
Report of the Chief Planning Officer

City Plans Panel

Date: 8th March 2018

Subject: Planning Application reference 17/07710/FU for external alterations including reinstatement of the west wing, new covered courtyard with atrium, new circulation core to rear, new shopfront and flexible use as A1 retail, A2 financial and professional services, A3 cafe, A4 bar and/or B1 offices and Listed Building Consent Application reference 17/07711/LI for internal and external alterations including reinstatement of the west wing, new covered courtyard with atrium, new circulation core to rear and new shopfront at the First White Cloth Hall, 98-100 Kirkgate, Leeds LS2 7DJ

Applicant

First White Cloth Hall (Leeds) Limited

Date Valid

23.11.2017

Target Date

09.03.2018

Electoral Wards Affected:

City and Hunslet

☐ Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

17/07710/FU

DEFER AND DELEGATE to the Chief Planning Officer for approval subject to the conditions specified at Appendix 1 and any others which are considered necessary.

17/07711/LI

DEFER AND DELEGATE to the Chief Planning Officer for approval subject to referral to the Secretary of State for Housing, Communities and Local Government, and subject to the conditions specified at Appendix 2 and any others which are considered necessary.

Conditions

Draft Conditions for 17/07710/FU are attached at Appendix 1 of this report.
Draft Conditions for 17/07711/LI are attached at Appendix 2 of this report.

1.0 Introduction:

- 1.1 This is a joint report for planning application 17/07710/FU and listed building consent application 17/07711/LI which are brought to Plans Panel because they relate to a complex and sensitive proposal for the restoration and refurbishment of the Grade II* Listed First White Cloth Hall on Kirkgate. Buttress Architects presented an initial scheme at pre-application stage on behalf of Leeds City Council, based on the principles set out in the Lower Kirkgate Planning Statement and the Conservation Management Plan agreed following consultation with key stakeholders. This has now been developed into a full proposal by the Rushbond Group who have recently acquired the building and intend to carry out the works, subject to planning and listed building consent.
- 1.2 The First White Cloth Hall (FWCH) was built in 1711 to head off a challenge from Wakefield which had built a cloth hall in the previous year with the intention of becoming the market centre for the trading of white undyed cloth in the West Riding. This FWCH was quickly superseded by several larger cloth halls as Leeds became the regional capital of the cloth trade. It was listed Grade II* in 1983 following its 'rediscovery' as the earliest surviving cloth hall and in recognition of its historic importance to the economic history of the region and the nation. Unfortunately, it has been in a poor condition since its listing and is on Historic England's at Risk Register and acknowledged as being the highest category of risk with potential for further rapid deterioration with no solution agreed. In 2010 the west wing of the building was also dismantled when the adjoining building was demolished due to urgent structural concerns.
- 1.3 In 2012 Leeds City Council were successful in bidding for £1.5 million from the Heritage Lottery Fund (HLF) for a Townscape Heritage Initiative (THI) scheme in lower Kirkgate. This scheme makes grants available towards repairs works to those properties between and including 83 Kirkgate to the FWCH. The FWCH is identified as the 'critical project' in the scheme, and accordingly a maximum of £500k of the HLF funding is ring-fenced for this building. In addition £250k grant funding has been made available by Historic England. This funding is time-limited and must be claimed and spent by March 2020.

2.0 Proposal

- 2.1 The application proposal seeks to repair and restore the First White Cloth Hall and provide a viable space for a new shop, financial or professional service, café/restaurant, bar or office workspace (791 sqm). The main elements of the proposals are:
- Carry out essential repairs
 - Restore the existing arcading to the East Wing inner courtyard
 - Mirror the restored east wing on the west wing, re-using salvaged fabric from the demolished west wing where possible
 - Repair of the Kirkgate frontages including new shopfronts
 - Introduce high quality modern design in the form of a glazed atrium

- Introduction of a modern polycarbonate rainscreen and modern windows on the southern elevation
- Reinstatement of the cupola

2.5 The application is supported by the following documents:

- Scaled Plans
- Photomontages
- Conservation Plan
- Heritage Statement
- Design and Access Statement
- Drainage Plan and Report
- Land Contamination Desk Top Study and Site Investigation Report
- Bat Survey
- Construction Methodology

3.0 Site and Surroundings:

3.1 The First White Cloth Hall is a Grade II* Listed Building located on the south side of Kirkgate, facing the junction of Kirkgate and New York Street. Kirkgate is within the City Centre Conservation Area. The First White Cloth hall lies within the setting of a number of Listed Buildings, including:

- Grade I Corn Exchange
- Grade I Kirkgate Market
- Grade II* Waterloo House
- Grade II 3-7 Crown Street
- Grade II 23 Kirkgate
- Grade II Westminster Buildings

3.2 The First White Cloth Hall was listed Grade II* in 1983, and due to its poor condition has been listed on Historic England's Heritage At Risk Register. The First White Cloth Hall is the oldest surviving building on the oldest street in Leeds. Its Grade II* listed status recognises that it is of 'more than' special architectural and historic interest. Built in 1711 in direct competition with a new Cloth Hall in Wakefield, the First White Cloth Hall in Leeds symbolises the birth of what would become the City's vital part of the story of the textile and industrial development of Leeds in the early 18th Century. The First White Cloth Hall is a rare example of an early 18th Century arcaded cloth hall, the oldest surviving in West Yorkshire, and possibly in the U.K. This significance is most effectively expressed and understood through the form of the building, which is distinctive in the Kirkgate streetscape. This illustrates the uniqueness of the structure and gives it an aesthetic value that is different from the buildings around it. Cloth Halls were built to replace the previous outdoor trading market and operational requirements dictated the form and design. Protection from the weather and security were particular considerations. The early 18th Century U-plan core has been subject to multiple phases of alteration which included the Kirkgate frontage being in-filled and arcading blocked up. The very poor condition of the building and recent collapse of the west wing has left this building in a very vulnerable state and in need of considerable investment to return it to a viable new use.

3.3 The south side of Kirkgate consists of late 18th century and early 19th century three storey-houses which have had shopfronts inserted at ground floor. Due to the

dangerous condition of the FWCH building it is surrounded by hoardings from Kirkgate and by fencing from Crown Street car park. Despite its central location and historic character, a number of properties are vacant and Kirkgate has not benefited from the recent success of other nearby City Centre streets, such as the nearby Victoria Gate development, including the former Victoria Quarter, Kirkgate Markets and the waterfront area, for example The Calls. Kirkgate has a unique character that has huge potential to kick start a revitalisation that could have wider benefits for the City. The townscape of the Kirkgate area contains some of the most architecturally and historically significant buildings in the city, being the historic core of Leeds and the site of continuous development since at least the Anglo Saxon period, running from Briggate to the Parish Church. Kirkgate is flanked by continuous and varied building frontages rising to the west to later Victorian buildings, which create a sense of enclosure and verticality. This is accentuated by the narrow width of individual building frontages, reflecting the medieval layout of crofts along the street. A large open area now used as a car park has been created by the clearance of buildings to the rear of the Kirkgate frontage, which is accessible from Crown Street and by narrow through-passages from Kirkgate. The site is within the designated City Centre in the Core Strategy, the City Centre Primary Shopping Area in the emerging Site Allocations Plan, a Secondary Shopping Frontage in both the existing and emerging Development Plan, and within the area covered by the Lower Kirkgate Planning Statement 2011 and the Lower Kirkgate Townscape Heritage Initiative (THI).

4.0 History of Pre-application Negotiations and Consultation

- 4.1 As part of the option process a number of consultation workshops were held with relevant stakeholders by Leeds City Council's Asset Management and Regeneration Service and the Conservation team. These workshops were facilitated by Buttress Architects.
- 4.2 The first workshop with Regeneration and Conservation officers and City Fusion sought to reduce a 'long list' of potential design options to a smaller number that could be considered further by a wider stakeholder group. The design options ranged from repair only to the rebuilding of the west wing in an overtly modern style. The meeting agreed to reduce the options to four in number.
- 4.3 The second workshop involved a wider stakeholder group which included:
- LCC Regeneration officers
 - LCC Conservation officer
 - City Fusion
 - Leeds Civic Trust
 - Historic England
 - Leeds Minster
 - The Society for the Protection of Ancient Buildings (SPAB)
 - Council for British Archaeology
 - Leeds Historical (Thoresby) Society
 - Mood Developments (a neighbouring Kirkgate property owner - all Kirkgate property owners were invited)
 - Prince's Regeneration Trust

- 4.4 This meeting reduced four options to an agreed preferred option, with the agreement that an atrium would be acceptable if justified in viability terms. A further meeting was requested, to test the more detailed design approach to the form i.e. a “1711” conjectural approach towards potential original design, or a repair and reinstatement scheme in line with Conservation Management Plan policies.
- 4.5 The third meeting was attended by:
- LCC Regeneration officers
 - LCC Conservation officer
 - City Fusion
 - Historic England
 - Prince's Regeneration Trust
 - Leeds Civic Trust
 - SPAB
 - Mood Developments
- 4.6 There was disagreement between stakeholders on the second issue of how to approach the detailed design. Some preferred rebuilding in a “1711” style despite accepting there is no remaining or documentary evidence of the approach. This approach would be contrary to the philosophy of the Conservation Management Plan, and would not be in accordance with accepted conservation philosophy. Other stakeholders, such as Historic England, preferred a repair and reinstatement approach which was based on the developed conservation approach and meets current best practice conservation principles.
- 4.7 Following the stakeholder workshops Buttress presented their recommended design approach to Council officers, which was a repair and reinstatement scheme with the introduction of a glazed atrium. This approach was then developed by Buttress and Rushbond to form the current planning and listed building consent application proposal.
- 4.8 Historic England confirmed at pre-application stage that they were satisfied with the principle of the proposal, which they consider will bring the building back into viable use, but that the detailed design for the glazed atrium requires further work.
- 4.9 City and Hunslet Ward Councillors were consulted at pre-application stage by email on 10th October 2016.
- 4.10 The architect presented an initial scheme at pre-application stage to City Plans Panel 27 October 2016 and in response to Members comments and questions, the following issues were discussed:
- Responding to a question as to the accuracy of the basement plan, it was confirmed that the footprint was accurate;
 - It was acknowledged that the building was in a poor condition and could be lost if works were not undertaken in the near future;
 - The Council needs to expedite efforts to acquire the site from the [previous] owners, including by means of a Compulsory Purchase Order, if necessary
 - Original materials to be used wherever possible;

- The applicant needs to consult with the Entertainment Licensing Section if considering bar or restaurant use;
- Discussions should take place with the Highways Department and Metro with a view to improving and enlarging the pavement areas in front of the site and addressing the adverse impact of the considerable bus traffic along Kirkgate.

In drawing the discussion to a conclusion Members provided the following feedback:

- Members considered that the proposed development was acceptable in principle.
- Members were of the view that the building was in a poor condition and could be lost if works were not undertaken in the near future.
- Members expressed the view that the process of acquiring the site by means of a Compulsory Purchase Order should be expedited [if a scheme did not come forward from the previous landowner at the time].

5.0 Relevant Planning History

5.1 A number of planning permissions have been granted along Kirkgate for repair and refurbishment that are eligible for THI grant funding. Three properties Nos. 90, 92 and 93 have been completed successfully. No. 94 is due to start shortly, and planning permission has been granted for Nos. 83-91 and 97.

5.2 There is also a current planning application also on this agenda relating to 101-104 Kirkgate and the Crown Street Car Park site (ref. 17/07579/FU), which adjoins this site on three sides.

5.0 Public/Local Response:

5.1 Planning Application publicity

- Site Notice 08.12.2017
- Press Notice 15.12.2017
- City and Hunslet Ward Councillors consulted 04.12.2017

Minor revisions to the plans were received and contributors were re-consulted on 19th February 2018, giving 14 days for further comment. Any additional comments received will be updated verbally at Plans Panel.

5.2 Comments have been received from:

5.2.1 Leeds Civic Trust (LCT)

- LCT has been closely involved with the evolution of the design proposals in these two applications and would like to compliment the current owners, and their advisors, on their positive attitude towards this very historic, important, but problematic building and the approach they have taken to its refurbishment, restoration and redevelopment.
- LCT very much welcome that two of these elements - the restoration of the original U-shaped form including rebuilding of the west wing and revealing and restoring of the arches, are integral to the application. However, a cupola should be recreated as part of the scheme. There is more than adequate evidence and justification for a cupola within the historical information in this application.

- LCT generally accept the validity of contemporary design treatment and materials for new elements of this building (including the interesting and well-considered treatment of the rear of the building), where original fabric does not exist or where good evidence is lacking.
- LCT support the principle of the glazed atrium roof but feel that its level needs to be further considered as our view is that the top of the glazed atrium should meet the walls just below corbel level
- the maximum possible retention, in situ, of early fabric, the inclusion of as much of the reclaimed material as possible and require an archaeological watching brief.
- In terms of more detailed matters, there is concern regarding the shopfront design, the lack of visible support for the upper floors, the undersized piers or the extent of the expanse of glass plate, lack of defined potential signage zones and the use of glazed bricks on the façade.

5.2.2 Dr. K. Grady, Leeds

- Dr. Grady would like to applaud Rushbond PLC taking on this difficult project and to praise Leeds City Council, the Heritage Lottery Fund and Historic England for having the insight to recognise the huge importance of the building to the history and heritage of the City of Leeds.
- Very strongly welcomes the reinstatement of the west wing of the building and the re-creation of the open arcading on the three sides of the courtyard
- Supports the insertion of the glass canopy over the courtyard.
- Supports the approach to replicate/retain the form of the elevations which resulted from later Georgian and Victorian alterations because the form of the original elevations is debatable. However simply retaining the surviving quoins on the outer edge of the upper floors of the elevations is not sufficient. The U shaped form would be significantly concealed by the insertion of the glass canopy and glass front to the courtyard, and there is a danger that to the casual observer the building will look like a modern shop unit. It is therefore essential that both wings have pairs of ground to eaves-height quoins in order to emphasise the form of the wings and distinguish the courtyard from the wings
- the glaring omission from the scheme is the provision of a cupola on the roof of the southern range of the building. The ringing of a bell at the beginning and end of trading sessions of Yorkshire cloth markets was absolutely fundamental to their operation. John Cossins, Daniel Defoe and Ralph Thoresby note the presence of a cupola - reinstating a cupola in the renovated First White Cloth Hall is therefore crucial to both the physical identity of the building and to highlight and celebrate its important economic function.

5.2.3 Mr. P. Hirschmann, Harrogate

- The proposed scheme would cause substantial harm to the building's special interest without any clear and convincing justification to offset that harm contrary to Section 16 of the Planning (Listed Building & Conservation Areas) Act 1990.
- Due to the amount of demolition required to recreate the 1711 building the proposed scheme would put the already fragile building at greater risk of collapse.
- The proposed scheme seeks to return the building to an arbitrary point in its history removing all of its subsequent layers and erasing a significant amount of

the building's story - the original use and design as a cloth hall is the most significant part of the building but is only one chapter in its long story.

- The scheme is not driven by the conservation needs of the building, no sustainable use or end user has been identified and no recent structural survey has been provided to support the proposals.
- The proposed new west wing is a conjectural pastiche of the existing building: the proposed scheme is outmoded, not in line with good conservation practice and damaging to the wider historic streetscape of Kirkgate.

6.0 Consultations:

6.1 Statutory

6.1.1 Historic England

Historic England supports the proposal on heritage grounds, subject to matters such as securing the surviving historic fabric and the details of the design and materials being addressed. The current proposal offers an opportunity to secure the long term sustainable future for the building.

6.1.2 Society for the Protection of Ancient Buildings (SPAB)

The SPAB are one of the National Amenity Societies recognised in the Planning (Listed Buildings and Conservation Areas) Act 1990. In the following cases Local Planning Authorities are required to notify the National Amenity Societies:

(aa) for works for the demolition of a listed building; or

(bb) for works for the alteration of a listed building which comprise or include the demolition of any part of that building.

When one of the National Amenity Societies objects to such an application for listed building consent, and the Local Planning Authority is minded to grant approval, the LPA should refer the application to the Secretary of State for Housing, Communities and Local Government.

The SPAB objects to the applications for the reasons set out below, but has stated in writing that it does not require the application to be referred to the Secretary of State in this case. Whilst the SPAB are keen to work with all involved parties to develop a sensitive and successful scheme, they strongly object to the proposal on the grounds that if approved, the Local Planning Authority would have failed to meet its statutory duty to "have special regard to the desirability of preserving the building, its setting and its features of special architectural and historic interest". They also consider that the proposal fails to meet paragraphs 132, 133 and 134 of the NPPF, and Leeds Core Strategy Policy P11, for the following reasons:

- Loss of special interest - the proposed scheme, by virtue of the substantial and wholly unjustified demolition of key principal elements, will place the building at even greater serious structural risk and possible further collapse. The applications lack a full and up to date structural report detailing the overall condition of the building. The extent of demolition and proposed alteration will effectively result in a largely new building and a substantial loss of special interest. Should this scheme be implemented, the SPAB suggests that the loss of special interest and the extent of new work would call into question the building's inclusion on the statutory list.

- Design approach - the design for the South elevation aside, the proposed design for the site is indicative of an outmoded approach to conservation and good new design in historic contexts. The new West Wing is pastiche and the restoration of

the existing building arbitrarily turns back the clock to 1711, and in so doing erases three centuries of later architectural and historic features that expand the buildings history and its significance to the city. This approach is driven by an aesthetic preference rather than being informed by the existing building's inherent special interest and conservation needs. The restorationist approach to the extant building necessitates an unacceptable amount of demolition and the end design results in a poor and part conjectural facsimile of one of the most important buildings in the country. No end user has been secured hence the scheme is one of speculative development which has negatively impacted on the design approach. This requires the finished product to be all things to all future users rather than a building which has been sensitively adapted for a new use that the existing building can accommodate without substantial harm to its special interest.

- Absence of justification – the desire to reinstate an idealised 1711 appearance does not in itself constitute clear and convincing justification for the resulting substantial harm. Similarly, while bringing the building back into use is of public benefit, the SPAB does not consider that the scheme results in the substantial public benefits needed to outweigh the substantial harm and significant loss of special interest.

6.1.3 **Coal Authority**

No objection subject to a planning condition requiring further investigative work. The findings of the intrusive site investigations should inform any remedial measures which may be required.

6.2 **Non-Statutory**

6.2.1 **Leeds City Council (LCC) Conservation Team**

Supports the proposal, subject to conditions regarding the following details:

- Method statement for dismantling and rebuilding of the east and south wing.
- Schedule, including plans, of brickwork and masonry repairs and restoration.
- Schedule of repairs to roof structure and scheme of reinstatement.
- Sections through roof covering showing line of insulation in relation to roof structure.
- Method statements and In situ samples of repairs to brickwork (brick replacement, plastic repairs and repointing) and repairs to masonry i.e. cornice.
- Surface treatment to internal walls, including steel frame.
- M&E strategy showing ductwork and plant and detail of external penetrations.
- Elevations and sections of shopfronts to Kirkgate, including coursing and bonding of brickwork.
- Glazing, including curtain walling mullions, to atrium and external staircore
- Design of the cupola.

6.2.2 **West Yorkshire Archaeological Advisory Service (WYAAS)**

WYAAS recommend that the standing building of the FWCH be subject to a structural watching brief during repair/conversion to record details that can supplement the archaeological building recording previously carried out. They also recommends that archaeological evaluation / mitigation takes place within the footprint of the proposed development. This would focus on the area of the demolished west wing but also include investigating what may survive below the existing basement in the central courtyard area. This work would involve the

excavation of archaeological trial trenches and can be secured by attaching an archaeological condition to any grant of planning and listed building consent.

6.2.3 LCC Transport Development Services

No objection. Shower and secure long stay cycle parking for staff should be provided and whilst the nature of the listed building is recognised, it is considered that space for a small level of secure long stay cycle parking (2-3 bikes) is appropriate. Servicing and deliveries can use the existing loading bays on Kirkgate.

6.2.4 LCC Flood Risk Management

No objection. The surface water drainage of this development should be in accordance with the Council's Minimum Development Control Standards for Flood Risk. The existing impermeable area with the consequent present rate of discharge should be understood to determine the permitted rate of surface discharge from the site post development. It is apparent that it would not be practicable to include soakaway, in the limited space available, for the surface water drainage of the site. The alternative would necessitate attenuation of surface water flows with a restricted discharge to the public sewer in the area, preferably to the existing connection to the public sewer. A detailed drainage scheme would be controlled by condition.

6.2.5 LCC Nature Conservation

There should be no significant nature conservation concerns.

6.2.6 LCC Entertainment Licensing

The site falls within the Amber area of the Leeds City Centre Cumulative Impact Area. This area is of concern based on an analysis of night-time economy-related issues and licensing objectives, and the Council will expect the applicants to agree additional measures appropriate to any problems in that area at the time.

6.2.7 West Yorkshire Police (WYP)

WYP offered advice on designing out crime to the applicant at the pre-application stage.

6.2.8 Yorkshire Water

No comments to make.

7.0 Relevant Planning Policies

7.1 Statutory Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making at this site, the Development Plan for Leeds currently comprises the following documents:

1. The Leeds Core Strategy (Adopted November 2014)
2. Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013)

These development plan policies are supplemented by supplementary planning guidance and documents.

Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) also need to be addressed when assessing this proposal.

The Development Plan

7.2.1 Leeds Core Strategy

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. The most relevant policies are set out in the paragraphs below:

Spatial policy 1 location of development

Spatial policy 2 hierarchy of centres and spatial approach to retailing, offices, intensive leisure and culture

Spatial policy 3 role of Leeds City Centre

Policy CC1 City Centre development

Policy EC2 office development

Policy P2 Town centre uses

Policy P4 Retail

Policy P10 design

Policy P11 heritage

Policy P12 landscape

Policy T2 accessibility requirements and new development

7.2.2 Leeds Unitary Development Plan Review (UDPR) Saved Policies

The site lies within the designated City Centre. Saved policies that are relevant to this scheme are:

GP5 All Planning Considerations

CC22, SF1a, SF3 shopping frontage policies

N14 Listed Building and Preservation

N15 Listed Buildings and Change of Use

N16 Listed Buildings and Extensions

N17 Listed Buildings Character and Appearance

N18A Conservation Areas and Demolition

N18B Conservation Areas and Demolition

N19 Conservation Areas New Buildings/Extensions

N20 Conservation Areas and Retention of Features

N29 Archaeology

ARC 6 Archaeology

BD6 Alterations and extensions

BC7 Building conservation

7.2.3 Leeds Natural Resources & Waste Local Plan

Relevant policies include:

Air 1 management of air quality through new development

Water 1 water efficiency

Water 2 protection of water quality

Water 7 surface water run-off

Land 1 contaminated land

7.3 Relevant Supplementary Planning Guidance includes:

Leeds Parking SPD

Accessible Leeds SPD

7.4 Lower Kirkgate Planning Statement 2011

The Lower Kirkgate Planning Statement 2011 was adopted by the Council as site specific informal planning guidance for development management purposes, following public consultation in 2009 and 2011. The document was used to inform the successful Townscape Heritage Initiative (THI) bid, and is used to guide development proposals within the Lower Kirkgate THI area. In particular, it states that the centrepiece and focal point of Lower Kirkgate should be the careful and sensitive repair and restoration of the First White Cloth Hall, which has the potential to act as catalyst for the wider regeneration and re-connection of this part of the City Centre.

7.5 Emerging Site Allocations Plan (SAP)

The site lies in the City Centre, Primary Shopping Area, and within a secondary frontage in the emerging SAP. Policies RTC1, 2 and 3 are relevant.

7.6 National Planning Policy Framework (NPPF)

The NPPF sets out the Government's planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so. The Government attaches great importance to the design of the built environment.

Paragraph 17 of NPPF states that "conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations".

Section 7 (paras 56-66) 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.

Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

The NPPF also includes policies relating to heritage assets and states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 128 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 131 states that in determining planning applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability, and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the assets conservation, and that the more significant the asset the greater the weight should be. It also states that significance can be harmed through development within its setting, and that substantial harm to or loss of designated heritage assets of the highest significance (Grade I and II* listed buildings and Scheduled Ancient Monuments) should be wholly exceptional.

Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 137 states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

7.7 Conservation Principles – Policies and Guidance for the Sustainable Management of the Historic Environment

This Historic England guidance document sets out a logical approach to making decisions and offering guidance about the historic environment, in order to ensure consistency in carrying out their role as the Government's statutory advisor on the historic environment.

8.0 Main Issues

1. The principle of the proposed uses

2. Impact on the special architectural character and historic interest of the Grade II* Listed First White Cloth Hall, the setting of nearby listed buildings and the City Centre Conservation Area (Planning (Listed Buildings and Conservation Areas) Act 1990)
3. Highways and transportation matters
4. Drainage
5. Residential amenity

9.0 Appraisal

9.1 The principle of the proposed uses

9.1.1 The Leeds Core Strategy and the Saved policies of the Leeds Unitary Development Plan Review, Lower Kirkgate Planning Statement and National Planning Policy Framework would all support the range of town centre uses proposed in this City Centre location. The location is highly sustainable and is close to other retail, leisure and employment facilities and public transport links. Retail (A1) use is particularly encouraged in the Primary Shopping Area and in shopping frontages such as this one, however a range of supportive uses are also acceptable, provided they do not harm the main retail function of the area. In this case, securing the optimum viable use for the heritage asset is a priority, and other town centre uses such as financial and professional services (A2), café and restaurant (A3), drinking establishment (A4) and offices or workspace (B1) would in principle be appropriate in the City Centre. This flexible range of acceptable town centre uses would allow the unit to be occupied interchangeably between A1 retail or any of the other proposed uses for a period of 10 years once the works are complete. With reference to the existing and emerging SAP secondary shopping frontage, which states that 50% of ground floor units along Kirkgate should be in retail use, there are less than 5 units with an extant A1 retail use along the shopping frontage on the south side of Kirkgate, with only one now occupied and in use. Given the exceptional length of time that the street has been in decline, it is considered that a more flexible approach is appropriate. The time-limited THI is also a material consideration in considering the most flexible and viable way forward for the south side of Kirkgate, especially the First White Cloth Hall, to promote the sensitive heritage-led regeneration by bringing vacant under-utilised City Centre buildings back into use, as envisaged in the Lower Kirkgate Planning Statement. The proposed flexibility in use is considered complementary to a more diverse mixed independent retail, leisure and food economy now established in this part of the City Centre. It is considered that the flexible complementary and supportive town centre uses proposed would ensure life, variety and vitality throughout the day and into the evening, which can serve local residents, workers and visitors, without harming the retail function of the area.

9.1.2 The principle of the development is considered acceptable in accordance with Core Strategy Policies SP3, SP8, EC2, CC1, P2 and P4, Saved UDPR policies CC22, SF1a and SF3, the Lower Kirkgate Planning Statement, the emerging SAP and the NPPF, subject to the heritage, highways and drainage considerations outlined in the remainder of this appraisal.

9.2 Impact of the proposal on the special architectural character and historic interest of the Grade II* Listed First White Cloth Hall, the setting of nearby

listed buildings and the City Centre Conservation Area (Planning (Listed Buildings and Conservation Areas) Act 1990)

Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 state the statutory duty of Local Planning Authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. In addition the Government has set out national policy for applications that affect heritage in the NPPF at paragraphs 128-144 as set out in section 8 of this report above. The special interest and significance of the First White Cloth Hall has been analysed by the applicant in the application documents, and is summarised at section 3 of this report. The following paragraphs assess the application proposal against the relevant legislation, national and local policy and guidance in terms of the impact of the proposal on the special interest and significance of the building, and the wider public benefits of restoration and its optimum viable re-use.

9.2.1 Conservation Philosophy

Engagement with key stakeholders (including SPAB) commenced early in the process of evolving a scheme for the building, from initial information gathering through to workshop discussions. 13 high level options were developed, ranging from a 'do minimum' approach of conservative repair to overtly contemporary interventions. This list was debated to establish a shortlist of options. When all stakeholder scores across the group were agreed, the majority view was that a purely contemporary option should not be pursued. A 'do minimum' option was put forward, which proposed conserving the existing building and creating an external space rather than constructing a new west wing. This advocated conservative repair and reuse, but the general view was that this would be a missed opportunity to revitalise the site and one also not to be pursued. A more contemporary approach to the west wing was discussed at that time but was strongly resisted by most stakeholders, and was not explored further. A further consultation workshop discussed the most appropriate conservation approach to be applied to the preferred option. The adoption of this preferred option in the plan has led to a specific approach for each part of the building, and each are subject to a number of factors such as the information available, the significance of that part of the building, and the need or opportunity for intervention or enhancement.

Conservation-accredited architects Buttress prepared a Conservation Management Plan and subsequent design option appraisals for the building. The Conservation Management Plan contains policies to provide a framework for the detailed design of the building. The Conservation Management Plan is based on current conservation philosophy and principles. In accordance with NPPF paragraph 128 It analyses the significance of the FWCH using the heritage values set out in Historic England's 'Conservation Principles – Policies and Guidance for the Sustainable Management of the Historic Environment' (Understanding Heritage Values – in particular paragraphs 39-44 and 55-56 in this case). In this case, the dominant value is 'illustrative – historic' derived from the importance of the building as an example of a cloth hall with its distinctive form and shape, with some 'associative' value derived

for example from the significance of Ralph Thoresby's writings at the time, and some communal and social value derived from the value of the FWCH to the collective history of Leeds.

The Conservation Management Plan notes that original 1711 fabric has the highest significance, but that later historic fabric also carries significance and contributes to the building's story. This document underpinned the design approaches within the proposals, and the heritage impacts considered and cross-referenced in detail. These advocate a cautionary approach to changing a place, doing no more than necessary to repair and adapt a building to a sustainable use. There is a presumption against speculation or conjecture in restoration works, and that changes to a heritage asset should not distort the physical or other evidence it provides. Preservation in this context means not harming the interest or significance of the building, rather than keeping it unchanged. The architect has designed a preferred scheme option based on the Conservation Management Plan prepared at pre-application stage and general conservation good practice, and agreed with Historic England and the Council's Conservation team. The application seeks firstly "retrospective" approval for the demolition of the west wing and secondly, its replacement with a new wing and other alterations. The view on the demolition is determined in part by its replacement.

In summary, it is challenging to balance the wide range of conflicting conservation philosophies expressed from expert stakeholders into one single coherent design solution. Historical values can be obliterated by change, or better revealed by restoration, as is considered in this case. It is considered that the proposal appropriately balances the sensitive management of change in order to better reveal the significance of the building in a legible and sympathetic manner, whilst responding to many conflicting informed opinions, to arrive at a viable and unique building that is able to support a sustainable end use, meet modern commercial requirements and deliver wider public benefits, in accordance with NPPF paragraphs 57, 60, 61, 64, 130, 131, 132 and 134.

9.2.2 East and West Wings

The reinstatement of the arcading to the inner courtyard is based on remaining physical evidence. It is possible to repair existing and replicate missing elements to the original design without conjecture. Reinstating the colonnade would enhance the illustrative historical significance of the building. The pre-demolition form of the west wing has value architecturally as it would offer symmetry to the building. It would be detailed in such a way that it reflects the form and materials of the east wing but it would be clearly identifiable as a modern addition. The default position would be to rebuild the wing as it was before but, given the high level of alteration with most of the ground floor arcade removed, its replacement with the current design would better reveal the significance of the asset as it is complementary and determined by the feasibility of the restoration of the east wing. The original timber trusses that were salvaged during demolition of the original west wing would be reinstated within the new west wing where possible. The original timber trusses in the East and South Wings would be retained in-situ where possible. Where new stone columns are required the first option would be to use the stored salvaged material where appropriate. The removal of the historic fabric to the internal elevations of the extant wings could be considered harmful in isolation but this is offset by the benefit of the

reinstatement of the original 1711 arcaded configuration and enhancement of historical (illustrative) value. It is considered that the proposal would better reveal the historical (illustrative) and the associative (including notable people such as Ralph Thoresby) significance of the listed building.

The restoration of the east wing is potentially high risk given the fragility of the structure and further information is required to show how this risk can be minimised and made acceptable. An updated Structural Report by Mason Clark Associates has been provided with the application and explains that the reinstatement of historic arched openings to the east range would need to be undertaken with extreme care. A series of temporary timber props is proposed and localised repairs would be undertaken. Loose and unstable elements would be secured and tied using discreet solutions. However it is considered that a more detailed document prepared by the eventual specialist contractors is required in order to show that this can be achieved within a high degree of certainty without harm to the extant fabric, otherwise a different strategy may need to be taken. This would be controlled by condition.

In summary, the East Wing elevation would be repaired as far as possible or replaced like-for-like with key details and the appearance of the East Wing would be replicated on the West Wing. There is a record of the appearance of the west wing before it was lost, and by restoring it with a small amount of conjecture, it is considered that this would better reveal its illustrative historic value. It is considered that this approach would offer a visual integrity, because the restored FWCH would be legible as a single building with its distinctive U-shaped plan and that this would enhance the historical (illustrative) value of the heritage asset which is the major component of its significance, in accordance with NPPF paragraphs 131, 132 and 134.

9.2.3 South Elevation

A different approach has been taken with the south elevation. Only a small proportion (two and a half bays) of the fenestration of the original southern elevation remains. Whilst it is possible to arrive at a probable window pattern based on this and the likely symmetrical nature of the rear elevation it would involve a small element of conjecture. This approach would enable a window pattern to be designed without adding speculative features to the actual building. The plans would not return the appearance of this elevation to a known point in its development, because there is little evidence of how this might have appeared. The proposal to introduce a translucent polycarbonate rain screen to cover the rear elevation and add appropriately proportioned modern windows, accepts later changes and would add a new modern element to house the staircore, which is required to meet present day accessibility requirements. This would achieve a balanced elevation and add an interesting juxtaposition of contemporary architecture with the historic fabric. In accordance with paragraphs 60 and 131 of the NPPF, the alterations to the south elevation would sustain and enhance the significance of the heritage asset, promote the potential for a range of viable uses in the building and make a positive contribution to local character and distinctiveness.

9.2.4 Glazed Atrium

The insertion of a glazed atrium to the front yard is a major intervention. This would be considered harmful in isolation however it would secure the optimum viable use of the listed building (paragraph 134, NPPF), which would also offer protection to historic fabric, and is therefore supported in principle. The addition of a glazed atrium to the yard would make the building more attractive both aesthetically and commercially to potential end-users and their customers, because it would introduce flexibility to the space and extend the trading hours for the internal courtyard. This would enable usage throughout the day and night, all year round and in poor weather. Commercial consultants have provided advice to suggest that such an approach would be beneficial as potential occupants are likely to prefer a larger floor area in an enclosed 'square' form to operate from, rather than an open 'U' shape which can make practical use more difficult. High quality modern, 'honest', interventions are also an accepted conservation practice.

With regard to the detailed comments by Leeds Civic Trust regarding the glazed atrium, there would be a single course of brickwork above the keystones of the first floor openings and below the historic sandstone cornice. An atrium roof below the cornice would have to be accommodated above the keystones in order to avoid visual and physical impact on the historic fabric. This approximate 75mm course leaves little room for the edge of the roof to be accommodated. The roof plane itself needs to be laid at a fall to facilitate rainwater drainage and it is not possible to achieve a minimum one degree fall without altering the cornice line or cutting into the keystones. If the atrium roof was positioned below the cornice, edge gutters would be needed at the abutment with the main building to drain rainwater. For the gutters to be fit for this purpose, a minimum profile width would be required (likely to be at least 75mm). Such a gutter installation would obscure the view of the cornice from within the atrium, as well as visually truncating the arched openings/keystones. If an additional gutter was utilised on the atrium roof, there would need to be additional downpipes to discharge into within the arcaded courtyard (either to Kirkgate or to the rear of the courtyard). This would have a visual impact on the arcades themselves and would conflict with the aspiration for the atrium structure to be as physically and visually light as possible. The proposed approach rationalises the rainwater drainage strategy by taking run-off from both the glass and slate roofs into one combined system. This rationalisation ensures the system is visually less intrusive and more straightforward to maintain. It ensures the historic cornice is legible from within the courtyard and that the historic details adjacent are not affected or lost. It is considered that this approach achieves the appropriate balance of the technical requirements of the roof, the aesthetic aspirations of the project and the impact on the FWCH's heritage significance.

The structural frame of the atrium, particularly the transverse members and their relationship with the window heads and timber trusses should offer a satisfactory relationship between old and new. The exact details of the materials and detailing would be controlled by condition to ensure that the frameless glass curtain walling of the atrium is high quality, has minimal physical impact and be least intrusive, lightweight and transparent in visual terms. In accordance with NPPF paragraphs 60, 61, 64, 131, 132 and 134, the addition of the glazed atrium would sustain and enhance the significance of the heritage asset, promote the potential for a range of viable uses in the building and make a positive contribution to local character and distinctiveness.

9.2.5 Shopfronts

The Kirkgate façade has heritage value as it demonstrates the evolution of the building and the re-facing of the Kirkgate façade. Removing this historic fabric and replacing it with a conjectural design informed by speculation, for which no evidence exists, would be harmful to the significance of the building and contrary to the policy framework. The piers would also comprise a combination of clay/glass bricks, which provides necessary visible support and ‘grounding’ of the elevation. The materials are robust in nature and reflect the palette of the upper floors, and so we would disagree that there is a lack of visible support. The proportions of shopfront glazing within the proposals are based on the historic treatment as observed in archive photography dating from the turn of the 20th century when the glazing comprised full-height panels with a minimal stallriser present which tapered to follow the level of the footway. The proposed scaling and mullion arrangements would be proportionate to this historic arrangement. Minor revisions have included amending the glazing to the Kirkgate shopfronts to integrate it into the surrounds, the line of the glazing to the east wing to match the west wing and the new second floor windows to Kirkgate. The width of the piers, as currently designed, is aligned with the historic quoins above. This width correlates with that of the historic pilasters on the 19th century shopfronts, and would frame both of the edges of the West and East wings, giving them definition and enough separation from the large, central glazed section without compromising the legibility of the building as a single unit. With reference to Leeds Civic Trust’s comments regarding the proposed use of glass brick, the condition and intrusive nature of the existing shopfront would make rebuilding necessary. By carrying out this reconstruction in glass brick (which would not be transparent), this would highlight the legibility of the new works with a subtle modern approach in contrast to the restored historic fabric. The approach to the ground floor is considered to be a creative response to expressing a traditional shop front in a contemporary manner. The design of the proposed shopfronts is considered to represent less than substantial harm, would promote the optimum viable use of the building, and would be a high quality intervention, in accordance with NPPF paragraphs 134, 57, 60 and 64.

9.2.6 Cupola

There is enough evidence within surviving historical information (particularly the writings of Thoresby) to support the argument that there would originally have been a cupola present on the FWCH. This evidence would suggest that there is justification for the recreation of such an element. However the level of detail is insufficient to produce a fully authentic restoration without adopting a conjectural approach, and whilst contemporary examples survive locally, including those by York architect William Etty (suggested by historians to be the architect of the FWCH), details such as the type of material, level of decoration, open bell or enclosed by louvres and the presence of a plinth or not, may lead to a misleading interpretation. The cupola needs to be designed to be consistent with the overall conservation philosophy adopted for the scheme. An appraisal of options in conjunction with key stakeholders would identify the approach to a cupola design, but given the potential wide variety of views, this would need sufficient time to review, and therefore it is considered appropriate this would be controlled by planning condition. The reinstatement of the cupola would enhance the significance of the building, and its historic interest and special architectural character, and

reinforce the local distinctiveness in accordance with NPPF paragraphs 131, 132 and 60.

9.2.7 Summary

The works will have a major impact on the Grade II* listed building and the character and appearance of the Conservation Area. On balance it is considered that the impact upon the significance of these two heritage assets will be positive, and will have a beneficial impact on the wider Kirkgate area, and the setting of other nearby listed buildings including Kirkgate Markets, the Corn Exchange, 23 Kirkgate and 3-7 Crown Street.

It is considered that the proposal whilst having a major impact on the building would represent less than substantial harm. It strikes an appropriate balance between conserving the historic fabric that survives where it contributes to significance, reinstating features, such as the internal ground floor arcading for which there is good evidence, so that the historic character of the space can be appreciated, but also introducing creative yet sensitive new design, for example with the new shop fronts and the rear (south) elevation. The replacement west wing would enhance the illustrative heritage value of the heritage asset which is a major aspect of its significance (paragraph 132 NPPF).

Subject to the recommended detailed conditions, it is therefore considered that the proposals satisfactorily address the statutory requirements of the Planning (Listed Buildings and Conservation Areas Act (1990) (as amended), the Development Plan - Leeds Core Strategy Policies P10, P11, P12 and Saved UDPR Policies GP5, BD6, N14, N15, N16, N17, N19, the Lower Kirkgate Planning Statement and the NPPF paragraphs 57, 60, 61, 61 and 128-144.

9.3 **Highways and transportation matters**

- 9.3.1 The site is in a very accessible and sustainable location. It is in walking distance to the bus station, railway station and City Centre bus stops and interchanges. Nearby public car parking provision can be found on-street on Kirkgate and at the Markets car park. The surrounding area is a controlled and enforced parking zone.
- 9.3.2 With regard to sustainable travel provision, the applicant has stated that they are unable to commit to providing showers and secure staff cycle parking within the building at this stage, in order to maximise the potential viable useable floorspace for an end user. However, in the absence of an identified end user at this stage, the Parking SPD guidelines would require depending on the eventual use class, 2 secure staff cycle parking spaces for use classes A1 and A2, 6 for use class B1 or 13 for use class A3, with use class A4 to be considered on its merits. The provision of cycle parking and showers could also impact negatively on the special interest and character of the building, depending on the quantity and siting within the building. This matter could be reviewed with the applicant when an end-user has been identified, and space allocated in an appropriate location within the building, subject to heritage considerations, at planning conditions stage. Short-stay visitor cycle parking is available on-street on Kirkgate.

- 9.3.3 Deliveries and waste collection would need to use existing loading bays on Kirkgate and access through the front of the building. The principle of the proposed bin storage locations are considered acceptable in terms of visual amenity, located in clearly defined bin stores, and concealed from the street scene. A planning condition would state that waste containers or items of stock, such as kegs or bottles, shall not be stored outside their defined area including on the footway or within the public realm at the rear.
- 9.3.4 It is therefore considered on balance that the proposal is in accordance with Core Strategy Policies T2 and P10, Saved UDPR Policy GP5, the Parking SPD and the Lower Kirkgate Planning Statement, and would not give rise to additional road safety or amenity issues.

9.4 Drainage

- 9.4.1 Initial reports by the applicant's engineers indicate that the existing drainage infrastructure can accommodate the proposal without the need for additional attenuation control measures. Due to the site constraints, the provision of sustainable drainage systems (SuDS) is not considered appropriate. The site is constrained with boundaries immediately adjoining its external walls. The land adjoining the site to the east, south and west are under separate, private ownership, with the north boundary forming the edge of the footway on Kirkgate. Therefore it is not feasible to accommodate SuDS in the form of attenuation or a soakaway beyond these boundaries. Water attenuation would need to be accommodated below ground, within the building footprint, as any similar installation above ground is likely to have an adversely harmful visual and physical impact on the listed building. Consideration therefore would need to be given to accommodating such an installation within the basement level. However, the historic basement walls are extant, comprising a combination of brick and sandstone masonry structures and would have to be removed to accommodate attenuation. The basement spaces are voids below the existing ground floor, and the installation of attenuation would result in considerable removal of historic fabric at that level, with the likelihood of undermining the already fragile structure of the building and the retaining wall at the edge of the Kirkgate footway. There may also be archaeologically significant material below the existing excavated levels and this would be lost with the installation of attenuation storage crates. In this case, it is considered that in the context of the level of drainage reduction that could be achieved on-site, balanced against the potential for harm to the Grade II* listed building and the viability of the scheme, the drainage proposal without additional site attenuation is acceptable. The exact details of the drainage scheme would be controlled by planning condition.

9.5 Residential amenity

- 9.5.1 The surrounding area is a mix of commercial (some operating late at night) and existing and proposed residential uses. The proposal is for the conversion of an existing building to flexible town centre uses within use classes A1-4 or B1. It is considered the proposal for these uses would not result in any significant overlooking of or loss of privacy or amenity to nearby existing or proposed residential properties. It is therefore considered the proposal would not have any additional significant adverse impact on the amenities of existing or proposed residential

properties nearby. With regard to a possible bar or restaurant use, the wider area is characterised by a mixture of uses including existing bars and restaurants. It is considered that new bar and/or restaurant uses can be accommodated on the site with suitable controls to avoid creating an amenity problem in the area and would be compatible with the vibrant mixed use character of this City Centre area. Conditions are recommended to control delivery hours, mechanical ventilation systems and waste and recycling storage. It is therefore considered that the proposal would not lead to significant additional impacts on the amenities of nearby existing and future residents, and that the proposal would be in accordance with Core Strategy Policy CC1, Saved UDPR Policy GP5 and the NPPF.

10.0 Conclusion

- 10.1 These application proposals represent the culmination of many years of debate on the future of this important building with interested stakeholders dating back to the preparation of the Lower Kirkgate Planning Statement which began in 2009 and supported the successful THI bid. In the intervening years, time-limited public funding from the Heritage Lottery Fund and Historic England has been secured for the scheme, as well as private funding from the applicant. The scheme is an important opportunity to sensitively repair and restore the oldest building on Leeds' oldest street, and bring one of the City's most important historic buildings at risk back into active viable use, to become the centrepiece and catalyst for the regeneration of the Kirkgate area. The scheme would also create employment opportunities with the eventual end-users of the building and training on specialist conservation skills during the works. The proposal is on balance in accordance with the Development Plan, the Lower Kirkgate Planning Statement and national planning policy as described above.
- 10.2 Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that decision makers should give considerable importance and weight to the desirability of preserving special interest of listed buildings and their setting and pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. On balance, for the reasons set out above, it is considered that the proposal would preserve the special interest of the Grade II* listed First White Cloth Hall, and enhance the character and appearance of the City Centre Conservation Area and the setting of the Grade I listed Kirkgate Market and Corn Exchange, Grade II* Waterloo House and Grade II listed 23 Kirkgate, 3-7 Crown Street and Westminster Buildings.

Background Papers:

Application files 17/07710/FU and 17/07711/LI

Appendix 1 Conditions for planning application reference 17/07710/FU

1. The development hereby permitted shall be begun before the expiration of three 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.

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. The approved Phase I Desk Study report indicates that a Phase II Site Investigation is necessary, and therefore development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority. Where remediation measures in relation to potential land contamination and shallow coal mine workings 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, including gas monitoring and remedial works as a result of past coal mining activity if necessary, demonstrating how the site will be made safe and 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. Works shall be carried out in accordance with the approved remediation statement.

To ensure that the presence of contamination is identified, risks assessed including gas and coal mining legacy and proposed remediation works are agreed in order to make the site safe and suitable for use.

4. 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.

5. 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.

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

To ensure that contaminated soils are not imported to the site and that the development shall be suitable for use.

7. Drainage works shall not commence until a drainage scheme (i.e. drainage drawings, summary calculations and investigations) detailing the 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 and retained as such thereafter.

To ensure sustainable drainage and flood prevention

8. Prior to the installation of waste and recycling stores, full details (including siting, materials and means of enclosure) of the proposed store(s) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the bin store(s) thereby approved have been provided. The bin store(s) shall thereafter be retained and maintained as such in accordance with the approved details.

To ensure that adequate provision for bin storage is made and in the interests of visual and residential amenity, the character and appearance of the conservation area and to preserve the special architectural and historic character of the listed building.

9. There shall be no external storage of waste containers, recycling containers or items of stock related to the premises at any time.

In the interests of visual amenity and the setting of the listed building.

10. Prior to the installation of any extract ventilation system, chiller units or air conditioning plant, details of such systems, including where relevant any external excrescences and flues, details of odour and smoke filtration for hot food uses, 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 systems 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 the special character and historic interest of the listed building.

11. Deliveries and loading or unloading shall be from Kirkgate only and shall be restricted to 0800 to 2000 hours Monday to Saturday. No deliveries shall take place on Sundays or Bank Holidays.

In the interests of residential amenity and highways safety.

12. Prior to the first occupation of the development, details of secure staff cycle parking and staff showers 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 first occupation, and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of promoting sustainable means of travel.

Appendix 2 Conditions for Listed Building Consent application reference 17/07711/LI

1. The development hereby permitted shall be begun before the expiration of three 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. No demolition or development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological and architectural recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

To ensure appropriate archaeological and architectural recording.

4. Prior to the commencement of above ground works, a strategy with timescales for the submission of the following details, including samples of materials made available on-site where applicable, shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved strategy:

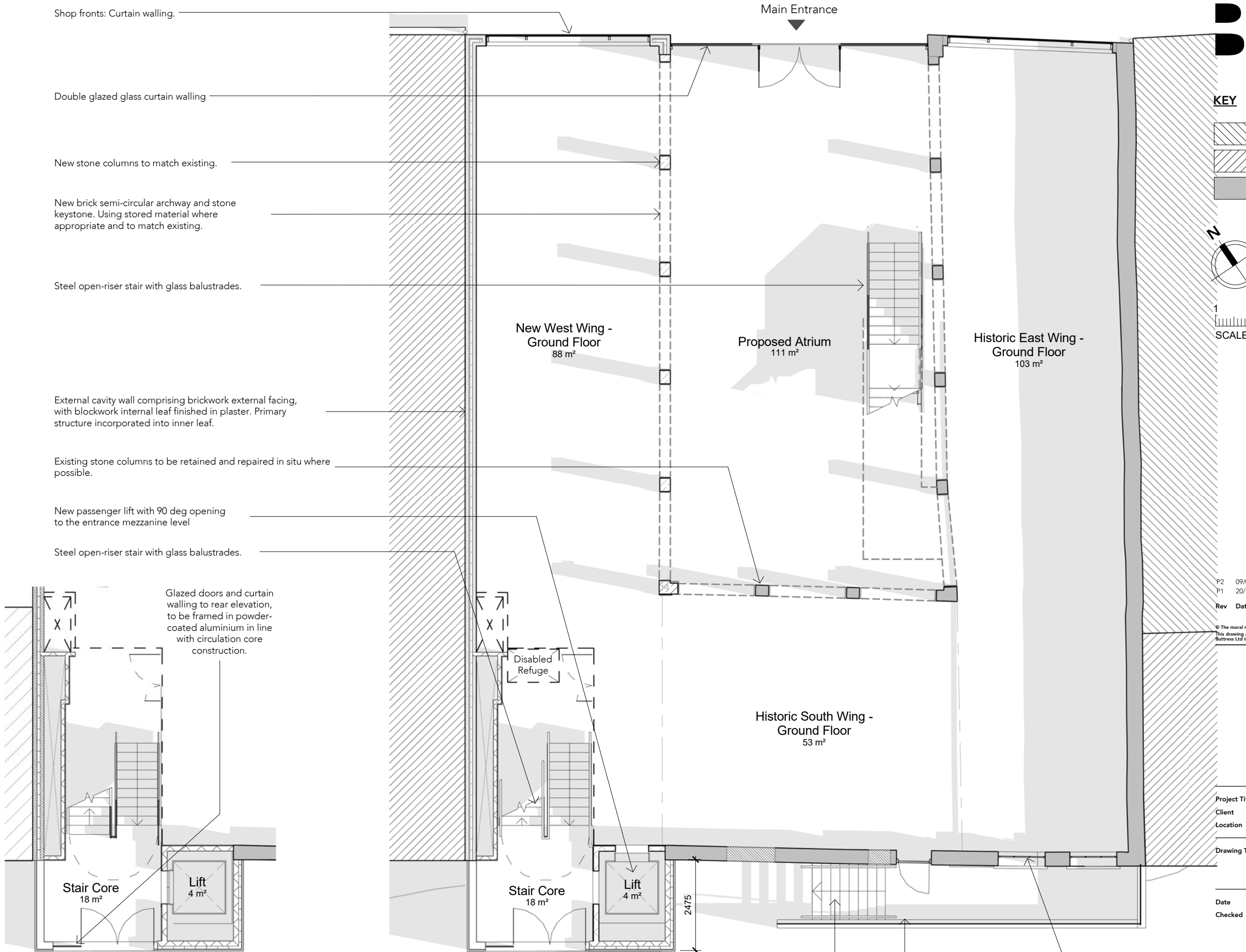
- a. Contractor method statement for dismantling and rebuilding of the east and south wing.
- b. Schedule of brickwork and masonry repairs and restoration including plans.
- c. Schedule of repairs to roof structure and scheme of reinstatement.
- d. Sections through roof covering showing line of insulation in relation to roof structure.
- e. Method statements and in situ samples of repairs to brickwork (brick replacement, plastic repairs and repointing) and repairs to masonry such as cornices.
- f. Surface treatment to internal walls, including steel frames.
- g. Mechanical and electrical services strategy showing ductwork and plant and detail of any resultant external plant or equipment
- h. Elevations and sections of shopfronts to Kirkgate, including coursing and bonding of brickwork.
- i. Glazing, including curtain walling mullions, to atrium and external staircore
- j. Design of the cupola
- k. Glazed infill extension
- l. Rainwater goods

Plans shall be provided at 1:20 scale. Works shall be carried out in accordance with the approved details.

In the interests of the special character and historic interest of the listed building and the character and appearance of the conservation area.

5. Prior to the installation of secure staff cycle parking and staff showers, details of secure staff cycle parking and staff showers 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 first occupation, and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the special character and historic interest of the listed building.



Note:
Do not scale from this drawing.
Dimensions are to be checked on site.
If in doubt please ask.

KEY

- Existing Adjacent buildings
- Proposed Adjacent building
- Existing building fabric



1 0 1 2 3 4 5 m
SCALE 1:100

P2	09/02/2018	P2 Issue
P1	20/11/2017	GP Planning issue
Rev	Date	Intls Details

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Project Title	First White Cloth Hall
Client	First White Cloth Hall (Leeds) Limited
Location	Kirkgate, Leeds

Drawing Title	Proposed Ground Floor Plan
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Date	Sept 2017	Scale	1 : 100
Checked	Checker	Orig Paper Size	A3

Status **PLANNING**

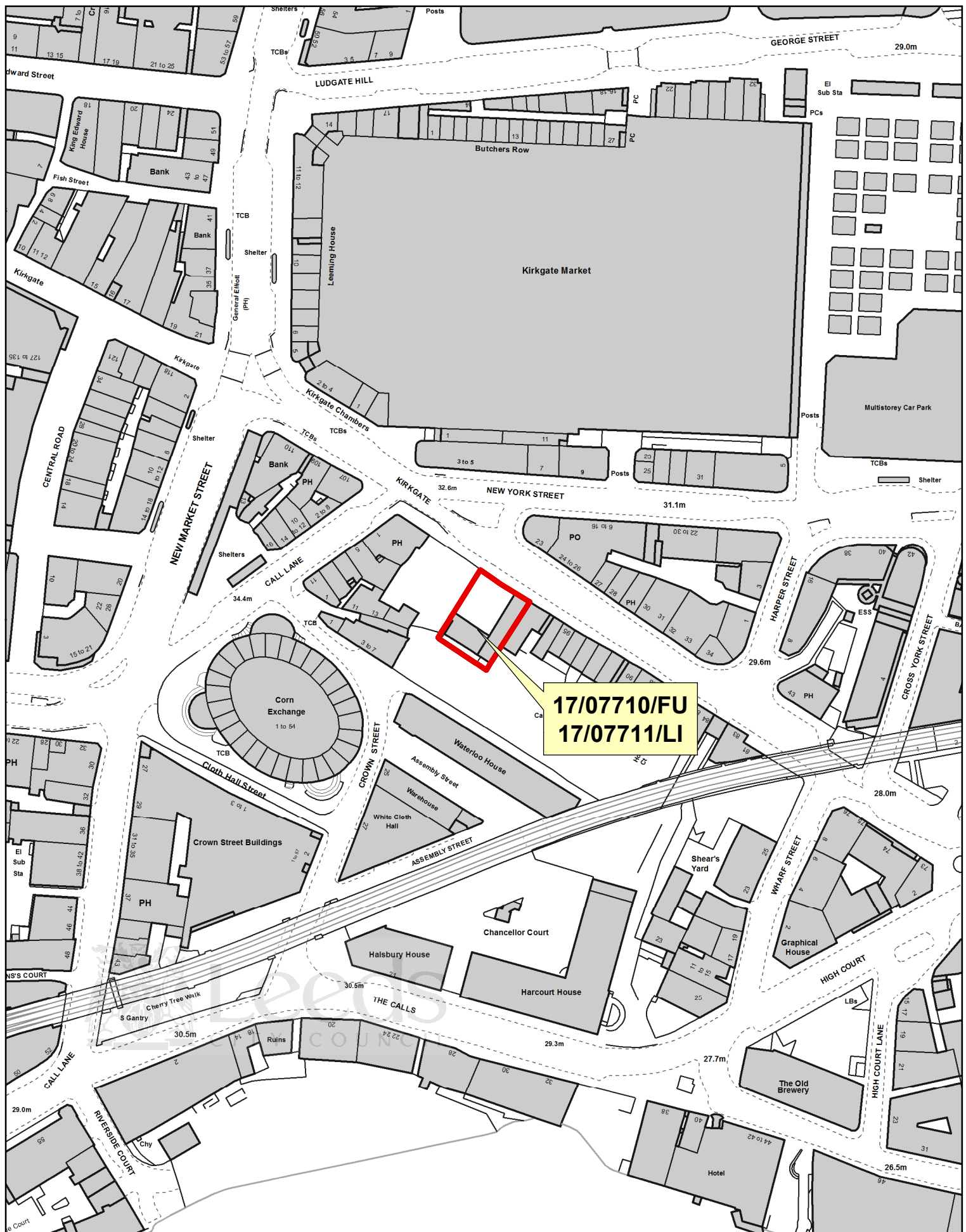
Drawing ref	Job No	Drawing No	Revision
	8291	(04) 002	P2

Proposed Mezzanine Floor Plan

1 : 100

Prop Ground Floor

1 : 100



CITY PLANS PANEL

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