



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 7 AUGUST 2014

Subject: PLANNING APPLICATION REF. 13/04885/OT OUTLINE APPLICATION FOR RETAIL (A1) AND GYM (D2) DEVELOPMENT WITH DEMOLITION OF EXISTING BUILDING AND NEW PEDESTRIAN AND VEHICLE ACCESS AT LAND AT REGENT STREET/SKINNER LANE, LEEDS LS9 7NB

APPLICANT

Gregory Projects Ltd

DATE VALID

11 November 2013

TARGET DATE

28 August 2014 (extended)

Electoral Wards Affected:

**City and Hunslet
Burmantofts and Richmond Hill**

Yes

Ward Members consulted
referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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

- Public transport contribution prior to occupation £ 45, 133
- Travel plan implementation and monitoring fee prior to occupation £2500
- Employment and training opportunities for local people in City and Hunslet, or any adjoining Ward.
- Management fee payable within one month of commencement of development £1500

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.

Draft Conditions for 13/04885/OT

The full wording of the draft conditions is set out in full in Appendix 1 at the end of this report.

1.0 INTRODUCTION:

1.1 This application is brought to Panel as it is a major outline planning application for a new retail and gym development on the north-eastern edge of Leeds City Centre.

2.0 PROPOSAL:

- 2.1 This application is in outline only for retail (A1) and gym (D2) development with demolition of existing building and new pedestrian and vehicle access, with all other matters reserved at this stage. The proposal includes details of an indicative layout, scale, appearance and landscaping.
- 2.2 The scheme has been revised since its original submission and now consists of a 1,537 sqm (GIA) A1 retail foodstore, a 1,718 sqm (GIA) D2 Gym and a 698 sqm (GIA) A1 bulky goods retail unit. This brings the total floorspace of this development to 3,953 sqm. The foodstore operator would be Aldi. Aldi state that there would be 40 new jobs at the foodstore, with a minimum 20 hour contract. At similar sites 100 positions during the construction phase are also anticipated by Aldi for their building alone. The potential gym occupier has been identified as Pure Gym - who have 2 City Centre gyms already and are expanding around the City. No future occupier has been made public for the bulky goods unit.
- 2.3 Indicatively, the proposed floorspace would result in single storey foodstore located in a prominent position at the junction of Regent Street and Cross Stamford Street, aligned with the buildings to the north, and locating active glazed frontage close to Regent Street. A separate three storey building would front onto Skinner Lane, aligned with the existing building to the east, again adding glazed active frontage to the street.
- 2.3 The site would be accessed from Skinner Lane. 192 surface car parking spaces are proposed (including 9 disabled bays and 7 parent and child bays). Also proposed are 10 visitor cycle hoops, 4 motorcycle spaces and 5 electric vehicle charging points.
- 2.4 A number of documents have been submitted in support of this proposal:
- Scaled layout plan
 - Design and Access Statement and Addendum
 - 3D computer generated images
 - Statement of Community Involvement
 - Retail Impact Assessment and Sequential Test documents
 - Transport Assessment
 - Flood Risk Assessment
 - Flood Risk Sequential Test
 - Noise Statement
 - Land Contamination Desk Top Study
 - Travel Plan
 - Bat Survey
 - Utilities Statement
 - Sustainability Statement
 - Coal Recovery Assessment

3.0 SITE AND SURROUNDINGS:

- 3.1 The site lies on the eastern side of Regent Street, at the junction with Skinner Lane. The site is located within the Mabgate Development Framework area. Mabgate lies to the north-eastern of the city centre, and lies in close proximity to the residential areas of Lincoln Green which lies to the east of the site, and Burmantofts which lies to the north of the site. Opposite the site across Skinner Lane, a six storey residential red-brick and timber clad building known as 20:20 House was completed in the late 2000s.
- 3.2 The last use of the premises was a car showroom and associated workshops. The building which fronted Regent Street and Skinner Lane was 2 -3 storeys in height. Lady Beck runs through the site within a culvert. The surrounding land uses include housing, offices, an army barracks, and light industrial and warehousing. The area was mainly commercial and industrial in character; however recent developments have increased the mix of uses and facilities in the area, particularly residential apartments.
- 3.3 The application site has no specific allocation in the Leeds Unitary Development Plan (Review 2006) (UDPR), but lies within the Fringe Commuter Parking Control Area, and Flood Risk Zone 3. The site lies within 300m of the City Centre boundary and within 300m of the Lincoln Green district centre boundary. The site can therefore be considered as “edge of centre” for the purposes of Lincoln Green for the foodstore unit, and “edge of city centre” for the purposes of the gym and bulky goods unit.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 12/01934/FU Demolition of existing building, laying out of access roads, car parking, landscaping and erection of a foodstore, retail unit, trade/warehouse unit and 2 industrial units – application withdrawn by agent on 1 October 2012.
- 4.2 A pre-application proposal for a major residential development at this site was presented by developer K W Linfoot to Plans Panel (City Centre) on 21 May 2008 and 22 July 2008. No planning application followed these presentations.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Pre-application discussions have taken place regarding bulky goods retail since 2010. A foodstore was added to the proposal in 2011, and the applicant was advised that this would be contrary to local and national retail policy because the site is not in a designated centre. Despite this advice an application was submitted in 2012, and then subsequently withdrawn by the agent. Some further pre-application advice was offered in 2013, including the opportunity to present to Members, this was not taken up by the applicant. Subsequently this application, received in November 2013, did not meet the Council’s policies until further negotiations had taken place regarding the principles of foodstore use, and highways, access, drainage, flood risk, urban design and landscaping matters, had been agreed in order to make the scheme acceptable. These matters were, on balance, resolved by the applicant during the application process up to July 2014 as detailed in this report.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The applicant has undertaken a significant community consultation exercise before and during the current planning application submission, which they have documented in their Statement of Community Involvement, such as public exhibitions, telephone surveys, and letter drops.

6.2 Planning application publicity consisted of:

6.2.1 Site Notice of Proposed Major Development posted 29.11.2013 and 07.03.2014

6.2.2 Press Notice of Proposed Major Development published 12.12.2013 and 06.03.2014

6.2.3 City and Hunslet Ward, and Burmantofts and Richmond Hill Ward Councillors consulted by email 26.11.2013, 28.02.2014 and 14.07.14.

6.3 4 objections have been received. These are:

6.3.1 Leeds Civic Trust, letter dated 16.12.2013, object on the grounds that:

- a foodstore is an inappropriate use on this site, as is the proposal for a gym.
- it is not in a town or local centre and is therefore likely to attract primarily car-borne customers.
- whilst there are some flats nearby, there is also a small local centre at Lincoln Green within walking distance of the majority of the residential population in the area and which would benefit from such a use to assist its regeneration. If approved, the proposal could kill off that local centre and is therefore contrary to the centres-first policy in the emerging Core Strategy and is not a sustainable development. It is important to firmly maintain this policy and not to see it diluted at this stage.
- this application has the appearance of a site searching for a use, rather than a use searching for an appropriate and acceptable site. The layout of the site has more clarity than the previous proposal, though only because there are fewer uses than before. The proposal with a large car park on the corner does nothing to add to the urban design quality of this junction (already jeopardised by the demolition and unauthorised car park use diagonally opposite). The landscaping of the site has not been considered as a fundamental ingredient but rather as an afterthought in the spaces where it can fit. Vistas and views have still not been considered. As in the previous [withdrawn] proposal [12/01934/FU], the height of the buildings is too low for such a prominent location and the townscape of the area has not been considered. This multiple junction is an area where improvements to the quality of that townscape is needed – the mature tree on the roundabout provides an important focus, but the periphery needs to be a positive frontage of buildings to provide some visual cohesion. This scheme fails to provide that, with the major frontage being occupied by open car parking. It does not “contribute positively to making places better for people” (National Planning Policy Framework para 56) nor does it “establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to ... work and visit (NPPF para 58).
- In summary, the proposal should be refused, both because it includes an inappropriate use and because of its poor design. As the NPPF further says in paragraph 64: “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

6.3.2 Wm Morrisons Supermarkets PLC (represented by Peacock and Smith planning consultants) have objected to the proposal three times. Firstly, in letter dated 10.02.2014 regarding the larger original scheme. Secondly, letter dated 20.03.2014 regarding the current revised scheme, which can be summarised as follows:

- the out-of-centre application does not satisfy the criteria set out in the NPPF. By reason of its out-of-centre location, it is likely that the proposed development will not only draw significant levels of trade away from the in-centre Morrison’s stores within the locality, but will also draw trade away from established centres to the detriment of their vitality and viability

- the applicant's retail impact assessment is not robust due to the omission of the committed Morrisons development in Chapel Allerton from their impact assessment. This has resulted in the applicant over-estimating the survey based turnover of each store at 2018 and therefore underestimating the levels of impact that the proposed Aldi store would have on existing centres
- The NPPF states that where a proposal is likely to have a significant adverse impact on the vitality and viability of the town centre or on planned private and public investment, it should be refused planning permission
- The applicant has failed to show flexibility in terms of applying the sequential approach to site selection. A sequentially preferable in-centre site exists within Chapel Allerton. Planning permission was approved on the site in 2013 for a 1468 sqm (gross) in-centre retail foodstore and associated car parking at the site of Allerton House. Peacock and Smith contend that the site is therefore available, suitable and viable for the proposed development. Accordingly, planning permission should be refused under the provisions contained within Paragraph 27 of the NPPF given that a sequentially preferable site has been identified.

Thirdly, email from Peacock and Smith dated 22.05.2014, stating that the applicants have utilised an incorrect sales density for the proposed Aldi store. They state that the applicants have assumed a trading density of £5,000/sq.m however as per the Barnoldswick Appeal Decision (June 2013) it is more realistic to assume that Aldi are now trading at around £7,000/sq.m.

6.3.3 Freshways store (Shakhawan Taufiq), 75 Lincoln Green Road objects to the proposal and expresses the following concerns:

- this plan is going to affect us (Freshways, 75 Lincoln Green Road) as a food store as well as the other 5 to 6 food stores in the area.
- this plan is going to affect our employees and other shops as we believe that our sales will drop dramatically and it will be very hard for us to survive and might result on reducing our number of staffs currently working which means taking away other peoples jobs.
- it will cause traffic as this road is busy as it is and to have a food store and a gym opened there will definitely attract more shoppers, which means more cars to head to this area, causing even more traffic jams.

6.3.4 Supasaver store (Dhiraj Patel), 1- 7 Cherry Row, objected to the proposal and expresses the following concerns on 02.01.2104 via the Council's website:

- the application would be catastrophic for the people of Leeds as a whole; the application is unfounded, and inconclusive, with a total lack of thought for the local people and businesses in the area with wider adverse [impact] on the people of Leeds
- The local community would be adversely affected. This would threaten 5 jobs at Supasaver alone
- Nearby at Cherry Row there is a grocers, butchers, a fruit & veg shop as well as other businesses. Cherry Row is 120 metres from the proposal has not even been mentioned in the planning consideration, showing a lack of awareness for the local community.
- Lincoln Green parade has other local shops including charity shops, laundry pharmacy etc will probably be destroyed, leaving yet another parade of shops belonging to the community destroyed, leaving a feeling of disillusionment, like many parades in and around the country, again forcing local shops to close with severe jobs losses
- This will be a store taking away business from city & markets traders, it really needs to be out of town
- Impact of Traffic - this would be insane. The traffic between Skinner Lane back to Lincoln Green Road/Beckett Street is very busy. Often there is a tailback from Skinner

Lane traffic lights to Beckett St/Lincoln Rd lights. These roads are used by emergency services (in particular ambulance), due to St James hospital being close by

- The proposal is confusing & lacks clarity. £17.6 million turnover is projected yet it will not destroy local businesses and neither affects the traffic!
- the LPA should positively look at the current area and look forward to greater things. For example this site should be encouraged as a car park (park & ride) or other beneficial aspects where it help thrive the markets, city centre shopping, city businesses & firms which in turn will encourage tourism, job creation & revenue in the longer term. The LPA should also see Lincoln Green, Cherry Row and its surrounding areas in a positive manner and keep the current local community otherwise these proposals will destroy the economic & social environment of the area.

- 6.4 10 individual comments of support have been made from 8 local residents, and the managing agents of the 20/20 Apartments, Skinner Lane (opposite the site) via letter or the Council's website. In addition 10 pre-printed template comments of support have been received from local residents. Reasons for support include:
- more competition for existing local stores and therefore lower prices
 - the foodstore would be accessible on foot for many people
 - it would bring much needed jobs, local facilities and revitalisation to the local area
 - one resident supported the scheme in principle, but was concerned that it would result in traffic problems

Aldi Stores have also written in support of the application.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.1.1 Leeds City Council Transport Development Services:

The outline proposal with access reserved is considered acceptable in terms of traffic impact, transportation provision (including walking and cycling provision) and road safety. A Travel Plan has been agreed and this would be subject to on-going monitoring and review. The following conditions are recommended:

- reserved matters: layout
- bin storage
- contractors provision
- prevention of mud on the highway
- showers/lockers for staff
- electric vehicle charging points
- car park and servicing management plan
- condition maximum floorspace levels proposed
- condition gym combined studio areas of no more than 400sqm
- No food sales from retail unit B
- Agreed off-site highway works via a S278 agreement.

The following S106 obligations are recommended:

- The Metro Digital Display Service (DDS) provides Transport Information tailored to a particular location on an internal screen within the development. A one-off payment is made to Metro to cover the costs of configuring the screen contents, the service software licence charges and the maintenance of the display contents of £5,000 per screen for up to 5 years or £7,500 per screen for up to 10 years.
- PT SPD Contributions calculated by LCC NGT Team.
- Travel Plan Monitoring fee
- An approved Travel Plan.

7.1.2 Environment Agency:
No objection subject to a condition requiring the recommendations of the submitted Flood Risk Assessment to be implemented.

7.1.3 Coal Authority:
No objection

7.2 Non-statutory:

7.2.1 Leeds City Council Environmental Protection:
The development site is directly opposite a large new build residential development. There is a potential for some loss of amenity to nearby residential occupiers from this development. The disturbance may be caused by plant noise, customers coming and going, delivery vehicles, and external lighting which may be provided. If planning permission is to be granted it is recommended that the following conditions are imposed to protect the amenity of occupants:
details of construction management, bin storage and collection, sound insulation to plant and machinery, any air conditioning and extract ventilation including odour and fumes filters, sound insulation scheme, lighting scheme, no amplified tannoy audible beyond the site boundary, delivery hours for construction 08.00 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours on Saturdays with no works on Sundays and Bank Holidays, delivery hours for operation 0800 to 2000 hours, 0700-2300 for gym use opening hours, 0800-2200 for retails units opening hours.

7.2.2 Leeds City Council Flood Risk Management:
No objection subject to conditions

7.2.3 West Yorkshire Combined Authority (Metro):
No objection in principle, subject to the provision of the public transport contribution in accordance with SPD5, and the provision of a real-time display.

7.2.4 LCC Nature Conservation:
The re-submitted scheme does not provide any amended details in relation to the land between the Lady Beck and the adjacent retail unit (requiring a wider buffer and planting with native shrubs and small trees), nor in relation to opening up the culverted section of the Lady Beck in accordance with policy N39B which seeks water courses to be opened up where feasible.

7.2.5 LCC Air Quality Management:
No objection subject to provision of electric vehicle charging points and commitment to low emission delivery vehicles.

7.2.6 Yorkshire Water:
Objection on the grounds that in line with the surface water management hierarchy, surface water from the site should discharge to the watercourse. Part of the site does have some existing connectivity to the public combined sewer; the hierarchy must be adhered to i.e. soak away, watercourse and then public sewer, in this order. Yorkshire Water would not permit any surface water discharge from the site to the public combined sewer due to the availability of the watercourse.

8.0 PLANNING POLICIES:

8.1 **Development Plan**
Leeds Unitary Development Plan Review 2006 (UDPR)

The UDPR includes policies that require matters such as good urban design principles, sustainability, flood risk, highways and transportation issues, public realm, landscaping, biodiversity and access for all are addressed through the planning application process. The site lies unallocated in the Development Plan.

Other relevant policies include:

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

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.

GP3 existing land uses

GP5 all relevant planning considerations

GP7 planning obligations

GP11 sustainability

GP12 sustainability

BD2 new buildings

A1 improving access for all

A4 safety and security provision

S1 Shopping/City Centre

S2 Town Centres

S9 requires that the type of development should not be capable of being accommodated in existing S1/S2/Local Centres or where this is absent, sites adjacent or well related to S2/Local Centre sites. The policy also requires that the scale/type of retailing does not undermine vitality and viability of any S2 or Local Centre or local essential daily shopping needs. Furthermore, any proposal should address deficiencies in shopping facilities, is accessible to those with and without private transport, results in reductions in car journeys and lastly does not impact upon other land uses (Housing / Employment / Green Belt).

N12 urban design

N13 design and new buildings

N25 boundary treatments

BD4 all mechanical plant

T2 Transport provision for development

T2C Travel plans

T2D public transport provision for development

T5 pedestrian and cycle provision

T6 provision for the disabled

T7A cycle parking

T7B motorcycle parking

T24 Car parking provision

LD1 landscaping

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

N38A development and flood risk
N38B planning applications and flood risk assessments
N39A sustainable drainage systems
N39B seeks water courses to be opened up where feasible.
N51 Nature conservation

8.2 Relevant Supplementary Planning Guidance includes:

SPD Street Design Guide
SPD5 Public Transport Improvements and Developer Contributions
SPD Travel Plans
SPD Building for Tomorrow Today: Sustainable Design and Construction
SPG Mabgate Development Framework

8.3 Leeds Natural Resources and Waste DPD 2013

The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013. The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies regarding trees, land contamination, coal recovery, flood risk, drainage, and air quality are relevant to this proposal.

8.4 Leeds Core Strategy Publication Draft 2012

- 8.4.1 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State. The Inspector examined the Strategy during October 2013. The weight to be attached is now significant following receipt of the Inspector's proposed Main Modifications on the 31st January 2014
- 8.4.2 Paragraph 4.2.6 of the Core Strategy states that its approach, in line with the Centres Study and national guidance, is to achieve growth within centres, with a "centres first" approach, protecting the vitality and viability of centres. This requires a sequential assessment and where appropriate, impact assessment to be conducted to direct town centre uses to the appropriate level within the centres hierarchy. On the Hierarchy of Centres plan (Map 4) in the Core Strategy Lincoln Green (26) is identified as a Local Centre.
- 8.4.3 Spatial Policy 2: Hierarchy of centres & spatial approach to retailing, offices, intensive leisure & culture states that "The Council supports a centres first approach supported by sequential and impact assessments. The Council will direct retailing, offices, intensive leisure and culture, and community development to the city centre and designated town and local centres in order to promote their vitality and viability as the focus for shopping, employment, leisure, culture, and community services. Proposals which would undermine that approach will not be supported.

The following hierarchy of centres is to be maintained to ensure that development is directed to the appropriate level of centre based on its scale and catchment.

1. The City Centre
2. Town Centres
3. Local Centres

The Leeds district currently contains a great variety of centres with different characteristics and history, and the need to maintain this local distinctiveness remains an overarching consideration.

- 8.4.4 Spatial Policy 8 Economic Development Priorities states that a competitive local economy will be supported through:
- “(ii) Promoting the development of a strong local economy through enterprise and innovation, in facilitating existing strengths in financial and business services and manufacturing and to continue to grow opportunities in health and medical, low carbon manufacturing, digital and creative, retail, housing and construction, social enterprise and the voluntary sector.
 - (iii) Job retention and creation, promoting the need for a skilled workforce, educational attainment and reducing barriers to employment opportunities.”
- 8.4.5 Policy P1 sets out the town and local centre designations. It identifies Lincoln Green as a Lower Order Local Centre
- 8.4.6 Policy P2 sets out acceptable Uses In and On The Edge of Town Centres
- 8.4.7 Policy P3 sets out acceptable Uses In and On The Edge Of Local Centres
- 8.4.8 Policy P5 sets out the approach To Accommodating New Food Stores Across Leeds
- 8.4.9 Policy P6 sets out the approach To Accommodating New Comparison Shopping In Town And Local Centres
- 8.4.10 At paragraph 5.3.10 the Core Strategy states that “To support the centres first approach, town centre uses should be focussed in the identified centres to help to maintain the vitality and viability of centres. Where this is not possible edge of centre locations are appropriate”
- 8.4.11 The processes for Sequential and Impact Assessments for town centre uses and intensive leisure, are set out from paragraph 5.3.21 and within Policy P8. The Inspector’s Main Modifications make no significant alterations to Policy P8 other than to state that Impact Assessments should be proportionate to the scale of the proposal
- 8.4.12 Policy P10 states alterations to existing buildings should provide good design appropriate to its scale and function.
- 8.4.13 Policies T1 and T2 identify transport management and accessibility requirements for new development.

8.5 National Planning Policy Framework (NPPF)

- 8.5.1 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.
- 8.5.2 Paragraph 17 of the NPPF sets out the Core Planning Principles for plan making and decision taking.

- 8.5.3 The 8th principle listed states that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 8.5.3 The NPPF advocates a presumption in favour of sustainable development, and a 'centres first' approach to main town centre uses such as A1 retail and D2 gym uses. The NPPF also promotes economic growth in order to create jobs and prosperity.
- 8.5.4 The NPPF sets out two key tests that should be applied when planning for town centre uses which are not in an existing town centre and which are not in accordance with an up to date Local Plan – the sequential test and the impact test. These are relevant in determining individual decisions and may be useful in informing the preparation of Local Plans.
- 8.5.5 The sequential test should be considered first as this may identify that there are preferable sites in town centres for accommodating main town centre uses (and therefore avoid the need to undertake the impact test). The sequential test will identify development that cannot be located in town centres, and which would then be subject to the impact test. The impact test determines whether there would be likely significant adverse impacts of locating main town centre development outside of existing town centres (and therefore whether the proposal should be refused in line with policy).
- 8.5.6 Paragraph 26 of the NPPF states that "Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused."
- 8.5.7 Section 7 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:
- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - Optimising the potential of the site to accommodate development;
 - Respond to local character and history;
 - Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - Create safe and accessible environments; and
 - Development to be visually attractive as a result of good architecture and appropriate landscaping.

8.6 National Planning Policy Guidance

- 8.6.1 National Planning Policy Guidance (March 2014) gives guidance on the retail sequential test and impact test procedures, and supersedes the PPS4 Practice Guide.

8.7 Other material considerations

8.7.1 Best Council Plan

The Plan identifies 6 objectives in order to achieve the best council outcomes identified between 2014-2017. Objective (5) Promoting sustainable and inclusive economic growth is of particular relevance to this proposal. This would be achieved by improving the economic wellbeing of local people and businesses, meeting the skills needs of business to support growth, boosting the local economy, creating 'more jobs, better jobs' by working with employers and businesses, and continuing to secure local training and recruitment schemes.

8.7.2 Vision for Leeds 2011-2030

One of the aims is that by 2030 Leeds' economy will be more prosperous and sustainable. This includes having a skilled workforce to meet the needs of the local economy, and creating significant job opportunities. The vision also states that Leeds will be a great place to live, where local people benefit from regeneration investment.

8.7.3 City Priority Plan 2011-2015

The Plan states that Leeds will be the best city for business. One of the priorities to achieve this is supporting the sustainable growth of a prosperous Leeds' economy. The key headline indicators relevant to this proposal would be the creation of more jobs, more skills, and the growth of the local economy, and an increase in the number of hectares of vacant brownfield land under redevelopment.

9.0 MAIN ISSUES

- 9.1 Principle of use
- 9.2 Urban design and landscaping
- 9.3 Highways and transportation
- 9.4 Flood risk
- 9.5 Residential amenity
- 9.6 Sustainability
- 9.7 Planning obligations

10.0 APPRAISAL

10.1 Principle of use

10.1.1 The application proposal for A1 retail foodstore, A1 bulky goods and gym are contrary to adopted and emerging local and national policy, which promote a "centres first" approach for such uses. However, the applicant has demonstrated that no significant adverse impact is likely to existing designated centres, and that there are no other sequentially preferable sites in any designated centres for their specific proposal. The applicant has submitted a sequential test to meet Policy P8 of the Core Strategy and the NPPF. The applicant, with input from officers, has worked through an exhaustive process over a long period of time, looking at and discounting potential alternative sites in the City Centre, Lincoln Green, Chapel Allerton, Chapeltown Road, Harehills Lane, Hyde Park Corner, Headingley, Oakwood, and Armley centres. Policy P8 states that an application of this scale would have to consider a 10 minute catchment area for the food store and a 15 minute catchment for the gym. Whilst the proposal is contrary to policy, as neither the applicant nor the Council have been unable to find any sequentially preferable sites within the catchment area drawn by the Core Strategy policy, on balance it is considered that the proposal is acceptable. It is considered that the sequential test and supporting information provided is sufficiently robust and detailed to demonstrate that finding an alternative in- centre site for the proposed premises has proved problematic, and that the current site at Regent Street is therefore the most viable alternative site for this scheme.

10.1.2 Officers requested initially that the applicant examine the possibility of disaggregating the proposal so that it could fit on smaller sites within centres. A recent appeal case decision – the Rushden Lakes Secretary of State Decision (particularly 15-17 and Inspectors' report paras 8.43 – 8.58), makes it clear that the sequential test should be applied to the applicant's scheme *as proposed*, having regard to flexibility in format and scale. Flexibility however does not require full disaggregation of the applicants'

scheme. The Secretary of State considered the concept of disaggregation to be no longer relevant as it has no basis within the NPPF. As such it can only be concluded that when looking for sequential sites LPAs can only consider sites capable of accommodating the development as proposed, not some other ideal form of development. The decision also appears to make clear that a site can only be considered as 'available' if it is currently available i.e. 'today'. This has implications in relation to this planning application for both the area of investigation for potential sequential sites and the size of the sites to be assessed, in that it means that officers cannot insist that the proposal is broken up into component parts in order that they be accommodated in centres on alternative sites.

- 10.1.3 Based on the retail impact assessment submitted by the applicant, on balance, it is not considered that the proposed foodstore is unlikely to have significant adverse impact on the existing centre at Lincoln Green due to the diversity in their retail offers. The submitted impact study included an analysis of the impact of the proposals on existing centres and destinations including Lincoln Green, Chapel Allerton, Montreal(Harrogate Road),Harehills Lane, Oakwood, Seacroft, Chapeltown Road, Harehills, Easterley Road, Moortown Corner, Street Lane, Richmond Hill area (proposed – core strategy policy P5), Tesco Express (Roundhay Road), Morrisons (Merrion Centre). The impact assessment demonstrates that available expenditure levels and the capacity for development would not be harmed to a significant degree. The assessment also shows that there will be no significant adverse impact upon planned investment in the area.
- 10.1.4 The applicant states that Aldi operates as a discount food retailer, stocking predominantly own brand goods. They state that it would not feature specific specialist products, an in-store bakery, butcher, fishmonger, café, newsagent, tobacco or lottery sales points, and therefore this store would potentially promote linked trips to other local stores. Whilst retailers within Lincoln Green have objected, the Council is not aware of any evidence that would support the view that the damage done to these stores would be adverse, due their specialist function. The applicant's state within their latest submission that they are seeking to work with local objectors, and have provided evidence that they have attempted to contact them.
- 10.1.5 With regard to the objections lodged on behalf of Morrisons, it is not considered that this proposed foodstore would have an adverse impact upon their scheme in Chapel Allerton, nor is it considered that the Morrisons site in Chapel Allerton is available to the applicant in sequential testing terms, as it is going to be redeveloped for Morrisons. Whilst Morrisons dispute the applicants projected turnover, officers have no firm evidence to suggest that it is not reasonable for this specific case. The applicant has stated that the turnover is lower due to the demographic and income characteristics of the local area compared to Barnoldswick.

Some representations have been received by other shop owners in the locality, competition is however not considered a material planning consideration to be taken into account when determining the application. The store at Cherry Row is not in a designated centre, and is therefore not protected under retail policy.

A condition would restrict the foodstore to a discount foodstore only preventing provision of the following goods/services, based on the following definition utilised in appeal cases and other Leeds permissions:

- Tobacco and smoking products
- Loose confectionary

- Lottery tickets or scratch cards.
 - Fresh meat and fresh fish counter (excluding pre-packed meat and fish)
 - Delicatessen counter
 - Pharmacy (dispensary)
 - Dry cleaning service
 - Photo-shop
 - Post office services
 - Cash machine
 - In store bakery (other than the use of a single oven for the reheating of part baked rolls and similar products)
 - In store café
 - Magazines or national newspapers
 - Greeting cards
- The 'food retail' unit shall only be occupied by a 'discount' retailer.

10.1.6 The second retail unit would be restricted, with the applicant's agreement to bulky goods only. The site lies just outside the designated City Centre, close to the Regent Street bulky goods area designation in the UDPR. It is considered that the retail impact and sequential tests have also been satisfied for this use. The range and type of goods to be sold from the non-food retail unit would be restricted to the following: DIY and/or garden goods; furniture, carpets and floor coverings; camping, boating and caravanning goods; motor vehicle and cycle goods; and bulky electrical goods.

10.1.7 A D2 gym use on the site which is considered a main town centre uses under the NPPF and therefore its provision requires a sequential test to determine whether the operation could be better accommodated within an existing town centre or edge of centre site. The impact study for the gym shows that no significant adverse harm would be caused to existing or planned facilities in existing centres. The applicant has carried out the sequential test as for the retail uses, and again no alternative site could be found. The Core Strategy also requires this same approach to be taken. The gym unit would be restricted to gym use only within use class D2, to prevent other leisure uses within that use class from operating without a further planning application.

10.1.8 A condition is recommended for all units restricting the ability to install mezzanines to create extra floorspace, or subdivide the units into smaller ones. This would be in order to protect existing centres from any further expansion of these uses at this site.

10.1.9 In design terms, the proposal would make better use of a very prominent underutilised and unsightly vacant brownfield site at the north-eastern gateway to the City Centre. It would create the opportunity for new improved street frontages to the site, improve visual amenity to the streetscene along Skinner Lane, Regent Street and the roundabout linking to Cross Stamford Street/Roseville Road and Sheepscar Street South. This potential for enhancement and investment would in turn act as a catalyst for the regeneration and delivery of economic growth and jobs at similar vacant and unsightly sites in the area such as the cleared former Regent public house site on the opposite side of Regent Street. The applicant states that the proposed uses combined would bring 50 new full-time equivalent jobs to the City. The benefits of economic growth and creation to this part of the City would meet the aspirations of the UDPR, NPPF and the emerging Core Strategy.

10.2 Urban design and landscaping

- 10.2.1 All matters except Access are reserved, therefore the applicant has only proposed an indicative Layout, Scale, Design and Landscaping proposal in order to demonstrate that the principle of the development could be accommodated on the site. These matters would be reserved for future consideration by the Local Planning Authority.
- 10.2.2 The scale of existing and adjacent proposed buildings in the area varies between generally lower scale units such as the warehousing to the north and east around Telephone Place, Cross Stamford Street and Mushroom Street, or taller, more recent residential blocks such as 20/20 House, Cypress Point and Ahlux House to the south and west. Whilst it is considered that there would be an opportunity to create a focal point at the corner of Skinner Lane and Regent Street with a slightly taller building than the heights indicatively proposed, on balance, given the prominent and long inactive street frontages, the irregular shape of the site, and the constraint of the culvert running through its middle, it is considered that the benefits of the proposed indicative scheme would outweigh an alternative design rationale for the site. It is considered that the proposed indicative layout, including the location of the servicing and vehicular accesses would result in an acceptable proximity and scale to the neighbouring existing and permitted buildings. New active frontages towards the Regent Street and Skinner Lane, would create an opportunity to enhance the setting of this gateway location. This is considered to be important to enhance the character of the area, and a condition requiring active frontages is recommended. It is therefore considered that the layout, height and massing of the revised indicative proposal would be appropriate in the context of the character of the surrounding area.
- 10.2.4 The area suffers from a lack of soft landscaping and trees. The indicative landscaping scheme would enhance the area in visual and biodiversity terms. In relation to policy N38B, and the Council's Nature Conservation officer's comments, the revised scheme does not provide any amended details in relation to the land between the Lady Beck and the adjacent retail unit (requiring a wider buffer and planting with native shrubs and small trees), nor in relation to opening up the culverted section of the Lady Beck. The applicant has stated that the cost of opening the culvert with minimal visual benefit in this particular case mean that they have not proposed this. On balance, in the context of the mix of uses and illustrative layout proposed, this is considered acceptable.
- 10.2.5 Subsequent to any reserved matters applications for the appearance of the building, the quality of the external materials would be controlled through the provision of working drawing details and large on-site material samples panels by condition attached to this application. 1:50 and 1:20 typical bays and sections have been submitted to establish the detailing of the elevations, and this would be reinforced at working drawing stage by conditions. Full details of mechanical plant would be required by condition in order to control its potential amenity and visual impact.
- 10.2.6 This scheme is in outline only, and any future reserved matters application for landscaping would need to demonstrate appropriate soft landscaping and tree planting. Exact details of hard and soft landscaping, including details of tree pits and soil depths, planting plans, boundary treatments, bollards, lighting, CCTV, landscape management and maintenance plans, and samples of surfacing materials, would be controlled by condition prior to commencement of development to ensure continuity of high quality materials and planting across the site.
- 10.2.7 In summary, subject to the future consideration of reserved matters layout, design, scale and landscaping, the proposal would be a significant visual improvement on the unsightly vacant brownfield site and create new improved street frontages to the site, improves visual amenity to the streetscene along Skinner Lane, Regent Street and

the roundabout linking to Cross Stamford Street/Roseville Road and Sheepscar Street South.

10.3 Highways and Transportation

- 10.3.1 The outline proposal with access reserved is considered acceptable by Highways officers in terms of traffic impact, transportation provision (including walking and cycling provision) and road safety. Access is the only reserved matter sought by the applicant. Further information was required after the initial consultation period and was provided with the revised scheme. Following negotiations, the proposed mix of uses on the site is considered acceptable with regard to highway safety.
- 10.3.2 There are 196 car parking spaces overall. Leeds UDPR has a maximum parking level of 1 space per 14sqm for foodstores and 1 space per 30sqm for comparison stores. These standards would give 110 spaces for the foodstore and 32 spaces for the bulky goods unit. A total of 109 parking spaces are proposed for the retail units together. It is considered that this level is acceptable because the guideline for supermarkets with different services/goods for sale is different to a discount food operator, the development has 3 different uses therefore there is scope for linked trips, and the development is in a sustainable location with access to good bus services, close to large residential communities. The Leeds UDPR has a maximum parking standard of 1 space per 22sqm for leisure development. This equates to 78 spaces for the gym. 87 spaces are proposed, based on Pure Gym's 24 usage data from their other gyms in Leeds and around the country. Information was provided regarding class times and attendance numbers based on existing Pure Gym average attendance information. It is not considered that the traffic impact of the development on the Skinner Lane/Regent Street junction would adversely affect the efficiency and safety of its operation at peak times. Moreover, the peak generated traffic impact and parking demand for supermarkets and gyms as such proposed is usually outside peak weekday network traffic times, and traffic generated by the development also has multiple routes across the network to leave the site at busiest traffic network times therefore reducing its impacts at key junctions. The revised layout provides 3.25m running lanes and a 3m right turn lane at the site access junction, and the junction has been moved westwards to smooth the alignment. The revised layout does not encroach onto the cycle improvement scheme on Regent Street. The existing layby and access would be closed, should they remain open after the implementation of the Council's cycle improvement scheme. A new access is to be provided with improved visibility splays which would be conditioned as part of works to be carried out via a s278 highway agreement. The internal layout of the site is considered acceptable in relation to the revised schemes mix of uses and it is considered appropriate to condition a Car Parking and Servicing Management Plan. The parking provision for the mix of uses is considered acceptable and that sufficient parking is provided for the proposed foodstore and bulky goods retail unit and gym.
- 10.3.3 To further reduce reliance on the private car the submitted Travel Plan Framework includes the following measures:
- the provision of electric vehicle charging points (to be secured by condition)
 - provision of shower and locker facilities to encourage cycle use for staff (to be secured for each unit by condition)
 - appropriate secure storage for cyclists and motorcyclists (to be secured by condition)
 - provision of public transport information.
 - arrangements for the monitoring and take-up of the Travel Plan measures, and revising the Travel Plan as necessary.

- provision of a budget for the promotion of sustainable travel incentives in the event that travel plan targets are not met.
- the site is well located with regard to public transport so is considered to be in a sustainable location. The site is readily accessible by bus from Regent Street and North Street, and in a sustainable edge of City Centre location, walking distance to both the City Centre Prime Shopping Quarter and Lincoln Green district centre. Other convenience retail is at nearby Cherry Row, so there is good potential for linked trips.

Both Aldi and Pure Gym have agreed Travel Plans which are in place at their existing Leeds operations, and similar plans would be secured for this development. An acceptable Travel Plan Framework has been agreed and therefore the Travel Plan itself and the monitoring fee are secured via the S106. Officers are awaiting confirmation from the application regarding the Metro Digital Display Service. Officers will update Members with the applicant's response at Panel.

10.3.6 It is therefore considered that the proposal would not cause highways safety or amenity problems, subject to the recommended conditions and Section 106 provisions.

10.4 Flood Risk

10.4.1 The Environment Agency and Leeds City Council Flood Risk Management were consulted regarding this planning application. The following measures were agreed to mitigate actual and residual flood risk on the site from all sources to an acceptable level:

- finished floor levels of retail (food) store and leisure unit (gym) to be set a minimum of 31.02 m AOD (a freeboard of 400 mm above the modelled 1 in 100 year water level) and a minimum of 150 mm above adjacent ground levels
- flood risk signs to be displayed in the car park
- on-site flood water storage to be provided through the lowering of ground levels across the northern car park and land north of the food store, as detailed in Appendix B, to compensate for loss of flood storage
- undertake condition assessment of flood wall along right-bank of Lady Beck from Regent Street to the culvert under the site and undertake any improvement works required
- detailed drainage design would be controlled by condition
- access and egress to the site will be provided by access points off Skinner Lane. The levels of the off-site access routes are 320 mm or more above the modelled 1 in 100 year flood level for Lady Beck and it is concluded that the proposed access roads would provide safe access and egress to the site
- following redevelopment, the overall impermeable areas at the site would be expected to decrease slightly due to its landscaped edges

10.4.2 The land uses planned in the development proposal are categorised by the NPPF as being "Less Vulnerable" to flood risk and are appropriate forms of development in Flood Zone 3. The Exception Test is not required for less vulnerable development in Flood Zone 3 although the Sequential Test will need to be applied. The applicant has submitted a flood risk sequential test, which is based on the retail sequential test, and concludes that there are no sequentially preferable sites available.

10.4.3 With regard to Yorkshire Water's objection, they are not a statutory consultee in this case. Leeds City Council Flood Risk Management support the application proposal and confirm that the developer would still have the right to connect to the public sewer, despite YW's objection at application stage. LCC FRM would restrict the run-

off into Lady Beck to 50% due to the risk of flooding, therefore the watercourse cannot be the only means of drainage.

10.5 Residential amenity

10.5.1 The site is surrounded by a mix of uses, with residential directly to the south, with some to the east beyond the adjoining site. The amenities of residents would be protected by conditions regarding details of construction management, bin storage and collection, sound insulation to plant and machinery, any air conditioning and extract ventilation including odour and fumes filters, sound insulation scheme, lighting scheme, no amplified tannoy audible beyond the site boundary, delivery hours for construction 08.00 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours on Saturdays with no works on Sundays and Bank Holidays, delivery hours for operation of units 0800 to 2000 hours. Also in addition it is proposed to control the operational activity for the following hours: 0700-2300 for gym use opening hours, 0800-2200 for retail units opening hours. The operational and delivery hours of the units would be subject to the agreement of the applicant. It is therefore considered that the proposal would not give rise to significant additional concerns regarding the residential amenities of nearby residents, given the existing edge-of-city-centre character of the surrounding commercial area.

10.5.2 A soft landscaping with boundary treatment detail to be provided would provide some screening and vegetation which would be an improvement for visual amenities of the residential properties opposite.

10.6 Sustainability

10.6.1 The proposal would meet at least a BREEAM Very Good standard, and a planning condition to provide details of the verification of this will be applied. A minimum of 10% energy generation would be developed through on site low carbon energy sources. The scheme would also deliver at least a 20% reduction in carbon emissions over building regulations standards. As this scheme is in outline only, further details will follow regarding how this might be achieved. Electric vehicle charging points would be provided as part of the agreed travel plan measures.

10.7 Planning obligations

10.7.1 A Section 106 Agreement would be signed in connection with the planning application, with the following obligations:

- Public transport contribution £45,133
- Travel plan monitoring fee in accordance with the Travel Plans SPD £2500
- Cooperation with local jobs and skills training initiatives. This would involve making reasonable endeavours to cooperate and work closely with Employment Leeds to develop an employment and training scheme to promote employment opportunities for local people in City and Hunslet, and any adjoining Ward including Burmantofts and Richmond Hill, during the construction works, from the start of the tendering process and reasonable endeavours would also be made to agree a method statement with the future occupiers to identify employment and training opportunities, to provide every six months details of recruitment and retention of local people as employees and training of apprentices, and identify any vacancies on a monthly basis to Employment Leeds.
- Section 106 management fee £1500

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

requires that all matters to be resolved by a Section 106 planning obligation have to pass 3 statutory tests. The relevant tests are set out in regulation 122 of the Regulations and are as follows:

‘122(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.’

As listed above (and also in the ‘recommendation’ box at the beginning of this report), there are matters to be covered by a Section 106 agreement. These matters have been considered against the current tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

11.0 CONCLUSION

11.1 It is considered that on balance the proposed mixed use development which includes A1 retail in the form of a retail foodstore, a retail bulky goods unit, and gym use in this particular edge of centre location is acceptable as it is not considered to be possible to accommodate this in a town/local centre. The retail impact and sequential tests have been passed. The scheme also has a range of wider benefits, through job creation, skills improvement, economic growth, improved local facilities to benefit the local community. The site has been a longstanding vacant brownfield land in an untidy state brought forward for redevelopment (as supported in the NPPF, Core Strategy and City Priority Plan), which would regenerate the site and (subject to reserved matters applications) enhance the visual amenities and character of this prominent edge of City Centre site. There is considered not to be an adverse impact upon residential amenity or highway safety. It is considered that the proposal would help enable the City to meet the emerging Leeds Core Strategy (Draft 2012) spatial vision, that by 2028, Leeds will have maintained and strengthened its position at the heart of the City Region and grown a strong diverse and successful urban economy. The application proposal is therefore recommended for approval in principle subject to the conditions and an appropriate and proportionate Section 106 package.

Background Papers:

Application file 13/04885/FU

Certificate B signed on behalf of the applicant. Notice No. 1 served on site owner Penegon Netherlands BV, and the Highway Authority.

Appendix 1 Draft Conditions

Appendix 2 Proposed indicative layout plan

Appendix 1 Draft Conditions for 13/04885/OT

1) Approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority, in writing before the development is commenced.

- a. Layout
- b. Scale
- c. Appearance
- d. Landscaping

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

Because the application is in outline only and as no details have been submitted of the reserved matters, they are reserved for subsequent approval by the Local Planning Authority.

2) Application for approval of all reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Development shall commence within two years of the approval of the last reserved matter 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 2004.3)

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) The development hereby permitted shall be carried out in accordance with the principles contained in the illustrative drawings and documents listed in the Plans Schedule. Any reserved matters applications shall be not exceed the footprint extents, number of car parking spaces, and the level of retail and gym floorspace indicated on Harris Partnership Drawing no. 10901-130 Revision H received 15 May 2014. For the avoidance of doubt, the floorspaces and parking spaces hereby approved for the following uses shall not exceed:

- a. retail foodstore 1537 square metres (gross internal area)
- b. bulky goods retail 826 square metres (gross internal area)
- c. gym 1718 square metres (gross internal area)
- d. 196 car parking spaces

For the avoidance of doubt and in the interests of proper planning and sustainable development, in accordance with the NPPF and the Development Plan.

4) Prior to the commencement of development, a phasing plan, including the details of a temporary landscaping to any part of the site not in the first phase, shall be submitted to and approved in writing by the Local Planning Authority. The temporary landscaping shall be laid out prior to the first occupation in accordance with the approved details and maintained until the commencement of development of the second phase.

In the interests of sustainable development, visual amenity and to enable the Local Planning Authority to acceptably discharge the conditions in a phased manner appropriate to the development and deliver the off-site highways works, in accordance with Leeds UDPR Policies GP5 and T2, and the NPPF.

5) The premises shall only be used as a gym and for no other purpose including any other purpose in Class D2 of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

In the interests of highway and pedestrian safety and the vitality and viability of nearby Local Centres, in accordance with adopted Leeds UDP Review (2006) policies Leeds UDPR policies T2 and T24, the emerging Core Strategy policies CC1, P2, P3, P8 and the NPPF.

6) The range and type of goods to be sold from the non-food retail unit hereby permitted shall be restricted to the following: DIY and/or garden goods; furniture, carpets and floor coverings; camping, boating and caravanning goods; motor vehicle and cycle goods; and bulky electrical goods.

In the interests of highway and pedestrian safety and the vitality and viability of nearby Local Centres, in accordance with adopted Leeds UDP Review (2006) policies S1, S2, S9, T2 and T24, the emerging Core Strategy policies P6 and P8, and the NPPF.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that Order with or without modification) and sections 55(2) and 55(2A) of the Town and Country Planning Act 1990 (as amended), no part or parts of the gym or A1 units may be subdivided, if such a subdivision would contravene the floorspace limits established in Conditions 3. Furthermore no additional floorspace may be created within the gym or A1 retail units if such floorspace would contravene the floorspace limits established in Condition 3. Within these floorspace limits no mezzanine floorspace may be created unless otherwise agreed in writing by the Local Planning Authority. Outside of these floorspace limits no mezzanine floorspace may be created.

To prevent subdivision and mezzanine development from resulting in more net retail or gym floorspace than approved and to ensure such floorspace is within permitted unit size limitations in order to protect the vitality and viability of the designated local centres and planned city centre investment in accordance with adopted UDPR policy S1, S2 and S9, the emerging Core Strategy policies CC1, P2, P3, P6, P8, and the NPPF. Furthermore, restrictions have been placed upon mezzanine development, to ensure that the Local Planning Authority can accurately monitor the provision of retail floorspace at the site. This is also in the interests of highway and pedestrian safety, in accordance with policies T2 and T24 of the adopted Leeds UDP Review (2006) and the NPPF.

8) Notwithstanding the provisions of the Town and Country (Use Classes) Order 1987, as amended by the Town and Country (Use Class) (Amendment) Order 2005 (or any order revoking and re-enacting that Order with or without modification) the 'discount food retail' unit hereby permitted shall not be used for the retail sale of any of the following goods and services:

- a. Tobacco and smoking products
- b. Loose confectionary
- c. Lottery tickets or scratch cards.
- d. Fresh meat and fresh fish counter (excluding pre-packed meat and fish)
- e. Delicatessen counter

- f. Pharmacy (dispensary)
- g. Dry cleaning service
- h. Photo-shop
- i. Post office services
- j. Cash machine
- k. In store bakery (other than the use of a single oven for the reheating of part baked rolls and similar products)
- l. In store café
- m. Magazines or national newspapers
- n. Greeting cards

The 'food retail' unit shall only be occupied by a 'discount' retailer.

In the interests of the highway and pedestrian safety and the vitality and viability of nearby Local Centres, in accordance with adopted Leeds UDP Review (2006) policies S1, S2, S9, T2 and T24, the emerging Core Strategy policy P2, P3, P8, P9, and the NPPF.

9) No construction of external walling or roofing shall take place within a phase until details and samples of all external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority for that phase. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

In the interests of visual amenity in order to accord with Leeds UDP Review Policies GP5, BD2 and N13, and the NPPF.

10) Construction of external cladding and glazing shall not be commenced within a phase until a sample panel of all external facing materials and glazing types to be used has been approved in writing by the Local Planning Authority for that phase. The external cladding and glazing materials shall be constructed in strict accordance with the sample panel(s) which shall not be demolished prior to the completion of the phase of the development.

In the interests of visual amenity in order to accord with Leeds UDP Review Policies GP5, BD2 and N13, and the NPPF.

11) No building works shall be commenced within each phase until full 1 to 20 scale working drawing details of the following have been submitted to and approved in writing by the Local Planning Authority for that phase:

- a. soffit, roof line and eaves treatments
- b. junctions between materials
- c. each type of window bay proposed.
- d. ground floor shop fronts and entrance points

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

In the interests of visual amenity and the character of the surrounding area, in order to accord with Leeds UDPR Policies GP5, BD2 and N13, and the NPPF.

12) No surfacing works shall take place within a phase until details and samples of all surfacing materials have been submitted to and approved in writing by the Local Planning Authority for that phase. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The surfacing works shall be constructed from the materials thereby approved and completed prior to the occupation of the building.

In the interests of visual amenity in accordance with Leeds UDP Review Policies GP5, CC3 and LD1, and the NPPF.

13) No landscaping works shall take place within a phase 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 for that phase. Hard landscape works shall include:

- (a) proposed finished levels
- (b) boundary details and means of enclosure,
- (c) vehicle and pedestrian access and circulation areas,
- (d) hard surfacing areas,
- (e) minor artefact and structures

Soft landscape works shall include

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

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, and the NPPF.

14) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for each phase shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of each phase 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, and the NPPF.

15) 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.

16) Prior to the occupation of each phase, a plan to identify bird nesting opportunities within that phase shall be submitted to and approved in writing by the Local Planning Authority. The agreed plan shall show the number and specification of the bird nesting features, where they will be located, and a timescale for implementation. The approved details shall be implemented within the timescales agreed and retained as such thereafter.

To enhance biodiversity in the area, in accordance with the NPPF.

17) Within each phase, the gym use hereby approved shall not commence until details of a sound insulation scheme designed to protect the amenity of nearby occupants from noise emitted from the premises has been submitted to and approved in writing by the Local Planning Authority. The use hereby approved shall not commence until the works have been completed, and the noise insulation scheme as may be approved shall be retained thereafter.

In the interests of residential amenity, in accordance with Leeds UDPR Policy GP5 and the NPPF.

18) Prior to the installation of any extract ventilation system or air conditioning plant, details of such systems shall be submitted to and approved in writing by the Local Planning Authority. Any external extract ventilation system/air conditioning plant shall be installed and maintained in accordance with the approved details. The system shall limit noise to a level at least 5dBA below the existing background noise level (L90) when measured at the nearest noise sensitive premises with the measurements and assessment made in accordance with BS4142:1997.

In the interests of visual and residential amenity and in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.

19) Prior to the occupation of each phase 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 for that phase. The details shall include a description of the facilities to be provided including, where appropriate, lockable containers and details of how the recyclable materials will be collected from the site with timescales for collection. The approved scheme shall be implemented before the phase of 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, in accordance with the NPPF and Leeds UDPR Policies GP5 and T2.

20) The hours of opening of the gym premises shall be restricted to 0700 hours to 2300 hours, unless otherwise agreed in writing by the Local Planning Authority

In the interests of residential amenity, in accordance with Leeds UDP Review 2006 Policy GP5 and the NPPF.

21) The hours of opening of the retail premises shall be restricted to 0800 hours to 2200 hours Monday to Saturday and 1000 hours to 1600 hours on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority
In the interests of residential amenity, in accordance with Leeds UDP Review 2006 Policy GP5 and the NPPF.

22) The hours of delivery to and from the premises shall be restricted to 0800 hours to 2000 hours Monday to Saturday and with no deliveries on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of residential amenity, in accordance with Leeds UDP Review 2006 Policy GP5 and the NPPF.

23) Development shall not commence within a phase until a Phase I Desk Study has been submitted to, and approved in writing by, the Local Planning Authority for that phase and:

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

(b) Where remediation measures are shown to be necessary in the Phase I/Phase II Reports and/or where soil or soil forming material is being imported to site, development shall not commence within that phase until a Remediation Statement demonstrating how the phase 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 national and Leeds City Council's planning guidance.

24) 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 national and Leeds City Council's planning guidance.

25) 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 national and Leeds City Council's planning guidance.

26) 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 scheme should be sufficiently detailed with supporting calculations to confirm the pre and post development discharges as well as attenuate storage requirements for the development. 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 the NPPF.

27) No piped discharge of surface water from any phase shall take place until works to provide a satisfactory outfall for surface water for that phase have been completed in accordance with details to be submitted to and approved by the local planning authority before development of that phase commences.

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading, in accordance with the NPPF and Leeds UDPR Policy GP5.

28) 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 the NPPF

29) The development permitted by this planning permission shall only be carried out in accordance with the approved Weetwood Flood Risk Assessment (FRA) dated 11 February 2013 and the following mitigation measures detailed within the FRA:

- a. Details of the surface water drainage scheme, including how the existing rates will be reduced, must be submitted to and approved in writing by the LPA prior to any commencement on site.
- b. The flood storage capacity of 473 cubic metres must be maintained on site (outside of building footprints). This must be on a 'level for level' basis, so that the storage mimics the existing flooding scenarios.
- c. Provide a condition assessment of the flood wall along the right bank of Lady Beck from Regent Street to the downstream culvert. Details to be submitted to and approved by the LPA prior to any commencement on site. Improvement works to the wall may be necessary.
- d. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
- e. Finished floor levels are set no lower than 31.02m above Ordnance Datum (AOD) and a minimum of 150mm above adjacent ground levels.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

To prevent flooding by ensuring the satisfactory storage of/disposal of surface

water from the site, to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, to ensure the structural integrity of existing flood defences thereby reducing the risk of flooding, to ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants, in accordance with the NPPF and Leeds UDPR Policy N38B.

30) Prior to the commencement of development details of works to be undertaken within 9m of the banks of the channel of the Lady Beck watercourse must be submitted to and approved by the Local Planning Authority. The details should include an analysis of the impact of the building foundation loading on the channel wall of the Lady Beck culvert and a method statement of proposal for all works including movement of machinery to be undertaken within the 9m easement. Works shall be carried out in accordance with the approved details and retained as such thereafter.

To ensure that the watercourse is retained in a satisfactory state, in accordance with Leeds UDPR Policy GP5 and the NPPF.

31) Before development commences, details and a plan of secure short and long stay cycle and motorcycle spaces shall be provided to and approved by the Local Planning Authority and once approved, provided before first occupation of the building and must be retained and maintained thereafter.

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

32) Prior to the commencement of development, details of electric vehicle charging points in the car park shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be provided in accordance with the approved details prior to first use of the car park, and retained as such thereafter.

In the interests of encouraging more sustainable forms of travel and to reduce the impact of development on air quality, in accordance with the NPPF, Leeds Natural Resources and Waste DPD 2013, and Leeds UDPR Policy GP5.

33) Prior to the occupation of any retail or gym within a phase hereby approved, details of shower facilities and lockers for staff for that phase shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details prior to occupation of that phase and retained as such thereafter.

In the interests of promoting walking, running and cycling as more sustainable means of travel to work, in accordance with the NPPF and Leeds UDPR Policies GP5, T2, and T2C.

34) Development shall not commence until full details of a scheme for the provision of the following off-site highways works identified on approved Harris Partnership drawing no. 10901-130 Revision H received 15 May 2014, together with a programme for the completion of the works, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the required highway works have been constructed fully in accordance with the approved details.

In the interests of pedestrian and vehicular safety, in order to accord with the NPPF and Leeds UDPR Policy T2.

35) A car parking and servicing management scheme shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall include for the layout, access

control and management of the designated parking and servicing areas together with measures for controlling the parking of vehicles on any other parts of the site (other than the publicly adopted highway), which are not shown for vehicular parking in the approved plans. The development shall thereafter be operated in accordance with the approved scheme. Any variations from the agreed scheme which may occur from time to time shall be agreed in writing with the Local Planning Authority, and operated as such thereafter.

In the interests of sustainable development, and vehicular and pedestrian safety, in accordance with Leeds UDPR Policies GP5, T2, T24, T28 and Appendix 9A, and the NPPF.

36) The development shall be occupied until all areas shown on the approved plans to be used by vehicles have been fully laid and marked out, surfaced and drained such that surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

To ensure the free and safe use of the highway in accordance with the NPPF, adopted Leeds UDP Review (2006) policy T2 and the Street Design Guide SPD (2009).

37) Details of the height, type, position and luminance levels and angles of any floodlights shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby permitted being brought into use. The details and measures so approved shall be carried out and maintained thereafter for the lifetime of the development.

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

38) Prior to the commencement of development of each phase an updated Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority for that phase, which shall include a detailed scheme comprising (i) a pre- assessment using the BREEAM assessment method to BRE Very Good Standard or equivalent for the proposed buildings and to the correct category in line with their use(s) (ii) an energy plan showing the final percentage of on-site energy that will be produced by Low and Zero Carbon (LZC) technologies, that it will meet the at least a 10% minimum target. This shall specify a carbon reduction target and energy plan for the development to reduce carbon emissions by at least 20% below Building Regulations . The development of each phase shall be carried out in accordance with the details as approved above; and

(a) Within 6 months of the occupation of each phase of the development a post-construction review statement for that phase shall be submitted by the applicant including a BRE certified BREEAM final assessment and energy plan and associated paper work and approved in writing by the Local Planning Authority

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

To ensure the adoption of appropriate sustainable design principles in accordance with Policies GP5, GP11 and GP12 of the Unitary Development Plan, the Leeds SPD Building for Tomorrow Today Sustainable Design and Construction, the draft Leeds Core Strategy, and the NPPF.

39) The proposed gym use must not have a total combined studio area greater than 400sqm for classes or events within the building for the lifetime of the development.

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

40) The retail unit frontages to Regent Street and Skinner Lane as shown on Harris Partnership Drawing no. 10901-130 Revision H received 15 May 2014 shall be clear glazed to allow views in and out of the units for the lifetime of the development.

In order to provide active frontages, in the interests of good urban design and community safety, in accordance with Leeds UDPR policies GP5, N12, N13 and the NPPF.

41) Prior to the commencement of works for a phase of development, a Statement of Construction Practice for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Statement of Construction Practice shall include full details of:

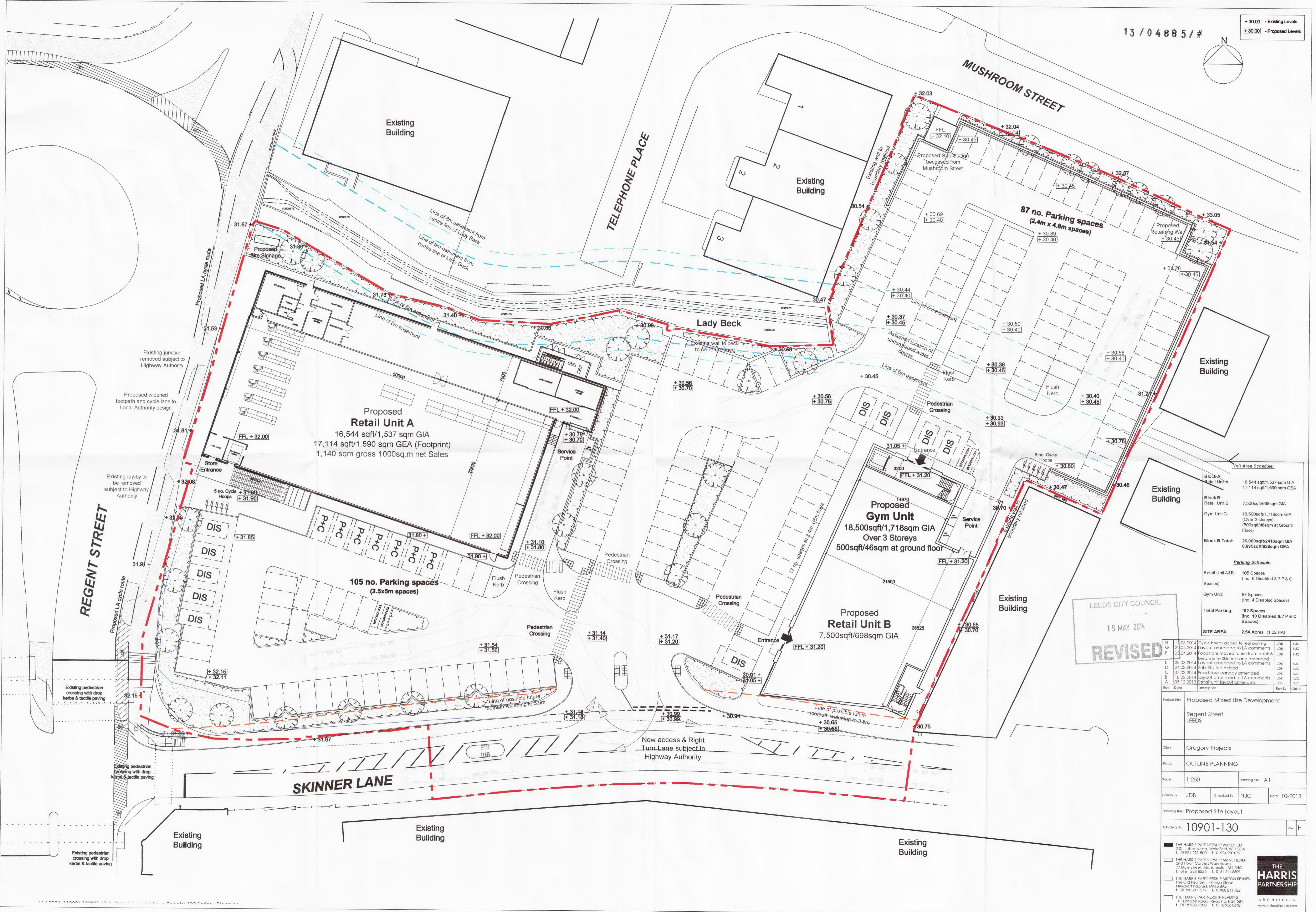
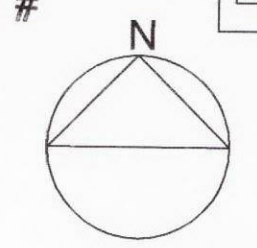
- a) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
- b) measures to control the emissions of dust and dirt during construction;
- c) location of site compound and plant equipment/storage;
- d) location of contractor and sub-contractor parking;
- e) how this Statement of Construction Practice will be made publicly available by the developer.

The approved details shall be implemented at the commencement of work on site, and shall thereafter be retained and employed until completion of works on site for that phase. The Statement of Construction Practice shall be made publicly available for the lifetime of the construction phase of the development in accordance with the approved method of publicity.

In the interests of residential amenity of occupants of nearby property in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.

42) Construction works shall be restricted to 0800-1800 hours Monday to Friday, 0800-1300 hours on Saturdays, with no works on Sundays and Bank Holidays.

In the interests of residential amenity in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.



Proposed Retail Unit A
16,544 sqft/1,537 sqm GIA
17,114 sqft/1,590 sqm GEA (Footprint)
1,140 sqm gross 1000sq.m net Sales

Proposed Gym Unit
18,500sqft/1,718sqm GIA
Over 3 Storeys
500sqft/46sqm at ground floor

Proposed Retail Unit B
7,500sqft/698sqm GIA

105 no. Parking spaces
(2.5x5m spaces)

87 no. Parking spaces
(2.4m x 4.8m spaces)

LEEDS CITY COUNCIL
15 MAY 2014
REVISED

Unit Area Schedule:

Block A:	
Retail Unit A:	16,544 sqft/1,537 sqm GIA 17,114 sqft/1,590 sqm GEA
Block B:	
Retail Unit B:	7,500sqft/698sqm GIA
Gym Unit C:	18,500sqft/1,718sqm GIA (Over 3 storeys) (500sqft/46sqm at Ground Floor)
Block B Total:	26,000sqft/2416sqm GIA 8,895sqft/826sqm GEA

Parking Schedule:

Retail Unit A&B:	105 Spaces (Inc. 6 Disabled & 7 P & C Spaces)
Gym Unit:	87 Spaces (Inc. 4 Disabled Spaces)
Total Parking:	192 Spaces (Inc. 10 Disabled & 7 P & C Spaces)
SITE AREA:	2.54 Acres (1.02 HA)

Rev	Date	Description	Rev By	CHK'D
H	12.05.2014	Cycle Hoops added to rear parking	JDB	NUC
G	22.04.2014	Layout amended to LA comments	JDB	NUC
F	03.04.2014	Foodstore moved to 6m from beck & kerb line to Skinner Lane amended	JDB	NUC
C	25.03.2014	Layout amended to LA comments	JDB	NUC
D	24.03.2014	Sub-Station Added	JDB	NUC
B	07.03.2014	Foodstore canopy amended	JDB	NUC
C	18.02.2014	Layout amended to LA comments	JDB	NUC
A	03.12.2013	Retail unit layout amended	JDB	NUC

Project Title:	Proposed Mixed Use Development				
Client:	Regent Street LEEDS				
Status:	OUTLINE PLANNING				
Scale:	1:250	Drawing Size:	A1		
Drawn By:	JDB	Checked By:	NJC	Date:	10-2013
Job-Dwg No:	10901-130				

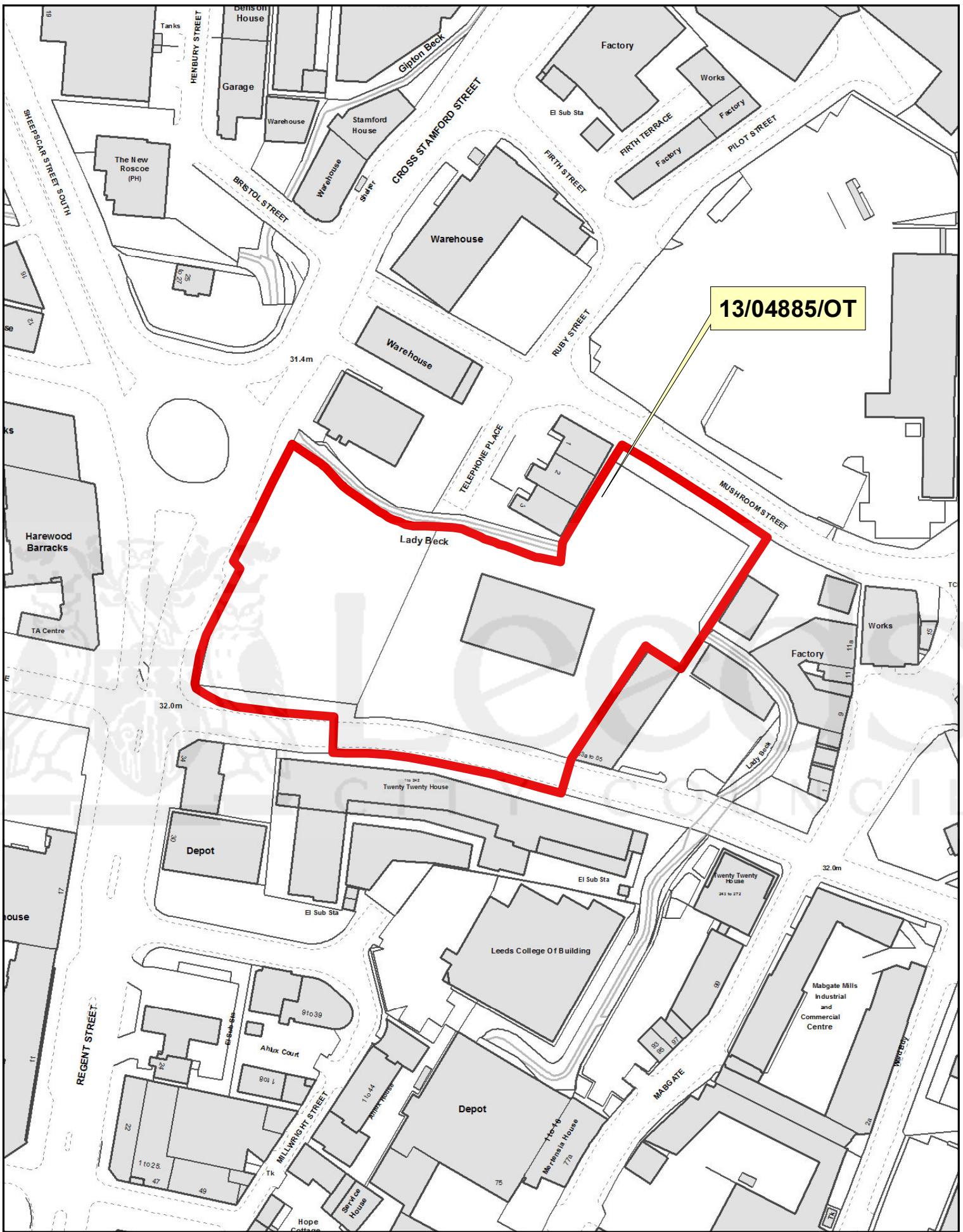
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