



Leeds
CITY COUNCIL

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PLANS PANEL CITY CENTRE

Date: 22nd March 2010

Subject: DEVELOPMENT OF LEEDS ARENA BY LEEDS CITY COUNCIL AT SITE BOUNDED BY CLAY PIT LANE / INNER RING ROAD / WADE LANE / JACOB STREET / BRUNSWICK TERRACE, LEEDS. APPLICATION REFERENCE 09/04815/0T

SUPPLEMENTARY REPORT OF THE CHIEF PLANNING OFFICER

1.0 Introduction

1.1 This report provides an update on matters arising since the Panel report was drafted. Appendix 1 sets out up to date Conditions and Reasons for granting planning permission.

2.0 New Generation Transport

2.1 The arena report (page 17) indicated that the highway network would be tested against the NGT proposals. The analysis has now been completed. The results show that for 50% Arena occupancy events some junctions are just over capacity but compare reasonably with existing levels. The 90% Arena events could potentially cause delay at two junctions for NGT vehicles. However given the relative infrequent nature of these 90% events and the robust nature of the Transport Assessment flows (high car mode share and no linked trips), there is no objection to the Arena application from the NGT Project Team.

3.0 Harrogate

3.1 Paragraph 10.2.4 of the report referred to Policy LT5 of the Unitary Development Plan Review and the potential impact of the arena on Harrogate Town Centre. The applicant's consultants submitted a report reviewing this issue.

3.2 The assessment distinguished between the different principal functions which the Harrogate International Centre (HIC) and the Leeds arena are specifically designed to accommodate. In particular, the arena would have standing floorspace of 1,433sq.m which could potentially accommodate exhibitions whilst HIC has a combined floorspace of 16,500sq.m, which is

currently being extended. Conversely, Leeds arena could seat up to 12,500 people whilst the HIC can only accommodate 2000 people seated. The arena is designed for larger performance based events whilst the HIC targets conferences and exhibitions. The assessment reviewed the use of the venues and found that there is no meaningful overlap. Further, the small scale of ancillary retail floorspace within the arena would not have an impact on Harrogate Town Centre. The assessment concluded that the arena would be complementary to HIC and that it would have no impact on the vitality and viability of Harrogate Town Centre as a whole.

- 3.3 Harrogate Borough Council (HBC) has been consulted on the application and has reviewed the report on Harrogate. HBC comments that Harrogate is currently ranked third in the UK in the conference and exhibition market. The HIC hosts a range of conferences and other events which attract a significant proportion of visitor expenditure into the district and support a large number of jobs. The HIC is intrinsically linked with the economy of the town in general.
- 3.4 HBC notes the differences between the HIC and the proposed arena, commenting that the size of the arena auditorium would make it uneconomical/undesirable for most companies to host conferences/events there of a similar size to those currently accommodated at the HIC. Any exhibitions at the arena would tend to be far smaller in scale than those hosted at the HIC.
- 3.5 HBC comment that some trade is likely to be diverted from HIC to the arena. HBC, however, agree that the arena will provide largely complementary offers with only limited overlap. HBC considers that the arena is unlikely to result in a significant adverse impact on the vitality or viability of Harrogate Town Centre, and specifically on the HIC.
- 3.6 HBC concludes that no objection is raised to the arena application provided that the standing floor area available for exhibitions at the arena does not exceed 1,500sq.m.. This requirement is reflected in Condition 5B in Appendix 1. The proposal therefore accords with Regional Spatial Strategy policy LCR1(A7) and Unitary Development Plan Review policy LT5.
- 4.0 Sustainability
- 4.1 Paragraph 4.8.1 of the main report states that a feasibility study concluded that 8% of energy could be delivered by Combined Heat and Power. Further development of the energy scheme has shown that it is possible to deliver more low carbon energy by utilising air source heat pumps. This would itself provide 11% of the arena's energy requirements, surpassing the 10% required by Regional Spatial Strategy policy ENV5. The heat pumps may also be supported by zero carbon technologies such as solar thermal, photovoltaics and wind turbines. Consequently, the use of air source heat pumps improves the environmental performance of the arena.

APPENDIX 1 - CONDITIONS AND REASONS FOR GRANTING PLANNING PERMISSION

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.

Layout
Scale
Appearance
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 only outline 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. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be agreed.

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 Reserved Matters details submitted pursuant to this permission shall be in accordance with the Environmental Statement (November 2009), and reflect the principles identified within the Design and Access Statement (November 2009).

In order to define the permission as the development is the subject of an Environmental Impact Assessment and any deviation may have an impact which has not been assessed by that process and in order to secure satisfactory development in accordance with the agreed principles and objectives.

4 The arena shall have a maximum attendance of 13,500 patrons.

In the interests of traffic convenience and pedestrian safety and in accordance with the submitted Transport Assessment.

5 The concourse restaurants shall have a maximum net floor area of 900 square metres.

In accordance with the application details and so as not to prejudice the vitality and viability of the Prime Shopping Quarter.

5A Other than for the concourse restaurants referred to at Condition 5 above the ancillary restaurants, bars and retail concessions within the arena building shall only open on arena event days unless otherwise agreed in writing by the Local Planning Authority.

To control the extent of retail floorspace within the building in order to protect the vitality and viability of the Prime Shopping Quarter in accordance with Unitary Development Plan Review policies S1 and CC21 and PPS4 "Planning for Sustainable Economic Growth".

5B The event level standing floor area shall not exceed 1500 square metres unless otherwise agreed in writing by the Local Planning Authority.

To ensure the arena function is complementary to Harrogate conference facility in accordance with Regional Spatial Strategy policy LCR1(A7) and Unitary Development Plan Review policy LT5.

6 The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule unless provided for in any subsequent conditions attached to this permission.

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

Design and materials

7 No building operations shall be commenced until a scheme of external lighting for the building and public realm has been submitted to and approved in writing by the Local Planning Authority. Any external lighting should be designed so as not to cause a distraction to pilots, users of nearby highways and in such a way that the source of light is not directly visible from nearby residential properties. The lighting shall be provided in accordance with the approved scheme prior to first use of the arena.

In the interests of visual and residential amenity and highway and aviation safety.

8 No building operations shall be commenced until details and samples of all external finishes, including glazing and surfacing materials, have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

In the interests of visual amenity.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that Order, with or without modification, no structures, extensions, satellite antenna, cleaning cradles or plant of any sort (including structures or plant in connection with any use of telecommunications systems), are to be erected externally on any roof or

walls of the buildings without the prior written consent of the Local Planning Authority.

In order to safeguard the visual amenity of the area.

Contamination

10 Development shall not commence until a Phase I Desk Study has been submitted to, and approved in writing by, the Local Planning Authority and:

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

(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 until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

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

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

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

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

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

Wind

13 The Reserved Matters submission shall include a wind tunnel assessment, including details of mitigation measures where necessary. The development shall be carried out in accordance with the approved details.

In order to supplement findings of the Wind Microclimate Desk Study produced with regard to outline parameters for the scheme and in accordance with Policy GP5 of the Leeds Unitary Development Plan Review

Construction

14 a) All existing trees, shrubs, hedges and other natural features shown on the approved plans to be retained shall be fully safeguarded during the course of the site works and building operations in accordance with the provisions of British Standard 5837:2005 (Trees in relation to Construction), or with the particulars specified in the approved plans and specifications.

b) No development shall commence until all trees, shrubs or features to be protected have been protected in accordance with the approved details, or in the absence of such details, in accordance with BS 5837:2005, and the Local Planning Authority has been notified and has approved the protection measures in writing.

c) The protective measures shall be maintained during the course of the site works, and no equipment, machinery or materials shall be stored or fires burnt within any area protected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made including the provision of any underground services, without the prior written consent of the Local Planning Authority.

d) The protective measures shall be retained in position until all equipment, machinery or materials have been removed from the site and the site has been occupied, unless otherwise agreed in writing by the Local Planning Authority.

To ensure the protection and preservation of trees, shrubs, hedges and other natural features during construction works.

15 In this condition 'retained tree' means an existing tree which is to be retained as shown on the approved plans and particulars. This condition shall have effect until the expiration of five years from the date the development is occupied/brought into use.

- a) No retained tree shall be removed, uprooted or destroyed nor shall any retained tree be pruned, topped or lopped or suffer root severance other than in accordance with the approved plans and particulars without the written approval of the Local Planning Authority. Any pruning, topping or lopping approved shall be carried out in accordance with British Standard 3998 (Recommendations for Tree Works) and in accordance with the actions recommended in any tree survey approved by this permission or agreed in writing by the Local Planning Authority.

- b) If any retained tree is removed without the prior written consent of the Local Planning Authority, uprooted or destroyed or dies the Local Planning Authority shall be notified. Another tree/hedge/bush shall be planted at the same place and that tree/hedge/bush shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

To ensure the continuity of amenity afforded by existing trees and vegetation and to protect existing trees from damage during site preparation and construction works in the interest of general amenity.

16 Any tree removal should take place outside the bird breeding season or after being checked by a suitably qualified ecologist for signs of bird breeding activity.

In order to protect wild birds during the breeding season.

17 No building operation, including delivery of building materials, shall take place before 0700 hours on weekdays and 0800 hours on Saturdays or after 1900 hours on weekdays and 1300 hours on Saturdays, with no operation on Sundays or Bank Holidays unless agreed in advance by the Local Planning Authority.

In the interests of amenity.

18 No development shall take place until the details of measures to minimise the impacts of construction have been submitted and approved in writing by the Local Planning Authority. The measures shall form a Code of Construction Practice and shall include details of construction traffic management, including vehicular routes, contractor's parking and wheel washing facilities; details of the location of storage of plant, materials and contractors cabins; measures to control noise and dust within the site and on roads and haul routes; temporary boundary treatment; and a waste strategy during construction. Activities must be carried out in accordance with the requirements of any agreed Code of Construction Practice, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of amenity.

19 Prior to first use of the arena that part of the site shown to be used by vehicles, on the approved plans, shall be laid out, drained, surfaced and sealed, as approved, and that area shall not thereafter be used for any other purpose other than the vehicle related use approved.

In the interests of the free and safe use of the highway.

Operation

20 Prior to first use of the arena a detailed Venue Management Strategy for the use and operation of the arena shall be submitted to and approved in writing by the Local Planning Authority. The Venue Management Strategy shall include details of the management of pedestrian movements outside the arena before and following events. The operation of the arena shall be in strict accordance with the details

approved under this condition unless otherwise agreed in writing by the Local Planning Authority.

To ensure the safe operation of the arena and in the interests of amenity.

21 Prior to first use of the arena a Security and Counter Terrorism Strategy shall be submitted and approved in writing by the Local Planning Authority. The approved measures shall be implemented in accordance with an agreed programme and thereafter maintained.

In the interests of safety and security and PPS1 “Delivering Sustainable Development”.

22 Prior to first use of the arena, a scheme detailing the method of storage and disposal of litter and waste materials (including recycling facilities) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a description of the facilities to be provided including, where appropriate, lockable containers and details for how the recyclable materials will be collected from the site with timescales for collection. The approved scheme shall be implemented prior to commencement of arena events 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.

23 The hours of delivery to and from the concourse restaurant and ancillary bar and retail facilities, together with loading and unloading within those uses shall be restricted to 0700 hours to 2230 hours Monday to Saturday with no such operations taking place on Sundays and Bank Holidays.

In the interests of amenity.

Highways and access

24 The on and off-site highway works and measures identified on Jacobs Access drawing B05850AX/T&D/001 P12 shall be completed prior to the first opening of the arena to the public and thereafter maintained as such unless otherwise agreed in writing by the Local Planning Authority.

In the interests of accessibility and management of the highway.

25 Prior to the first use of the arena, a pedestrian signage strategy shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall identify additional signage required to direct arena visitors from key public transport facilities, coach and taxi ranks, and public car parks, including Leeds Railway Station, Leeds Bus and Coach Stations, and the Woodhouse Lane multi-storey car park. The signage scheme shall be implemented before the first opening of the arena to the public.

To aid pedestrian connectivity to the City Centre and encourage the use of sustainable travel methods.

26 Prior to the commencement of the development a scheme for the static signage, variable message signage and electronic 'free text' signage to direct and inform vehicles regarding arena events, preferred routes and parking availability should be submitted and approved in writing by the Local Planning Authority. The scheme thereby approved shall be implemented before the first opening of the arena to the public.

In the interests of accessibility and management of the highway.

27 Prior to the commencement of the development a scheme for the amendment of traffic regulation orders necessary to protect residential areas from overspill parking from the arena shall be submitted and approved in writing by the Local Planning Authority. The measures shall be implemented before the first opening of the arena to the public. The adequacy of the measures should be monitored over a 24 month period following the first opening of the arena to the public. Results of the monitoring should be submitted to the Local Planning Authority at 6 monthly intervals within 1 month of their completion. Should the Local Planning Authority consider that additional or revised orders are necessary measures should be taken to secure these as soon as is reasonably practical.

In the interests of residential amenity and highway safety.

28 Prior to the commencement of the development a traffic signal plan to accommodate the traffic movements at the beginning and end of events across the highway network shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented before the first opening of the arena to the public.

In the interests of highway management.

29 Prior to the commencement of the development a scheme for the management of vehicles going into and out of Woodhouse Lane multi-storey car park during arena events shall be submitted to and approved in writing by the Local Planning Authority. The measures thereby agreed shall be implemented before the first opening of the arena to the public.

In the interests of highway management.

30 Prior to the commencement of the development details of cycle parking, showers and lockers for staff and cycle parking for arena visitors shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include a minimum of 14 covered cycle lockers for staff and a minimum of 40 covered cycle stands for visitors. The facilities thereby approved shall be provided before first opening of the arena to the public and thereafter maintained.

In the interests of sustainable travel.

31 Prior to the commencement of development the Arup Travel Plan dated 25th February 2010 (Version E) shall be implemented and shall not be varied without the prior written approval of the Local Planning Authority.

In the interests of sustainable travel and in reducing the traffic impact of the development on the road network.

32 Prior to the commencement of development a scheme identifying proposals for the independent monitoring of the success of the Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be delivered in accordance with the details thereby agreed prior to first use of the arena.

In the interests of sustainable travel and to accord with the draft Travel Plan SPD.

33 Prior to first use of the arena details of an off-site location for the layover of coaches and for the holding of heavy goods vehicles shall be submitted to and approved in writing by the Local Planning Authority. The facility shall be available for use by coaches and HGV's at all times unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway management and residential amenity.

34 Prior to first use of the arena the following improvements shall be made to public transport infrastructure:

Wade Lane inbound (11139) – bus shelter and Real time screen.

Wade Lane outbound (10917) - Real time installed in existing bus shelter with DDA kerb.

Woodhouse Lane outbound (10915) - Real time installed in existing bus shelter.

Woodhouse Lane outbound (10913) - Real time installed in existing bus shelter.

Clay Pit Lane inbound (27767) – Relocated DDA compliant bus stop.

The provision of a live bus information screen within the arena building.

In the interests of sustainable travel.

35 Prior to the commencement of development a scheme for improvements to public transport infrastructure in accordance with the Public Transport Improvements and Developer Contributions SPD shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be delivered in accordance with the details thereby agreed prior to first use of the arena.

To ensure provision of public transport infrastructure in the interests of sustainable travel and in accordance with the Public Transport Improvements and Developer Contributions SPD.

36 A traffic management plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the first arena event exceeding 3750 attendees taking place during the hours of 0900-1800 on a weekday. The traffic management plan shall be implemented in accordance with the approved details.

Due to the weekday capacity of existing car parks and in the interests of traffic management.

37 Public access to the access road for vehicles and adjacent route adjacent to the Inner Ring Road for pedestrians shall be maintained 24 hours a day, 365 days a year unless otherwise agreed in writing by the Local Planning Authority.

In the interests of pedestrian connectivity and accessibility.

Landscaping / nature conservation

38 The Reserved Matters submission shall include full details of both hard and soft landscape works. These details shall include (a) proposed finished levels around the site; (b) means of enclosure including walls and fences, (c) disabled persons car parking layouts; (d) other vehicle and pedestrian access and circulation areas including the proposed pedestrian crossing across Clay Pit Lane adjacent to the site; (e) hard surfacing areas, including the piazza, footways, steps and ramps; (f) minor artifacts and structures (eg bicycle storage facilities, street furniture including seating and planters, tree grille details, refuse bins or other storage units, directional signs, lighting etc.).

Soft landscape works shall include plan and cross-sectional details at 1:10 of (g) planting plans; (h) written specifications (including cultivation and other operations associated with plant and grass establishment); (i) specification and compaction of "urban treesoil", fertilisers and additives; (j) where green walls/roofs are proposed details of their irrigation and maintenance; (k) means of passive ingress of surface water, air and of irrigation during establishment; (l) details of tree pits under parking spaces; (m) schedules of plants noting species, planting sizes and proposed numbers/densities which shall be no less than 35cm stem girth; (n) means of anchoring rootballs; (o) details of protection from vehicle impact; (p) existing trees to be retained; and (q) implementation programme.

The landscape details shall include all areas of the site and surroundings which shall form the public realm and immediate pedestrian access to the arena including that part of Brunswick Terrace to be pedestrianised and the Clay Pit Lane frontage to the site together with proposals for the landscaping of the areas identified within the blue line shown on drawing B05850AY/AR/050.0007 PL3 unless otherwise agreed in writing by the Local Planning Authority.

To ensure the provision of amenity afforded by appropriate landscape design.

39 Hard and soft landscaping works shall be carried out in accordance with the approved details. The hard landscape works shall be completed prior to the occupation of any part of the development. The soft landscape works shall be completed by no later than the end of the planting season following the substantial completion of the development. The landscape works shall be implemented to a

reasonable standard in accordance with the relevant provisions of appropriate British Standards or other recognised codes of good practice.

To ensure the provision, establishment and maintenance to a reasonable standard of landscaping in accordance with the approved proposals.

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

To ensure the maintenance of a healthy landscape scheme.

41 Prior to the commencement of development a biodiversity enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be based on the recommendations in section 3 of the Ecological Baseline Assessment dated 4 August 2009 and the agreed plan shall thereafter be implemented.

To maintain and enhance biodiversity.

42 Prior to the commencement of development a public realm strategy for the maintenance and cleaning of the public realm shall be submitted to and approved in writing by the Local Planning Authority. The public realm shall be accessible at all times to members of the public and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

To ensure the provision and future maintenance of the public realm

Noise and environmental health

43 The L_{Aeq} of the entertainment noise shall not exceed 10dB below the representative background noise level L_{A90} (without entertainment noise), and the L_{eq} of the entertainment noise will be at least 3dB below the background noise level L_{90} (without entertainment noise) in octaves between 63 and 125Hz. The noise level shall be determined at the façade of the nearest noise sensitive premises.

In the interests of amenity.

44 The rating level of the noise emitted from each of the non entertainment sources (e.g. plant and machinery, and the service yard) shall not exceed 5dB below the existing background noise level (L_{A90}). The noise level shall be determined at the nearest noise sensitive premises, with the measurements and assessment made in accordance with BS4142:1997.

In the interests of amenity.

45 Within 3 months of completion of the development a noise survey shall be undertaken to show compliance with the foregoing noise conditions. The survey locations and methodology shall be agreed in writing by the Local Planning Authority in advance of the survey being undertaken and shall be representative of the noise sensitive receptors adjacent to the development. The results of the survey shall be provided to the local planning authority within 4 weeks of the survey being carried out. In the event of failure to demonstrate compliance with any imposed noise conditions, measures necessary to comply with the relevant conditions shall be undertaken and a further noise survey shall subsequently be submitted to the Local Planning Authority to confirm that the noise control requirements are fulfilled.

To ensure compliance with noise conditions in the interests of amenity.

46 There shall be no use of external loud speakers for any purpose other than in emergency situations unless otherwise agreed in writing by the Local Planning Authority.

In the interests of amenity.

47 All entrance/exit doors to the arena, which may compromise the acoustic integrity of the premises, shall be kept closed throughout the duration of event performances.

In the interests of amenity.

48 No development shall take place until details of the treatment of emissions to atmosphere, resulting from any processes, plant or activity, including the method of treatment and height, position and manner of discharges, are submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works approved in accordance with this condition have been completed. Such works shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

In the interests of amenity.

49 The use shall not be brought into operation until a grease trap has been provided on the drainage outlets from the food preparation areas. The grease trap shall be retained at all times thereafter.

To ensure the removal of grease from waste effluent in the interests of general amenity.

Drainage

50 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

To ensure that a separate system of drainage is provided and to ensure that the site can be properly drained without flooding.

51 No development shall take place until details of the proposed means of disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The surface water disposal proposals shall include a feasibility study into the use of infiltration drainage methods.

In compliance with PPS25 and the Council's sustainable drainage policy and to ensure that the site can be properly drained without flooding.

52 An assessment of the need for petrol/oil interceptors designed to intercept all surface water from areas to be used by vehicles and any other areas potentially to be subject to contamination shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Any required interceptors shall be provided before the development is brought into use and they shall thereafter be maintained.

To prevent pollution of the watercourses and to protect the environment.

53 Surface water from the development shall be subject to balancing of flows to achieve a minimum 30% reduction of the existing peak flow rates from the site.

To ensure compliance with the Council's minimum development control standards for flood risk.

54 Details of on-site storage for additional run-off from storm events up to the 1 in 100 year + climate change shall be submitted to and approved in writing by the Local Planning Authority and installed before first use of the development.

To ensure compliance with PPS25 and with the Council's minimum development control standards for flood risk.

55 There shall be no discharge of surface water from the development prior to the completion of the approved surface water drainage works and no building shall be occupied prior to completion of the approved foul drainage works.

To ensure that the site is properly drained.

Sustainability

56 Prior to commencement of development a revised sustainability statement shall be submitted by the applicant and approved in writing by the Local Planning Authority clearly indicating the details of the measures that will be delivered in the development to deliver the sustainability and sustainable construction aspects of the development. The development shall be carried out in accordance with the approved revised sustainability statement.

In the interest of sustainable development and to accord with the details of the planning application and with Policy GP11 of the Council's Unitary Development Plan Review.

57 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources (as described in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007)). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority as a part of the reserved matters submissions required by condition 1. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

In the interest of sustainable development and to accord with the Regional Spatial Strategy Policy ENV 5 and the climate change supplement of PPS1.

58 Prior to the occupation of the development a post-construction review statement shall be submitted by the applicant and approved in writing by the Local Planning Authority.

In the interests of sustainable development and in order to accord with Policy GP11 of the Council's Unitary Development Plan.

59 Prior to the first use of the development details shall be submitted to and approved in writing by the Local Planning Authority of the measures taken to ensure that the quality of a television or other telecommunications services in the immediate area are not adversely affected by the proposals.

In order to safeguard the amenities of nearby occupiers.

Employment and training

60 Prior to the commencement of development an employment and training strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of measures to ensure provision for the training of local people and employment of local people in the construction and operation of the arena. The strategy shall be implemented prior to the commencement of development.

To secure appropriate training and employment opportunities in accordance with Unitary Development Plan Review Policy R5.

Informatives

This permission does not absolve the applicant from the requirements for compliance with a building regulation approval, or the duty of compliance with any requirements of any Statutory Body, Public Utility or Authority, including the City Council's Environmental Protection, Highway Maintenance and Main Drainage Divisions; the West Yorkshire Fire Officer or the Health and Safety Executive.

This permission does not give consent to any advertisement intended to be displayed on the site for which separate express consent may be necessary under

the Town and Country Planning (Control of Advertisements)(England) Regulations 2007.

This notice of decision does not grant or imply any grant of consent to obstruct any private or public right of way.

Food businesses must be registered with the Local Authority. Please contact Leeds City Council Health and Environmental Action Service, Food and Health Services, Millshaw Park Way, Churwell, Leeds, LS11 0LS. Telephone: 0113 2477789 or email env.health@leeds.gov.uk for details.

Notwithstanding the details shown on drawing B05850AY/LA/050.003 P13 landscaping details are reserved for future determination and a detailed landscaping plan shall be submitted with the Reserved Matters submission in accordance with Condition 38. The landscape details should consider further the extent and nature of planting along the northern boundary; tree planting along Clay Pit Lane; the requirements for pedestrian movement within the public realm and the choice and arrangement of materials.

The applicant shall continue to explore opportunities for noise mitigation in order to minimise any sleep disturbance from peak noise levels for which the arena is the identified source.

The approval of this planning application should in no way be construed to imply a licence under the provisions of the Licensing Act 2003 will be granted. For further information the applicant should contact Leeds City Council, Entertainment Licensing Section, Civic Hall, Leeds LS1 1UR (Tel: 0113 247 4095, Fax: 0113 224 3885, email: entertainment.licensing@leeds.gov.uk/licensing).

Leeds Bradford International Airport (0844 4143232) shall be notified of any cranes exceeding 45 metres in height. Cranes working above that height will need to be lit. The completed building is likely to require medium intensity obstruction lights.

The applicant should be aware that in seeking to discharge condition 33 regarding provision of a layover area for coaches and a holding area for heavy goods vehicles the use of Woodhouse Moor is not considered suitable.

In accordance with the submitted supporting statements the arena should aspire to set a new benchmark for the sustainable performance of arenas in the United Kingdom with a BREEAM rating of "very good".

Reasons for granting consent

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application, the Environmental Statement, and Government Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the

content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR).

The Yorkshire and Humber Plan - Regional Spatial Strategy (May 2008)

The Regional Spatial Strategy (RSS) sets out the strategic priorities for the region until 2026. A number of the policies in the RSS are relevant to the proposal emphasising the role of Leeds as a regional centre, the need for a quality environment with encouragement to the reuse of previously developed land, and the role of city and town centres as the focus for activity, including leisure and cultural facilities.

The overall approach of the RSS highlighting the importance of achieving more sustainable patterns and forms of development, investment and activity is set out in Policy YH1.

Policy YH2 refers to climate change and resource use identifying the need to reduce greenhouse gas emissions by 20-25% by 2016 (relative to 1990 levels) by:

Increasing population, development and activity in cities and towns.
Encouraging better energy, resource and energy efficient buildings.
Reducing traffic growth by appropriate location of development.
Encouraging redevelopment of previously developed land.

The importance attached to the main urban areas is outlined in Policy YH4. This indicates that:

A Regional Cities and Sub Regional Cities and Towns should be the prime focus for housing, employment, shopping, leisure, education, health and cultural activities and facilities in the region.

B Regional Cities and Sub Regional Cities and Towns will be transformed into attractive, cohesive and safe places where people want to live, work, invest and spend time in. Plans, strategies, investment decisions and programmes should:

Develop a strong sense of place with a high quality public realm and well designed buildings within a clear framework of routes and spaces (2).
Strengthen the identity and roles of city and town centres as accessible and vibrant focal points for high trip generating uses (4).

Section 3 sets out the policies for the Leeds City Region. Policy LCR1 states that proposals in the Leeds City Region should develop the role of Leeds as a regional city by :

- accommodating significant growth in jobs and homes and continuing to improve the city centre's offer of high order shops and services (A2);
- supporting the roles of Leeds and Bradford as major engines of the regional economy (B1);

- connecting disadvantaged communities to job opportunities (B4);
- maximising renewable energy generation and energy efficiency (C6); and
- ensuring strategic patterns of development maximise the opportunities to use non car modes of transport and reduce the overall need to travel (D1).

LCR1 also states that complementary conference roles for Harrogate and Leeds should be developed.

Policy ENV 5 promotes energy efficient buildings.

In order to create a more successful and competitive regional economy Policy E1 encourages investment in locations where it will have the maximum benefit and secure competitive advantage (B); improve links between job opportunities, skills development, business investment and the needs of excluded communities (C); and deliver the potential of “non-business class” sectors including leisure and tourism (I).

Policy E2 indicates that the centres of Regional Cities should be the focus for leisure, entertainment, arts, culture, and tourism across the region (A). Development, environmental enhancements and accessibility improvements should take place to create a distinctive, attractive and vibrant sense of place and identity for each centre (B).

Proposals should make use of appropriately located previously developed land (E3).

Policy E6 refers to sustainable tourism. Agencies should promote, support and encourage tourism by adopting an overall approach which recognises the sustainable growth of tourism as an integral contributor to the economy (1); promotes investment to provide a high quality experience throughout the year (2); secures investment in local people (3); contributes to the quality of life (4); conserves and enhances the built environment (5) and integrates tourism activity with a viable transport infrastructure that enables a realistic choice of travel mode supported by a management regime that encourages greater use of public transport (6).

The Regional Transport Strategy forms part of the RSS. Policy T1 identifies aims for personal travel reduction and modal shift to modes with lower environmental impacts. This ambition is supported by Policy T2 (parking policy) and Policy T3 (public transport).

Policy T5 states that access to all main tourist destinations should be improved. Access for all groups in society should be enhanced (B1); attractions that generate high levels of visitors should be located to achieve the identified accessibility standards (B2); and tourist destinations should provide incentives for visitors to arrive by modes other than the private car (B3).

Unitary Development Plan (Review 2006)

The Unitary Development Plan (Review 2006) (UDPR) was adopted in July 2006 with the majority of the original UDP policies saved unchanged into the UDPR. The lifespan of many relevant policies within the UDPR was extended by the Secretary of State in September 2007.

Strategic policies

Strategic Aim SA1 encourages the highest possible quality of environment throughout the District, including initiating the renewal and restoration of areas of poor environment.

SA2 encourages development in locations that will reduce the need to travel, promote the use of public transport and other sustainable modes, and reduce journey lengths of trips made by car.

SA4 promotes the economic base of Leeds by identification of a balanced range of sites for development, and identification of areas which will have priority for regeneration initiatives.

SA6 encourages the provision of facilities for leisure activities and to promote tourist visits to Leeds, in ways which secure positive benefits for all sections of the community.

SA7 promotes the physical and economic regeneration of urban land.

SA8 seeks to ensure that all sections of the community have safe and easy access to facilities by maintaining and enhancing provision in appropriate locations.

SA9 promotes the development of a City Centre which supports the aspiration to become one of the principal cities of Europe, maintaining and enhancing the existing distinctive character.

General Policy GP5 identifies the need to resolve detailed planning considerations, to promote energy conservation and the prevention of crime. Proposals should also have regard to any framework for the area.

Environment policies

N12 identifies fundamental priorities for urban design.

N13 indicates that the design of all new buildings should be of a high quality. Good contemporary design will be welcomed.

N23 states that space around new development should be designed to provide a visually attractive setting for the development and, where appropriate, contribute to informal public recreation.

Transport policies

T2 requires new development to be adequately served by highways and not to materially add to problems of safety, environment or efficiency on the highway network; be capable of being adequately served by public transport; to make adequate provision for cycling

T2D identifies the need for developer contributions where public transport accessibility would otherwise be unacceptable.

T5 identifies the need for satisfactory safe and secure access for pedestrians and cyclists.

T6 requires satisfactory provision for people with mobility problems.

T7A refers to secure cycle parking requirements.

T7B refers to motorcycle parking requirements

T24 refers to car parking guidelines.

The Local Economy

Encouragement will be given to the establishment of new economic sectors which strengthen and diversify the economy.

Leisure and Tourism

LT3 states that the creation of a wide range of new attractions and facilities will be supported.

LT4 highlights that the City Council will pursue opportunities for the development of major cultural facilities. Locations need to be easily accessed by the regional road and public transport system.

LT5 states that the City Council will pursue opportunities for the development of purpose built facilities for exhibitions, concerts and conferences. The supporting text states that the impact on Harrogate Town Centre should be assessed.

Regeneration

R2 refers to city centre strategies for housing and the environment which assist the process of urban regeneration.

R5 indicates that opportunities will be sought to secure appropriate employment and training associated with construction and operation of the development.

Access for All

A4 requires the design of safe and secure environments, including consideration of access arrangements, public space, servicing and maintenance, materials and lighting.

City Centre policies seek to encourage a more vibrant, high quality environment with an improved quantity and quality of leisure and cultural facilities within the city centre

Strategic policy SA9 is expanded to focus on the following objectives:

Securing a high quality city centre environment;

Reinforcing the distinctive character of the city centre which sets it apart from other cities;

Securing a more vibrant city centre, with an improved quantity and quality of leisure facilities in which life and activity continue as much as possible throughout the 24 hour day;

Strengthening the growth of employment uses particularly in shopping and leisure sectors;

Promoting the main development opportunities;

Providing the focus of accessible shopping and leisure facilities; and

Improving safe and secure access for all to and within the city centre.

These objectives are expanded in the following policies:

CC4 encourages development at gateway sites to reflect the importance of their location through scale and design quality.

CC5 states that all development in conservation areas or its immediate setting must preserve or enhance the character of the area.

CC6 indicates that proposals for high buildings outside conservation areas will be considered on their merits, taking account of the quality of design; effect on the skyline and views across the city; effect on neighbouring buildings; and their effect on micro-climate.

CC10 requires a minimum of 20% of the developable site area of sites over 0.5 hectares to be allocated as public space.

CC12 indicates that new public spaces must integrate with the existing pattern of streets

CC13 requires that spaces should be imaginatively designed and complement their location.

CC26 supports entertainment and cultural facilities.

CC27 identifies principal use quarters, including Prestige Development Areas (PDA).

CC29 requires mixed uses in larger developments in principal use quarters.

CC31 identifies the range of uses, including leisure, entertainment and cultural facilities which are appropriate in PDA's. The strategy for PDA's is to promote sites for large scale prestige developments; encourage high quality developments and creation of public spaces; to achieve environmental and social benefits; and to ensure satisfactory access. Supporting uses such as small scale retail, food and drink uses and public space will be acceptable.

Clay Pit Lane/Inner Ring Road is identified as one of the four PDA's. Leisure is identified as one of the potential acceptable uses within the Proposal Area statement for Clay Pit Lane. It is stated that public space and pedestrian linkages will be required.

The Proposals Map includes various notations on the arena site : short stay car parking; proposed public space; and proposed pedestrian corridor/public space.

UDPR Appendices

Policies within the appendices typically elaborate policies in the main document. Policies BD2, BD3, BD4, and BD5 identify building design requirements. Policy BD15 encourages public art. LD1 sets out requirements for landscape schemes. Minimum and maximum car parking, motorcycling and cycle parking guidelines are set out in Appendix A9.

Supplementary Planning Guidance, other guidance and emerging policy

Vision for Leeds 2004 to 2020 (March 2004)

The Vision for Leeds 2004 to 2020 is the Council's second community strategy for improving the social, environmental and economic well-being of the city and its many communities.

The key aims are:

Going up a league as a city.

Narrowing the gap between the most disadvantaged people and communities and the rest of the city.

Developing Leeds' role as the regional capital and contributing to the national economy as an internationally competitive city.

SPG 14 Leeds City Centre Urban Design Strategy (September 2000)

The proposed development falls within the North Street / Clay Pit Lane area (Study Area 6) of the design guide. The guide identifies key aspirations for the area.

Public Transport Improvements and Developer Contributions SPD (August 2008)

The SPD identifies the need for, and scale of, developer contributions in order to bring forward required enhancements to strategic public transport infrastructure in accordance with PPG13, and UDPR.

SPG2 Leisure Developments and Other Key Town Centre Uses (October 1997)

The SPG expresses the importance of ensuring appropriate locations for town centre uses. Leisure development capable of enhancing a centre's viability is encouraged. Uses attracting large numbers of people should first be located within the city centre and town centres. The city centre should be the primary location for the development of regional facilities.

Elmwood Road – Brunswick Terrace Planning and Development Brief (2005)

The brief outlines general development principles which should be addressed in any planning application.

National planning guidance

Planning Policy Statement (PPS) 1 : Delivering Sustainable Development (January 2005)

PPS1 places a strong emphasis on the importance of sustainable development and encourages a positive approach to planning and development. The PPS recognises the need to protect and enhance the quality, character and amenity value of urban areas. The PPS places particular emphasis on the importance of high quality inclusive design which is seen as a key element in achieving sustainable development and community involvement which is one of the principles of sustainable development.

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

Supplement to PPS1 : Planning and Climate Change (December 2007)

New development should comply with policies for decentralised energy supply and for sustainable buildings; take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption, and overall minimise

carbon dioxide emissions; deliver a high quality local environment; provide appropriate public and private space; give priority to the use of sustainable drainage systems; provide for sustainable waste management; and create and secure opportunities for sustainable transport.

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

To achieve sustainable economic growth new development of main town centre uses should be focused in existing centres, with the aim of offering a wide range of services to the communities in an attractive and safe environment and remedying deficiencies and provision in areas with poor access to facilities. The PPS sets out the Government's policy for town centres and main 'town centre uses', which include retail, leisure, offices, arts, tourism and cultural activities.

Policy EC10 states that LPA's should take a positive and constructive approach towards planning applications for economic development. Applications which secure sustainable economic growth should be treated favourably.

PPG13: Transport (March 2001)

PPG 13 promotes development in areas of good transport accessibility and aims to reduce the need for travel through mixed use development. Travel-intensive uses should be located in town centres or close to major transport interchanges. Local authorities should maximise the use of the most accessible sites such as those in town centres or near transport interchanges and should pro-actively promote intensive development on such sites.

New development should help to create places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport (paragraph 28). The PPG emphasises that retail and leisure developments should be focussed in town centres, (paragraph 35).

Planning Policy Statement 22 : Renewable Energy (August 2004)

The PPS highlights the need to consider the opportunity for incorporating renewable energy projects in all new developments. Positive planning which facilitates such development would help to contribute towards all four elements of the Government's sustainable development strategy.

Planning Policy Guidance 24: Planning and Noise (October 1994)

PPG24 guides local authorities in England on the use of their planning powers to minimise the adverse impact of noise. The PPG indicates that it will be hard to reconcile some land uses, such as housing, with activities that generate high levels of noise. Wherever practicable noise sensitive developments should be separated from major sources of noise. Noisy activities should, if possible, be sited away from noise-sensitive land uses. Where it is not possible to achieve such a separation of land uses LPA's should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise through the use of planning conditions or obligations (paragraph 2).

There will be circumstances when it is acceptable or even desirable to meet other planning objectives to allow noise generating activities on land near noise sensitive development. In such cases LPA's should use conditions or obligations to safeguard local amenity (paragraph 18).

PPG25: Development and Flood Risk (December 2006)

Planning Policy Statement 25 (PPS25) sets out Government policy on development and flood risk. Within Flood Risk Zone 1, the lowest level of flood risk, opportunities to reduce the overall level of flood risk in the area, and the application of appropriate sustainable drainage techniques should be sought.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

- (a) The development is in accordance with the Development Plan as a whole together with other material planning guidance.
- (b) The arena would be located in a sustainable city centre location supported by a sound highway strategy.
- (c) The arena would bring forward significant economic and social benefits in terms of investment, jobs and visitor spending.
- (d) The arena would entail an efficient use of land brownfield land which currently detracts from the wider area. The development would bring forward a high quality building and area of public realm and improve the permeability of the site.
- (e) The arena would act as a catalyst for regeneration of the northern quarter of the city centre at a key gateway into the city centre.
- (f) The arena is a key project which would accord with the City Council's community strategy "Vision for Leeds 2004 to 2020" and would contribute towards the delivery of the Council's Strategic Plan by bringing forward high quality facilities of national and international significance.
- (g) The development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

The above represents a summary of the reasons why the City Council granted planning permission for the development.