of streets the Applicant is also seeking the Stopping Up of a number of existing public highways across the site. The mechanism for achieving this will be by way of an application to the Secretary of State under section 247 of the Town and Country Planning Act 1990 (as amended). Orders under section 247 of the Act authorise the stopping-up of any highway, if the Secretary of State is satisfied to do so, in order to enable development to be carried out in accordance with a planning permission.

The Applicants state that the Stopping Up is necessary to enable the development to proceed and have defined two categories of requirement as follows:

1. Areas to be stopped up to accommodate built development which affects Edward Street, Templar Street, Templar Lane, Templar Place, Lydia Street, North Court, Union Street and the majority of Lady Lane.
2. Areas to be stopped up in order to implement the public realm strategy which affects Eastgate, Sidney Street and Harewood Street.

It should be noted that a decision on the timing of the stopping-up application and the precise areas to be stopped-up will be made following the grant of outline planning permission or the grant of reserved matters approvals. Whilst Council officers are supportive of the proposed development on the areas of highway from a planning perspective, the Council has yet to formally decide whether it would support applications to the Secretary of State for stopping up orders as local highways authority. There are no concerns expressed with regard to the principle of the stopping up for the areas which will accommodate built development (assuming planning permission is forthcoming) (category 1). However, the highways case for the stopping up of the areas that will accommodate public realm (category 2) requires further discussion and consideration.

- 10.31 As with the previously consented scheme for the development of the Eastgate and Harewood Quarter, there is a proposal to remove all buses from Eastgate and relocate their stops and routes elsewhere. At present it is estimated that there are 167 buses per hour traveling east and west along Eastgate. Some bus services that currently use Eastgate in both directions to terminate at the bus station will be diverted to the northern section of Vicar Lane, assessed at 22 buses per hour, the proposed diversion will use New Briggate and the Headrow to complete the loop. Bus operators could choose an alternative route if they wished. This represents approximately a third of the eastbound buses diverted from Eastgate, the remaining two thirds will divert via Vicar Lane, Kirkgate and York Street to access the bus station or continue to other destinations to the south of the city.

- 10.32 Additional bus facilities are required to accommodate the proposals, these consist of:
- A two bay bus stop and shelter with real time information board on George Street, primarily to accommodate buses that do not use the bus station, to provide a stop location close to the development and the market.
 - Facilities on the northern section of Vicar Lane consisting of three individual stops on a saw tooth layout capable of being used as lay over stops to

accommodate buses rerouted from the bus station that will terminate here and a double stop to accommodate through services. All stops will have shelters with real time information boards.

- York Street, stop F5 will be extended so that it can be used as a double stop to provide capacity to accommodate the additional buses that will be diverted to this section of highway.
- An additional stop on the Headrow (PH6) east of Lands Lane to separate and provide extra stop capacity on this section of the Headrow to help compensate for the loss of the westbound stops on Eastgate.
- The existing northbound stop on Vicar Lane (V6) will be increased in length to accommodate the access bus stop relocated as a result of signalling the Ludgate Hill/George Street junction.
- Two under utilised southbound stops on Vicar Lane to the south of the Headrow (M2 and M3) will be combined to provide one extended stop (PM2) that will be more efficient and cater for some eastbound services diverted from Eastgate.

- 10.33 The rerouting of bus services means that some services will no longer be directed through particular streets within the city centre where they currently route. Care has been taken in planning the new routes to ensure that the distances passengers will need to walk and the distances between new and existing stops are not significantly more than is currently the case. However, it must be stated that to allow the scheme to bring forward the wider benefits and regeneration of this part of Leeds City Centre some rerouting of bus journeys is required.
- 10.34 There will also be a requirement to provide temporary (during the construction period) and permanent bus driver's facilities within the scheme. These would be sited close to Vicar Lane and details would be addressed via conditions if consent is granted. In addition, passenger waiting facilities will also be required and the approach proposed is that these will be fully integrated within the development rather than as a defined waiting area. Again the details of these facilities would be conditioned to come forward as part of a reserved matters application. In addition, the existing taxi rank to Vicar Lane will be replaced by two new ranks providing a total of 7 spaces. Further to this the taxi rank on George Street/ Dyer Street will be extended to allow space for up to 8 taxis to be accommodated. This would result in a total increase of 4 taxi spaces.
- 10.35 The rerouting of buses and pedestrianisation of Eastgate would not affect the NGT (New Generation Transport) enhanced transport corridor which runs along Millgarth Street and Eastgate and is defined as a protected route in the Leeds Unitary Development Plan Review 2006 (UDP). The NGT route will remain as indicated in the UDP and will be further protected via a clause in the Section 106 Legal Agreement.
- 10.36 The submitted Transport Assessment also sets out a servicing strategy. Servicing for the development north of Eastgate will be off-street via a new service yard proposed to the northern end of the site housing 14 servicing bays. This yard would be accessed from Bridge Street. The anchor store to the south-eastern corner of the Harewood side of the site would have its own basement service yard as well as a customer collect area for bulky goods which would have 15 customer collect parking spaces. Both would be accessed from George Street. As the intention is to encourage boutique shopping units to the south of Eastgate, this area will be serviced on street via restricted hours (between 18.00 and 10.00).

- 10.37 In addition, a number of dedicated loading bays would be provided along George Street to service both the kiosks on this northern side and Kirkgate Market. The submitted parameter plans show that the widened George Street could effectively accommodate 3 metre wide footways, twenty five 2.7 metre wide loading bays and a 5.5 metre wide carriageway. To further assist the functioning of the Markets a defined area is to be laid out by the Applicants for use by Kirkgate Market only. This would be for traders parking, loading and unloading to the south-eastern corner of the outdoor part of Kirkgate Market and would be of a size to accommodate 25 parking spaces, but would be laid out in such a manner that it was flexible to the requirements of its users. This matter would be addressed via a clause in the Section 106 Legal Agreement.
- 10.38 Due to the submission being an outline planning application with all matters reserved the submitted Travel Plan is in framework format. The main objectives of this document would be
1. To reduce the number of single occupancy car journeys for employees, customers and visitors and to promote other alternative sustainable means of transport.
 2. To set targets for the maximum percentage of staff at the development to travel to work by single occupancy car journeys and for the maximum percentage of customers/visitors to travel to the development by car.
 3. To achieve all mode split targets to be met within 3 years of initial occupation of the development.
 4. Once the targets have been achieved the level of single occupancy car journeys to work / car journeys to/from the development must be maintained at this level, or reduced further.
- 10.39 Public Realm and Landscaping
- 10.40 A vital, integral element of the proposed scheme would be the public realm and landscaping of the site's streets and spaces. Whilst landscaping is a reserved matter a Public Realm Strategy has been produced to establish principles and lay foundations for the detail landscape design work to follow.
- 10.41 Pedestrianisation of these streets and spaces is a key component of the public realm strategy with the aim being to build on and enhance the existing pedestrian focused environment in Leeds City Centre. The aim is to create a distinctive scheme which has not only its own identity but compliments the existing streets and buildings into which it would slot. The pedestrianised spaces proposed would integrate into the existing urban fabric creating new connections and stopping points as well as linking to those existing in the wider area. The majority of the sites public streets and spaces would be open to the general public 24 hours a day, with the only exception being the new Templar Arcade which would be fully accessible by all for 18 hours each day.
- 10.42 It is proposed to create two new civic spaces within the site. The first would be Eastgate Square a space which would involve the breaking through, and removal of a section of the Blomfield buildings to the north of Eastgate. This positioning would place this important new public space at the heart of the scheme where it would front what is to be the refurbished and reused Grade II Listed Templar House. Eastgate Square is proposed to be a flexible, dynamic space allowing it to be used for a wide variety of activities and events including cultural and social events, sports, seasonal fairs and children's activities.

- 10.43 The second significant public space would be Templar Square, positioned to the north-western corner of the site adjacent the Templar Hotel Public House, and leading into the scheme's arcade via Little Templar Street. This proposed space creates a strong link with pedestrian routes to the west via The Grand Arcade, Harrison Street, Merrion Street and Merrion Place. Whilst a more modest space than the Eastgate Square in terms of scale and potential use, Templar Square will provide a calm, contemporary space which would compliment what will be the refurbished Templar Hotel.
- 10.44 In both of the new public squares and along parts of Eastgate it is likely that street cafes will spill out of nearby café, restaurants and bar uses (A3 and A4). It is the case that in appropriate locations and appropriate numbers street cafes can add to the vitality, colour and life to areas of pedestrianised public realm. As such whilst the details still need to be agreed the principle of street cafes as part of the proposed development scheme is acceptable. Other more permanent street furniture, including street lighting, seating, litter bins and way finders, will need to be taken into account, and be of high quality in terms of design, appropriate numbers and installation, to ensure street clutter is avoided.
- 10.45 The public realm of the scheme also has a part to play in the wider arts and cultural strategy for the Eastgate Quarter with the site creating physical links with the Entertainment Quarter to the west, and the existing cluster of cultural facilities such as the Playhouse, BBC Leeds, Leeds College of Music, the Red Ladder Theatre Company, Phoenix Dance, and the Northern Ballet to the east. In addition, as elements of public art a water feature and feature lighting would be sited within Eastgate Square.
- 10.46 The site is urban in nature being located fully within the city centre. As such much of the proposed public realm would be hard surfaced, with a palette of materials and subtle patterning being used to define and reinforce the character areas identified in the overarching Design Guidelines. However, there is a need for greening of the urban built form, to ensure a softer, more appealing environment for users of the development.
- 10.47 Therefore, a tree planting strategy has been established and will be developed in detail at reserved matter stage, with tree planting focusing on selected edge of building areas, and a partial promenade of trees up the lower part of Eastgate. A select number of trees would be sited in Eastgate Square and would be carefully positioned to ensure that their presence does not reduce the flexibility of use of this public space. The species and size of trees is yet to be decided upon and will need to take account of the environment into which the trees are to be placed, the position of any existing utilities and other structures forming part of the development, as well as the protected NGT route running along Eastgate via Millgarth Street. Areas where other lower scale planting could be sited will also be considered at the detailed design stage.
- 10.48 Whilst full details of the landscaping and public realm are to come forward via the reserved matters application/s and conditions, it is the case that the landscaping and public realm strategies are considered to be acceptable and would allow the scheme to bring forward new pedestrian routes which would connect well to the existing street pattern, with high quality accessible public spaces and streets.

10.49 Heritage and Archaeology

- 10.50 Whilst large areas of the site have been cleared and laid out as surface car parking it is the case that there are a number of buildings of interest remaining some of which will be retained but some which will need to be demolished for the scheme to be brought forward. These include the Grade II Listed Templar House and 90-94 Vicar Lane (which are both to be retained), as well as the notable non-listed Lyons Works, Blomfield terraces that run down Eastgate itself (parts of which are to be retained and parts demolished with some rebuilt), Circle House, Templar Hotel, the Wharrams Building, No 1 Millgarth Street, the Bridge Street Pentecostal Church and Nos 5-7, 6-8 and 10 Templar Street (which are to be demolished). Beyond the site but of contextual relevance are the Grade I Listed Kirkgate Market and Grade II Listed former Appleyards petrol filling station (Millennium Fountain) to the east of Eastgate.
- 10.51 As part of the proposal the listed Templar House will be renovated and integrated into the scheme as detailed below. The listed 90-94 Vicar Lane is also an important heritage asset and as such will be retained and refurbished with the potential to have restaurant and retail use at ground floor level. Although physically unaffected by the proposals, the character of both the listed Kirkgate Market and former Appleyards petrol filling station could be impacted upon by the scheme. As such the importance of these listed heritage assets has been taken into account in establishing the design principles and parameters for the development and key views of these two important listed buildings will be retained.
- 10.52 The non-listed Templar Hotel is considered to have some historical and architectural importance and will also be retained and refurbished. In addition, the unlisted Blomfield's Eastgate terrace buildings and bookends have local, historical and architectural importance as part of Blomfield's proposal for a civic east-west axis across the city centre. The northern terrace and bookend on Eastgate was constructed in the early to mid 20th century and was based on the design aspiration laid down by Blomfield. The southern terrace across Eastgate was a later addition of less integrity in terms of its Blomfield influence and detailing. Due to the importance of the northern range it is proposed to rebuild the section which is to be demolished, to make way for the provision of a new public square, in a more easterly position along Eastgate. This would include the reintroduction of the eastern bookend as well as new bookends where the cut buildings would meet this new public space. The rebuilt element would reflect the design principles laid down by Blomfield and this detailed design would come forward at reserved matters stage. The loss of all or part the southern range would be considered to have a minor adverse impact, with this terrace being of less architectural and historical merit. In addition, the loss of part of this range is a requirement for the anchor store, a key element of the overall development scheme, to be sited to the eastern end of Eastgate. As such the level of retention, rebuild and removal of the Eastgate terraces is considered to be justified and acceptable.
- 10.53 The non-listed Wharram's Building is a remnant of a mid to late 19th century block sited to the rear of the north Eastgate Blomfield terrace. Whilst this building does have some historical significance it has lost much of its context and the integrity of its original fabric has deteriorated. Due to the proposal to rebuild a new block in this location which would take its design principles from Blomfield's ethos on design, it is the case that demolition of the Wharrams Building is required to enable the scheme to be developed in this manner.

- 10.54 The early 20th century Lyons Works is also unlisted but retains some historic and architectural interest. During the pre-application process attempts were made by the Applicant to explore whether or not it was possible for this building to be retained and incorporated into the development scheme. However it has been determined that this is not possible for two reasons. Firstly the floor to ceiling heights in Lyons Works are much more generous than those proposed in the new built elements of the scheme and taller than the type of unit height normally demanded by retailers in new buildings. Therefore it would be very difficult to tie Lyons Works in to the new built elements without creating some very awkward junctions and shifts in floor levels. Secondly retaining Lyons Works would affect the manner in which the proposed multi storey car park would be laid out forcing more of the mass of the car park to the highest point of site where it meets Vicar Lane at the north-west corner. This would have a detrimental affect on the ability of the scheme to site the second anchor store at this corner and would adversely affect the visual amenity of the surrounding area, in particular the Grand Arcade across Vicar Lane and Crispin House across the Inner Ring Road. As such the demolition of Lyons Works is required to ensure the scheme can be delivered as proposed.
- 10.55 Circle House, No 1 Millgarth Street, the Bridge Street Pentecostal Church and Nos 5-7, 6-8 and 10 Templar Street are buildings of mixed architectural styles and value ranging in era from late 19th to early 20th century. As stated these buildings are not listed and whilst they do have some architectural and historical merit they are not considered to be exceptional examples of their architectural styles and eras. As such their loss to allow the wider development scheme to be brought forward is considered to have a minor adverse impact on the retention of the architectural heritage of Leeds City Centre. Despite this it will be important to undertake an architectural recording of all buildings across the site which need to be demolished to enable the proposal, to recognise and document their place in the historical development of Leeds City Centre.
- 10.56 The archaeological assessment undertaken as part of the Environmental Impact Assessment identifies that the site lies on the edge of the known medieval settlements of Leeds. The study looked at Pre-Medieval, Medieval and Post-Medieval eras and acknowledges that there have been some recorded finds, in the form of early cellars cut into the bedrock, a burial ground and the potential remains of a medieval chantry chapel. As such there is the potential for important archaeological deposits to be located in the area. The study concludes that the proposal would have a minor adverse impact, however WYAAS consider the site to have more interest than this and that the development would have a moderate adverse impact on any remains of interest. As a result additional evaluation work will be secured via condition to cover more extensive areas of the site once access to currently unavailable areas has been obtained.
- 10.57 One archaeological heritage asset of particular note is the North Bar Stone which is reputed to be part of the original northern gate to the town. This is currently located within the fabric of 100- 104 Vicar Lane. It is incorporated into the building and covered over with a wooden panel. WYAAS have stated that the North Bar Stone must be archaeologically recorded, carefully removed from the fabric of 100-104 Vicar Lane and reinstated within the new development as close to its current location as possible. This will be secured via condition.
- 10.58 Lady Lane is acknowledged as one of the oldest streets in Leeds. As such it has significance in the manner in which the city's streetscape has been shaped. Originally Lady Lane was a well connected principal route. However, after the

creation of Eastgate, which turns it's back on Lady Lane and is set approximately 2.5 metres above this older street, Lady Lane became increasingly disconnected and physically overshadowed with its character becoming one of a secondary route. This also had an adverse impact on the Grade II Listed Templar House which fronts Lady Lane, resulting in the importance of this heritage asset being undermined by its 'backstreet' location. As a result of the levels difference between Eastgate and Lady Lane and the negative impact on Templar House it is not possible to retain Lady Lane in its entirety in the proposed scheme. Therefore, it is proposed to build over some parts of Lady Lane with sections of this street retained and elevated to the west of the proposal site where this street meets Vicar Lane, and across the proposed Eastgate Square. To remember Lady Lane it is proposed to introduce a line of inset artistically formed metal work into the paving across the new Eastgate Square between the new bookends to re-trace its location.

- 10.59 The City Centre Conservation Area covers part of the site to its south-western corner, covering the western end of the Grade I Listed Kirkgate Market, extending to the centre line of the southern part of Harewood Street and running a short way along George Street. The current site is dominated by unsightly surface car parking off Harewood Street and George Street. The replacement of this existing arrangement with proposed new buildings and spaces of contemporary but complimentary design would enhance the setting of the Grade I Listed Markets building and the Conservation Area, bringing more activity and vibrancy to the location. The existing street network would be expanded with new and enhanced pedestrian routes of a high quality design, which would reflect the historic urban grain found with the City Centre Conservation Area. As such it is considered that the proposals would make a positive contribution to and an enhancement of the setting of the Grade I Listed Building and this part of the wider City Centre Conservation Area.
- 10.60 The Listed Building application 11/01003/LI, specifically addresses works required for the renovation and repair of the Grade II Listed Templar House. The building has had a number of past uses and has most recently lain dormant and unoccupied. As a result the physical state of Templar House has deteriorated over a number of years and recent stabilising works have had to be undertaken (which was granted consent under Listed Building application reference 09/04368/LI).
- 10.61 The works now proposed involve the repair and replacement (where necessary) of masonry, the re-pointing of walls using a lime based mortar, re-pointing and flashing to the parapet and copings, the retention and repair of the roof structure and replacement of tiles with like-for-like Welsh slate tiles, some external cleaning where necessary and repairs to external ironwork. In addition, the entrance steps to the bay on the front elevation would be reinstated, as well as further structural works to the interior with regard to the requirement for steel beams and floor slabs and stabilisation of staircase.
- 10.62 The works would result in significant stabilisation and visual enhancement of the Grade II Listed Building, which would result in the building being able to be returned to an active use, as a restaurant. The proposals for Templar House are therefore seen as aesthetic and structural improvements that would both preserve and enhance the character of this important historic asset.
- 10.63 Drainage and Flood Risk

- 10.64 The majority of the site lies within Flood Zone 1 and as such is at low risk of flooding, however, a portion of the site to the north-eastern corner lies within Flood Zones 2 and 3 with the potential for flooding being medium to high risk. As a result the Flood Risk Assessment examines the site and the potential risks and looks at what mitigating actions may be required. The Environment Agency has appraised the Flood Risk Assessment and finds it to be acceptable in its approach, details and outcomes.
- 10.65 A Sequential Test has also been produced as part of the Flood Risk Assessment which has undertaken to examine possible alternative sites for this proposal. Due to the scale and retail led nature of the development, as well as the comprehensive regeneration benefits which can only be achieved if the scheme is not disaggregated, a search area for these sites was established based on the defined City Centre Prime Shopping Quarter and sites of an approximate area of 7 hectares. This search area was agreed with the Local Planning Authority at the pre-application stage.
- 10.66 The adopted UDP identifies two Proposal Areas within the Prime Shopping Quarter for new significant retail led development, these being Proposal Areas 15 (Kirkgate Markets Area) and 16 (Templar Street). The site of the proposal covers these Proposal Areas. This is reinforced by the aims and objectives of the Eastgate and Harewood Quarter Supplementary Planning Document.
- 10.67 In addition, there are no other sites within the defined search area of sufficient size to accommodate a regeneration scheme of this scale. As such it is concluded that there are no alternative less vulnerable sites currently available within the search area for this scheme.
- 10.68 On site measures to deal with any flooding incidents include the majority of entrances, ventilation shafts and ramps to buildings being set at or above 29.72 metres AOD (Above Ordnance Datum), the ground floor finished floor levels being set at 32.5 metres AOD and a plan for safe access and egress from lower levels of the proposed development to land above the peak flood level in Flood Zone 1.
- 10.69 In addition, surface water run off from the site will be reduced by 30% and will discharge to the public combined sewers, which are to be diverted to accommodate the development. Further to this various Sustainable Drainage methods (SuDS) will be explored to ascertain which are the most useful and appropriate for the development and site.
- 10.70 Sustainability
- 10.71 The submitted Sustainability Statement and Energy Statement indicates that the proposal is intended to achieve a pre-assessment BREEAM rating of Very Good, with an aspiration for Excellent. This would be done via a variety of economic, social and environmental objectives including;
- Improving good quality employment opportunities
 - Improving conditions which enable business success
 - Reuse of Brownfield land
 - Use of a Combined Heat and Power system (CHP) via a low carbon energy centre
 - The use of timber from sustainable sources
 - Reuse of demolition materials where possible

- Natural Ventilation to the arcade
- Energy efficient lighting
- Dual flush WCs and pulsed output water meters
- Siting photovoltaic modules on appropriate, available roof spaces
- A Travel Plan promoting sustainable modes of transport
- Provision of electric car charging points in the proposed car park.

10.72 The use of a combined heat and power system only could reduce CO₂ emissions by 5 to 10%, with photovoltaic modules accounting for a potential reduction of some 0.4 to 13%. An overall reduction in carbon emissions of 15-20% (when compared to existing Building Regulations requirements) could be achieved by combining the right technologies. Should it be the case that the off site low carbon energy centre, which has the capacity to supply energy to a number of other sites around the proposal's location, can not be brought to fruition then the proposal would incorporate a small scale combined heat and power system to serve the Eastgate and Harewood scheme only.

10.73 EIA Studies

10.74 A series of studies have been undertaken as part of the Environmental Impact Assessment process and these are detailed in the Environmental Statement. The areas focused on in these documents are Socio economics, townscape and visual amenity, built heritage, transport and access, air quality, noise and vibration, archaeology, ground conditions and water resources, ecology, wind, daylight, sunlight and overshadowing and assessment of cumulative impacts and mitigation measures.

10.75 Of particular note are the findings of the wind study in which two locations of concern are identified. The wind study has modelled these locations on the basis of the wind tunnel testing using a 1:300 scale physical model based on the maximum parameters of the proposed scheme. Mean and peak wind speeds were measured and assessed against the Lawson Comfort Criteria (which considers wind events up to and exceeding Beaufort Force 6). The places of concern are location 33, at the north-west corner adjacent to the junction of the Inner Ring Road and Vicar Lane and location 92 at the South-East corner adjacent to the junction of George Street, Dyer Street and Millgarth Street. These parts of the development site are stated to have predicted wind conditions suitable for 'roads and car parks' for location 33 and 'business walking' for location 92. Both of these types of wind conditions are the least comfortable and least safe for pedestrians and cyclists. As such mitigation is required to reduce the potential impact of strong winds. Such mitigation could come forward in the manner in which the buildings are clad (e.g. open cladding to the proposed car park), in the form of landscaping, sculptural screens and/or canopies and wind gutters. Whilst the principles for requiring mitigation are set in the document now, the actual details are to come forward as part of the detailed design at the reserved matters stage.

10.76 In addition, the Environmental Statement also indicates in the section headed Sunlight and Overshadowing that there will be some overshadowing of Nos 1-2 and 27-30 Lady Beck Close. However the level of impact would be reduced from substantial to moderate or negligible if the minimum horizontal and vertical parameters were applied to the scheme in this location, rather than the maximum limits for the development being used. It should also be noted that Nos 1-2 and 27-

30 Lady Beck Close are proposed for demolition under the planning application (reference 11/01194/FU) for the proposed low carbon energy centre.

- 10.77 An addendum to the Environmental Statement has been submitted focusing on the impacts on daylight and sunlight in respect of County House. This is an existing partly residential building which sits to the west of Harewood Street off Vicar Lane. Concerns have been raised by residents of this building with regard to the impact of the development upon their property in respect of noise from the demolition and construction works, and the potential loss of light to their residence. In respect of noise it is the case that strict legislation is in place which does not allow construction sites to emit vast quantities of dust or excessive noise. There would also be a requirement for the Applicant to submit a demolition and construction management plan to the Local Planning Authority.
- 10.78 With regard to daylight and sunlight to County House the Environmental Statement addendum has examined this matter in respect of impacts during and post demolition and construction. During the operational phases there may well be cranes on site but this would be a temporary arrangement for the period/s of demolition and construction only. As such the impacts on the daylight and sunlight to County House are considered in the Environmental Statement to be negligible to minor for this stage. Post construction the level of impact will depend on whether the blocks to be built to the east of County House are constructed to the maximum or the minimum height parameter. At the minimum height parameter the impact is assessed as being negligible or minor. However, at the maximum height parameter the impact is indicated to be minor to moderate. As such there would be a requirement to address this moderate impact and design this relevant building plots of the scheme such that they are either set at the minimum height parameter or the blocks are cut or set back off the building line, or the roof treatment involves some form of set back. This element is required to form part of the detailed design to come forward at the reserved matters stage.
- 10.79 An air quality assessment was undertaken as part of the Environmental Impact Assessment. This report indicates that residential areas close to the application site will be in excess of allowable levels with regard to Nitrogen Dioxide (NO₂) and possibly Particulate Matter (PM₁₀ D's). The report concludes that the development will have a negative impact on the surrounding air quality, but that due to an anticipated general improvement in vehicle emissions in years to come the overall levels of pollution will be less than at the present time. However, to ensure accordance with the national Air Quality Objectives (laid down by the Government's Expert Panel on Air Quality Standards – EPAQS) evidence of the measures, such as low emissions strategies, need to be incorporated in to the scheme to mitigate against the said negative impacts, and this will be required to come forward at the reserved matters stage.
- 10.80 S106 Obligations
- 10.81 A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -
- (a) necessary to make the development acceptable in planning terms,
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

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

1. A Public Transport Infrastructure Improvements Contribution of £749,992.00
2. The employment and training of local people. The Employment and Training Scheme shall contain:
 - a) Details of how the Developer shall co-operate with the Council's Jobs and Skills Service from the start of the tendering process for the construction of the Development and throughout construction of the Development;
 - b) Details of how the Developer shall work with the Council to identify target groups within local communities to deliver training ranging from pre-employment to skills development in partnership with the public sector and voluntary organisations.
 - c) A commitment from the Developer to use its reasonable endeavours to use local contractors and sub-contractors in the construction of the Development;
 - d) A commitment from the Developer to use its reasonable endeavours to employ local people in the construction and operation of the Development; and
 - e) The procedure by which the Developer shall notify employment vacancies to local employment agencies.
3. A Travel Plan monitoring and evaluation fee of £15,000.00.
4. The provision of an area defined for Kirkgate Market's use only for traders parking, loading and unloading to the south-eastern corner of the outdoor market.
5. The provision, maintenance and the hours of public access of defined areas of public realm and landscaping. The details of landscaping would also be addressed via appropriate conditions, at the reserved matters stage and as part of a Section 278 Legal Agreement. The proposed landscaping and public realm works amount to costs in excess of £3,000,000.00.
6. The provision of 2 Leeds Car Club spaces and a contribution of £9,000.00 to fund a one year membership of the car club for employees.
7. The protection of the NGT public transport corridor.

10.83 The proposed obligations have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly they can be taken into account in any decision to grant planning permission for the proposals.

10.84 Equality

10.85 The Council has a general duty under s.71 of the Race Relations Act 1976 to have regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups. The Equality Act 2010 requires public bodies to have due regard to eliminate discrimination and to advance equality of opportunity, this is evident in UDP policy SA8. A recent Court of Appeal decision involving Haringey Council has confirmed that where the requirements of section 71 form, in substance, an integral part of the decision-making process then it is necessary to demonstrate that the particular requirements of Section 71 have been taken into account in coming to a decision on a planning determination. Accordingly it is the responsibility of the Local Planning Authority to consider whether the requirements of the Section 71 are integral to a planning decision. It is important to note that Section 71 is concerned with promoting equality of opportunity and good relations between different racial groups. The Court of

Appeal in its decision stressed that this is not the same as the promotion of the interests of a particular racial group or racial groups.

- 10.86 On the Eastgate and Harewood site it is the case that there has been a historic concentration of businesses occupied by the Chinese community. Whilst there are still remnants of this occupation (the Applicant has identified that 4 business run by members of this community remain on site) many such businesses have already relocated successfully to other locations. In the circumstances Officers do not consider that Section 71 requirements are integral to these decisions, or that the proposals would in any way have a disproportionate impact on the Chinese community.
- 10.87 It is also the case that the development proposal would be open for use by all and intends to provide retail and other services that benefit the local and wider community. In addition, to aid inclusion of all, it is intended to provide a multi-faith prayer room, Changing Place toilet and changing facilities and a crèche as part of the proposed scheme. The Bridge Street Pentecostal Church currently sited on west side of Bridge Street is to be relocated to the Agnes Stewart school site and the Applicants will be submitting a separate full application for this proposal in due course.
- 10.88 Further to this as stated earlier in this report 6% of the proposed car parking will provide disabled parking bays in accessible locations. The scheme also proposes an access strategy which aims to make all elements of the new development as accessible as possible with particular regard to level access points at entrances, and along pedestrian walkways, wayfinding and signage, seating, appropriate lighting, and the provision of auxiliary aids. Detailed matters of access arrangements will follow as part of the reserved matters submission and via Building Regulations.

11.0 CONCLUSION:

- 11.1 It is considered that whilst there are a number of matters to come forward at reserved matters stage (including details of wind and air quality mitigation, and sustainability), having regard to all matters raised, the proposal is in accordance with the Development Plan as a whole. The proposed development would comprehensively regenerate and redevelop a substantial part of the city centre which, for a significant period, has suffered from a lack of investment, has been underused. The scheme would allow the level of attractiveness and vibrancy of the area to increase substantially. In addition, the proposal is entirely situated on previously developed land and is located in a sustainable city centre position. The development would bring forward an efficient use of land which would be well integrated into the existing city centre and could prove to have a positive effect on the regeneration of other surrounding areas. Permeability within the site would be significantly improved and the urban grain restored. The built development will involve buildings of high quality set within appropriate useable public spaces.
- 11.2 Whilst an amount of historic fabric would be lost as part of the development the overall impact on the historic environment would be positive and the individual losses are unavoidable if the wider benefits are to be realised. Consequently, the development would represent a major contribution to the renaissance of the city centre and would help Leeds strengthen its role as a regional capital and in its aim to become the best UK city.

11.3 The scheme would also improve physical and economic links with areas and communities beyond the site and provide significant opportunities for employment and training initiatives for people within the city. In bringing forward these improvements the scheme would reinforce Leeds' role as the regional centre, re-establish its position competitively with other major cities and help cement Leeds' role as a city of European importance. Therefore, on balance the proposal is considered to be acceptable and is recommended for approval

Background Papers:

Planning Application 06/03333/OT
Listed Building Application 06/03334/LI
Listed Building Application 09/05538/LI
Listed Building Application 09/04368/LI
Non Material Amendment 09/9/00291/MOD
Planning Application 10/01477/FU
Planning Application 11/01000/OT
Planning Application 11/01003/LI
Planning Application 11/01194/FU

APPENDIX 1 – FLOOR SPACE COMPARISON TABLES

Proposed mix of uses and floor space parameters for the previous consented scheme – 06/03333/OT and 10/01477/EXT

Type of Use	Maximum Gross External Square Metres ²	Minimum Gross External Square Metres ²
Retail (A1-A2)	112,040 m ²	79,800 m ²
A3/A4/A5	5,040 m ²	4,310 m ²
Office (B1)	9,750 m ²	1,350 m ²
Cinema (D2)	6,300 m ²	0
Gym (D2)	4,880 m ²	2,050 m ²
Medical centre (D1)	830 m ²	560 m ²
Crèche/nursery (D1)	780 m ²	280 m ²
Church facility	1,050 m ²	530 m ²
Hotel (C1)	7,040 m ²	3,470 m ²
Total	147 710 m²	92 350 m²
	Number of residential units (min-max)	
Residential units	300-600	
Car parking	Spaces (maximum)	
Public	2700	
Residential	400	
Replacement parking for police station	80	

Proposed mix of uses and floor space parameters for the revised proposed scheme – 11/01000/OT. The principle changes are the omission of residential, cinema, hotel and the one site church facility, with an overall reduction in gross external area of 16 424 m² (maximum) and 7518 m² (minimum).

Land Use and Floor Space Parameters		
Type of Use	Maximum Gross External Area metres ²	Minimum Gross External Area metres ²
A1, A2, A3, A4 and A5	117 080 m ²	79 800 m ²
Office B1	9 832 m ²	5 000 m ²
Gym D2	3 500 m ²	0
Medical Centre D1	400 m ²	0
Crèche/Nursery D1	400 m ²	0
Multi Faith Prayer Room D1	50 m ²	20 m ²

Changing Places toilets and changing facilities	24 m ²	12 m ²
Total Area	131 286 m²	84 832 m²
Public Car Parking	2700 bays	2200 bays
Replacement Police Car Parking	80 bays	0
Total number of parking bays	2780 bays	2200 Bays

APPENDIX 2: PLANNING POLICIES AND GUIDANCE

The Development Plan

The Regional Spatial Strategy for Yorkshire and the Humber (RSS) and the Unitary Development Plan (Review 2006) together comprise the Development Plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004. This section of the Act requires that applications made in accordance with the Development Plan should be granted planning permission unless material considerations indicate otherwise.

Regional Spatial Strategy (RSS)

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

Unitary Development Plan (Review 2006) (UDPR)

Strategic context

SA1 aims to secure the highest possible quality of the environment
SA2 encourages development in location that will reduce the need to travel and promote the use of public transport and other sustainable modes of transport.

SA4 promotes and strengthens the economic base of Leeds by identification of a balanced range of sites for development

SA5 seeks to ensure that a wide range of shops is available in locations to which all sections of the community have access by a choice of means of transport

SA6 encourages the provision of facilities for leisure activities

SA7 promotes the physical and economic regeneration of urban land and buildings within the urban areas

SA8 seeks to ensure that all sections of the community have safe and easy access to housing, employment, shops and other facilities by maintaining and enhancing the current levels of provision in appropriate locations

SA9 supports the aspiration of Leeds to become one of the principal cities of Europe, maintaining and enhancing the distinctive character which the centre already possesses”.

SP3 states that new development will be concentrated largely within the main urban areas on sites well served by public transport in order to maximise the potential of existing infrastructure.

SP7 identifies that priority be given to the maintenance and enhancement of the city centre

SP8 looks at the role of the city centre and explains that it will be enhanced by:

1. a planned approach to the expansion of Centre uses within a defined City Centre boundary;
2. an environmental strategy concerned with improving urban design, and provision and enhancement of linked greenspaces;
3. transport improvements within the Council's Transport Strategy;
4. provision for primary land-use activities;
5. a broad land use approach involving mixed uses within a "Quarters philosophy".

SG4 ensures that development is consistent with the principles of sustainable development

GP5 indicates that development proposals must resolve detailed planning considerations

GP11 requires that where appropriate the development must meet sustainable design principles.

GP12 states that a sustainability assessment will be required to accompany the submission of all applications for major developments.

Urban Design

N12 Proposals for development should respect the following fundamental priorities for urban design:

- Spaces between buildings are of considerable importance. Development should create a series of linked and varied spaces that are defined by buildings and landscape elements;
- The best buildings of the past should be retained. New buildings should be of good design in their own right as well as good neighbours;
- New developments should respect the character and scale of buildings and the routes that connect them;
- Movement on foot and on bicycle should be encouraged;
- Developments should assist people to find their way around with ease;
- Developments should, where possible, be adaptable for other future uses;
- Design and inclusion of facilities should reflect the needs of elderly people and of people with disabilities and restricted mobility;
- Visual interest should be encouraged throughout;
- Development should be designed so as to reduce the risk of crime".

Paragraph 5.3.4 provides supporting text to Policy N12 and states that in the larger urban areas the townscape should include visual reference points to help people find their way around, including landmarks, visual corridors, and changes of character.

N13 states that: "The design of all new buildings should be of high quality and have regard to the character and appearance of their surroundings. Good contemporary design which is sympathetic or

complimentary to its setting will be welcomed”.

N23 incidental open space around development should provide a visually attractive setting for the development and where appropriate contribute to informal public recreation.

N38A Development should not increase the risk of flooding

N38B states that planning applications should be accompanied by flood risk assessments where consultations have identified the need for such assessments

N39A Development likely to significantly increase run-off of surface water should demonstrate consideration of SUDs.

N39B the re-opening of culverts will be actively promoted

N51 encourages new development to enhance existing wildlife habitats and provide new areas for wildlife where opportunities arise
BD2 states that the design and siting of new buildings should complement and, where possible, enhance existing vistas, skylines and landmarks.

BD5 states that: "All new buildings should be designed and the consideration given to both their own amenity and that of their surroundings. They should include usable space, privacy and satisfactory penetration of daylight and sunlight”.

BD15 encourages public art.

Transport

T2 New development should normally:

1. be served adequately by existing or programmed highways or by improvements to the highway network, and will not create or materially add to problems of safety, environment or efficiency on the highway network; and
2. be capable of being adequately served by public transport and taxi services;
3. make adequate provision for easy, safe and secure cycle use and parking;
4. in the case of residential development, be within convenient walking distance of local facilities and does not create problems of personal accessibility”.

T2B indicates that all developments likely to create significant travel demand should be accompanied by a transport assessment

T2C states that all planning applications which are significant generators of travel demand should be accompanied by a travel plan

T5 requires safe and secure access for pedestrians and cyclists

T6 requires satisfactory access and provision for disabled people

T7 promotes development and maintenance of new cycle routes

T7A identifies cycle parking guidelines (A9C)

T7B identifies motorcycle parking guidelines (A9D)

T9 encourages an effective public transport service

T13 protects Supertram/NGT routes

T15 measures giving priority to bus movements will be

supported

T24 identifies parking requirements within Volume 2 (Appendix A9A, A9B)

T26 supports short stay car parking in the city centre core parking area

T28 manages the growth of long-stay commuter car parking (A9B)

CCP1 refers to parking guidelines for city centre office development

Economy

E14 indicates that the city centre will remain the principal location for new prime office development

Shopping

S1 of the UDP identifies the role of the City Centre. It states that the City Centre as the regional shopping centre will be promoted which will be achieved by:

1. Consolidating retailing within a defined shopping Quarter;
2. Identification of separate locations suitable for major retail development;
3. A comprehensive strategy for environmental improvement; and
4. A strategy for improving the transport system and parking;

Urban regeneration

R3 supports the use of compulsory purchase to achieve regeneration benefits

R5 seeks to secure employment and training associated with construction and subsequent use

Access

A4 development should be designed to ensure a safe and secure environment including consideration of access arrangements and treatment of public areas

Waste

WM3 indicates that measures to reduce and re-use waste during construction will be required

Conservation Areas and Listed Buildings

BC7 states that development within Conservation Areas will normally be required to be in traditional local materials.

N17 promotes the preservation of features which contribute to the character of a listed building.

Archaeology

N29 protects archaeological remains from development

ARC4 presumes against development on nationally important remains

ARC5 requirement for evaluation to inform planning decisions

ARC6 requirement for investigation and recording

Landscape

LD1 identifies requirements for landscape schemes

LD2 outlines design issues for new roads

City Centre

CC1 advises where the need is for planning obligations in the city centre

CC3 seeks to upgrade the environment of the city centre and encourage good innovative designs of new buildings and spaces

CC5 requires that all development in conservation areas or its immediate setting should be designed so as to preserve and enhance the character of the area and that the height of new buildings should relate to surrounding buildings and be within one storey of them.

CC6 indicates that proposals for high buildings outside conservation areas and gateway locations will be considered on their merits.

CC8 requires new developments to respect the spatial character and grain of the city centre's traditional building blocks.

CC10 covers provision of public open space in the city centre and on sites of more than 0.5ha 20% of the site should be public open space in the city centre.

CC11 commits to more and enhanced pedestrian corridors and to upgrade streets

CC12 requires new development and new public spaces to relate and connect with existing patterns of streets, corridors and spaces.

CC13 encourages new public spaces to be imaginatively designed and be safe, attractive and accessible for all.

CC14 supports proposals to introduce a Supertram system.

CC17 highlights the need for additional short stay car parking close to the Prime Shopping Quarter including in the markets and Templar Street area.

CC19 advises that outside the Prime Office Quarter and Prestige Development Areas office development will be accepted provided that it contributes to overall planning objectives.

CC21 The site is located within the Prime Shopping Quarter. Shopping development is supported as the principal use within the identified Prime Shopping Quarter, subject to the provisions of Proposal Area Statements.

CC26 The north west corner of the site falls within the Entertainment Quarter. Policy CC26 states that support will be given to the provision of new, and retention and enhancement of existing, cultural, entertainment and recreational facilities.

CC27 identifies the Quarters and Areas and advises that encouragement for the principal use will normally be encouraged. Other uses will be encouraged which service the Quarter, add variety and support the attractiveness of the area for the principal use.

CC29 requires additional uses to the main uses for large developments

The Prime Shopping Quarter strategy is to:

1. Retain the existing compact nature of the prime shopping area.
2. Ensure that sufficient sites are available to accommodate future growth in City Centre retailing and direct major retail development to the area.
3. Protect identified active shopping frontages.
4. Achieve a greater mix of uses, where these do not prejudice the primary retailing function of the area.
5. Achieve a range of specific environmental improvements, through conservation, high quality new development, creation of public space and management of the Quarter.
6. Improve ease and comfort of movement to and within the Quarter by public transport, cycle and foot with specific regard to the needs of disabled people.
7. Ensure sufficient short stay shopper's parking is available to serve the area
8. Achieve a full range of facilities to serve the needs of all shoppers as part of new developments.

Two Proposal Area Statements are relevant to the application site; Proposal Area Statement 15 relating to Kirkgate Markets and Proposal Area Statement 16 which relates to Templar Street.

Proposal Area 15 - Kirkgate Markets Area

The Statement identifies the area as the most important remaining area for retail expansion in the city centre. It suggests that the area presents an exciting opportunity for quality shopping on a substantial scale. The retail development should relate to the established shopping core to the west of Vicar Lane and it is identified as a key stepping stone to surrounding proposals areas such as Templar Street. Any development should compliment the markets. The statement also recognises the opportunity for leisure use, restaurants, and offices as part of a range of uses that would add to the life and vitality of the city throughout the day.

Proposal Area 16 – Templar Street

The Statement comments that the site has potential for retail development with the Vicar Lane frontage having particular potential for retailing. There is also scope for subsidiary uses, particularly leisure and entertainment, and significant office use above ground floor. Catering uses would also complement the neighbouring Entertainment Quarter, and residential uses which would not prejudice the retail and leisure function would also be appropriate. The area also represents a major opportunity for public short stay parking. Pedestrian linkages to the Vicar Lane and Eastgate are noted as being particularly important. Public space should also be provided in any scheme.

Supplementary Planning Guidance

The Leeds City Centre Urban Design Strategy (September 2000)

The application site falls within the Retail and Entertainment Area (Study Area 2) of the City Centre Design Guide. Pages 78-79 of the Design Guide highlight the aspirations and issues for the area. Some relevant key aspirations and are highlighted as follows:

- Realise potential for redevelopment of temporary car park areas
- Retain and enhance the mixture of new and old buildings
- Improve links to other Quarters
- Preserve and enhance fine grain
- Retain and enhance the existing character if strong street frontages
- Preserve and enhance the quality of priority and permeability for the pedestrian
- Preserve and enhance views
- Provide and enhance spaces
- Encourage lively activity and discourage perceived privatisation of shopping streets
- Improve clear edges
- Consolidate shopping as a main attraction
- Preserve and enhance the matrix of north-south streets and east-west yards and arcades

Eastgate and Harewood Supplementary Planning Document

The Eastgate and Harewood Supplementary Planning Document (SPD) was adopted in October 2005. The SPD was prepared to supplement the guidance in the adopted UDP for the Eastgate and Harewood Quarter. The objectives of the SPD are:

- To guide the comprehensive redevelopment of the site and regeneration opportunity, to ensure any development proposals are sustainable and maximise benefits to the city and local community
- To ensure that the development complements and integrates with the existing city centre and provides a mix of uses
- To ensure that the development is of the highest urban design and architectural standards

The SPD provides 12 principles to guide the redevelopment of the Eastgate and Harewood Quarter:

- Complete the development of an incomplete shopping Quarter of the City through creation of vibrant, retail led, mixed-use area. The mix of uses should maximise the use of the site and include retail, leisure, commercial, residential and community uses
- Extend and regenerate Leeds' shopping offer and enhance its attractiveness as a regional centre; and to assist the City Centre to

become one of the principal cities of Europe

- Enhance the public realm through pedestrianisation or street closures if necessary, and encourage pedestrian linkages from the side to the market, river, Sheepscar, Mabgate, Victoria Quarter and Quarry Hill, integrated into the existing fabric of the city centre.
- Reinforce the urban route along the Headrow to Quarry Hill and thus integrate Quarry Hill into the City Centre.
- Generate a vital, mixed-use quarter with a retail emphasis and a complimentary mix of uses, activities and spaces creating “the new place for Leeds”.
- Create the development framework which promotes a varied urban form, rich in architectural style and character
- Create an opportunity for landmark buildings and memorable places
- Restrict access to through traffic using local streets and where possible, integrate the traffic displaced by, and accessing, the development into the improved highway network in recognition of safety and capacity constraints.
- Support and promote the urban regeneration of adjacent sites and activities at Kirkgate Market, Quarry Hill, Regent Street, Mabgate and Victoria Quarter.
- Create a new place which is unique and authentically Leeds.
- Create opportunities the training and employment for wider benefit of the people of Leeds.
- Preserve where both practical and appropriate, existing historic assets and their settings.

Vision for Leeds 2004 to 2020

The Leeds Initiative “Vision for Leeds 2004 to 2020” is the community strategy for improving the social, environmental and economic well-being of the city and its many communities. The scheme represents a key opportunity towards meeting the following key aims:

- Going up a league as a city
- Narrowing the gap between the most disadvantaged people and communities and the rest of the city
- Developing Leeds’ role as the regional capital and contributing to the national economy as an internationally competitive city.

Public Transport Improvements and Developer Contributions (July 2008)

Developments that have a significant local travel impact will be subject to a requirement for paying a contribution towards public transport improvements.

Tall Buildings Design Guide (April 2010)

This SPD provides guidance as to where tall buildings should and should not be built. The document highlights the importance of design and urban design and seeks to protect the best elements already established within the city.

Draft Supplementary Planning Documents

Travel Plans (May 2007)

The SPD provides guidance on thresholds for when a Travel Plan is required, and what kind of detail, objective and targets it should contain. Although not yet formally adopted this SPD is in regular use and its approach concurs with that of the Department for Transport's guidance on Travel Plans.

National Planning Guidance

PPS1 : Creating Sustainable Communities (January 2005)

PPS1 sets out the Government's objectives and approach under the new planning system. The PPS places a strong emphasis on the importance of sustainable development and encourages a positive approach to planning and development.

Paragraph 3 states that "...Sustainable development is the core principle underpinning planning". The four strands of sustainable development are "high and stable levels of economic growth and employment, social progress, environmental protection and prudent use of natural resources".

Paragraph 5 states that "planning should facilitate and promote sustainable...urban ...development by: making land available for development in line with economic, social and environmental objectives; contributing to sustainable economic development; protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities; ensuring high quality development through good and inclusive design, and the efficient use of resources; and ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community."

Paragraph 12 advises that pre-application discussions are critically

important in ensuring a better mutual understanding of objectives and constraints that exist.

Paragraph 17 recognises the need to protect and enhance the quality, character and amenity value of urban areas, with the highest level of protection given to those areas with national designations.

The PPS identifies the need to use resources wisely and efficiently (paragraph 21). The broad aim should be to ensure that outputs are maximised whilst resources used are minimised, for instance by building at higher densities on previously developed land.

The PPS describes in more detail the four elements of sustainable development and states that “the Government is committed to promoting a strong, stable and productive economy that aims to bring jobs and prosperity for all. Planning authorities should:

Recognise that economic development can deliver environmental and social benefits;

Recognise the wider sub-regional, regional or national benefits of economic development and consider these alongside any adverse impacts;

Ensure that suitable locations are available for industrial, commercial, retail, public sector (e.g. health and education) tourism and leisure developments, so that the economy can prosper;

Provide for improved productivity, choice and competition, particularly when technological and other requirements of modern business are changing rapidly;

Recognise that all local economies are subject to change; planning authorities should be sensitive to these changes and the implications for development and growth;

Actively promote and facilitate good quality development, which is sustainable and consistent with their plans... (paragraph 23)”.

The PPS places particular emphasis on the importance of high quality inclusive design which is seen as “a key element in achieving sustainable development (paragraph 33)” and community involvement which is “one of the principles of sustainable development (paragraph 41).”

Planning and Climate Change (Supplement to Planning Policy Statement 1 (December 2007)

This PPS on climate change supplements PPS1 by setting out how planning should contribute to reducing emissions and stabilising climate change and take into account the unavoidable consequences. Planning authorities should ensure proposed development is consistent with the policies in this PPS and use planning conditions or obligations to secure the provision and longer-term management and maintenance of those aspects of a development required to ensure

compliance with the policies in this PPS.

Planning Policy Statement 4: Planning for Sustainable Economic Growth (December 2009)

PPS4 consolidates national planning guidance on economic, retail and town centre development which were covered by the previous PPG4: Industrial, Commercial Development and Small Firms (November 1992) and PPS6: Planning for Town Centres (April 2006). PPS4 applies to all planning applications for economic development and seeks to achieve sustainable economic growth via policies that identify appropriate main town centre uses. Policy EC10 of PPS 4 states 'Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably'.

PPS5: Planning for the Historic Environment (March 2010)

This PPS replaces PPG 15 (Planning and the Historic Environment) and 16 (Archaeology and Planning). This PPS is supported by guidance entitled 'Planning for the Historic Environment Practice Guide' prepared to help implementation of this policy. The policies in this PPS seek to ensure the Government's aim that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations is met.

PPS 9: Biodiversity and Geological Conservation (August 2005)

The PPS provides guidance on the conservation of protected species, their habitats and the conservation of sites of geological importance. The statement confirms the importance of the re-use of previously developed sites in reducing the amount of countryside and under developed land used, recognising however that where these sites have a biodiversity or geological interest that these should be aimed to be retained within the development site.

PPG13: Transport (March 2001)

Policy guidance contained in PPG 13 promotes development in areas of good transport accessibility and aims to reduce the need for travel through mixed use development. To deliver the guidance objectives, local authorities, when preparing Development Plans and considering planning applications should:

- “Actively manage the pattern of urban growth to make the fullest use of public transport, and focus major generators of travel demand in City, town and district centres and near to major public transport interchanges;
- Locate day to day facilities which need to be near their clients in local centres so that they are accessible by walking and cycling;
- Ensure that development comprising jobs, shopping, leisure and

- services offer a realistic choice of access by public transport, walking and cycling; and
- Give priority to people over ease of traffic movement and plan to provide more road space to pedestrians, cyclists and public transport in town centres, local neighbourhoods and other areas with a mixture of land uses (paragraph 6) ”

Paragraph 21 identifies the concept of ‘key sites’. These are defined as the most accessible sites, such as those in town centres and others that are, or will be, close to major transport interchanges. The strategy of focusing travel-intensive uses at centres and major public transport interchanges underpins the approach to key sites. Local authorities should maximise the use of the most accessible sites such as those in town centres or near transport interchanges and should pro-actively promote intensive development on such sites.

Paragraph 28 states that “new development should help to create places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport.” Paragraph 30 goes on to state that “mixed use development can provide very significant benefits, in terms of promoting vitality and diversity and in promoting walking as a primary mode of travel.”

The PPG emphasises that retail and leisure developments should be focussed in town centres, (paragraph 35). Paragraph 67 refers to the importance of pedestrianised streets in traffic management. Paragraph 76 highlights the importance of walking and suggests ways in which local authorities through Development Plans and applications can promote it. These include through attention to the “design, location and access arrangements” for new developments and by promoting “high density, mixed use development in and around town centres”. Local authorities should also ensure provision for and sympathetic design for cycling.

PPG24 Planning & Noise (September 1994)

Noise is a material planning consideration the planning system should guide developments to the most appropriate locations. The guidance outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which will generate noise. It introduces the concept of noise exposure categories for residential development, encourages their use and recommends appropriate levels for exposure to different sources of noise and advises on the use of conditions to minimise the impact of noise.

PPS25 Development and Flood Risk (December 2006)

All forms of flooding and their impact on the natural and built

environment are material planning considerations. The PPS sets out policies regarding development proposed in flood risk areas. The aims of the policy are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding. The PPS revises and strengthens guidance in PPG25 to ensure that its policies are fully implemented.

In determining planning applications LPA's should:

- Have regard to policies in the PPS and the RSS
 - Ensure that applications are supported by site-specific flood risk assessments
 - Apply a sequential approach at a site level by directing the most vulnerable development to areas of lowest flood risk
 - Give priority to the use of SUDS
- Ensure that all new development in flood risk areas is appropriately flood resilient and resistant and that any residual risk can be safely managed.

APPENDIX 3

Planning Application 11/01000/OT Non Standard Conditions

Matters to be Reserved and Time Limit

1. The following details (hereafter referred to as the reserved matters) for each plot of the development shall be submitted to the Local Planning Authority prior to the commencement of the development of that plot and no work except demolition or site clearance works (which for the purposes of the conditions in this outline planning permission shall include the removal of existing foundations, existing infrastructure and services and all other below ground works) shall start within the relevant plot until the Local Planning Authority has given its approval to all of these details in writing:

- The boundaries of that plot
- The layout of the development
- The scale of the development
- The appearance of the development
- The formation of any means of access to and within each development plot.
- The hard and soft landscaping of the plot.

Plans and particulars of the reserved matters shall be submitted utilising a planning application form and shall be carried out as approved.

To ensure the proposed development is satisfactory and to comply with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010

2. Application(s) for the approval of reserved matters for each plot of the development shall be made to the Local Planning Authority not later than 5 years from the date of this permission. All plots of development hereby permitted shall be begun not later than 3 years from the date of approval of the last Reserved Matters to be approved.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to enable the Council to review the suitability of the development in the light of altered circumstances.

Layout, Scale and Uses

3. The uses hereby permitted shall be between the following total Gross External Floorspace (GEA) ranges:

- Retail (Class A1) – 117,080 m² maximum and 79,800 m² minimum

- Office (Class B1(a)) – 9,832 m² maximum and 5,000 m² minimum
- Gym (Class D2) – 3,500m² maximum and 0 (zero) m² minimum
- Medical Centre (Class D1) – 400m² maximum and 0 (zero) m² minimum
- Crèche/nursery (Class D1) – 400m² maximum and 0 (zero) m² minimum
- Multi-faith prayer room (Class D1) – 50m² maximum and 20m² minimum
- Changing places and toilet facility - 24m² maximum and 12m² minimum

To ensure the site is developed in accordance with the submitted application and to ensure that there is no departure in floor space that would be to the detriment of the vitality and viability of Leeds Town Centre in accordance with Policy GP5 of the Leeds UDPR and Government Guidance contained in PPS4.

4. The development hereby approved by the Local Planning Authority shall be carried out in accordance with the following plans, drawings and documents (except where indicated in such documents) :

- HUK1 – Parameter Plan 1 - Site Boundary
- HUK 1 – Parameter Plan 2 – Existing Site
- HUK1 – Parameter Plan 3 – Building Plots
- HUK 1 – Parameter Plan 4 – Means of Access
- HUK1 – Parameter Plan 5 – Key Pedestrian Routes
- HUK 1 – Parameter Plan 6 – Horizontal Limits of Deviation
- HUK1 – Parameter Plan 7 – Vertical Limits of Deviation
- HUK 2 – Design Guidelines

To ensure the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area to comply with Policies of the Leeds UDPR 2006.

5. Prior to the commencement of development a phasing strategy for each plot shall be submitted to and approved in writing by the Local Planning Authority. The phasing as specified in the phasing plan shall not be varied unless otherwise agreed in writing by the Local Planning Authority.

To ensure the site is developed in accordance with the submitted application and to ensure that there is no departure in floor space that would be to the detriment of the vitality and viability of Leeds Town Centre in accordance with Policy GP5 of the Leeds UDPR and Government Guidance contained in

PPS4.

Design Principles and External Appearance

6. Prior to the commencement of development of a plot, a shop front fascia strategy showing locations and amounts of clear glazing and window displays shall be submitted to and approved in writing by the Local Planning Authority. The development of that plot shall be carried out in accordance with the agreed details.

In the interests of visual amenity, the character and appearance of the Listed Building and the Conservation Area, to maintain the vitality and viability of the Prime Shopping Quarter and in accordance with Policies GP5, S1 and CC21 of the Leeds UDPR.

7. For the full width of all areas to be used by vehicles, the minimum headroom of the new walkway bridge structure across Eastgate, above the surface level of the highest part of the public highway immediately beneath the new bridge structure, shall be 5.7 metres, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of free and safe use of the highway and in accordance with Policies GP5 and T2 of the Leeds UDPR.

8. As part of any reserved matters application addressing the layout of Building Plots EQ1 to EQ9 as shown on Parameter Plan 3, a scheme setting out the location and size of a Shop mobility facility for use by members of the general public shall be provided, unless otherwise agreed in writing by the Local Planning Authority. The facility shall be provided in accordance with the approved details and prior to the first occupation of the development for retail purposes and shall thereafter be maintained.

In order to provide satisfactory disabled access within the development and in accordance with Policies A4 and GP5 of the Leeds UDPR.

9. Prior to first use of the development a multi-faith prayer room, including washing facilities, shall be provided and shall be made available for use by members of the general public during the opening hours of the building in which it is located. The prayer room shall thereafter be maintained.

In order to provide appropriate facilities and to secure the satisfactory development of the site and in accordance with Policy GP5 of the Leeds UDPR.

10. No part of the development shall project or be built within 5 metres of the retaining wall structure of the Inner Ring Road unless otherwise agreed in writing by the Local Planning Authority.

In order to ensure satisfactory access can be achieved to the Inner Ring Road for maintenance purposes and in accordance with Policy GP5 of the Leeds

UDPR.

11. Prior to the commencement of any:

- (a) Enabling works; and
- (b) Any highway works, bus station works or bus facilities,

programmes identifying the phasing of those works referred to shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the agreed programmes unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety and in order to ensure minimum disruption to the highway network during the construction process in accordance with Policies GP5 and T2 of the Leeds UDPR.

12. No occupation of a Building Plot shall commence until details of all external site lighting (excluding lighting to the public highway) has been submitted to and approved in writing by the Local Planning Authority. Details of the external site lighting shall include details of the lighting units, levels of illumination and hours of use. No lighting shall be provided (at the plot) other than in accordance with the approved scheme.

In the interests of visual amenity and to secure a satisfactory appearance of the development at night-time and in accordance with Policy GP5 of the Leeds UDPR.

13. In relation to an individual Building Plot, before construction of any external walling or roofing, details of all of the walling and roofing materials (including plant area screens) to be used in the construction of external surfaces of the building, including samples and sample panels within that plot, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

14. In relation to an individual Building Plot, before construction of any external walling or roofing, the following details shall be submitted to and approved in writing by the Local Planning Authority:-

(a) 1 to 20 scale drawings of the detail of roof lines and eaves treatments, ground floor (and first floor within the Arcade) elevation treatments including shopfronts (including scale, design approach, materials, components including stall risers and fascias, and any double height frontages) and entrance points, and

(b) details of replacement and new buildings including all elevations

(c) junctions of new build elements with the existing structures of Templar House, Templar Hotel, 90-94 Vicar Lane and the elements of the Eastgate

Blomfield terraces to be retained and

(d) cross sections of upper level windows showing recesses and reveals and

(e) heights and relationship to existing and proposed structures of any plant area screens

The works shall be carried out in accordance with the details thereby approved. The works shall be carried out in accordance with the details thereby approved.

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

15. In relation to an individual plot, construction of hard landscaped areas shall not commence until details of the public realm surfacing materials in accordance with plan 5 of the Section 106 Agreement dated [x], including samples within that plot hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

16. Prior to the commencement of development of a plot plans of that plot showing details of the existing and proposed ground levels and proposed floor levels with reference to fixed datum points within or adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the details so approved and shall be retained thereafter as such.

To ensure that the works are carried out at suitable levels in relation to adjoining properties and highways in the interests of visual and highways amenity and in accordance with Policies GP5, N12 and T2 of the Leeds UDPR.

Highways and Movement

17. As part of any reserved matters application addressing the layout of Plots EQ1 to EQ9 as shown on Parameter Plan 3, a scheme setting out the location and detail of permanent waiting facilities for use by bus drivers on Vicar Lane (north) shall be provided. Unless otherwise agreed in writing with the local planning authority the facilities shall comprise a staff restroom with single toilet and wash facility up to a maximum of 25sq metres GIA floor-space.

In order to provide necessary replacement facilities for relocated bus routes and stops to Vicar Lane and in accordance with Policies GP5 ,T2 and T9 of the Leeds UDPR.

18. Prior to the commencement of development a scheme for the provision of temporary bus drivers waiting facilities, including the details of temporary portakabin style facilities and a programme of implementation, shall be

submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the agreed details unless otherwise agreed in writing by the local planning authority

To ensure the provision of adequate facilities for bus drivers during the period between the re-routeing of buses and the completion of the development Lane and in accordance with Policies GP5 ,T2 and T9 of the Leeds UDPR.

19. As part of any reserved matters application addressing the layout of Building Plots EQ1 to EQ9 as shown on Parameter Plan 3 details and location of the public conveniences, real time information displays and public seating within the covered shopping Arcade that could be utilised by bus passengers shall be provided, unless otherwise agreed in writing with the Local Planning Authority. The development of the plot shall be carried out in accordance with the approved details.

In the interests of amenity and to support the Council's transport strategy Lane and in accordance with Policies GP5 ,T2 and T9 of the Leeds UDPR.

20. Prior to commencement of each plot of the development details addressing the access to and layout of a plot, showing all vehicle parking layouts including vehicular accesses and egresses, access controls, service areas, parking bays, the number and location of electric car charging points, and manoeuvring space within the scheme shall be provided. The layout should include the identification of spaces for the use by disabled drivers, motorcycle parking delivery and operational vehicles. The facilities so approved shall be made available prior to first use of the relevant part of the development and thereafter maintained.

In the interests of highway safety and to comply with Policies GP5, T2, T7B within the UDPR.

21. Prior to the occupation of each plot of the development details of secure long stay cycle parking facilities, lockers, showers and changing facilities for all commercial uses in that part of the site shall be provided. The facilities so approved shall be made available prior to first use of the relevant part of the development and thereafter maintained, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety and to comply with Policies GP5, T2, T7A within the UDPR.

22. Prior to commencement of development on Building Plots EQ1 to EQ9 as shown on Parameter Plan 3 details of secure short stay cycle parking facilities for all uses in that part of the site shall be provided. The total number of cycle stands shall not exceed 110 in accordance with the details in the approved Travel Plan Framework. The facilities so approved shall be made available prior to first use of the relevant part of the development and thereafter maintained, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety, sustainable transport and to comply with relevant Policies GP5, T2, T7A within the UDPR.

23. Prior to the first occupation of the development a Car Park Management Plan for all off-street parking areas shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan should include proposals for parking prior to the substantive opening of the development, and details of the pricing structure to promote short stay parking for all commercial uses. The Car Park Management Plan shall not be varied without the prior written consent of the Local Planning Authority.

In the interests of highway safety and to encourage sustainable methods of travel and in accordance with Policies GP5 ,T2, T24, T26 and T28 of the Leeds UDPR.

24. Subject to detail design and road safety audit, the highway works shown on the drawing Proposed Highway Works WTD SA 95 0270 A03 and accompanying extract drawings WTD SA 95 0271 A02 showing works to Vicar Lane, WTD SA 95 0272 A03 showing works to George Street, WTD SA 95 0273 A02 showing works to the Gower Street/Regent Street junction and WTD SA 95 0274 A02 showing works to York Street shall be in place before first occupation of the development or as otherwise agreed as part of the phased development of the site, unless otherwise agreed with the Local Planning Authority. The works shall include all necessary Traffic Regulation Orders with associated signing and lining, traffic signal alterations, bus stops with shelters, real time information screens and raised kerbs to new or altered bus stop locations. A signage scheme to direct traffic to and from the development and traffic diverted as a result of changes to the highway network necessary to accommodate the development shall also be developed and agreed with the Local Planning Authority, the agreed scheme to be implemented as part of the highway works.

In the interests of highway safety and in accordance with Policies GP5 and T2 of the Leeds UDPR.

Landscaping and Nature Conservation

25. Prior to the commencement of development of any plot full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include (a) proposed finished levels and/or contours, (b) means of enclosure, (c) car parking layouts, (d) other vehicle and pedestrian access and circulation areas, (e) hard surfacing areas, (f) minor artefacts and structures (eg, furniture, play equipment, refuse or other storage units, signs, lighting etc.), (g) proposed and existing functional services above and below ground (eg. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.). Soft landscape works shall include (h) planting plans, (i) written specifications (including cultivation and other operations associated with plant and grass establishment), (j) schedules of plants which takes into

account the timing of planting seasons, including all trees noting species, planting sizes and proposed numbers/densities and locations , (k)

To ensure the provision of amenity afforded by appropriate landscape design and in accordance with Policies GP5, LD1 and LD2 of the Leeds UDPR.

26. If, within a period of five years from the planting of any trees or plants, those trees or plants or any trees or plants planted in replacement for them is removed, uprooted, destroyed or dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to a variation.

To ensure the maintenance of a healthy landscape scheme and in accordance with Policies GP5 and, LD1 of the Leeds UDPR.

27. In relation to an individual plot no development shall commence until a scheme detailing the means and measures of biodiversity protection and enhancements, including precautionary survey of all existing buildings and structures on the relevant part of the site, have been carried out by an appropriately licensed worker and a programme for the implementation of this scheme, with the results of the survey, have been submitted to and agreed in writing with the Local Planning Authority. The survey shall include details of the location and type of any bat and bird roosts present, an assessment of the likely impact of the proposed development on bats and birds, recommendations for avoiding or mitigating adverse impacts (including details of the provision of bat and bird boxes) and provision for monitoring where appropriate. All subsequent work on site shall thereafter be carried out in accordance with the recommendations of the report and the scheme shall be based on the recommendations detailed in Chapter 16 of the Environmental Statement (HUK10), unless otherwise agreed in writing with the Local Planning Authority.

To protect the existing biodiversity on site including any bats and birds which may roost on the site, and to comply with the recommendations of Chapter 16 of the approved Environmental Statement (HUK10) and in accordance with Policies GP5 and N51 of the Leeds UDPR.

Arts and Cultural Strategy

28. The development shall be carried out in accordance with the approved document Eastgate Quarter Leeds - Arts and Cultural Strategy.

In the interests of amenity and the vitality and vibrancy of this part of Leeds City Centre and in accordance with Policies GP5 and BD15 of the Leeds UDPR.

Construction

29. For each plot, development shall not commence until Demolition and Construction Management Plans including details of any phasing strategy for demolition and construction of each building plot of the development, has been submitted to and approved in writing by the Local Planning Authority. This plan will include details of the routing parking and storage of construction and demolition traffic; arrangements for the servicing of Kirkgate Market, arrangements for any temporary vehicle parking, general traffic management and street cleaning; construction and demolition operations and hours of working; control of demolition and construction noise, the methods to be employed to prevent mud, grit and dirt being carried onto the public highway and details of adequate vehicle cleansing facilities, the details of measures to be taken to suppress dust, vibration and air quality; and location of site compounds and plan and equipment storage, offices and concrete batching plants. The development shall be carried out in accordance with the approved details.

In order to secure the satisfactory development of the site and in the interests of amenity, and to comply with the recommendations of the approved Environmental Statement and in accordance with Policy GP5 of the Leeds UDPR.

30. For each plot, development shall not commence until a management strategy identifying measures to reduce the visual impact of the development, including details of temporary screening of the site, together with viewing portals, information panels and opportunities for temporary public art, has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the approved details.

In the interests of visual amenity and in accordance with Policies GP5 and BD15 of the Leeds UDPR.

Sustainability

31. Prior to the commencement of development on each individual building plot a detailed scheme comprising (i) a recycled material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit), (ii) a Site Waste Management Plan for the construction stage, (iii) a waste management plan for the buildings occupation and (iv) a BREEAM assessment (reflecting the BREEAM Very Good aspirations of the scheme), shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the detailed scheme; and

(a) within 12 months of full practical completion a post-construction review statement shall be submitted by the applicant and approved in writing by the Local Planning Authority.

(b) The development 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.

In the interests of amenity, to promote the use of recycled material and to promote the implementation of sustainability measures within Leeds City Centre and in accordance with Policies GP5, GP11 and GP12 of the Leeds UDPR.

32. Should it be the case that the development of the Low Carbon Energy Centre (planning application reference 11/01194/FU) is not implemented then details of alternative arrangements to meet the energy needs of the development shall be submitted to, and approved in writing by the Local Planning Authority and thereafter be implemented in accordance with the approved details.

In the interests of amenity and to promote the implementation of sustainability measures within Leeds City Centre and in accordance with Policies GP5 and GP11 of the Leeds UDPR.

Heritage and Archaeology

33. For each plot and unless otherwise agreed in writing by the Local Planning Authority no demolition works shall take place until the applicant, or their agents or successors in title, has completed a programme of architectural investigation and recording by an appropriately qualified and experienced archaeological organisation in the relevant part of the site, in accordance with an archaeological strategy and written scheme of investigation which has been approved in writing by the Local Planning Authority.

To ensure necessary archaeological and architectural investigation and recording and in accordance with Policies ARC5 and ARC6 of the Leeds UDPR.

34. For each plot and unless otherwise agreed in writing by the Local Planning Authority no development, intrusive site preparation or ground investigation works shall take place until the applicant, or their agents or successors in title, has completed a programme of archaeological investigation and recording by an appropriately qualified and experienced archaeological organisation in the relevant part of the site, in accordance with an archaeological strategy and written scheme of investigation which has been approved in writing by the Local Planning Authority.

To ensure necessary archaeological and architectural investigation and recording and in accordance with Policies ARC5 and ARC6 of the Leeds UDPR.

35. Prior to the commencement of demolition within a plot an inventory of any

significant architectural features to be salvaged from that part of the site shall be submitted to and approved in writing by the Local Planning Authority. The inventory shall identify proposals for the careful removal, storage and re-use of the North Bar and any other significant architectural features within the development and shall be implemented in accordance with the details thereby agreed unless otherwise approved in writing by the Local Planning Authority.

To ensure preservation and re-use of architectural or historic features of interest and to comply with UDPR policy ARC4.

Plant, Noise and Waste

36. No individual Building Plot of the overall development shall be brought into use until details of fixed mechanical plant and building service plant, including details of installation and operation of any extract/ventilation systems (including any filters to remove odours), details of any external flue pipes or other excrescences and any air conditioning systems serving the development hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. The rating level of noise (in accordance with BS4142) from fixed mechanical units associated with the site shall fall at least 5dB(A) below the minimum monitored background noise level at a location 1m from the facade of the nearest Noise Sensitive Receptor during the daytime (07:00 to 23:00) or night time (23:00 to 07:00) seven days a week.

In the interests of amenity and to comply with PPG24 and UDPR Policy GP5.

37. No part of a Building Plot as shown on Parameter Plan 3 shall be brought into use until details of a sound insulation scheme designed to protect the amenity of occupants of nearby noise sensitive premises from noise emitted from the proposed development has been submitted and approved in writing by the local planning authority. The said scheme shall detail physical mitigation works as well as the nature of hours of servicing, deliveries and opening. The use hereby approved shall not commence until the works have been completed, and any such noise insulation as may be approved shall be retained thereafter.

In the interests of amenity and to comply with PPG24 and UDPR Policy GP5.

38. Prior to occupation of each Building Plot as shown on Parameter Plan 3 of the development a scheme detailing the method of storage and disposal of litter and waste materials, including recycling facilities, 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 including, where appropriate, lockable containers and details for how the recyclable materials will be collected from the site with timescales for collection. The approved scheme shall be implemented before the development hereby permitted is brought into use and no waste or litter shall be stored or disposed of other than in accordance with the approved scheme.

In the interests of amenity and to promote recycling and to comply with UDPR policy WM3

39. There shall be no external storage of refuse unless otherwise agreed in writing by the Local Planning Authority.

In the interests of amenity and to prevent the occurrence of unsightly refuse storage bins and in accordance with Policy GP5 of the Leeds UDPR.

Drainage

40. Development shall not commence until a scheme detailing surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.

To ensure sustainable drainage and flood prevention in accordance with policies GP5, N39A of the adopted Leeds UDP Review (2006) and PPS25.

41. There shall be no discharges of foul water from the development until a foul drainage scheme including details of provision for its future maintenance (e.g. adoption by the Water Company) has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

To ensure satisfactory drainage and pollution prevention in accordance with adopted Leeds UDP Review (2006) policy GP5 and PPS25.

42 Surface water from areas used by vehicles shall be passed through an oil and petrol interceptor of adequate capacity prior to discharge to the public sewer. Roof water shall not be passed through the traditional 'stage' or full retention type of separator. The interceptor shall be retained and maintained thereafter.

To ensure pollution prevention in accordance with adopted Leeds UDP Review (2006) policy GP5 and PPS25.

Contamination

43. Prior to development commencing for any plot, the recommendations outlined in the Waterman Group Report 'Phase 2 Site Investigation and Geo-Environmental Risk Assessment' reference EED10866-100 (February 2011) must be implemented for that phase, and the necessary reports submitted to the Local Planning Authority for written approval.

To ensure that the presence of land contamination at the site has been determined and that the environmental risks it presents have been assessed

and in accordance with Policy GP5 of the Leeds UDPR and Government Guidance contained in PPS23.

44. Development for any plot shall not commence until a remediation statement for that phase has been submitted to and approved in writing by the local planning authority, as recommended in the Waterman Group Report 'Phase 2 Site Investigation Report and Geo-Environmental risk Assessment' reference EED10866-100 (February 2011). The remediation statement shall demonstrate how the works will render the site 'suitable for use' and shall describe the works in relation to the development hereby permitted. It shall include full details of any works to be undertaken, proposed site clean-up criteria, site management procedures and how the works will be validated.

To enable the local planning authority to determine whether the proposed remediation works will make the site 'suitable for use' and to ensure that contamination will not present any significant environmental risks in accordance with Policy GP5 of the Leeds Unitary Development Plan and Annexe 2 of PPS23.

45. If remediation for any plot is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. An amended or new Remediation Statement for that Phase shall be submitted to, and approved in writing by, the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Statement.

To ensure that any necessary remediation works are identified to make the site 'suitable for use' in accordance with Policy GP5 of the Leeds Unitary Development Plan and Annexe 2 of PPS23.

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

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be 'suitable for use' in accordance with Policy GP5 of the Leeds Unitary Development Plan and Annexe 2 of PPS23.

47. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment reference no. 00-GE-990- WCL-RP-001 dated January 2011.

In the interests of flood prevention and effective surface water management in accordance with Policy GP5 of the Leeds UDPR and Government Guidance contained in PPS25.

Access and Pedestrian Routes

48. An access strategy to identify relevant measures introduced to provide full access to and within the site including routes appropriate for use by people with disabilities and within sanitary conveniences, for the needs of employees and members of the public who are disabled, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.

In order to provide satisfactory access to the development and in accordance with Policies A4 and GP5 of the Leeds UDPR.

49. Prior to works commencing on a plot a strategy identifying the routes around that plot which shall be maintained and made available to members of the public during construction of the plot shall be submitted to and approved in writing by the Local Planning Authority. The strategy so identified shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority.

In order to identify adequate access during the development and in accordance with Policies A4 and GP5 of the Leeds UDPR.

Environmental Impact Assessment Studies

50. Prior to commencement of each plot of the development full details any combustion plant, shall be submitted to and approved in writing by the Local Planning Authority. The details shall be based on the recommendations detailed in Chapter 12 of the Environmental Statement (HUK10), unless otherwise agreed in writing with the Local Planning Authority and thereafter be implemented in accordance with the approved details.

In the interests of amenity, and to comply with the recommendations of Chapter 12 of the approved Environmental Statement (HUK10) and in accordance with Policy GP5 of the Leeds UDPR.

51. As part of any Reserved Matters application addressing the design of a plot an assessment of the wind conditions (potentially including wind tunnel testing) on and around the plot shall be submitted to and approved in writing by the LPA. The detailed design of any buildings on the plot shall incorporate any necessary mitigation measures recommended by the assessment.

In the interests of amenity, and to comply with the recommendations of Chapter 17 of the approved Environmental Statement (HUK10) and in accordance with Policy GP5 of the Leeds UDPR.

Buses

52. Prior to any works to the bus station in accordance with drawing XXX XXX - Proposed Bus Station Access Arrangements option 3 a "bus station vehicular tracking exercise" shall be carried out in accordance with details which shall first be agreed in writing with the Local Planning Authority. The findings of the "tracking exercise" shall inform any subsequent detailed design. The works to the bus station shall be completed in accordance with the details thereby approved and in accordance with the phasing programme of works approved pursuant to Condition 11.

In order to demonstrate off-site, prior to development, that the proposals for the bus station are operationally acceptable and achievable and in accordance with Policies GP5 and T2 of the Leeds UDPR.

53. A review of the Proposed Bus Stop Utilisation arrangements identified on drawing XXX XXX shall be submitted to the Local Planning Authority 6 months prior to the occupation of the scheme. The review shall consider any changes in bus services and revise the bus stop allocations accordingly. The scheme shall be implemented in accordance with the details which shall be approved in writing by the Local Planning Authority.

In order to ensure provision of the necessary public transport facilities and in accordance with Policies GP5 and T2 of the Leeds UDPR.

Listed Building Application 11/01003/LI Non Standard Conditions

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Imposed pursuant to the provisions of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. 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.

3. Notwithstanding the details on the hereby approved plans no building works shall take place until details and samples of all materials, including their colours, for the reinstated eastern door and steps, the blocking in of basement entrance and any new windows or doors 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 reinstated eastern door and steps, the blocking in of basement entrance and any new windows or doors shall be constructed from the materials and in the colours thereby approved.

In the interests of the character and visual amenity of the Listed Building and the wider area and in accordance with Policies GP5, N17 of the Leeds UDPR and Government Guidance contained in PPS5.

4. Prior to the cleaning of the exterior of the building, removal of paintwork, the replacement or repair of masonry, roofslates, jointing material or rainwater goods, full details of the proposed works shall be agreed in writing with the Local Planning Authority. The works shall thereafter be carried out in accordance with the agreed details.

To ensure that the most suitable methods are used to avoid further damage to the building fabric and in accordance with Policies GP5, N17 of the Leeds UDPR and Government Guidance contained in PPS5.

5. Prior to commencement of the 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 any new windows and doors

(b) Junctions of materials between the existing building and the reinstated eastern door and steps

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

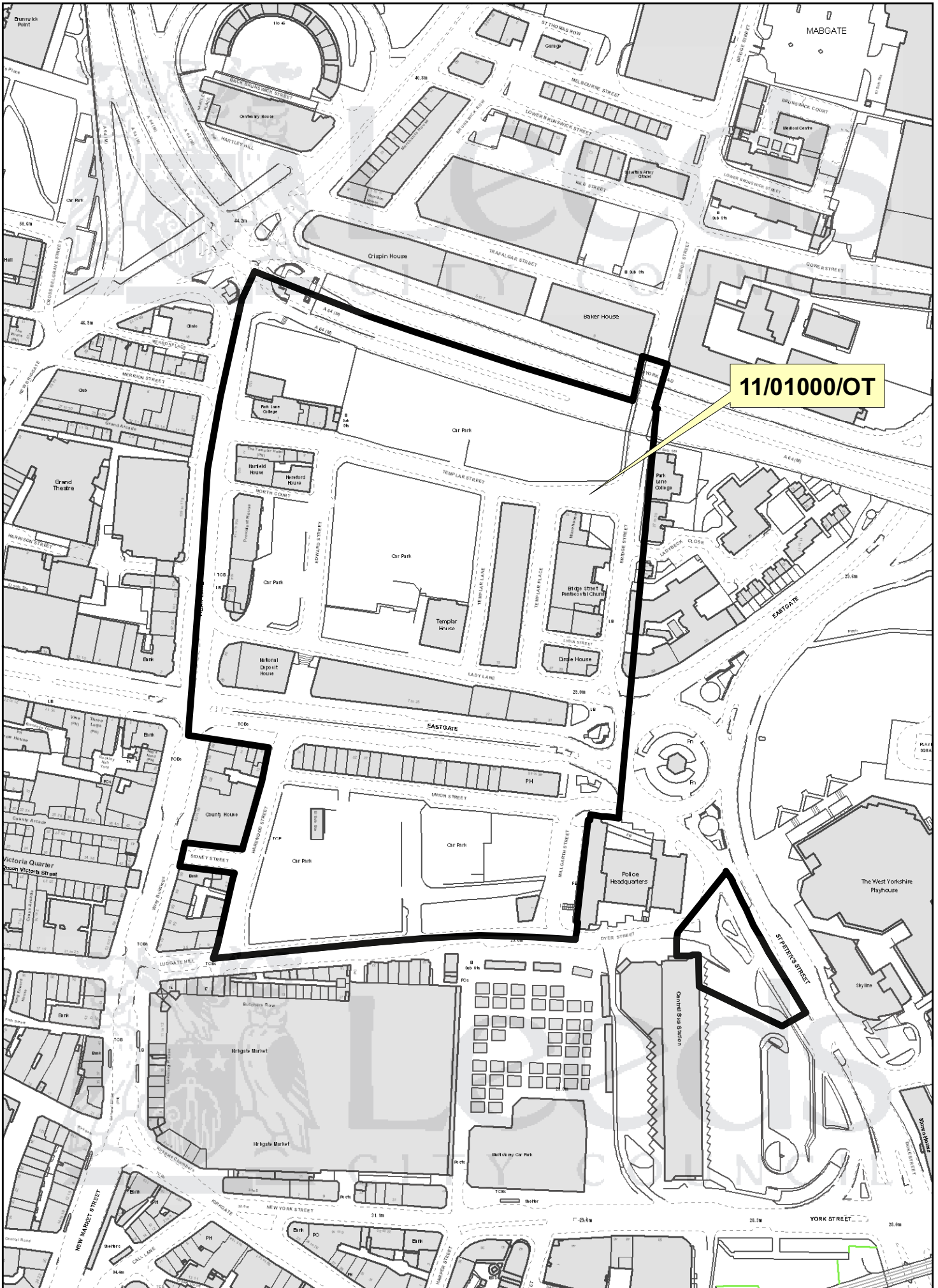
In the interests of the character and visual amenity of the Listed Building and the wider area and in accordance with Policies GP5, N17 of the Leeds UDPR and Government Guidance contained in PPS5.

6. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of architectural/archaeological recording in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

In order to secure necessary recording of the building in accordance with UDP Review policies N29 and ARC6.

7. No development shall take place until details of the extract ventilation system, including details of any flue pipes, air conditioning units or other excrescences proposed to be located on the exterior of the roof of the building details of a filter to remove odour, and the methods of treatment of the emissions, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works approved in accordance with this condition have been completed. Such works shall thereafter be retained.

In the interests of amenity and visual amenity and in accordance with Policy GP5 of the Leeds UDPR. and Government Guidance contained in PPS5.



11/01000/OT

CITY CENTRE PANEL





Originator: Andrew Windress

Tel: 3951247

Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 7 JULY 2011

Subject: 11/01194/FU – THE DEMOLITION OF ALL BUILDINGS AND THE ERECTION OF A LOW CARBON ENERGY CENTRE, PRIMARY SUBSTATION, TRANSFORMERS AND A GAS METER UNIT; AND ASSOCIATED LANDSCAPING, MEANS OF ENCLOSURE AND HIGHWAY WORKS INCLUDING THE REALIGNMENT OF LADYBECK CLOSE AT THE FORMER PARK LANE COLLEGE BUILDING, BRIDGE STREET, 1-2 AND 27-30 LADYBECK CLOSE, LS2.

APPLICANT	DATE VALID	TARGET DATE
Hammerson UK Properties PLC	25/3/11	15/7/11

Electoral Wards Affected:

City and Hunslet

Yes Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the specified conditions (and any others which might be considered appropriate)

Conditions

1. Time limit for implementation (5 years).
2. List of plans to be approved.
3. All external materials to be agreed (sample panels will be erected on site and examined/agreed with Panel).
4. Detailed drawings at a scale no less than 1:20 of typical material junctions.
5. Details of external finished levels.
6. Full details of all excrescences.
7. Submission of an Environmental Management Plan designed to protect general amenity during construction and during the operation of the building (to include details of demolition/construction/contractors cabins/site hoardings/construction access routes, method and hours of delivery, noise management (to be at least 5dB(A) below background noise levels).
8. Pre and post construction sustainability assessment (BREEAM or similar) to be agreed.

9. The development shall be carried out in accordance with the approved Flood Risk Assessment.
10. Standard land contamination conditions (x3).
11. Submission and implementation of hard and soft landscaping.
12. Submission of a Landscape Management Plan.
13. Protection of existing trees and shrubs during construction.
14. Replacement of any trees lost within 5 years of planting.
15. Highway works to be agreed via a S278 agreement and completed prior to first use.
16. Deliveries to be restricted to vehicles no more than 9.5m in length.
17. Hatching to be introduced at the entrance to Ladybeck Close to prevent parking.

Reasons for approval: The application is considered to comply with policies GP5, BD2, BD5, T2, CC4, N12, N13, N25, N26 of the UDP Review, as well as guidance contained within The Leeds City Centre Urban Design Strategy (September 2000), Eastgate and Harewood Supplementary Planning Document (October 2005), Building for Tomorrow Today – Sustainable Design and Construction (Draft), The RSS for Yorkshire and Humber, PPS1 General Policies and Guidance, PPG13 Transport, PPS22 Renewable Energy, PPS23 Planning and Pollution Control, PPG24 Planning and Noise, PPS25 Development and Flood Risk. The application has been fully considered in respect of its sustainability benefits and the impact on amenity and, having regard to all other material considerations.

A full list of draft conditions can be found at Appendix 1.

1.0 INTRODUCTION:

- 1.1 A low carbon energy centre is proposed at Bridge Street that is intended to provide low carbon heating, cooling and power to the Eastgate Quarters development and other premises nearby. Members will recall receiving a position statement regarding the proposals at the Panel meeting on 12th May 2011. At this Panel Members made comments regarding the height and detailed design. The scheme has been amended to address the comments made and is now presented to Panel with a recommendation for approval.

2.0 PROPOSAL:

- 2.1 Full planning permission is sought for a low carbon energy centre (LCEC) at Bridge Street/Ladybeck Close. To accommodate the LCEC the existing five storey former Park Lane College building plus numbers 1-2 and 27-30 Ladybeck Close are to be demolished. Ladybeck Close will also be realigned and two trees within the site will be removed.
- 2.2 The proposed LCEC is intended to provide combined cooling, heating and power to existing and proposed buildings within the vicinity of the site with its primary purpose being to serve the proposed Eastgate Quarters development. The LCEC is to accommodate a variety of equipment including gas-fired boilers, a biomass boiler, a Combined Heat and Power (CHP) engine plus transformers in the adjoining primary substation. Further information regarding the equipment and operations is contained within the appraisal section.
- 2.3 The building's footprint is located on the back edge of the Bridge Street footway, as with the existing former college building, but extends further south and has slight kinks in its alignment. Equipment is stored on three levels but with increased floor to ceiling heights and a varied, but high parapet, the effective height of the building is

around one storey higher than the existing five storey former college building at around 21-24m in height. The primary substation is located at the northern end of the building and is around 10m in height. A chimney will extend out of the roof up to 54m above ground level.

- 2.4 The building is faced with three dimensional concrete and metal mesh panels of varying scales that will be coloured in an 'earthy' tone (a red/brown). The final colour of the building will be agreed by condition in consultation with the Panel. The three dimensional aspect of the façade varies across each elevation to respond to its specific context. At ground level a section of the Bridge Street elevation will be glazed to provide views of the machinery and give the public an indication of the role of the LCEC.
- 2.5 Vehicular access and egress will be from the realigned Ladybeck Close and adjacent to/below the Inner Ring Road (IRR). At the rear of the building will be the service route and two car parking spaces. The building will be remotely operated but visited daily by an engineer. There will be up to three deliveries of biomass (wood pellets) per week and a fortnightly collection of ash. These deliveries will be timed to avoid highway peak hours, weekends and evenings.
- 2.6 There will be a single storey gas meter enclosure beyond the access road at the rear of the site, this will be in concrete with the same 'earthy' finish as the main building. The site will be enclosed at the sides and rear by a stretched and angled metal mesh fence and gates 2.1m high.
- 2.7 New landscape planting will take place on the southern side of the realigned Ladybeck Close and along the boundary fence at the rear of the site.
- 2.8 The application has been supported by the following documents:
- Planning Statement.
 - Statement of Community Involvement.
 - Transport Statement.
 - Sustainability Statement.
 - Foul Sewerage and Utilities Assessment.
 - Design and Access Statement.
 - Environmental Statement incorporating chapters/documents relating to wind, trees, flooding, noise, air quality, visual impact, daylight and sunlight, ground conditions and water resources, ecology and heritage.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a 0.3 hectare site located in the northeast corner of the UDPR defined City Centre bound by the IRR to the north, Bridge Street to the west, Ladybeck Close to the south and the Ladybeck Hostel to the east.
- 3.2 The site is generally flat and currently comprises of the five-storey former Park Lane College building that is currently utilised by Bridge Street Pentecostal Church, the two-storey apartment building 27-30 Ladybeck Close and semi-detached dwellings at 1 and 2 Ladybeck Close. The site boundary also incorporates part of Ladybeck Close and Bridge Street.
- 3.3 There is a three-storey residential hostel to the immediate east of the site with two-storey residential properties beyond. All the residential properties within and adjacent to the site are managed by The Riverside Group Ltd, a social housing

provider. The IRR retaining wall is to the north with surface car parking across Bridge Street to the west. The area also includes a variety of commercial properties of varying scale, Department of Works and Pensions (DWP) building to the south and Bridge Street Pentecostal Church. The IRR is set 7m above the site to the north.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 11/01000/OT relates to the proposed Eastgate Quarters development currently under consideration on land to the west of the site.
- 4.2 06/03333/OT (approved 24.08.2007) and 10/01477/EXT (approved 09.07.2010) relate to the original Eastgate Quarters development that incorporated the site currently proposed to accommodate the LCEC.
- 4.3 08/01948/FU (approved 27/5/11) relates to the redevelopment of the 'Centrica' site on the northern side of the IRR. The proposals include four residential and hotel buildings ranging from 23 to 40 storeys in height.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Officers commenced discussions with the applicant in June 2008 regarding the delivery of a LCEC on St Mary's Street to the east of the application site. This site was ultimately discounted by the applicant due to its greenfield designation, highway implications and distance from developments the LCEC was intended to serve.
- 5.2 Consideration was also given to locating the LCEC at 17 Regent Street on the site of the former Homburgs fancy dress shop. However, this site was discounted by the applicant due to policy requirements seeking a retail warehouse use in this location and the distance of the site from intended customers.
- 5.3 After discounting the other available sites various options on the proposed site were examined and developed with officers. The 22/7/10 and 16/9/10 pre-application presentations to Panel regarding the Eastgate Quarters proposal highlighted the intended location of the LCEC. Members showed a general interest in the operations and intentions of the LCEC but no detailed comment was made.
- 5.4 Members were presented with a position statement at the 12th May 2011 Panel. Members supported the principle of the development and that it could serve the Eastgate development and operate as a stand alone LCEC providing combined cooling, heating and power to other non-Eastgate developments. Most Members felt the relationship to the hostel was acceptable subject to a slight reduction in height and there was majority support for the general form, design and materials. There were no highway concerns raised. Members commented on the following matters. A brief response to the comments made by Members is provided below in italics with further detail contained within the appraisal at section 10.

- The weathering of the materials. *Response: Improved technologies in pigmenting pre-cast concrete enabled better colour retention so the materials would weather well.*
- The colouration of the cladding; that this was not earth-toned and that the references shown of other buildings in Leeds did not relate to the colour of the proposed cladding. *The colour of the materials will be agreed via condition at a later stage. Large samples of the coloured materials will be provided at condition stage and Members will be consulted to agree the*

final colour in a similar manner to the approach taken when agreeing materials for the Arena.

- The scale of the building and whether it was necessary to be as high as being proposed. *The height of the building has been reduced.*
- That the metal cladding was reminiscent of the panelling on the Headingley Stadium with concerns that the joints would be visible, so leading to a less pleasing effect. *The mesh panels will be folded and will not incorporate a frame. Where joints are necessary these are intended to be minimal and give the impression of a creased monolithic surface. The joints will be much less visible than those on the new pavilion at Headingley Stadium.*
- That the design was at variance with surrounding buildings and was inappropriate in view of the close proximity to residential properties. *A full appraisal of the design is provided in the appraisal section. The design reflects the buildings use and also the interaction with pedestrians, residents and motorists. The height has been reduced and profile of the roof amended.*
- The fall-back position with regard to the sustainability of the Eastgate development. *The Eastgate development will achieve a BREEAM 'Very Good' rating but also aspire to achieve an 'Excellent' rating. If the LCEC is not delivered, a smaller combined heat and power system would be provided within the Eastgate development. A full appraisal of the sustainability credentials of the Eastgate scheme is provided in the Eastgate report (reference 11/01000/OT).*

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Site notices were posted on 1/4/11 and an advert placed in the Leeds Weekly News on 7/4/11 that highlighted the submission of this major application accompanied by an Environmental Statement.
- 6.2 Leeds Civic Trust supports the proposed LCEC. The Trust welcomes the commitment to a low energy development, the local generation of energy and the potential for sale of energy to other users in the city centre. The Trust appreciate the care that has gone into the design of the building and hope that this will be carried through into the detailed design, construction and operation in order to minimise the impact on neighbouring residents and other users of the city centre.
- 6.3 The operators of the social housing within Ladybeck Close, The Riverside Group Ltd, object to the proposal for the following reasons and request the application be refused (a response to each point is provided in italics):
- The proposal assumes the demolition of occupied and operational Riverside properties that will be fundamentally harmful to its operations that have been successful for many years and include hostel and associated residential 'move on' accommodation. Such a demolition would be unsustainable. *Response: The applicant is continuing negotiations with Riverside regarding appropriate re-provision and compensation for the units proposed to be demolished. A relatively small number of units are to be demolished (7 in total) with the vast majority of the social housing being retained. The loss of these buildings is accepted in principle by the adopted Eastgate and Harewood Quarter SPD and previous approvals relating to the Eastgate Quarters development. 6 of the 7 units to be demolished are intended to be*

re-provided by the applicant within Ladybeck Close with other losses forming part of the compensation agreed between the applicant and Riverside. Whereas the demolition of the existing buildings does remove structurally sound and operational buildings, the long term environmental benefits of the proposed LCEC are considered to outweigh the loss of these buildings. Demolition material will be re-used or recycled where possible.

- The lack of a robust assessment as to potential alternative locations, only three locations were discounted with one discounted on purely commercial reasons and not with regard to planning policy. *Response: Detailed discussions were held between officers and the applicant regarding the alternative sites and each of the alternatives posed some planning policy concerns. It is considered each of the sites were examined in detail and discounted for appropriate planning reasons in addition to the applicant's commercial reasons. The chosen site is appraised in full below.*
- The site chosen was based on commercial reasons to ensure improved viability of the Eastgate Quarters. *Response: See point above.*
- The scale of the proposed LCEC is not justified. *Response: The scale of the LCEC is based on current and maximum foreseen requirements and the technology available.*
- If any intensification in the use of the site was to occur there would be additional deliveries and ash collections, this has not been fully considered. *Response: The proposal has been assessed on the maximum capacity scenario therefore deliveries and collections should be no greater than specified and appraised below.*
- There will be an adverse impact on residential amenity and a perceived fear of adverse impact on human health by virtue of the nature of the proposals, the noise and general disturbance and an adverse impact on air quality therefore the site is not the Best Practicable Environmental Option (BPEO). *Response: The amenity impact and air quality is discussed in detail in the appraisal section below.*
- UDPR Policy CC24 does not normally support industrial and 'bad neighbour' uses within the City Centre. *Response: CC24 was adopted in 2001 at a time when LCECs such as that proposed were not envisaged and therefore the centralised locational requirements of LCECs not acknowledged. The policy states similar uses would 'not normally' be accepted but does not specifically exclude them. The amenity and air quality impact is examined in detail below.*

- 6.4 One letter of support has been received from a member of the public. The letter states general support for the proposed low carbon energy centre and its design that ensures it does not appear like a power station. However, it is requested that further thought be given to the design of the chimney to make it look less industrial. The letter also requests further sustainability measures (solar panels, wind turbines) be incorporated into the Eastgate Quarters development and that a small newsagent or other active unit be included along Bridge Street to enliven the streetscene. *Response: The design of the chimney is discussed in the appraisal section below. Sustainability measures are included in the Eastgate Quarters proposal and are considered under a separate application. A large glass window is to be provided in the Bridge Street elevation of the LCEC to ensure interest is provided along this side of Bridge Street, an active unit is not considered necessary in this instance or compatible with the proposed use.*

- 6.5 A letter has been received on behalf of the new developers of Crispin House. There is support for the general principle of the LCEC and a request made that the planning process ensures the benefits of the LCEC will be made available to non-Eastgate developments. The design, and chimney in particular, should be designed to avoid any adverse visual or residential amenity issues. *Response: The design and amenity issues are considered in detail below and are considered acceptable. The developer has stated the LCEC is intended to serve existing and proposed developments in the locality. Making the benefits of the LCEC available to other non-Eastgate developments will improve its viability and therefore commercial attractiveness. It is not considered appropriate for the planning process to determine future commercial customers/partners.*
- 6.6 In a letter commenting on the Eastgate application (reference 11/01000/OT), the Design Council (CABE) support the sustainability benefits the LCEC will offer the Eastgate development.
- 7.0 CONSULTATIONS RESPONSES:**
- 7.1 Statutory:**
- 7.2 Environment Agency: The proposal will be acceptable provided the measures outlined in the Flood Risk Assessment (FRA) are conditioned and implemented.
- 7.3 Highways: The amended highway layout is acceptable. No objections subject to conditions.
- 7.4 Yorkshire Water: No response received.
- 7.5 Non-statutory:**
- 7.6 Contaminated Land Team: No objection subject to conditions.
- 7.7 Environmental Assessment Manager: Whereas extreme wind events have not been examined, no wind mitigation measures are required for the LCEC.
- 7.8 Environmental Health (Pollution Control/Air Quality): The concentration of particulates are within air quality objectives. A contribution towards low emission strategies should be sought. *Response: There is no adopted policy for seeking a financial contribution regarding air quality therefore such a contribution cannot be sought. As stated the LCEC is within air quality objectives.*
- 7.9 Mains Drainage: The conditions set out by the Environment Agency are sufficient.
- 7.10 Neighbourhoods and Housing: No objection subject to conditions relating to hours of use and delivery, noise and general amenity. *Response: The requested condition restricting the hours of use (no operation shall take place before 07.30 hours on weekdays and 08.00 hours on Saturdays or after 19.00 hours on weekdays and 13.00 hours on Saturdays. With no operation on Sundays or Bank Holidays) is not acceptable as the energy centre may be required to run 24 hours a day. Further consideration of the hours of use and noise implications are discussed in the appraisal section below.*
- 7.11 West Yorkshire Archaeological Service: No response received.

7.12 West Yorkshire Police: The building has nothing in the way of defensible space and the external finish may provide the opportunity for climbing whilst the large area of glazing at ground floor will also be tempting to vandals. There is no security strategy. *Response: The building addresses the back edge of the footway, a sought after urban design expression but is enclosed at the rear beyond the service route with a fence and gates. Anti-graffiti paint will be used at the lower levels and whereas the façade will be three dimensional it will still be difficult to climb and does not create significant concern over and above any more standard building design/form. The glazed panel will be of a necessary thickness to meet the Building Regulations. A security strategy is not a specific requirement of planning but it is considered that due consideration has been given to security and formed part of the final design.*

7.13 Yorkshire Forward: YF have no comment to make.

8.0 PLANNING POLICIES:

8.1 Regional Spatial Strategy (RSS): The RSS for Yorkshire and Humber was adopted in May 2008. The vision of the RSS is to create a world-class region, where the economic, environmental and social well-being of all people is advancing more rapidly and more sustainably than its competitors. Particular emphasis is placed on the Leeds City Region. Policy ENV5 seeks to increase energy efficiency and the production of renewable energy.

8.2 Leeds Unitary Development Plan Review (2006) Designation: The site is within the defined City Centre boundary but has no other designation.

Relevant UDPR Policies:

GP5: Proposals should resolve detailed planning considerations including amenity, danger to health or life.

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

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

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

CC4: High quality design and appropriate scale at city centre gateway locations.

N12: Fundamental priorities for urban form.

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

N25: Boundaries should be appropriate to the character of the area.

N26: Where necessary, illustrative landscaping details should be provided.

8.3 Supplementary Planning Documents:

The Leeds City Centre Urban Design Strategy (September 2000)

Eastgate and Harewood Supplementary Planning Document (October 2005)

Building for Tomorrow Today – Sustainable Design and Construction (Draft)

8.4 National Planning Guidance:

PPS1 General Policies and Principles.

PPG13 Transport.

PPS22 Renewable Energy.

PPS23 Planning and Pollution Control.

PPG24 Planning and Noise.

PPS25 Development and Flood Risk

9.0 MAIN ISSUES

1. Principle of proposed LCEC.
2. Visual Amenity.
3. Residential Amenity.
4. Highway Safety.
5. Air Quality.

10.0 APPRAISAL

10.1 Principle of proposed LCEC.

10.2 The application site is a brownfield site that is unallocated in the UDPR. Whereas there would be a loss of 7 residential units, something still sought after, it is a relatively small amount of units to be demolished and the economic and environmental benefits of the proposed LCEC are considered to outweigh the retention of these units. The developer is in negotiations with the social housing provider with an intention to re-provide 6 of the 7 units within Ladybeck Close and provide compensation for the other.

10.3 The LCEC will provide combined cooling, heating and power to existing and proposed buildings within the vicinity of the site with its primary purpose being to serve the proposed Eastgate Quarters development. The LCEC is to accommodate a variety of equipment including gas-fired boilers, a biomass boiler, a Combined Heat and Power (CHP) engine plus transformers in the adjoining primary substation.

10.4 The LCEC will provide 39.5MW of heating capacity, 26 MW of cooling capacity and 2 MW of electricity generating capacity in addition to the 33kV primary substation. This production of energy will permit the reduction of energy consumption and carbon emissions in both existing and proposed developments due to its efficiency being around double that of a typical power station and create a more sustainable community in the area.

10.5 Whereas the applicant is the same as that for the Eastgate Quarters development and the developments are closely linked, the proposed LCEC is considered under a stand alone full planning application and can be delivered independent of the Eastgate Quarters and therefore still benefits the surrounding uses and the City in general. The design and access statement identifies potential users in addition to Eastgate as being the adjacent social housing, all existing and proposed developments at Quarry Hill, Kirkgate Markets, Millgarth Police Station, plus Crispin House and the major mixed use scheme recently approved at the former British Gas site on the northern side of the IRR.

10.6 For the reasons outlined above it is considered that the proposed LCEC could deliver significant carbon reduction and energy consumption benefits to the city and the principle of an LCEC in this location is considered acceptable and is supported. As stated at paragraph 5.4, Members supported the principle of the development at the 12th May 2011 Panel.

10.7 Visual Amenity

10.8 The layout, scale and form of the proposed LCEC is driven by its function and technical considerations in addition to strategies that attempt to mitigate noise, visual and daylight impact.

- 10.9 The basic rectangular layout uses a similar building line to the existing former college building whilst providing a flexible floor plate that can accommodate a variety of equipment and adapt to future changes in technology. However, to avoid a consistent building line and therefore provide interest and reduce the apparent length and height of the building, kinks have been introduced to provide the eastern and western elevations with facades at different angles.
- 10.10 Whereas equipment is only on three levels, significant floor to ceiling heights and a parapet are required to accommodate the necessary equipment and provide an acoustic screen. As such the maximum height of the building will be similar to the maximum height of the five storey former college building it replaces in the northern part of the site, but significantly greater than the two storey residential buildings on the site. To reduce the apparent scale a varied roof line is introduced to distort perceptions in addition to the angled layout mentioned above. At the 12th May 2011 Panel Members commented on the height of the building and queried whether the roof could be lowered in certain areas to reduce the impact on the hostel residents and the perceived height within the streetscene. This has been achieved. One of the highest points of the LCEC adjacent to Ladybeck Close in the southwest corner has been lowered by 1.3m whilst the parapet to the rear elevation directly facing the residents of the social housing has been lowered in part to result in a consistent parapet level to much of the rear elevation. As stated above the parapet provides an acoustic and visual screen and has been lowered to the lowest point possible whilst still retaining a varied profile to provide some interest.
- 10.11 A chimney that will extend to up to 54m above street level will be required to ensure emissions expel at an appropriate level. Historically, the Leeds skyline incorporated many large chimneys and this relatively slim functional requirement is not considered to adversely impact upon the current skyline in this area.
- 10.12 With the existing and proposed context being of other large buildings currently located on the site and across the IRR plus the multi-storey car park serving the proposed Eastgate Quarters immediately adjacent, it is considered the scale of development is appropriate in its urban context.
- 10.13 The function of the building results in there being no requirement for windows. However to give the public a view into the building and therefore appreciate the internal operations, a large window has been added to the ground floor Bridge Street elevation.
- 10.14 A number of different options have been explored for the remainder of the façade with the final design being a mix of concrete and metal mesh that ensure appropriate acoustic insulation and ventilation and easy installation of the equipment.
- 10.15 The concrete and mesh has been moulded into three dimensional triangles that vary in scale dependent upon their location on the building. Analysis took place that identified how the building would be perceived by different 'users' ie the residents, pedestrians and motorists and the scale of the mouldings reflects this. Smaller, tighter moulds are located at the lower levels closely relating to the residents and pedestrians whilst the larger mouldings are in locations primarily viewed from distance by the motorist.
- 10.16 The concrete and metal mesh are to be coloured in an 'earthy' tone intended to reflect the common finish to the red brick and Burmantoft Terracotta tile buildings

that can be found throughout Leeds and even the corten steel on Broadcasting Place and therefore appear as a complementary structure with a soft and natural visual impact. At the 12th May 2011 Panel Members queried the colour of the building shown on the presentation slides. It is still considered an 'earthy' tone would be appropriate for the building and the principle of such a finish was not objected to by Members. However, it is considered that a similar approach to that used for the Leeds Arena be taken to determining the final finish of the building. Large sample panels will be erected on site prior to construction that will give Members the opportunity to agree the final finish.

- 10.17 The building is intended to be illuminated from behind the façade to add further interest but without harming the amenities of the residents of Ladybeck Close.
- 10.18 The fence and gates to the side and rear will be in a fine metal mesh around 2.1m in height but with a varied angled form reflective of the main building. Much of the fence will be screened by retained and proposed landscaping along the eastern boundary facing the Ladybeck close residents.
- 10.19 At the last Panel presentation Members queried the detailed design of the building and stated the junctions between the materials should not be as wide as those evident on the new pavilion at Headingley Stadium. Further information on this issue has been provided and will be presented to Members. The mesh panels are folded to create the three-dimensional triangular façade. Therefore the number of joints are reduced. There will not be a frame to the panels and where there are joints they will be kept to a minimum to ensure the overall impression is that of a creased monolithic surface. The joints will be much less visible than those at the new pavilion at Headingley Stadium.
- 10.20 Detailed drawings have also been provided that show a neat finish to the parapet being proposed via the use of a metal sheet coping that will match the colour to the mesh cladding.
- 10.21 For the reasons outlined above it is considered the proposed LCEC is reflective of its context with regard to the scale of existing and proposed buildings in the area and introduces a well designed building that will enliven the area whilst also providing a façade that has a suitable interaction with passing pedestrians, nearby residents and motorists. The final coloured finish will be agreed with Members by condition but an 'earthy' tone to the colour is considered complimentary to the buildings use and existing palette in Leeds.
- 10.22 Residential Amenity
- 10.23 The proposal includes the demolition of numbers 1, 2 and 27-30 Ladybeck Close. The applicant has been in discussions with The Riverside Group Ltd, the operator of the social housing, with regard to the continued provision of the required facilities at the site following the demolition of these buildings. The applicant has stated that 6 of the 7 units demolished can be re-provided on Ladybeck Close and compensation will be issued for the other unit.
- 10.24 The main amenity impact will be on the residents of Ladybeck Close. The scale of the building (excluding the chimney) is similar to the former college building being demolished and its location is a similar distance from the hostel and residential properties. At the northern end of the site there will be some improvement on the existing relationship as this is where the 10m high primary substation is located.

- 10.25 However, the proposed building also replaces two storey residential accommodation and therefore will significantly change the impact on the residents close to this part of the site. As highlighted above the form, massing and façade design plus the proposed landscaping is intended to reduce the perception of scale and dominance and soften the impact.
- 10.26 The residents nearest to the proposed LCEC are those in the hostel building with windows 20-35m from the building (10m from the boundary fence). The hostel building is understood to have a mix of office, interview rooms, communal areas and some bedrooms on the ground floor with primarily bedrooms on the upper floors. The orientation of the hostel building results in all windows being at an angle to the LCEC either facing northwest or southwest and not directly facing the LCEC and therefore reduces the impact on the residents' amenity.
- 10.27 At the 12th May 2011 Panel Members requested officers seek a reduction in the height of the building to further reduce the impact on the amenity of residents of the hostel. The roof profile at the rear of the building has been lowered in part and simplified to reduce the impact on the residents. To ensure sufficient acoustic insulation the rear could not be lowered any further therefore it is considered an acceptable balance has been achieved with the proposed height of the building that achieves sufficient acoustic insulation without unduly dominating the residents of Ladybeck Close.
- 10.28 The two-storey residential properties elsewhere on Ladybeck Close are over 40m from the proposed building and the daylight and sunlight impact on these properties is considered to be negligible and acceptable.
- 10.29 The proposed car park to the Eastgate Quarters would also form the backdrop to the LCEC when viewed from the residents' perspective and this taller structure would reduce the impact of the proposed LCEC.
- 10.30 The blockwork structure and concrete façade provides substantial acoustic insulation and studies have highlighted substantial background noise levels in the area primarily due to the traffic on the IRR and Eastgate. A detailed noise assessment has been carried out that has confirmed that even with all machinery operating at full capacity 24 hours a day, the noise impact on the residents would be negligible. The building has been designed to house the noisier machinery at ground floor where more acoustic insulation and less ventilation can be provided whilst the majority of ventilation is located in the western elevation away from the residents. The building will operate below existing background noise levels at all times, this is controlled by condition.
- 10.31 Despite the general operation of the building having a negligible impact, the noise assessment does highlight some moderate adverse impact when the biomass deliveries take place, up to 3 times a week. To reduce noise the wood pellets will be sucked into the building rather than blown and deliveries will avoid peak periods for the highway network and evenings and weekends. As the deliveries will be limited in frequency and duration and will be at less sensitive hours, the impact is considered acceptable.
- 10.32 The applicant has committed to producing an Environmental Management Plan that will highlight methods to minimise any adverse noise (and general amenity) impact during demolition, construction, delivery times and general operating times and a condition will be added to ensure this document is formally examined and agreed.

- 10.33 There are no rear windows in the LCEC therefore no potential loss of privacy occurs.
- 10.34 Following the previous Panel presentation the rear roof profile has been lowered as a direct response to Members' comments. Taking the existing relationship into account, the city centre location plus considering all those technical and design strategies adopted in the design of the building it is considered the impact on the amenity of the adjacent residents will be acceptable.
- 10.35 Highway Safety.
- 10.36 Highways officers have been involved in the development of the scheme. The LCEC will be remotely operated therefore traffic movements are limited to a daily visit by an engineer plus up to three biomass deliveries a week and a fortnightly collection of ash. These visits are intended to be carried out outside of peak periods on the highways and can be accommodated. The service vehicles can be accommodated within the site and two parking spaces are provided for the engineer(s).
- 10.37 Prior to the construction of the Eastgate Quarters deliveries would enter the site at the northern access and exit via the realigned Ladybeck Close. However, following the construction of the Eastgate Quarters and the restriction of Bridge Street under the IRR to northbound traffic only, access would be via Ladybeck Close and egress via the northern access. Both scenarios are acceptable.
- 10.38 Forward visibility when leaving Ladybeck Close has been improved since the original application submission and is now considered acceptable. There are no highway objections.
- 10.39 Air Quality
- 10.40 The site is within close proximity to an Air Quality Management Area, primarily as a result of traffic levels adjacent to the social housing. A detailed assessment of air quality is enclosed within the Environmental Statement (ES). Whereas limit values of pollutants are controlled by non-planning legislation and due to the nature of the installation, its operations and emissions will be authorised and regulated by the Council, consideration is still given to the potential impact of the proposed LCEC at this time.
- 10.41 The assessment of air quality within the ES states that emissions are expelled through the 54m chimney and the best available technologies (filters, catalytic reduction equipment) will be used to ensure the emission levels meet any conditions of the permit. The technical assessment identifies the predicted operational impact as being 'negligible to minor adverse' at the various receptors around the site.
- 10.42 Environmental Health colleagues have stated that the concentrations of particulates are well within air quality objectives. Whereas the development will not improve the air quality, the main impact will be from the vehicle movements associated with the LCEC. These vehicle movements are still very low for the site and would probably be lower than for the existing uses currently occupying the site when they are fully occupied, Therefore no objection is raised.

11.0 CONCLUSION

- 11.1 The proposed LCEC has the potential to provide combined heat and power to nearby properties, primarily the Eastgate Quarters, and therefore permit the reduction of energy consumption and carbon emissions. The proposal has responded to Members' comments made at the 12th May 2011 Panel and is now considered to be a well-designed building appropriate for its setting and respectful of the adjacent uses and occupants. The proposal raises no highway concerns and is not considered to harm the air quality of the area. For the reasons outlined above the application is recommended for approval.

Background Papers:

Application file 11/01194/FU.

Notice has been served on Leeds City Council, Riverside Group (the owners of the adjacent hostel/residential accommodation) and Yorkshire Electricity Distribution Ltd.

APPENDIX 1 – DRAFT CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and in recognition of the likely phased delivery of the Eastgate Quarters development, which it will primarily serve.

- 2) 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.

- 3) Before construction of any external materials, details of all materials to be used in the construction of external surfaces of the buildings and the finish to the chimney, including samples and sample panels, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

In the interests of visual amenity and in accordance with UDPR Policy N12.

- 4) Construction of the external finishing materials shall not be commenced until detailed drawings (at a scale of no less than 1:20) have been submitted to and agreed in writing by the Local Planning Authority showing all typical material junctions.

To ensure a high quality finish to the building design in accordance with Leeds UDP Review (2006) policy GP5.

- 5) Prior to the commencement of development the details of the overall height (with reference to fixed datum points within or adjacent to the site) of the building and chimney shall be submitted to and approved in writing by the Local Planning Authority with the agreed levels implemented and maintained thereafter.

To ensure an appropriate levels and scale of the building in accordance with the adopted Leeds UDP Review (2006) policy N12.

- 6) The construction of any external finishing materials shall not commence until full details of the siting, design and external appearance of any external plant, flue pipes, external vents, lighting, or other excrescences to be located on the sides of the building have been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented and retained thereafter.

To ensure a high quality finish to the building design in accordance with Leeds UDP Review (2006) policy GP5.

- 7) Prior to the commencement of works at the site (including demolition) an environmental management plan designed to protect general amenity and the free and safe use of the highway shall be submitted to and approved in writing by the Local Planning Authority. The environmental management plan shall accord with the approved Environmental Statement and include information regarding the following:
- The hours and method of demolition and construction.
 - The location of contractors' cabins and parking.
 - Measures to suppress dust in the air and prevent mud on the highway during demolition and construction.
 - Construction and pre/post-delivery access routes and access and egress signage controls.
 - Construction site hoardings.
 - Hours of delivery/collection both during construction and during the operation of the LCEC.
 - The method for delivering wood pellets into the building.
 - A noise management plan that ensures the rating level of noise (in accordance with BS 4142) from the LCEC shall be at least 5dB(A) below the minimum monitored background noise level at the nearest Noise Sensitive Receptor at all times.

The agreed environmental management plan shall be adhered to throughout the period of demolition and construction works and operation of the building.

To ensure the protection of the general amenity of the area and the free and safe use of the highway in accordance with adopted Leeds UDP Review (2006) policies GP5 and T2.

- 8) Prior to the commencement of development a detailed scheme comprising (i) a recycled material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit), (ii) a Site Waste Management Plan for the construction stage, (iii) a waste management plan for the building's occupation and (iv) a BREEAM assessment (or similar assessment method agreed), shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the detailed scheme; and
- (a) Within 6 months of practical completion a post-construction review statement shall be submitted by the applicant and approved in writing by the Local Planning Authority.
 - (b) The development 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.

In the interests of amenity, to promote the use of recycled material and to promote the implementation of sustainability measures within Leeds City Centre.

- 9) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment reference 34992 ES 010 A01 dated 17.03.2011.
In the interests of flood prevention and effective surface water management in accordance with PPS25.
- 10) With the exception of demolition works, development shall not commence until a Phase II Site Investigation Report (in accordance with the recommendations in Waterman EED Report E11517-100-R-2.1.5-RT, dated December 2010) has been submitted to, and approved in writing by, the Local Planning Authority. Where remediation measures are shown to be necessary in the Phase II Report and/or where soil or soil forming material is being imported to site, development shall not commence until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site 'suitable for use' in accordance with Policy GP5 of the Leeds Unitary Development Plan and Annexe 2 of PPS23.

- 11) If remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. An amended or new Remediation Statement shall be submitted to, and approved in writing by, the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Statement.

To ensure that any necessary remediation works are identified to make the site suitable for use in accordance with Policy GP5 of the Leeds Unitary Development Plan and Annexe 2 of PPS23.

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

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use in accordance with Policy GP5 of the Leeds Unitary Development Plan and Annexe 2 of PPS23.

- 13) Development shall not commence until full details of both hard and soft landscape works, including an implementation programme, 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 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 and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

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

- 14) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

To ensure successful aftercare of landscaping, in accordance with adopted Leeds UDP Review (2006) policies GP5 and LD1.

- 15) a) No works shall commence until all existing trees, hedges, bushes shown to be retained on the approved plans are fully safeguarded by protective fencing and ground protection in accordance with approved plans and specifications and the provisions of British Standard

5837:2005 Trees in Relation to Construction, unless otherwise agreed in writing by the Local Planning Authority. Such measures shall be retained for the duration of any demolition and/or approved works.

b) No works or development shall commence until a written arboricultural method statement for a tree care plan has been submitted to and approved in writing by the local planning authority. Works or development shall then be carried out in accordance with the approved method statement.

c) No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of any underground services, without the prior written approval of the Local Planning Authority.

d) Seven days written notice shall be given to the Local Planning Authority that the protection measures are in place prior to demolition and/or approved works, to allow inspection and approval of the works.

To ensure the protection and preservation of trees, hedges, bushes and other natural features during construction works, in accordance with adopted Leeds UDP Review (2006) policies GP5, N23 and LD1.

- 16) If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

To ensure maintenance of a healthy landscape scheme, in accordance with adopted Leeds UDP Review (2006) policies GP5 and LD1

- 17) Prior to first use of the approved development, the highway works on Bridge Street and Ladybeck Close shown on the approved plans must be completed.

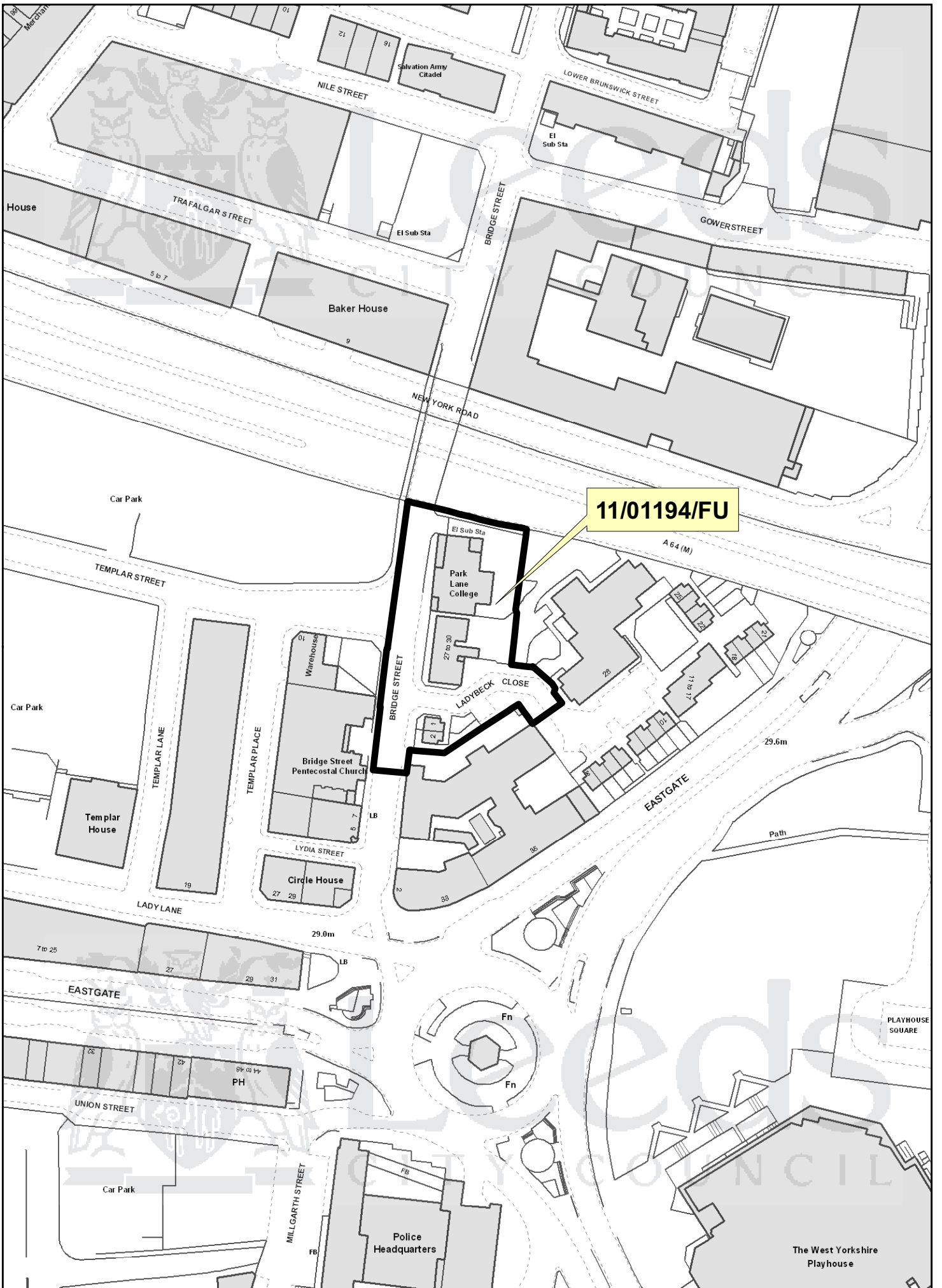
To ensure the free and safe use of the highway in accordance with the adopted Leeds UDP Review (2006) policy T2.

- 18) Site deliveries must be limited to be from vehicles of no more than 9.5m in length for the lifetime of the development unless otherwise agreed in writing with the local planning authority.

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

- 19) Notwithstanding the details shown on the approved plans, details must be agreed with the local planning authority before commencement of the development of hatching and 'No parking' markings to be located at the entrance area from Ladybeck Close into the site to protect the access from inappropriate parking. The agreed works must be implemented before first occupation.

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



CITY CENTRE PANEL



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